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

WASTEWATER COVID TESTING AT WA LABORATORIES 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) (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.

PREAMBLE

1. The purpose of these directions is to ensure that the responsible pathologist or other person in charge of a pathology laboratory in Western Australia that conducts testing of wastewater samples for COVID-19 notifies 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 WA Laboratories Reporting Directions (No 2).

COMMENCEMENT

3. These directions come into effect upon signing.
DIRECTIONS

4. The responsible pathologist or other person in charge of a pathology laboratory in Western Australia that conducts a test for COVID-19 in respect of a sample of wastewater from a sewer, pipe, cesspool, pond or any other premises in 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 obtaining a positive test result; and

   (ii) 48 hours of obtaining a negative or inconclusive test result; and

(b) the details in relation to each sample of wastewater tested for COVID-19 which was performed on and from 10.30 am 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.

DEFINITIONS

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

6. Cesspool has the same meaning that it has in the Health (Miscellaneous Provisions) Act 1911 (WA).

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

8. 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;

   (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, if this information is available; and
(f) the timeframe for the sample collection, for example, over 15 minutes or over 24 hours, if this information is available; 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.

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 8(a), the name and contact details of that public body, company, or association or body of persons should be provided.

9. Inconclusive means neither positive nor negative including inconclusive or invalid.

10. Pathology laboratory means any laboratory that conducts the testing of the sample of wastewater and includes an unaccredited laboratory.

11. Positive means positive or presumed to be positive.

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

13. Result means whether the sample of wastewater tested 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 to comply with these directions without reasonable excuse, 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