

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

CONTROLLED BORDER FOR WESTERN AUSTRALIA AMENDMENT DIRECTIONS (NO 43)

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 am 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**). 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. These directions amend the Controlled Border for Western Australia Directions (**Primary Directions**) and are for the purpose of preventing the importation of COVID-19 into Western Australia and otherwise limiting the spread of COVID-19 in Western Australia.

CITATION

2. These directions may be referred to as the **Controlled Border for Western Australia Amendment Directions (No 43)**.

COMMENCEMENT

3. These directions come into effect at 12.01 am on 29 September 2021.

DIRECTIONS

4. The Primary Directions are amended by:
 - (a) deleting the text "(No 6)" in paragraph 4A and the note immediately following paragraph 4A and replacing it with "(No 9).
 - (b) inserting the words "and each proposed entry" after the words "each entry" in paragraph 5.
 - (c) inserting the word "current" after the words "present a" in paragraph 5(c).
 - (d) deleting the words "and Isolation" in paragraph 5A(b).

- (e) deleting the text "(No 2)" in paragraph 5A(b).
- (f) deleting paragraph 6 and replacing it with the following paragraph:
 - 6. A person, other than an international arrival, who is a **low risk traveller** must comply with the **self-quarantine requirements** unless:
 - (a) the person is subject to a **specified arrangement**; or
 - (b) the person has been given a **modified quarantine direction** by an **authorised officer**; or
 - (c) otherwise directed by me or a person authorised by me in writing for that purpose.
- (g) deleting the text "(No 3)" in the note immediately following paragraph 6A and replacing it with "(No 5)".
- (h) deleting the words "subparagraphs (a) to (c)" in paragraph 12A and replacing them with "subparagraph (c)".
- (i) deleting paragraph 26AA and replacing it with the following paragraph:

26AA. **Extreme risk jurisdiction** means the locations listed below if any:

 - (a) New South Wales; and
 - (b) Victoria.
- (j) inserting the following paragraph after paragraph 26AA:

26AB. **Extreme risk traveller** has the same meaning that it has in the Outbreak Outside of Western Australia Response Directions (No 9).
- (k) deleting paragraph 26A and replacing it with the following paragraph:

26A. **Face covering exceptions** means any of the following circumstances or situations that apply to the person at the relevant time:

 - (a) the person is within or at their home unless another direction requires a face covering to be worn in that circumstance; or
 - (b) the person is a child 12 years of age or under; or
 - (c) the person has a physical, developmental or mental illness, injury, condition or disability which makes wearing a face covering unsuitable; or

- (d) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (e) 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
- (f) the person needs to temporarily remove their face covering so as to enable another person to appropriately perform their occupation; or
- (g) 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
- (h) the person is consuming food, drink or medicine; or
- (i) the person is asked to remove the face covering to ascertain identity; or
- (j) 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
- (k) the person is working in the absence of others in an enclosed indoor space (unless and until another person enters that indoor space); or
- (l) the person is running or jogging or otherwise engaged in some form of strenuous or vigorous exercise or physical activity; or
- (m) the person is travelling in a **motor vehicle** and is the sole occupant of that vehicle; or
- (n) the person is undergoing medical or dental care or treatment to the extent that such care or treatment requires that no face covering be worn; or

- (o) 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
- (p) not wearing a face covering is otherwise required or authorised by law; or
- (q) wearing a face covering is not safe in all the circumstances,

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

- (l) deleting paragraph 30A, and replacing it with the following paragraph:

30A. **High risk jurisdiction** means the locations listed below if any:

Note: There are no high risk jurisdictions at present.

- (m) inserting the following paragraph after paragraph 30A:

30AA. **High risk traveller** has the same meaning that is has in the Outbreak Outside of Western Australia Response Directions (No 9).

- (n) inserting the following paragraph after paragraph 31A:

31AA. **Low risk traveller** means a person, other than a person subject to a specified arrangement, who has been in a low risk jurisdiction:

- (a) after the relevant time for that low risk jurisdiction; and
- (b) in the 14 days before the person enters Western Australia,

but excludes any person who is a medium risk traveller, high risk traveller or an extreme risk traveller or who enters Western Australia as a **supervised quarantine traveller**.

- (o) inserting the following paragraph after paragraph 31B:

31C. **Medium risk traveller** has the same meaning that is has in the Outbreak Outside of Western Australia Response Directions (No 9).

- (p) inserting the following paragraph after paragraph 34:

35A **Reasonable distance** means a distance that may reasonably be travelled by motor vehicle within 12 hours, including provision for reasonable rest periods and without exceeding applicable speed limits.

- (q) deleting paragraph 40, and replacing it with the following paragraph:

40 **Specified arrangement** means one of the following directions, as amended or replaced from time to time:

- (a) the Chevron FIFO Worker Directions (No 3); and
- (b) the Flight Crew Directions (No 7); and
- (c) the Maritime Crew Member Directions (No 2); and
- (d) the Rig or Platform Crew Member Directions (No 2); and
- (e) the Seasonal Workers Directions; and
- (f) the Transiting Aircraft Passengers Directions (No 3); and
- (g) the Transport, Freight and Logistics Directions (No 5); and
- (h) the Woodside FIFO Worker Directions (No 3); and
- (i) the Yongah Hill Immigration Detainees Directions (No 3).

- (r) inserting the following paragraph after paragraph 42:

43A. **Supervised quarantine traveller** means a person who completed a 14 day period of supervised quarantine in another State or Territory without displaying symptoms and, at the time of completing supervised quarantine, the other State or Territory is an outbreak jurisdiction.

- (s) deleting paragraph 48 and the heading immediately above paragraph 48.

- (t) deleting paragraph 2 of Schedule 1 and inserting in its place the following:
2. If you are a low risk traveller you may travel to suitable premises via **suitable overnight accommodation** if it is unsafe or impracticable for you to travel directly to suitable premises without stopping for overnight rest, provided that you have only one overnight stay on your journey to the suitable premises.
- Note: If you are a **medium risk traveller**, **high risk traveller** or **extreme risk traveller** you may not stay at suitable overnight accommodation and must instead travel directly to your suitable premises. If you are a medium risk traveller you may travel a **reasonable distance** to your suitable premises. If you are a high risk traveller or an extreme risk traveller you may only travel up to 200 kilometres to your suitable premises. Refer to the Outbreak Outside of Western Australia Response Directions (No 9).*
- (u) inserting the words "or rest" after the words "for fuel" in paragraphs 11(d) and 11(f) of Schedule 1.
- (v) deleting the text "(b)(i) to (iii)" in paragraph 14 of Schedule 1 and replacing it with "(b)(iii)".
- (w) deleting the text "(b)(i) to (iii)" in paragraph 6 of Schedule 2 and replacing it with "(b)(iii)".
- (x) deleting paragraph 2 of Schedule 3 and inserting in its place the following:
2. If you and your child are low risk travellers you may travel to suitable premises via **suitable overnight accommodation** if it is unsafe or impracticable for you to travel directly to suitable premises without stopping for overnight rest, provided that you and your child have only one overnight stay on your journey to the suitable premises.
- Note: If you or your child are a medium risk traveller, high risk traveller or extreme risk traveller you may not stay at suitable overnight accommodation and must instead travel directly to your suitable premises. If you are a medium risk traveller you may travel a reasonable distance to your suitable premises. If you are a high risk traveller or an extreme risk traveller you may only travel up to 200*

kilometres to your suitable premises. Refer to the Outbreak Outside of Western Australia Response Directions (No 9).

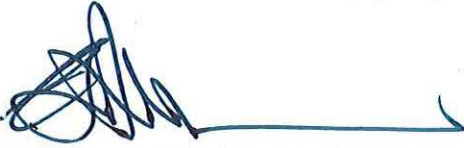
- (y) inserting the words "or rest" after the words "for fuel" in paragraphs 11(d) and 11(f) of Schedule 3.
- (z) deleting the text "(b)(i) to (iii)" in paragraph 14 of Schedule 3 and replacing it with "(b)(iii)".
- (aa) deleting paragraph 2 of Schedule 4 and inserting in its place the following:

- 2. If you are a low risk traveller you may travel to suitable premises via **suitable overnight accommodation** if it is unsafe or impracticable for you to travel directly to suitable premises without stopping for overnight rest, provided that you have only one overnight stay on your journey to the suitable premises.

Note: If you are a medium risk traveller, high risk traveller or extreme risk traveller you may not stay at suitable overnight accommodation and must instead travel directly to your suitable premises. If you are a medium risk traveller you may travel a reasonable distance to your suitable premises. If you are a high risk traveller or an extreme risk traveller you may only travel up to 200 kilometres to your suitable premises. Refer to the Outbreak Outside of Western Australia Response Directions (No 9).

- (bb) Deleting the full stop at the end of paragraph 7(d) of Schedule 4 and inserting in its place the following text "; or".
- (cc) inserting the words "or rest" after the words "for fuel" in paragraphs 11(d) and 11(f) of Schedule 4.
- (dd) inserting the words "or rest" after the words "for fuel" in paragraphs 13(b) and 13(e) of Schedule 4.
- (ee) inserting the words "or rest" after the words "for fuel" in paragraph 14(a) of Schedule 4.
- (ff) deleting the text "(b)(i) to (iii)" in paragraph 16 of Schedule 4 and replacing it with "(b)(iii)".

5. For the avoidance of doubt, I confirm that the Primary Directions continue in effect as in force immediately before the time specified in paragraph 3 of these directions but, from that time, as amended by paragraph 4 of these directions.



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Christopher John Dawson

Commissioner of Police and State Emergency Coordinator

28 September 2021 1950 hours