
On 23 March 2020, the Minister for Health declared a public health state of emergency with effect from 1.30 p.m. on 23 March 2020 in respect of COVID-19 pursuant to section 167 of the Public Health Act 2016 (WA) (Act). On 22 September 2021, the Minister for Health declared a further public health state of emergency with effect from 4.25 pm on 22 September 2021 in respect of COVID-19 pursuant to section 167 of the Act. The public health state of emergency applies to the State of Western Australia.

I, Dr Andrew Robertson, the Chief Health Officer, authorised as an emergency officer under section 4 of the Act to exercise any of the emergency powers while the public health state of emergency declaration in respect of COVID-19 is in force, consider it reasonably necessary to give the following directions to all persons in Western Australia to prevent, control or abate the serious public health risk presented by COVID-19 pursuant to sections 157(1)(k) and 190(1)(p) of the Act.

DIRECTIONS

Preamble

1. The purpose of these directions is to ensure that all pathology laboratories undertaking COVID-19 testing notify the Chief Health Officer of all positive and negative tests, as soon as practicable, and in any event, within 24 hours of obtaining each positive or negative test result, in order to prevent, control or abate the serious public health risk presented by COVID-19.

Citation

2. These directions may be referred to as the COVID Testing Reporting Directions (No 2).

Commencement

3. These directions come into effect upon signing.
Directions

4. In addition to any obligation imposed by section 94 of the Act on the responsible pathologist of a pathology laboratory in relation to COVID-19, a responsible pathologist must notify the Chief Health Officer of:

(a) the details of each analysis involving testing for COVID-19 in the approved form as soon as practicable, and in any event within 24 hours of the performance of the analysis; and

(b) the details of each analysis involving testing for COVID-19 which was performed on an from 10.30am on 22 September 2021 until these directions came into effect in the approved form as soon as practicable, and in any event with 72 hours of these directions coming into effect.

Note: Human coronavirus with pandemic potential – relevantly COVID-19 – is an urgently notifiable infectious disease which engages the notification requirements of section 94 of the Act. Failure to comply with those requirements may be an offence punishable by a fine of up to $10,000 for an individual and $50,000 for a body corporate.

DEFINITIONS

5. Approved form means a form approved by the Chief Health Officer (if any).

6. Chief Health Officer has the same meaning that it has in the Act.

7. Details means, in relation to an analysis involving testing for COVID-19, the following information about the person from whom the sample analysed was taken, to the extent that the responsible pathologist has the information:

(a) the name, residential address, date of birth and gender of the patient or person from whom the sample analysed was taken (patient); and

(b) whether the patient is an Aboriginal or Torres Strait Islander; and

(c) the date of the test or analysis; and

(d) the result.

8. Responsible pathologist has the same meaning that it has in section 93 of the Act.

9. Result means whether the test or analysis was positive, negative or inconclusive for COVID-19.
PENALTIES

It is an offence for a person to fail, without reasonable excuse, to comply with any of these directions, punishable by a fine of up to $20,000 for individuals and $100,000 for bodies corporate.

Dr Andrew Robertson
Emergency Officer
22 September 2021 21:03 hours