

EMERGENCY MANAGEMENT ACT 2005 (WA)

Section 72A

CONTACT REGISTER DIRECTIONS (NO 3)

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, Christopher John Dawson, Commissioner of Police and State Emergency Coordinator, now give the following directions pursuant to my powers under section 72A of the Act.

PREAMBLE

1. The purpose of these directions is to require the provision of a person's **entry registration information** when entering certain places in order to prevent, control or abate the risks associated with the emergency presented by the pandemic caused by COVID-19, by limiting the spread of COVID-19, and for those purposes to specify certain information under section 72A(1) of the Act.

CITATION

2. These directions may be referred to as the **Contact Register Directions (No 3)**.

COMMENCEMENT

3. These directions come into effect at the 12.01 on 22 July 2021.

REVOCATION AND REPLACEMENT

4. The Contact Register Directions (No 2) are revoked.
5. These directions replace the Contact Register Directions (No 2). Any authorisation or approval given under the Contact Register Directions (No 2) or the Contact Register Directions that was in effect immediately prior to these directions coming into effect remains in effect on the same terms.

6. Notwithstanding paragraph 4, a responsible person must:
- (a) retain any information in a register which the person was required to retain by any of the **Former Directions** to the extent consistent with the **Protection of Information Act**; and
 - (b) continue to comply with any obligation that the responsible person was subject to under any of the Former Directions that limits the use of that information in addition to any requirement imposed by the Protection of Information Act.

DIRECTIONS

Note: The Protection of Information Act sets out a number of requirements that govern the use, disclosure, storage and destruction of entry registration information as defined in that Act, which includes information collected for the purposes of these directions. These directions deal with matters not covered by the Protection of Information Act. A person must comply with the requirements of that Act and in the event of any inconsistency between these directions and the Protection of Information Act, the Protection of Information Act prevails.

Requirements for records of entry registration information

7. Except as provided in paragraph 11, a **responsible person** must request each person entering a **relevant place** to provide the person's entry registration information either:
- (a) directly to the responsible person by way of an entry on a paper or electronic register; or
 - (b) by electronically recording the person's entry registration information by means of the app known as 'SafeWA'.
8. If a person who is requested to provide entry registration information under paragraph 7 declines to provide that information by electronically recording the person's entry registration information by means of the app known as 'SafeWA', the responsible person must allow the person to provide their entry registration information directly to the responsible person by way of entry on a paper register.
9. If the responsible person displays a QR code to enable a person entering the relevant place to provide the person's entry registration information directly in accordance with paragraph 7(a), the responsible person must also display the 'SafeWA' QR code in a way which clearly identifies it as the 'SafeWA' QR code and ensures that the person entering

the relevant place can provide the person's entry registration information by using the 'SafeWA' app instead.

10. If entry registration information is provided by a person directly to a responsible person, the responsible person must, on request:
 - (a) provide a record of entry registration information for the place to a **responsible officer** as soon as practicable, but no later than 3 hours, after the request is made where the request is for contact tracing purposes; and
 - (b) provide a record of entry registration information for the place to a responsible officer where the request is for a purpose consistent with that set out in section 6(1)(b) or section 6(5) of the Protection of Information Act; and
 - (c) produce a record of the entry registration information for the relevant place for inspection by an **authorised officer** for the purpose of checking compliance with paragraphs 7 to 11.

11. A responsible person is not required to request a person to provide the person's entry registration information under paragraph 7 if:
 - (a) the person is or appears to be younger than 16 years old; or
 - (b) the person enters the relevant place for medical or emergency purposes or, in the case of a public or private hospital, the person is a patient or **staff** at the hospital; or
 - (c) the relevant place is a boarding school or residential college and the person resides at that place; or
 - (d) the relevant place is, or is part of, **premises** used to accommodate staff of a mining site (including mining site accommodation) and is only open to and used by those staff.

12. Except for a person younger than 16 years old or in any of the circumstances described in paragraph 11(b) to (d), a person entering a relevant place must provide their entry registration information either:
 - (a) directly to the responsible person by way of inclusion in a paper or electronic register; or

- (b) by electronically recording their entry registration information by means of the app known as 'SafeWA',

which entry registration information must be true and accurate.

13. A person who fails to provide their entry registration information at a relevant place in accordance with paragraph 12 must not remain at the relevant place.

INCONSISTENCY

14. For the avoidance of doubt, in the event of any inconsistency between a provision of these directions and a provision of the Protection of Information Act, the provisions of the Protection of Information Act prevail.

DEFINITIONS

15. **Airport terminal** means an airport terminal that is ordinarily open to the public or used by the public, but does not include a **private airport terminal**.
16. **Authorised officer** has the same meaning as in the Act.
17. **Casino** has the same meaning as in the *Casino Control Act 1984* (WA).
18. **Chief Health Officer** has the same meaning as in the *Public Health Act 2016* (WA).
19. **Entertainment venue of any other kind** has the same meaning as in the COVID Safe (Phase 5) Directions as amended or replaced from time to time and in the event those directions are revoked and not replaced, has the same meaning as in those directions (as amended or replaced) immediately prior to their revocation.
20. **Entry registration information**, of a person who enters a place, means:
- (a) the person's name; and
 - (b) the person's telephone number; and
 - (c) the date and time that the person enters the place,

and for the purposes of paragraph 10 includes any information in a register which a person was required to retain by any of the Former Directions, including contact information as defined under the Contact Register Directions.

21. **Event** has the same meaning as in the COVID Safe (Phase 5) Directions as amended or replaced from time to time and in the event those directions are revoked and not replaced, has the same meaning as in those directions (as amended or replaced) immediately prior to their revocation.
22. **Former Directions** means the Closure and Restriction (Limit the Spread) Directions (No 3), the Closure and Restriction (Limit the Spread) Directions (No 4), the Closure and Restriction (Limit the Spread) Directions (No 5), the Closure and Restriction (Limit the Spread) Directions (No 6), the Closure and Restriction (Limit the Spread) Directions (No 7), the Closure and Restriction (Limit the Spread) Directions (No 8), the Closure and Restriction (Limit the Spread) Directions (No 9), the Closure and Restriction (Limit the Spread) Directions (No 10), the Closure and Restriction (Limit the Spread) Directions (No 11), the Closure and Restriction (Limit the Spread) Directions (No 12), the Closure and Restriction (Limit the Spread) Directions (No 13), the Contact Register Directions and the Contact Register Directions (No 2).
23. **Indoor space** means an area, room or premises that is or are substantially enclosed by a roof and a **sufficient dividing structure**, regardless of whether the roof or sufficient dividing structure, or any part of them, are permanent or temporary or capable of being opened or closed.
24. **Motor vehicle** has the same meaning as in paragraph (b) of the definition of "motor vehicle" in section 4 of the *Road Traffic (Administration) Act 2008* (WA).
25. **Outdoor gym** means an **outdoor space** used for, and equipped with, facilities or equipment for exercise.
26. **Outdoor space** means a space that is not an **indoor space**.
27. **Place of worship** means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
28. **Playground** means an outdoor space used for, and equipped with, facilities for recreation, especially by children.
29. **Premises** includes:
 - (a) land (whether vacant or not); and
 - (b) land covered by water, whether permanently or temporarily or from time to time; and

- (c) the whole or any part of a building or other structure, of whatever type and whether of a permanent or temporary nature; and
 - (d) a vehicle.
30. **Private airport terminal** means an airport terminal that:
- (a) is exclusively used by one person or entity for the transport of that person or persons associated with that entity, or goods required by that person or entity; or
 - (b) is exclusively used for the transport of persons who are employed or engaged by one particular business, or goods required for the operation of that particular business.
31. **Protection of Information Act** means the *Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Act 2021* (WA).
32. **Public place** means premises that are open to the public, or are used by the public whether or not for payment of money or other consideration, whether or not the place is ordinarily so open or used and whether or not the public to whom it is open consists of only a limited class of persons.
33. **Relevant place** means premises listed in Schedule 1.
34. **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, as that term is defined by section 6 of the *Health Services Act 2016* (WA); or
 - (c) an authorised officer that is assisting in contact tracing; or
 - (d) any other person authorised by the **Chief Health Officer** orally or in writing to require the production for inspection or to inspect, or both, a record of entry registration information that is described in paragraph 10.
35. **Responsible person** means an occupier or other person apparently in charge of a relevant place in the State of Western Australia.
36. **Skate park** means a facility specifically designed for skateboarding, rollerskating or rollerblading, containing structures such as ramps and basins.

37. **Staff** means a person who has responsibilities at a place as an officer or employee or in some other capacity (including a voluntary capacity).
38. **Sufficient dividing structure** means a wall or other structure which:
- (a) substantially comprises material that is impervious to air flow; and
 - (b) is capable of being cleaned or sanitised; and
 - (c) is anchored to the ground or floor in a way which ensures that it cannot be lifted or pushed apart; and
 - (d) either:
 - (i) reaches from the ground or floor to the ceiling (or roof if there is no ceiling); or
 - (ii) starts from the ground or floor and is at least 2 metres high from the ground or floor to its lowest vertical point measured from the ground or floor.

Note: in addition to meeting these requirements, a sufficient dividing structure must comply with any other legal requirements applicable to the structure in any way, including any legal requirements relating to the structural integrity of the structure (such as, but not limited to, requirements typically imposed or administered by local governments).

39. **Wildlife park** means an amusement park at which the dominant form of amusement or entertainment relates to any or all of exposure to or experiences with or viewing of wildlife but, for the avoidance of doubt, does not include Perth Zoo.

Example: Caversham Wildlife Park is an amusement park which falls within this definition of a wildlife park.

SPECIFICATION OF INFORMATION UNDER SECTION 72A(1) OF THE ACT

40. For the purposes of the definition of "relevant information" in section 72A(1) of the Act, I specify information relating to whether a person has provided or kept a record of entry registration information.

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.



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Christopher John Dawson
Commissioner of Police and State Emergency Coordinator

21 July 2021 1649 hours

SCHEDULE 1

Relevant Places

1. a place of business that supplies alcohol under a licence granted under the *Liquor Control Act 1988* (WA);
2. a restaurant, café or other place of business selling food or drink (including a business selling takeaway food or drink but excluding a business selling food or drink in a food court or from an outdoor food or drink truck or cart), except to the extent that any food or drink is supplied in a drive through;

Note: food courts are relevant places, but businesses selling food or drink in a food court are not. The responsibilities imposed by paragraphs 7 to 11 of these directions fall on the occupier or other person apparently in charge of the food court rather than on the occupier or other person apparently in charge of each business in the food court.

3. a gym, indoor sporting centre, wellness centre, health club or fitness centre (including a centre offering yoga, barre, pilates, aerobics, dancing or spin facilities), but not including any **outdoor gym**, **outdoor skate park** or **playground**;
4. an indoor play centre;
5. a sauna;
6. a bathhouse;
7. a swimming pool, whether indoors or outdoors, that is open to or used by the public;
8. a **place of worship**;
9. a funeral parlour or other indoor area when used for the conduct of a funeral service;
10. a place that is or is in a beauty parlour or salon (including a hairdressers or barbershop), nail salon, tattoo parlour, spa or massage parlour and is being used to provide a service or services including tanning, waxing, massages, nail services, tattooing, piercing, hairdressing and barbering;
11. a gallery;
12. a museum;
13. a cinema (including a drive-in cinema or outdoor cinema);
14. an **entertainment venue of any other kind**;

15. a **casino**;
16. a gaming or gambling house;
17. an auction house;
18. an open house inspection (including the inspection of a display home), whether for the purposes of sale or rent;
19. an indoor community, recreation or youth centre or facility (including but not limited to community halls, clubs, Returned and Services League facilities and Police and Community Youth Centres);
20. a library;
21. an amusement park or arcade (including, for the avoidance of doubt, a **wildlife park**);
22. Perth Zoo;
23. an indoor area in a **public place** when used for a function;
24. a hotel, motel, campground or other accommodation facility with check-in arrangements in place for the normal operation of accommodation services;
25. a boarding school or residential college;
26. adult entertainment premises (including but not limited to strip clubs, brothels and sex on premises venues);
27. a food court (whether in a shopping centre or not);
28. any part of a place of business to which the public is ordinarily given access for the purpose of offering or providing them with retail goods or services (including but not limited to banking, insurance, postal and pharmacy services), except to the extent that the goods or services are supplied in a drive through;

Examples: this item includes but is not limited to department stores, pharmacies, supermarkets, grocers, bakeries, butcher's shops, fishmongers, convenience stores, delicatessens, bank branches (but not ATMs), post offices, customer service branches of insurers, motor vehicle repairers, manufacturers' showrooms, "cash'n'carry" premises, hardware stores, furniture stores, electrical stores, recreational goods stores, clothing and footwear stores, newsagents and a part of a place engaged in agriculture or industry which sells the produce or products of the business.

29. a place where an **event** is held;
30. an outdoor area in a public place when used for a wedding, corporate function, festival, carnival, fete, market (including a food market or a pop up market), funeral or memorial service or a gathering after a wedding, funeral or memorial service;
31. any vehicle (including a **motor vehicle** or boat) which is capable of carrying 12 or more passengers and is used on a commercial basis for a party, tour or function;

Examples: wine and food tour buses, hop on/hop off tour buses, sightseeing tours on buses or vessels, activity based tours on buses or vessels, buses or vessels used for a party or function.

32. a public or private hospital;
33. an **airport terminal**.