

## **PUBLIC HEALTH ACT 2016 (WA)**

### **Sections 157(1)(e), 157(1)(k), 180 and 190(1)(p)**

## **WA POLICE FORCE WORKER (RESTRICTIONS ON ACCESS) DIRECTIONS**

The World Health Organization declared COVID-19 a pandemic on 11 March 2020.

On 23 March 2020, the Minister for Health declared a public health state of emergency with effect from 1.30 pm 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)(e), 157(1)(k), 180 and 190(1)(p) of the Act.

### **PREAMBLE**

1. The purpose of these directions is to put in place some measures to address the unique risks posed by COVID-19 from the WA Police workforce for the purpose of preventing the spread of COVID-19 to vulnerable groups and the general community in Western Australia and to ensure that the WA Police Force can continue to provide critical services to the community.

### **CITATION**

2. These directions may be referred to as the **WA Police Force Worker (Restrictions on Access) Directions**.

### **COMMENCEMENT**

3. These directions come into effect upon signing.

## **DIRECTIONS**

### **Access Restrictions Applying to WA Police Force Workers**

4. Subject to paragraphs 5 and 6:

- (a) on and from 12:01am on 1 December 2021, a person who is a **WA Police Force worker** must not enter, or remain at, a **WA Police facility** if the WA Police Force worker has not been **partially vaccinated** against COVID-19; and
- (b) on and from 12:01am on 1 January 2022, a person who is a WA Police Force worker must not enter, or remain at, a WA Police facility if the WA Police Force worker has not been **fully vaccinated** against COVID-19,

unless the person is present at the WA Police facility solely in a capacity other than as a WA Police Force worker.

### **General Vaccination Requirements**

- 5. Where only part of **premises** are being used as a WA Police facility, nothing in these directions prevents a WA Police Force worker who does not meet the requirements of paragraph 4 from entering that part of the premises which is not being used as a WA Police facility.
- 6. Nothing in these directions prevents a person who is not vaccinated against COVID-19 from entering any part of a WA Police facility for the purposes of:
  - (a) performing a statutory duty arising under a law of the Commonwealth that cannot reasonably be performed other than by entering the WA Police facility; or
  - (b) performing any function or duty or exercising any right or power under a Fair Work entry permit issued by the Fair Work Commission under the *Fair Work Act 2009* (Cth) or a Work Health and Safety entry permit issued by the Fair Work Commission under the *Work Health and Safety Act 2011* (Cth) or a right of entry permit issued by the Registrar of the Department of the Registrar, Western Australian Industrial Relations Commission under the *Industrial Relations Act 1979* (WA);
  - (c) responding to an emergency where the emergency response is required to be provided immediately and a fully vaccinated or partially vaccinated person is not available to provide the response; and

to the extent that a WA Police Force worker enters a WA Police facility for any of the purposes in paragraphs (a) to (c) then the WA Police Force Worker is an **exempt person** at any time and for so long as they enter or remain at WA Police facility for that purpose.

7. A WA Police Force worker must provide evidence in the form approved by the **Chief Health Officer** of their **vaccination status** for inspection, recording and retention of a copy if:
  - (a) **directed** to do so by an **emergency officer** or a **nominated officer**; or
  - (b) required to do so by their employer or by the WA Police.
8. The employer or the WA Police must:
  - (a) take all reasonable and lawful steps to:
    - i. collect and maintain a record of the vaccination status of each WA Police Force worker; and
    - ii. only roster on, or otherwise permit to work in a WA Police facility, a WA Police worker who is vaccinated or is an exempt person in accordance with these directions;
  - (b) on request, provide any record of the kind referred to in paragraph 8(a)i, that the employer or the WA Police has collected and maintained to an emergency officer or nominated officer as soon as practicable after the request is made; and
  - (c) not use or disclose any record of the kind referred to in paragraph 8(a)i. except:
    - i. as provided for in this paragraph 8; or
    - ii. as permitted or required by law, including any law of the Commonwealth; or
    - iii. for the purpose of ascertaining compliance with any employer or WA Police direction restricting entry to a WA Police facility; or
    - iv. to the extent that the person expressly provided the person's vaccination status for a purpose other than for the purposes of these directions; and
  - (d) take reasonable steps to protect any record it holds of the kind referred to in paragraph 8(a)i from:
    - i. misuse and loss; and
    - ii. unauthorised access, modification or disclosure.

9. A person who is required to provide evidence of their vaccination status under paragraph 7 or a record of the kind referred to in paragraph 8(a)i under paragraph 8(b) must only provide that evidence or a record that is true and accurate.

## INTERPRETATION

10. Unless specified otherwise, any reference in these directions to any other **direction** made by the Chief Health Officer is deemed to be a reference to that direction as amended or replaced from time to time.

## DEFINITIONS

For the purposes of these directions:

11. **Ad hoc basis** means attendance at any WA Police facility no more than once per week.
12. **Ad hoc volunteer** means a person who provides goods or services at a WA Police facility in a voluntary or unpaid capacity and does so on an **ad hoc basis** only.
13. **Chief Health Officer** has the same meaning that it has in the Act.
14. **Direction** includes any direction under the Act, whether the direction is given orally or in writing, and **directed** includes directed by way of a direction under the Act, whether the direction is given orally or in writing.
15. **Emergency officer** has the same meaning that it has in the Act.
16. **Exempt person** means, to the extent that any such person is a WA Police Force worker:
- (a) a person who has:
    - i. a **medical exemption** of which the person provides proof on request by a person referred to in paragraph 7; or
    - ii. a **temporary exemption** of which the person provides proof on request by a person referred to in paragraph 7; or
  - (b) a person who is by operation of paragraph 6 of these directions an exempt person; or
  - (c) a person of the kind set out in Column 2 of the table in Schedule 1;
  - (d) any other person or class of persons who the Chief Health Officer, or a person authorised by the Chief Health Officer for the purposes of this paragraph, declares in writing to be an exempt person upon receipt of a request for exemption in the form specified by the Chief Health Officer and subject to any terms and conditions specified.


17. **Fully vaccinated** means that the person has been administered with two doses of a COVID-19 vaccine registered by the Therapeutic Goods Administration.
18. **Medical exemption** means a medical exemption recorded on the Australian Immunisation Register and displayed on the individual's Immunisation History Statement.
19. **Mission critical area** has the same meaning it has in the **WA Police Mission Critical Areas (Restriction on Access) Directions (No 3)**.
20. **Nominated officer** means a police officer of the Western Australian Police Force or an employee engaged in the Western Australian Police Service authorised by the Chief Health Officer orally or in writing to perform a function for the purposes of these directions.
21. **Partially vaccinated** means that the person has been administered with one dose of a COVID-19 vaccine registered by the Therapeutic Goods Administration.
22. **Police or police related service** means any service provided by the WA Police including:
  - (a) keeping the peace;
  - (b) preventing crime;
  - (c) detecting crime;
  - (d) enforcing the law;
  - (e) apprehending offenders; or
  - (f) emergency management.
23. **Premises** has the same meaning it has in the Act.
24. **Temporary exemption** means an exemption approved by the Chief Health Officer or a person authorised by the Chief Health Officer for that purpose whether in relation to an individual or a class of persons and subject to any terms and conditions specified in that approval.
25. **Vaccination status** means whether a WA Police Force worker has been vaccinated or whether they are an exempt person.
26. **WA Police facility** means any premise owned, leased or operated by the WA Police Force where a **police or police-related service** is delivered other than a **mission critical area**, including but not limited to a vehicle, vessel or aircraft.

*Note: A WA Police facility includes a police station, a multi-functional a police facility, a district detective office, a police headquarters and a police custodial facility.*

27. **WA Police Force worker** means a person of the kind set out in Column 1 of the table in Schedule 1 other than an exempt person (even if the exempt person falls within Column 1 of the table in Schedule 1).

#### **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

**12** November 2021 **8:16** hours

## SCHEDULE 1

Row	Column 1	Column 2
	WA Police Force Worker	Exempt persons
1	<p>A person who is a police officer appointed under the <i>Police Act 1892</i> (WA) to be a member of the Police Force of Western Australia;</p> <p>A person employed in the Police Service;</p>	<p>A person who is a visitor to a WA Police Facility, including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) a person who is receiving a police or police related service;</li> <li>(b) a person who is in the custody of the WA Police;</li> <li>(c) a person who is assisting or providing information to the WA Police; or</li> <li>(d) a family member of a person who is receiving a service or assisting or providing information to the WA Police.</li> </ul>
2	<p>A person who is a student or on work experience or an internship and is on a placement at a WA Police facility as a formal part of their education.</p>	
3	<p>A person who provides goods or services at a WA Police facility and is employed or otherwise engaged, including in a voluntary or unpaid capacity, to work at a WA Police facility by the owner or operator of the WA Police facility or a third party on behalf of the owner or operator of the WA Police facility, other than a person covered by Column 2 of Schedule 1 including:</p> <ul style="list-style-type: none"> <li>(a) a person engaged by a labour hire firm that provides staff to</li> </ul>	<p>A person who is an <b>ad hoc volunteer</b>.</p> <p>A person who provides goods and services on an <b>ad hoc</b> basis, including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) a tradesperson, including but not limited to a drainer, gasfitter, plumber, mechanic, electrician, builder, air conditioning or refrigeration worker, metal fabricator, plumber, plasterer; or</li> </ul>

	<p>supplement the permanent workforce and contractors</p> <p>(b) an administrative staff member including a person working in administration, policy, management or reception services;</p> <p>(c) a person on placement from another government agency including a Commonwealth agency;</p> <p>(d) an ancillary staff member including a cleaner, a person performing food preparation services and a person providing maintenance services.</p>	<p>(b) delivery driver who provides goods at a WA Police facility.</p>
4	<p>A person who is a legal practitioner.</p>	<p>A person who provides pastoral care on an ad hoc basis, including a personal Minister / clergy / pastoral care worker.</p>