

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67 and 72A

QUARANTINE DRIVER DIRECTIONS

The World Health Organization declared COVID-19 a pandemic on 11 March 2020.

On 15 March 2020, the Minister for Emergency Services declared a state of emergency with effect from 12 a.m. on 16 March 2020 in respect of the pandemic caused by COVID-19 pursuant to section 56 of the *Emergency Management Act 2005 (WA)* (**Act**) (**State of Emergency**). The State of Emergency applies to the State of Western Australia.

I, Gary Elmars Dreibergs, Acting Commissioner of Police and State Emergency Coordinator, now give the following directions pursuant to my powers under sections 67 and 72A of the Act.

PREAMBLE

1. The purpose of these directions is to prevent the importation of COVID-19 into the Western Australian community and to otherwise limit the spread of COVID-19 in Western Australia.

CITATION

2. These directions may be referred to as the **Quarantine Driver Directions**.

COMMENCEMENT

3. These directions come into effect upon signing.

REVOCATION AND CONTINUING OPERATION

4. The Quarantine Centre Drivers Directions (**revoked directions**) are revoked.
5. Despite paragraph 4 and subject to paragraph 6, a person must continue to comply with any requirements which still applied to the person under the revoked directions immediately before these directions came into effect, to the same extent that the person would have to comply with them if the revoked directions had not been revoked, and, for the avoidance of doubt, if a person fails to comply with a requirements that applied to them under a revoked direction, the person may commit an offence under the Act.
6. A person who was required to comply with the seven day presentation protocol under the revoked directions is no longer required to comply with the seven day presentation

protocol under the revoked directions but must instead comply with the **seven day presentation protocol** in these directions.

DIRECTIONS

Requirements to present for testing

7. A person who is a **quarantine driver** at the time that these directions come into effect must comply with the **48 hour presentation protocol**, unless the person:

- (a) leaves Western Australia before they are required to go to a **COVID Clinic** in accordance with the 48 hour presentation protocol; or
- (b) is given a **direction** to quarantine at a **quarantine centre** or a **hospital**; or
- (c) is required to quarantine or isolate under either or both of the **relevant directions**; or
- (d) complied with the 48 hour presentation protocol in the revoked directions.

8. A person who:

- (a) is a quarantine driver at the time that these directions come into effect; or
- (b) becomes a quarantine driver after these directions come into effect,

must comply with the **seven day presentation protocol** for a period ending 14 days after the day on which the person:

- (c) completes their final shift as a quarantine driver due to no longer being employed or otherwise engaged as a quarantine driver; or
- (d) completes their last shift as a quarantine driver before commencing a period of leave or absence from their position as a quarantine driver of more than 14 days in duration,

unless the person:

- (e) leaves Western Australia before they are required to go to a COVID Clinic in accordance with the seven day presentation protocol; or
- (f) is given a direction to quarantine at a quarantine centre or a hospital; or
- (g) is required to quarantine or isolate under either or both of the relevant directions.

Note 1: The effect of paragraph 8 is that a quarantine driver must comply with the seven day presentation protocol on an ongoing basis until 14 days after either the quarantine

driver is no longer employed or engaged as a quarantine driver, or the quarantine driver commences a period of leave or absence of more than 14 days in duration.

Note 2: The seven day presentation protocol must be complied with in addition to the 48 hour presentation protocol for persons who are quarantine drivers at the time these directions come into effect.

9. For the avoidance of doubt, a person who takes a period of leave or absence from their position as a quarantine driver of more than 14 days in duration must also comply with the seven day presentation protocol when they recommence their duties as a quarantine driver.

48 hour presentation protocol

10. A quarantine driver who must comply with this paragraph must, within 48 hours of having completed their first shift as a quarantine driver following the commencement of these directions:
 - (a) go to a COVID Clinic as early as possible within that 48 hour period; and
 - (b) inform a **relevant officer** at the COVID Clinic that they are required to attend the COVID Clinic under these directions; and
 - (c) comply with any **instruction** which a relevant officer at the COVID Clinic gives to them; and
 - (d) answer truthfully if a relevant officer at the COVID Clinic asks the quarantine driver to describe their state of health or whether the quarantine driver has or has had any **symptoms**; and
 - (e) remain at the COVID Clinic until the quarantine driver has been **tested**, or a relevant officer has **instructed** the quarantine driver that they may leave the COVID Clinic.

Note: All persons who are quarantine drivers when these directions come into effect, except those who not required to comply with the 48 hour presentation protocol under paragraph 7, are required to present for testing under this paragraph within 48 hours of completing their first shift after the commencement of these directions regardless of how long they have been working as a quarantine driver. This paragraph DOES NOT require a person to be tested for COVID-19. A person must consent to be tested for COVID-19 unless they are directed to have the test by an emergency officer under the Public Health Act 2016 (WA).

Seven day presentation protocol

11. A quarantine driver who must comply with this paragraph must, within seven days after the day on which the quarantine driver:

- (a) was last tested; or
- (b) completed their first shift as a quarantine driver, in the case of a quarantine driver who was employed or otherwise engaged as a quarantine driver after these directions come into effect; or
- (c) completed their first shift as a quarantine driver after taking a period of leave or absence from their position as a quarantine driver of more than 14 days in duration,

go to a COVID Clinic; and

- (d) inform a relevant officer at the COVID Clinic that they are required to attend the COVID Clinic under these directions; and
- (e) comply with any instruction which a relevant officer at the COVID Clinic gives to them; and
- (f) answer truthfully if a relevant officer at the COVID Clinic asks the quarantine driver to describe their state of health or whether the quarantine driver has or has had any symptoms; and
- (g) remain at the COVID Clinic until the quarantine driver has been tested, or a relevant officer has instructed the quarantine driver that they may leave the COVID Clinic.

Note: This paragraph DOES NOT require a quarantine driver to be tested for COVID-19. A quarantine driver must consent to be tested for COVID-19 unless they are directed to have the test by an emergency officer under the Public Health Act 2016 (WA).

Face Mask Requirement

12. A quarantine driver must wear a **face mask** at all times while providing **transport services** unless:

- (a) the quarantine driver has a physical or mental illness, condition or disability which makes wearing a face mask unsuitable; or

- (b) the quarantine driver falls within one or more of the exceptions specified in paragraph 13 and is carrying a face mask.
13. The exceptions specified in this paragraph are as follows:
- (a) the quarantine driver is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (b) the quarantine driver is asked to remove the face mask to ascertain identity; or
 - (c) not wearing a face mask is otherwise required or authorised by law; or
 - (d) wearing a face mask is not safe in all the circumstances.

Other requirements

14. A quarantine driver does not have to comply with paragraph 5 of the Quarantine and Isolation (Undiagnosed) Directions (No 2) in respect of any **test** that is performed on them following compliance with the 48 hour presentation protocol or the seven day presentation protocol, unless the quarantine driver:
- (a) displayed **symptoms** at the time the test was undertaken; or
 - (b) is **directed** otherwise.
15. If a quarantine driver develops or has recently experienced symptoms, the quarantine driver must:
- (a) immediately telephone 13 COVID (13 268 43) and ask for an **instruction**; and
 - (b) comply with any instruction given.
16. A quarantine driver must produce for inspection evidence of any test that is performed on them if requested to do so by a relevant officer.
17. Every owner, occupier or person apparently in charge of a **transport vehicle** must provide to the State Health Incident Controller the following information in relation to any quarantine driver employed or engaged by them:
- (a) name; and
 - (b) address; and
 - (c) telephone number; and
 - (d) date of birth; and
 - (e) the dates on which the person provided transport services.

18. The information referred to in paragraph 17 must be provided by email to SHICC.nonhealthops@health.wa.gov.au.

MISCELLANEOUS

19. Any reference in these directions to any other direction made under the Act is deemed to be a reference to that direction as amended or replaced from time to time.

DEFINITIONS

20. **48 hour presentation protocol** means the requirements of paragraph 10 of these directions.
21. **Approved crew hotel** has the same meaning that it has in the Flight Crew Directions (No 6).
22. **Authorised officer** has the same meaning that it has in the Act.
23. **COVID Clinic** means **premises** set aside by the Western Australian Department of Health or a **health service provider** for the purpose of testing persons for COVID-19:
- (a) in the Perth metropolitan area; or
 - (b) at Albany Regional Hospital; or
 - (c) at Broome Regional Hospital; or
 - (d) at Bunbury Regional Hospital; or
 - (e) at Geraldton Regional Hospital; or
 - (f) at Port Hedland Regional Hospital; or
 - (g) at Kalgoorlie Regional Hospital; or
 - (h) at Kununurra Hospital; or
 - (i) at an emergency department of a **public hospital** that is located outside of the Perth metropolitan area and is not specified in this paragraph; or
 - (j) in any other area or at any other place approved by the Chief Health Officer or the State Health Incident Controller; or
 - (k) in any other area or at any other place approved by the State Emergency Coordinator or any person authorised by the State Emergency Coordinator for that purpose, or specified in a direction or instruction.

24. **Direction** includes any direction under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing, and **directed** includes directed by way of a direction under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing.
25. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
26. **Face mask** means a disposable surgical mask or fitted cloth mask that covers the nose and mouth (but does not include a face shield).
27. **Health service provider** has the same meaning that it has in the *Health Services Act 2016* (WA).
28. **Hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).
29. **Instruction** means an instruction given for the purposes of these directions which is not a direction, whether the instruction is given orally or in writing, and **instructed** means instructed by way of an instruction given for the purposes of these directions, whether the instruction is given orally or in writing.
30. **International flight crew member** has the same meaning that it has in the Flight Crew Directions (No 6).
31. **Premises** has the same meaning that it has in the Act.
32. **Public hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).
33. **Quarantine centre** means any quarantine centre operated or managed by the State Health Incident Command Centre (including hotel quarantine centres) or which has been arranged by the State Health Incident Command Centre for the quarantining of people for public health purposes in connection with COVID-19.
34. **Quarantine driver** means:
 - (a) a person employed or otherwise engaged to provide **transport services** to any person who is subject to any **quarantine requirements**; or
 - (b) a person employed or otherwise engaged to provide transport services to any person who is an **international flight crew member**.
35. **Quarantine requirements** has the same meaning that it has in the Controlled Border for Western Australia Directions.
36. **Relevant directions** means:

- (a) the Quarantine and Isolation (Undiagnosed) Directions (No 2); and
 - (b) the Isolation (Diagnosed) Directions (No 2).
37. **Relevant officer** means:
- (a) an **authorised officer**; or
 - (b) an **emergency officer**; or
 - (c) a **responsible officer**.
38. **Responsible officer** means:
- (a) an officer, employee or contractor of the Department of Health; or
 - (b) an officer, employee or contractor of a health service provider; or
 - (c) any other person authorised by the Chief Health Officer orally or in writing to perform a function for the purposes of these directions.
39. **Seven day presentation protocol** means the requirements of paragraph 11 of these directions.
40. **Symptoms** means any one or more of:
- (a) a fever of 37.5 degrees or above; or
 - (b) a recent history of fever; or
 - (c) symptoms of acute respiratory infection (including, but without limitation, shortness of breath, a cough or sore throat); or
 - (d) loss of smell or loss of taste.
41. **Test** and **tested** means test for COVID-19 and tested for COVID-19 respectively.
42. **Transport services** means either or both of:
- (a) the driving of a **transport vehicle**;
 - (i) to a quarantine centre from any place; or
 - (ii) from a quarantine centre to any place; or
 - (iii) to an **approved crew hotel** from any place; or
 - (iv) from an approved crew hotel to any place; or
 - (v) from a port or airport to a hospital; and

(b) any other activity which requires a person to be physically present on a transport vehicle other than in the capacity of being a passenger while it is being used for any of the purposes set out in subparagraph (a).

43. **Transport vehicle** means a vehicle, including, for the avoidance of doubt, a bus, which has been arranged by, or in consultation between the owner or operator of the vehicle with any of:

(a) the State Health Incident Command Centre; or

(b) the Department of Health; or

(c) an airline or airport operator; or

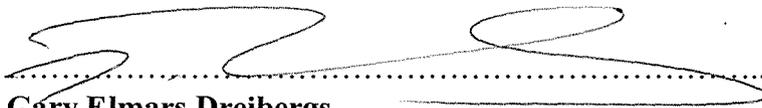
(d) a shipping agent,

to transport one or more people subject to quarantine requirements or any international flight crew member.

Note: A transport vehicle does not include a taxi or rideshare service but does include an ambulance.

PENALTIES

It may be an offence to fail to comply with any of these directions, punishable by imprisonment for up to 12 months or a fine of up to \$50,000 for individuals and \$250,000 for bodies corporate.



Gary Elmars Dreibergs

Acting Commissioner of Police and State Emergency Coordinator

25 June 2021 1140 hours