WASTEWATER COVID TESTING AT LABORATORIES OUTSIDE WA REPORTING 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) (the Act). On 22 September 2021, the Minister for Health declared a further public health state of emergency with effect from 3.40 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 persons undertaking sampling of wastewater for COVID-19 testing where the testing is being conducted outside Western Australia, notify the Chief Health Officer of all positive, negative and inconclusive tests, as soon as practicable, and in any event, within 6 hours of obtaining a positive test result or 48 hours of obtaining a negative or inconclusive 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 Wastewater COVID Testing at Laboratories Outside of WA Reporting Directions (No 2).
Commencement

3. These directions come into effect upon signing.

Directions

4. A person who requests the collection of a sample of wastewater from a sewer, pipe, cesspool, pond or any other premises in Western Australia, including from an aircraft or vessel, for the purposes of having that sample tested for COVID-19 by a pathology laboratory outside Western Australia, must notify the Chief Health Officer of:
   (a) the details in relation to each sample of wastewater tested for COVID-19 as soon as practicable, and in any event within:
      (i) 6 hours of receiving a positive test result from the pathology laboratory that conducted the test; and
      (ii) 48 hours of receiving a negative or inconclusive test result from the pathology laboratory that conducted the test; and
   (b) the details in relation to each sample of wastewater tested for SARS-CoV-2 which was performed on and from 10.30am on 22 September 2021 until these directions came into effect as soon as practicable, and in any event within 14 days of these directions coming into effect,

which details must be provided in the approved form if there is one.

5. If a person arranges for the collection and/or testing of a sample of wastewater on behalf of another person who has requested the collection of a sample of wastewater for the purposes of having that sample tested for COVID-19 by a pathology laboratory outside Western Australia, the person arranging for the collection and/or testing of a sample of wastewater is not required to comply with the requirements of paragraph 4.

DEFINITIONS

6. Approved form means a form approved by the Chief Health Officer (if any).
7. Cesspool has the same meaning that it has in the Health (Miscellaneous Provisions) Act 1911 (WA).
8. Chief Health Officer has the same meaning that it has in the Act.
9. Details means, in relation to each sample of wastewater tested for COVID-19, the following information:
   (a) the name and contact details of the person that requested the collection of the sample; and
(b) the name and contact details of the pathology laboratory that conducted the testing of the sample; and
(c) the location where the sample was collected; and
(d) the date the sample was collected; and
(e) how the sample was collected, for example, grab sample, autosampler, or passive sample; and
(f) the timeframe for the sample collection, for example, over 15 minutes or over 24 hours); and
(g) the date of the test of the sample; and
(h) the analytical technique used for testing the sample; and
(i) the result; and
(j) an explanation of the result from the pathology laboratory that conducted the testing of the sample.

Note: if the collection of a sample has been requested by or on behalf of a public body, company, or association or body of persons, corporate or unincorporated, for the purposes of subparagraph 9(a), the name and contact details of that public body, company, or association or body of persons should be provided.

10. **Inconclusive** means neither positive or negative including inconclusive or invalid.;
11. **Pathology laboratory** means any laboratory that conducts the testing of the sample of wastewater and includes an unaccredited laboratory.
12. **Positive** means positive or presumed to be positive.
13. **Result** means whether the sample of wastewater tested or analysed for COVID-19 was positive, negative or inconclusive.
14. **Wastewater** has the same meaning that it has in the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* (WA).

**PENALTIES**
It is an offence for a person to fail, without reasonable excuse, to comply with 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 hours