
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, Chief Health Officer, in accordance with my authority as an emergency officer under 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.

PREAMBLE

1. The purpose of these directions is to prohibit a person from using a nebuliser machine whilst the person is undertaking a period of quarantine or isolation to help prevent, control and abate the serious public health risk present by COVID-19.

CITATION

2. These directions may be referred to as the Prohibition on the Use of Nebuliser Machine Directions (No 2).

COMMENCEMENT

3. These directions come into effect upon signing.

DIRECTIONS

4. A person who:
(a) is subject to a **quarantine requirement** or an **isolation requirement**; and
(b) in connection with that quarantine requirement or isolation requirement must remain in a **designated facility**, must:

(c) not use a nebuliser machine unless authorised to do so by a WA health officer; and
(d) notify a WA health officer if they are in physical possessions of a nebuliser machine prior to, or immediately upon arrival, at the designated facility at which they must remain.

**DEFINITIONS**

5. **Chief Health Officer** has the same meaning as it has in the Act.

6. **Designated facility** means:
   (a) a hotel within the meaning of that term in section 202G of the Act; and
   (b) the Yongah Hill Immigration Centre; and
   (c) any other **premises** at which a person is undertaking a period of quarantine or isolation pursuant to a quarantine requirement or an isolation requirement and which is not their principal place of residence; and
   (d) any other premises designated in writing by the **Chief Health Officer** or a person authorised by the Chief Health Officer for that purpose.

7. **Direction** includes any direction given under the Act or the *Emergency Management Act 2005* (WA), whether the direction is given orally or in writing, and directed includes directed by way of a direction under the Act or the *Emergency Management Act 2005* (WA), whether the direction is given orally or in writing.

8. **Instruction** means an instruction given under the Act or the *Emergency Management Act 2005* (WA), whether the instruction is given orally or in writing, and instructed includes instructed by way of an instruction given under the Act or the *Emergency Management Act 2005* (WA), whether the instruction is given orally or in writing.

9. **Isolation requirement** means a requirement for a person who has been informed that they have tested positive for, or otherwise been diagnosed with, COVID-19, to isolate until they have been informed that they are no longer required to isolate, in accordance with the Isolation (Diagnosed) Directions (No 2).
(a) is subject to a **quarantine requirement** or an **isolation requirement**; and

(b) in connection with that quarantine requirement or isolation requirement must remain in a **designated facility**, must:

(c) not use a nebuliser machine unless authorised to do so by a WA health officer; and

(d) notify a WA health officer if they are in physical possessions of a nebuliser machine prior to, or immediately upon arrival, at the designated facility at which they must remain.

**DEFINITIONS**

5. **Chief Health Officer** has the same meaning as it has in the Act.

6. **Designated facility** means:

   (a) a hotel within the meaning of that term in section 202G of the Act; and

   (b) the Yongah Hill Immigration Centre; and

   (c) any other premises at which a person is undertaking a period of quarantine or isolation pursuant to a quarantine requirement or an isolation requirement and which is not their principal place of residence; and

   (d) any other premises designated in writing by the Chief Health Officer or a person authorised by the Chief Health Officer for that purpose.

7. **Direction** includes any direction given under the Act or the *Emergency Management Act 2005* (WA), whether the direction is given orally or in writing, and directed includes directed by way of a direction under the Act or the *Emergency Management Act 2005* (WA), whether the direction is given orally or in writing.

8. **Instruction** means an instruction given under the Act or the *Emergency Management Act 2005* (WA), whether the instruction is given orally or in writing, and instructed includes instructed by way of an instruction given under the Act or the *Emergency Management Act 2005* (WA), whether the instruction is given orally or in writing.

9. **Isolation requirement** means a requirement for a person who has been informed that they have tested positive for, or otherwise been diagnosed with, COVID-19, to isolate until they have been informed that they are no longer required to isolate, in accordance with the Isolation (Diagnosed) Directions (No 2).
10. **Nebuliser machine** means a machine that uses compressed air for the purposes of administering medication.

11. **Premises** has the same meaning that it has in the *Emergency Management Act 2005* (WA).

12. **Quarantine requirement** has the same meaning that it has in the Controlled Border for Western Australia Directions or any direction that replaces or amends those directions.

13. **WA health 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 perform a function for the purposes of these directions.

**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  
Chief Health Officer  
22 September 2021