

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

QUARANTINE (UNDIAGNOSED) 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, Christopher John Dawson, Commissioner of Police and State Emergency Coordinator, now give the following directions pursuant to my powers under sections 67, 70 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 (Undiagnosed) Directions**.

COMMENCEMENT

3. These directions come into effect at 12.01 am on 6 September 2021.

REVOCATION AND CONTINUING OBLIGATIONS

4. The Quarantine and Isolation (Undiagnosed) Directions (No 2) (**revoked directions**) are revoked.
5. Despite paragraph 4, a person must continue to comply with any obligations 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into effect, to the same extent that the person would have had to comply with them if the revoked directions had not been revoked, and, for the avoidance of doubt, if a person fails to comply with an obligation that applied to them under the revoked directions, the person may commit an offence under the Act.

6. Any reference in any **direction** to the revoked directions is deemed to be a reference to these directions from the commencement of these directions.

Interaction with other directions

7. In the event of any inconsistency between a provision of these directions relating to a **close contact** or a **high risk tested person** and a provision of another direction, these directions prevail to the extent of the inconsistency.
8. In the event of any inconsistency between a provision of these directions relating to a **low risk tested person** and a provision of another direction, the other directions prevail to the extent of the inconsistency.

DIRECTIONS

The persons who must comply with the undiagnosed high risk quarantine requirements

9. A person who is **informed** that they are a close contact must comply with the **undiagnosed high risk quarantine requirements** until the end of the fourteenth day after the day on which the person last became a close contact or until such earlier or later time as a **relevant officer** specifies in a direction or **instruction**.

Note: if after a person has entered Western Australia, the person is informed by authorities in another Australian State or Territory that they are a close contact, the person must immediately:

- (a) *telephone 13 COVID (13 268 43) and tell the operator that they have been informed that they are a close contact by authorities in another Australian State or Territory; and*
- (b) *comply with these directions as if the person had been informed by a relevant officer that they are a close contact under paragraph 9 (see paragraph 5A of the Controlled Border for Western Australia Directions).*

10. A high risk tested person must comply with the undiagnosed high risk quarantine requirements, until the person is informed of their **test result**, unless otherwise **instructed** or **directed** that they do not have to comply with the undiagnosed high risk quarantine requirements.

11. Notwithstanding paragraph 10, if a high risk tested person is subject to, or becomes subject to:

- (a) another direction; or
- (b) another paragraph of these directions other than paragraph 10,

and the other directions or other paragraph of these directions:

- (c) imposes an obligation to quarantine; and
- (d) the period of quarantine imposed by the other directions or other paragraph of these directions ends at a later time than the period of quarantine that the person is subject to under paragraph 10,

the person must comply with the obligation to quarantine for the period of quarantine imposed by the other directions or other paragraph of these directions and not paragraph 10.

The persons who must comply with the undiagnosed low risk quarantine requirements

12. A low risk tested person must comply with the **undiagnosed low risk quarantine requirements** until the person is informed of their test result, or until such earlier time as a relevant officer specifies in a direction or instruction.

13. If a low risk tested person is, or becomes:

- (a) a close contact, they must comply with paragraph 9 of these directions instead of paragraph 12; or
- (b) a high risk tested person, they must comply with paragraphs 10 and 11 of these directions instead of paragraph 12.

*Note 1: if the person still has **symptoms** after receiving a negative test result, it is recommended that the person stay at home until the symptoms have resolved.*

*Note 2: unless a person is, or becomes a close contact or a high risk tested person or is otherwise directed, a person who is **tested** and does not have symptoms is not required to comply with these directions.*

*Note 3: if a person receives a **positive result** or is diagnosed with COVID-19, they must comply with the Isolation (Diagnosed) Directions (No 2).*

Restriction on a person entering premises where another person is in quarantine

14. A person (A) must not enter premises where another person (B) is required to comply with the undiagnosed high risk quarantine requirements or the undiagnosed low risk quarantine requirements unless:

- (a) A is a relevant officer, or a person assisting a relevant officer; or
- (b) A enters the premises for medical or emergency purposes; or
- (c) A is required to enter the premises for the purpose of performing critical and time-sensitive maintenance; or
- (d) A is acting in compliance with a direction or instruction given by a relevant officer; or
- (e) A usually lives in the premises,

provided that no more persons than is reasonably necessary in the circumstances enter the premises at any one time if they enter the premises in accordance with subparagraphs (a) to (c).

INTERPRETATION

15. Unless specified otherwise, any reference in these directions to any other direction made by the State Emergency Coordinator is deemed to be a reference to that direction as amended or replaced from time to time.

DEFINITIONS

16. **Authorised officer** has the same meaning that it has in the Act.

17. **Close contact** means:

- (a) a **primary close contact**; or
- (b) a **secondary close contact**.

Note: even if a relevant officer is incorrect when the relevant officer informs A that A is a close contact of B, A must comply with the undiagnosed high risk quarantine requirements under these directions. An error can be corrected by a relevant officer directing or instructing A that A is no longer required to comply with the undiagnosed high risk quarantine requirements, and paragraph 9 recognises that quarantine can end earlier (whether for that or another reason).

18. **COVID Clinic** means premises:

- (a) set aside by the Western Australian Department of Health or a **health service provider** for the purpose of testing persons for COVID-19:
 - (i) in the Perth metropolitan area; or
 - (ii) at Albany Regional Hospital; or
 - (iii) at Broome Regional Hospital; or
 - (iv) at Bunbury Regional Hospital; or
 - (v) at Geraldton Regional Hospital; or
 - (vi) at Port Hedland Regional Hospital; or
 - (vii) at Kalgoorlie Regional Hospital; or
 - (viii) at Kununurra Hospital; or
 - (ix) 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
- (b) that are otherwise approved by:
 - (i) the Chief Health Officer or the State Health Incident Controller; or
 - (ii) the State Emergency Coordinator or any person authorised by the State Emergency Coordinator for that purpose, or specified in a direction or instruction,

and, for the avoidance of doubt, any approval given under subparagraph (b) may limit the range of persons who may be tested at any particular location.

19. **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.

Note: these directions recognise that a person that is subject to the undiagnosed high risk quarantine requirements may receive an instruction rather than a direction from a relevant officer, because not all relevant officers are empowered to give directions. The person must comply with directions and with instructions which are given by relevant officers for the purposes of these directions.

20. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
21. **Face covering exception** means any of the following circumstances or situations that apply to the person at the relevant time:
- (a) the person is a child 12 years of age or under; or
 - (b) the person has a physical, developmental or mental illness, injury, condition or disability which makes wearing a face covering unsuitable; or
 - (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (d) the nature of a person's occupation means that wearing a face covering is impractical to perform that occupation or creates a risk to their health and safety; or
 - (e) the person needs to temporarily remove their face covering so as to enable another person to appropriately perform their occupation; or
 - (f) the nature of a person's work or the activity that they are engaging in means that clear enunciation or visibility of the mouth is essential; or
 - (g) the person is consuming food, drink or medicine; or
 - (h) the person is asked to remove the face covering to ascertain identity; or
 - (i) not wearing a face covering is required for emergency purposes (other than emergency preparation or emergency preparation activities, unless another exception specified in this paragraph applies); or
 - (j) the person is working in the absence of others in an enclosed indoor space (unless and until another person enters that indoor space); or
 - (k) the person is running or jogging or otherwise engaged in some form of strenuous or vigorous exercise or physical activity; or
 - (l) the person is travelling in a **motor vehicle** and is the sole occupant of that vehicle; or
 - (m) the person is undergoing medical, dental or beauty related care or treatment to the extent that such care or treatment requires that no face covering be worn; or

- (n) the person is directed by a judicial officer or tribunal member in proceedings in a court or tribunal to remove their face covering to ensure the proper conduct of those proceedings; or
- (o) not wearing a face covering is otherwise required or authorised by law; or
- (p) wearing a face covering is not safe in all the circumstances,

provided that, where a person is relying on an exception under subparagraph (c) to (p), that person resumes wearing the face covering as soon as reasonably practicable after the person no longer falls within the relevant exception.

- 22. **Health service provider** has the same meaning that it has in the *Health Services Act 2016* (WA).
- 23. **High risk tested person** means a person who has:
 - (a) presented for testing in accordance with or pursuant to a direction under the Act, and has been tested for COVID-19; or
 - (b) a person who has been tested for COVID-19 pursuant to a direction under section 184(1)(c) of the *Public Health Act 2016* (WA).
- 24. **Hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).
- 25. **Informed** means given **oral or written notice** by a relevant officer, irrespective of whether that oral or written notice is correct.
- 26. **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.
- 27. **Low risk tested person** means a person who:
 - (a) has symptoms; and
 - (b) has been tested for COVID-19; and
 - (c) is not a high risk tested person.
- 28. **Motor vehicle** has the same meaning that it has in paragraph (b) of the definition of "motor vehicle" in section 4 of the *Road Traffic (Administration) Act 2008* (WA).

29. **Oral or written notice** means notice by oral or written means (including by text message or other electronic means) or by a combination of those means.
30. **Primary close contact** has the same meaning that it has in the Coronavirus Disease 2019 (COVID-19) CDNA National Guidelines for Public Health Units as amended or replaced from time to time.
31. **Positive result** has the same meaning that it has in the Isolation (Diagnosed) Directions (No 2).
32. **Public hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).
33. **Quarantine requirement** has the same meaning that it has in the Controlled Border for Western Australia Directions.
34. **Relevant officer** means:
- (a) an **authorised officer**; or
 - (b) an **emergency officer**; or
 - (c) a **responsible officer**.
35. **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) any other person authorised by the Chief Health Officer orally or in writing to give oral or written notice or an instruction for the purposes of these directions.
36. **Secondary Close Contact** has the same meaning that it has in the Coronavirus Disease 2019 (COVID-19) CDNA National Guidelines for Public Health Units as amended or replaced from time to time.
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37. **Suitable premises** has the same meaning that it has in the Controlled Border for Western Australia Directions.
38. **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.

- 39. **Test result** means the result of a **test** for COVID-19.
- 40. **Test** and **tested** means test for COVID-19 and tested for COVID-19 respectively.
- 41. **Undiagnosed high risk quarantine requirements** means the requirements set out in Schedule 1 to these directions.
- 42. **Undiagnosed low risk quarantine requirements** means the requirements set out in Schedule 2 to these directions.

PENALTIES

It may be an offence not 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

3 September 2021 1619 hours

SCHEDULE 1

Undiagnosed high risk quarantine requirements

1. You must go to **suitable premises** as soon as possible (if you are not already in those premises), by the most direct route available and without stopping except as required by law or necessary for fuel.
2. You must travel to the suitable premises:
 - (a) in your own vehicle or a private vehicle; or
 - (b) by taxi or rideshare service; or
 - (c) in another way which an authorised officer orally directs you to take,

and for the avoidance of doubt, you must not travel to the suitable premises using any form of mass public transport, such as a bus or train.

Note: in accordance with paragraph 10(c) of these requirements you must wear a mask at all times from when you become subject to these requirements until you arrive at the suitable premises and this includes when you undertake the journey to your suitable premises.

3. As soon as you arrive at the suitable premises, you must remain inside them unless:
 - (a) you are given another direction which you are required by law to obey; or
 - (b) you leave to escape an immediate threat to your safety in accordance with paragraph 6; or
 - (c) you leave to seek urgent medical treatment in accordance with paragraph 7; or
 - (d) you leave to present for COVID-19 testing in accordance with paragraph 8.
4. If the suitable premises are an allocated room or apartment or other similar accommodation at an accommodation facility, you must remain inside your allocated room or apartment or other similar accommodation, and not enter any shared facilities or common property at the accommodation facility.

5. While at the suitable premises, unless you are the only person in the suitable premises, you must:
- (a) remain in your bedroom at the suitable premises unless you leave that room to use a common area of the suitable premises when no other person is present in that common area; and
 - (b) not allow any person to enter your bedroom at the suitable premises unless the person:
 - (i) is a person who ordinarily resides at the suitable premises and is also subject to a **quarantine requirement** or these undiagnosed high risk quarantine requirements; or
 - (ii) is a relevant officer, or a person assisting a relevant officer; or
 - (iii) enters the bedroom for medical or emergency purposes; or
 - (iv) is required to enter the bedroom for the purpose of performing critical and time-sensitive maintenance at the suitable premises; or
 - (v) is acting in compliance with a direction or instruction given by a relevant officer; and
 - (c) not allow any person to enter the bathroom or any common area of the suitable premises while you are using that bathroom or common area unless the person:
 - (i) is a person who ordinarily resides at the suitable premises and is also subject to a quarantine requirement or these undiagnosed high risk quarantine requirements; or
 - (ii) is a relevant officer, or a person assisting a relevant officer; or
 - (iii) enters the bathroom or common area of the suitable premises for medical or emergency purposes; or
 - (iv) is required to enter the bathroom or common area of suitable premises for the purpose of performing critical and time-sensitive maintenance at the suitable premises; or
 - (v) is acting in compliance with a direction or instruction given by a relevant officer.

6. If you leave the suitable premises to escape an immediate threat to your safety, you must:
 - (a) go no further from them than you have to in order to escape that threat; and
 - (b) return to those premises as soon as it is safe for you to do so; and
 - (c) if you are unable to return to those premises within an hour of leaving, telephone the police on 131 444 and inform them that you are subject to these requirements and had to leave the suitable premises.
7. You may leave the suitable premises to seek urgent medical treatment at a **hospital** for you or for someone else at the suitable premises provided that:
 - (a) it is necessary for you or that other person to leave those premises in order for that treatment to be provided; and
 - (b) before leaving the suitable premises to go to the hospital you:
 - (i) notify the relevant hospital that you are subject to these requirements; and
 - (ii) obtain approval from the relevant hospital to attend for treatment at the relevant hospital; and
 - (c) after obtaining the approval referred to in subparagraph (b)(ii) and as soon as reasonably practicable, contact an authorised officer and inform them that you have approval to attend the relevant hospital for treatment; and
 - (d) you and the other person, if any, go to the hospital by ambulance or by the most direct route available and without stopping except as required by law or necessary for fuel; and
 - (e) you and the other person, if any, comply with any direction or instruction given by a relevant officer at the hospital; and
 - (f) unless otherwise directed or instructed by a relevant officer, you and the other person, if any, return to the suitable premises as soon as possible after the urgent treatment has been provided and by the most direct route available and without stopping except as required by law or necessary for fuel.

8. If you have been directed or instructed to present for COVID-19 testing you must:
- (a) leave the suitable premises and travel to the **COVID Clinic** nearest to you as soon as possible and by the most direct route available and without stopping except as required by law or necessary for fuel or rest; and
 - (b) comply with any other instruction which a relevant officer at the COVID Clinic gives you; and
 - (c) answer truthfully if a relevant officer at the COVID Clinic asks you to describe your state of health or asks whether you have or have had any symptoms; and
 - (d) remain at the COVID Clinic until:
 - (i) you have been tested for COVID-19; or
 - (ii) a relevant officer has instructed the person that they may leave the COVID Clinic; and
 - (e) once you are no longer required to remain at the COVID Clinic, travel as soon as possible and by the most direct route available and without stopping except as required by law or necessary for fuel or rest to the suitable premises and remain there in accordance with these requirements; and
 - (f) travel to and from the COVID Clinic nearest to you by:
 - (i) private vehicle, a taxi or rideshare service; or
Note: a rideshare service does not include a bus, train or other form of mass public transport.
 - (ii) walking, provided that:
 - (A) the COVID Clinic is located within 2 km of the suitable premises; and
 - (B) you take all reasonable steps to keep at least 1.5 metres away from any other person whilst walking to and from the COVID Clinic.

9. You must call 13 COVID (13 268 43) immediately if you develop or have recently experienced any one or more of these symptoms:

- (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.

Note: even though these symptoms may not be caused by COVID-19, calling that number to tell someone is essential to your safety and the safety of everyone and will help to ensure that you receive any treatment you need.

10. While you are subject to these requirements, you must:

- (a) take all reasonable steps to keep at least 1.5 metres away from any other person; and
- (b) not allow any person to enter the suitable premises unless the person:
 - (i) is a relevant officer, or a person assisting a relevant officer; or
 - (ii) enters the suitable premises for medical or emergency purposes; or
 - (iii) is required to enter the suitable premises for the purpose of performing critical and time-sensitive maintenance at the suitable premises; or
 - (iv) is acting in compliance with a direction or instruction given by a relevant officer; or
 - (v) usually resides at the suitable premises,

provided that no more persons than is reasonably necessary in the circumstances enter the suitable premises at any one time if they enter the suitable premises in accordance with subparagraph (b)(i) to (iii); and

- (c) wear a face mask in the following circumstances, unless one or more of the **face covering exceptions** apply to you at that time:
 - (i) from when you become subject to these requirements until you arrive at the suitable premises provided that if the suitable premises

is an allocated room or apartment at an accommodation facility, you must continue to wear a face mask until you enter the allocated room or apartment; and

- (ii) whenever you open a door to the suitable premises and speak with, or otherwise interact with, any person who does not ordinarily reside at the suitable premises; and
 - (iii) whenever any person referred to in paragraph 10(b)(i) to (iv) is in the suitable premises; and
 - (iv) at any time you are outside of the suitable premises; and
- (d) answer truthfully if a relevant officer asks you to describe your state of health or asks whether you have or have had any symptoms; and
- (e) comply with any other direction or instruction you are given by a relevant officer.

SCHEDULE 2

Undiagnosed low risk quarantine requirements

1. You must go to suitable premises as soon as possible (if you are not already in those premises), by the most direct route available and without stopping except as required by law or necessary for fuel.
2. You must travel to the suitable premises:
 - (a) in your own vehicle or a private vehicle; or
 - (b) by taxi or rideshare service; or
 - (c) by public transport where it is not practicable to travel in your own vehicle or a private vehicle or by taxi or rideshare service; or
 - (d) in another way which an authorised officer orally directs you to take.

Note: in accordance with paragraph 7(c) of these requirements you must wear a mask at all times from when you become subject to these requirements until you arrive at the suitable premises and this includes when you undertake the journey to your suitable premises.

3. As soon as you arrive at the suitable premises, you must remain inside them unless:
 - (a) you are given another direction which you are required by law to obey; or
 - (b) you leave to escape an immediate threat to your safety in accordance with paragraph 5; or
 - (c) you leave to seek urgent medical treatment in accordance with paragraph 6.
4. If the suitable premises are an allocated room or apartment or other similar accommodation at an accommodation facility, you must remain inside your allocated room or apartment or other similar accommodation, and not enter any shared facilities or common property at the accommodation facility.
5. If you leave the suitable premises to escape an immediate threat to your safety, you must:
 - (a) go no further from them than you have to in order to escape that threat; and
 - (b) return to those premises as soon as it is safe for you to do so; and

- (c) if you are unable to return to those premises within an hour of leaving, telephone the police on 131 444 and inform them that you are subject to these requirements and had to leave the suitable premises.
- 6. You may leave the suitable premises to seek urgent medical treatment at a hospital for you or for someone else at the suitable premises provided that:
 - (a) it is necessary for you or that other person to leave those premises in order for that treatment to be provided; and
 - (b) before leaving the suitable premises to go to the hospital you:
 - (i) notify the relevant hospital that you are subject to these requirements; and
 - (ii) obtain approval from the relevant hospital to attend for treatment at the relevant hospital; and
 - (c) after obtaining the approval referred to in subparagraph (b)(ii) and as soon as reasonably practicable, contact an authorised officer and inform them that you have approval to attend the relevant hospital for treatment; and
 - (d) you and the other person, if any, go to the hospital by ambulance or by the most direct route available and without stopping except as required by law or necessary for fuel; and
 - (e) you and the other person, if any, comply with any direction or instruction given by a relevant officer at the hospital; and
 - (f) unless otherwise directed or instructed by a relevant officer, you and the other person, if any, return to the suitable premises as soon as possible after the urgent treatment has been provided and by the most direct route available and without stopping except as required by law or necessary for fuel.
- 7. While you are subject to these requirements, you must:
 - (a) take all reasonable steps to keep at least 1.5 metres away from any other person; and
 - (b) not allow any person to enter the suitable premises unless the person:
 - (i) is a relevant officer, or a person assisting a relevant officer; or

- (ii) enters the suitable premises for medical or emergency purposes; or
- (iii) is required to enter the suitable premises for the purpose of performing critical and time-sensitive maintenance at the suitable premises; or
- (iv) is acting in compliance with a direction or instruction given by a relevant officer; or
- (v) usually resides at the suitable premises,

provided that no more persons than is reasonably necessary in the circumstances enter the suitable premises at any one time if they enter the suitable premises in accordance with subparagraph (b)(i) to (iii); and

- (c) wear a face mask in the following circumstances, unless one or more of the face covering exceptions apply to you at that time:
 - (i) from when you become subject to these requirements until you arrive at the suitable premises provided that if the suitable premises is an allocated room or apartment at an accommodation facility, you must continue to wear a face mask until you enter the allocated room or apartment; and
 - (ii) whenever you open a door to the suitable premises and speak with, or otherwise interact with, any person who does not ordinarily reside at the suitable premises; and
 - (iii) whenever any person referred to in paragraph 7(b)(i) to (iv) is in the suitable premises; and
 - (iv) at any time you are outside of the suitable premises; and
- (d) answer truthfully if a relevant officer asks you to describe your state of health or asks whether you have or have had any symptoms; and
- (e) comply with any other direction or instruction you are given by a relevant officer.