PUBLIC HEALTH ACT 2016 (WA)
Sections 157(1)(k) and 190(1)(p)

PROHIBITION ON THE USE OF POINT OF CARE SEROLOGY TESTS DIRECTIONS (No 2)


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 prohibit a person from using a point of care serological (blood) test (including an assay or device) (POC Test) as an acute illness diagnostic tool for COVID-19, as their use may adversely affect the prevention, control and abatement of the serious public health risk present by COVID-19.

Citation

2. These directions may be referred to as the Prohibition on the Use of Point of Care Serology Tests Directions (No 2).

Commencement

3. These directions come into effect upon signing.
Directions

4. Unless otherwise directed under the Act, a person must not use a POC Test as a tool to detect or diagnose 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.

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