

# EMERGENCY MANAGEMENT ACT 2005 (WA)

## Sections 67 and 72A

### PRESENTATION FOR TESTING DIRECTIONS (NO 40)

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

On 15 March 2020, the Minister for Emergency Services declared a state of emergency with effect from 12 am on 16 March 2020 in respect of the pandemic caused by COVID-19 pursuant to section 56 of the *Emergency Management Act 2005 (WA)* (**Act**). The state of emergency applies to the State of Western Australia.

I, Christopher John Dawson, Commissioner of Police and State Emergency Coordinator, now give the following directions pursuant to my powers under sections 67 and 72A of the Act.

#### PREAMBLE

1. The purpose of these directions is to prevent the importation of COVID-19 into Western Australia and to otherwise limit the spread of COVID-19 in Western Australia.

#### CITATION

2. These directions may be referred to as the **Presentation for Testing Directions (No 40)**.

#### COMMENCEMENT

3. These directions come into effect at 12.01am on 9 February 2022.

#### REVOCATION AND CONTINUING OBLIGATIONS

4. The Presentation for Testing Directions (No 39) (**revoked directions**) are revoked.
5. Despite paragraph 4, if a person **entered** Western Australia before the date and time specified in paragraph 3 and the 48 hour presentation requirement (as that term is defined in the revoked directions) still applied to them immediately before the revoked directions were revoked, the person must continue to comply with that 48 hour presentation requirement to the same extent that the person would if the revoked directions had not been revoked.

## DIRECTIONS

*Note: these directions DO NOT require a person to be tested for COVID-19. A person must consent to be tested for COVID-19 unless they are **directed** to have the test by an **emergency officer** under the Public Health Act 2016 (WA). Unless otherwise stated, nothing in these directions affects any other obligations a person may be under.*

### Persons Entering Western Australia

6. Unless otherwise directed by me or a person authorised by me for that purpose, which direction may add to, remove or modify the requirements of this paragraph, a person specified in Row 1, Column 3 of the table set out in Schedule 1 of these directions (if any) must comply with the **24 hour presentation requirement**.
7. Unless otherwise directed by me or a person authorised by me for that purpose, which direction may add to, remove or modify the requirements of this paragraph, to comply with the **quarantine release protocol** a person specified in Row 2, Column 3 of the table set out in Schedule 1 of these directions (if any) must meet each of the requirements for:
  - (a) the **6th day presentation requirement**; or
  - (b) the **7th day protocol**.
8. Unless otherwise directed by me or a person authorised by me for that purpose, which direction may add to, remove or modify the requirements of this paragraph, a person who is subject to the **children requirements** must ensure that a child in connection with whom the person is required to comply with the children requirements complies with these directions and, without limitation, must:
  - (a) if the child goes to a **COVID Clinic** to comply with these directions, travel with the child so that the child goes to the COVID Clinic; and
  - (b) ensure that if the child is above the age of 12 years, the child wears a face mask from when the child leaves the place where they are required to remain under the children requirements until the child returns to that place unless one or more of the **face covering exceptions** apply to the child at that time.

### AUTHORISATION

9. Any **police officer** acting at or above the rank of Senior Sergeant is authorised to give a direction which adds to, removes or modifies the requirements of paragraphs 6 to 8.

## INTERPRETATION

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

## DEFINITIONS

11. **6th day presentation requirement** means the requirements set out in Schedule 3 of these directions.
12. **24 hour presentation requirement** means the requirements set out in Schedule 2 of these directions.
13. **7th day protocol** means the requirements set out in Schedule 4 of these directions.
14. **Centre quarantine requirements** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
15. **Children requirements** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
16. **COVID Clinic** means **premises**:
- (a) set aside by the Western Australian Department of Health or a **health service provider** for the purpose of testing persons for COVID-19:
    - (i) in the Perth metropolitan area; or
    - (ii) at Albany Regional Hospital; or
    - (iii) at Broome Regional Hospital; or
    - (iv) at Bunbury Regional Hospital; or
    - (v) at Geraldton Regional Hospital; or
    - (vi) at Port Hedland Regional Hospital; or
    - (vii) at Kalgoorlie Regional Hospital; or
    - (viii) at Kununurra Hospital; or
    - (ix) at an emergency department of a **public hospital** that is located outside of the Perth metropolitan area and is not specified in this paragraph; or

- (b) that are otherwise approved by:
  - (i) the Chief Health Officer or the State Health Incident Controller; or
  - (ii) the State Emergency Coordinator or any person authorised by the State Emergency Coordinator for that purpose, or specified in a **direction or instruction**,

and, for the avoidance of doubt, any approval given under subparagraph (b) may limit the range of persons who may be tested at any particular location.

17. **Direct international arrival** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.

18. **Direction** includes any direction under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing, and **directed** includes directed by way of a direction under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing.

19. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).

20. **Enters:**

- (a) in respect of a person subject to the COVID Transition (Border Requirements) Directions, has a meaning corresponding to the term "enter" in those directions; or

- (b) in respect of a person subject to a **specified arrangement**, has the same meaning as the term "enter" in the specified arrangement,

and **entered** has a corresponding meaning.

21. **Face covering exceptions** means any of the following circumstances or situations that apply to the person at the relevant time:

- (a) the person is within or at their home unless another direction requires a face covering to be worn in that circumstance; or

- (b) the person is a child 12 years of age or under; or

- (c) the person has a physical, developmental or mental illness, injury, condition or disability which makes wearing a face covering unsuitable; or

- (d) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (e) the nature of a person's occupation means that wearing a face covering is impractical to perform that occupation or creates a risk to their health and safety; or
- (f) the person needs to temporarily remove their face covering so as to enable another person to appropriately perform their occupation; or
- (g) the nature of a person's work or the activity that they are engaging in means that clear enunciation or visibility of the mouth is essential; or
- (h) the person is consuming food, drink or medicine; or
- (i) the person is asked to remove the face covering to ascertain identity; or
- (j) not wearing a face covering is required for emergency purposes (other than emergency preparation or emergency preparation activities, unless another exception specified in this paragraph applies); or
- (k) the person is working in the absence of others in an enclosed indoor space (unless and until another person enters that indoor space); or
- (l) the person is running or jogging or otherwise engaged in some form of strenuous or vigorous exercise or physical activity; or
- (m) the person is travelling in a **motor vehicle** and is the sole occupant of that vehicle; or
- (n) the person is undergoing emergency medical or dental care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (o) the person is directed by a judicial officer or tribunal member in proceedings in a court or tribunal to remove their face covering to ensure the proper conduct of those proceedings; or
- (p) not wearing a face covering is otherwise required or authorised by law; or
- (q) wearing a face covering is not safe in all the circumstances,

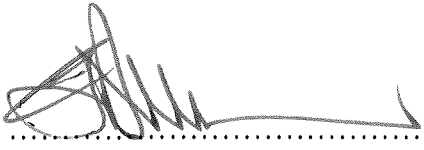
provided that, where a person is relying on an exception under subparagraph (d) to (q), that person resumes wearing the face covering as soon as reasonably practicable after the person no longer falls within the relevant exception.

22. **Health service provider** has the same meaning that it has in the *Health Services Act 2016* (WA).
23. **Indirect international arrival** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
24. **Instruction** means an instruction given for the purposes of these directions which is not a direction, whether the instruction is given orally or in writing, and **instructed** means instructed by way of an instruction given for the purposes of these directions, whether the instruction is given orally or in writing.
25. **International arrival** means:
  - (a) a person who is a **direct international arrival**; and
  - (b) a person who is an **indirect international arrival**.
26. **Isolation requirements** has the same meaning that it has in the COVID Transition (Testing and Isolation) Directions.
27. **Modified quarantine direction** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
28. **Motor vehicle** has the same meaning that it has in paragraph (b) of the definition of "motor vehicle" in section 4 of the *Road Traffic (Administration) Act 2008* (WA).
29. **PCR test** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
30. **Police officer** means a person appointed under Part I of the *Police Act 1892* (WA).
31. **Premises** has the same meaning that it has in the Act.
32. **Public hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).
33. **Quarantine release protocol** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.

34. **Relevant officer** has the same meaning that it has in the COVID Transition (Testing and Isolation) Directions.
35. **Requirement to quarantine** means a requirement to quarantine in accordance with:
- (a) the **self-quarantine requirements**; and
  - (b) a **modified quarantine direction**; and
  - (c) the children requirements; and
  - (d) a specified arrangement; and
  - (e) another direction that is not the COVID Transition (Testing and Isolation) Directions.
36. **Restricted location** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
37. **Self-quarantine requirements** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
38. **Specified arrangement** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
39. **Supervised quarantine traveller** the same meaning that it has in the COVID Transition (Border Requirements) Directions.
40. **Symptoms** means any one or more of:
- (a) a fever of 37.5 degrees or above; or
  - (b) a recent history of fever; or
  - (c) symptoms of acute respiratory infection (including, but without limitation, shortness of breath, a cough or sore throat); or
  - (d) loss of smell or loss of taste.

**PENALTIES**

It may be an offence to fail to comply with any of these directions, punishable by imprisonment for up to 12 months or a fine of up to \$50,000 for individuals and \$250,000 for bodies corporate.



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**Christopher John Dawson**  
Commissioner of Police and State Emergency Coordinator

8 February 2022 1950 hours



**SCHEDULE 1**

| Row | Column 2 –<br>Presentation protocol                  | Column 3 – Category of person  |
|-----|--|--|
| 1.  | 24 hour presentation requirement                     | <p>A person who enters Western Australia and who:</p> <ul style="list-style-type: none"> <li>(a) has been in a <b>restricted location</b> in the 14 days before the person enters Western Australia; or</li> <li>(b) is an <b>international arrival</b> who is subject to the self-quarantine requirements, unless: <ul style="list-style-type: none"> <li>(c) the person enters Western Australia pursuant to the Transport, Freight and Logistics Directions (No 13); or</li> <li>(d) within 24 hours of entering Western Australia, the person: <ul style="list-style-type: none"> <li>(i) has left and is no longer in Western Australia; or</li> <li>(ii) is subject to the <b>centre quarantine requirements</b>; or</li> <li>(iii) is required to quarantine or isolate under the COVID Transition (Testing and Isolation) Directions; or</li> <li>(iv) is a <b>supervised quarantine traveller</b>.</li> </ul> </li> </ul> </li> </ul> |
| 2.  | 6th day presentation requirement or 7th day protocol | <p>A person who enters Western Australia and:</p> <ul style="list-style-type: none"> <li>(a) has been in a restricted location in the 14 days before the person enters Western Australia irrespective of whether the COVID Transition (Border Requirements) Directions apply to them; or</li> </ul>  |

| Row | Column 2 –<br>Presentation protocol | Column 3 – Category of person   |
|-----|-------------------------------------|---|
|     |                                     | <p>(b) is an international arrival who is subject to the self-quarantine requirements,</p> <p>unless:</p> <p>(c) the person enters Western Australia pursuant to the Transport, Freight and Logistics Directions (No 13); or</p> <p>(d) at the time at which the person is required to comply with the 6th day presentation requirement or the 7th day protocol (as applicable) the person:</p> <ul style="list-style-type: none"> <li>(i) has left and is no longer in Western Australia; or</li> <li>(ii) is subject to the centre quarantine requirements; or</li> <li>(iii) is required to quarantine or isolate under the COVID Transition (Testing and Isolation) Directions; or</li> <li>(iv) is a supervised quarantine traveller.</li> </ul> |

## SCHEDULE 2

### 24 hour presentation requirement

1. A person who must comply with the 24 hour presentation requirement must, within 24 hours of becoming subject to the 24 hour presentation requirement, either:
  - (a) go to the COVID Clinic nearest to them as early as possible within that 24 hour period and:
    - (i) inform a relevant officer at the COVID Clinic that they are required to attend the COVID Clinic under these directions; and
    - (ii) comply with any other instruction which a relevant officer at the COVID Clinic gives them; and
    - (iii) answer truthfully if a relevant officer at the COVID Clinic asks the person to describe their state of health or asks whether the person has or has had any **symptoms**; and
    - (iv) remain at the COVID Clinic until:
      - (A) the person has been tested for COVID-19; or
      - (B) a relevant officer has instructed the person that they may leave the COVID Clinic; or
  - (b) be able to produce evidence of a rapid antigen test for COVID-19 taken by the person within that 24 hour period.

### Additional requirements

2. If a person who must comply with the 24 hour presentation requirement is tested for COVID-19 using a rapid antigen test, the person must produce photographic evidence of a result for that test upon request by a relevant officer.
3. If a person who must comply with the 24 hour presentation requirement is subject to a **requirement to quarantine** at the time that they must comply with the 24 hour presentation requirement, the person must comply with the 24 hour presentation requirement and the requirement to quarantine except that, for the purposes of complying with the 24 hour presentation requirement in accordance with paragraph 1(a), where the person intends to present for a PCR test at a COVID Clinic:

- (a) the person must leave the place where they are required to remain under the requirement to quarantine and travel to the COVID Clinic nearest to them as soon as possible and by the most direct route available and without stopping except as required by law or necessary for fuel or rest; and
- (b) once they are no longer required to remain at the COVID Clinic, the person must travel as soon as possible and by the most direct route available and without stopping except as required by law or necessary for fuel or rest to the place they are required to remain under the requirement to quarantine and remain there in accordance with the requirement to quarantine; and
- (c) the person must travel to and from the COVID Clinic nearest to them by:
  - (i) private vehicle, a taxi or rideshare service; or

*Note: a rideshare service does not include a bus, train or other form of mass public transport.*

  - (ii) walking, provided that:
    - (A) the COVID Clinic is located within 2 km of the place where the person is required to remain under the requirement to quarantine; and
    - (B) the person takes all reasonable steps to keep at least 1.5 metres away from any other person whilst walking to and from the COVID Clinic; and
- (d) the person must wear a face mask from when the person leaves the place where they are required to remain under the requirement to quarantine until they return to that place unless one or more of the face covering exceptions apply to the person at that time.

*Note: A person who tests positive to COVID-19 as a result of a rapid antigen test must register that result as soon as possible in accordance with the COVID Transition (Testing and Isolation) Directions and comply with the **isolation requirements**.*

*Note: A person who has symptoms and is tested for COVID-19 must comply with the isolation requirements until the person receives their test result in accordance with the COVID Transition (Testing and Isolation) Directions.*

### SCHEDULE 3

#### 6th day presentation requirement

1. To comply with the 6th day presentation requirement a person must, on or after the sixth day after the day on which a person was last outside Australia or in a restricted location (whichever is the later):
  - (a) go to the COVID Clinic nearest to them as early as possible; and
  - (b) inform a relevant officer at the COVID Clinic that they are required to attend the COVID Clinic under these directions; and
  - (c) comply with any other instruction which a relevant officer at the COVID Clinic gives them; and
  - (d) answer truthfully if a relevant officer at the COVID Clinic asks the person to describe their state of health or asks whether the person has or has had any symptoms; and
  - (e) remain at the COVID Clinic until:
    - (i) the person has been tested for COVID-19 using a **PCR test**; or
    - (ii) a relevant officer has instructed the person that they may leave the COVID Clinic.

#### Additional requirements

2. If a person who must comply with the 6th day presentation requirement is subject to a requirement to quarantine at the time that they must comply with the 6th day presentation requirement, the person must comply with the 6th day presentation requirement and the requirement to quarantine except that, for the purposes of complying with the 6th day presentation requirement and despite the requirement to quarantine:
  - (a) the person must leave the place where they are required to remain under the requirement to quarantine and travel to the COVID Clinic nearest to them as soon as possible and by the most direct route available and without stopping except as required by law or necessary for fuel or rest; and
  - (b) once they are no longer required to remain at the COVID Clinic, the person must travel as soon as possible and by the most direct route available and

without stopping except as required by law or necessary for fuel or rest to the place they are required to remain under the requirement to quarantine and remain there in accordance with the requirement to quarantine; and

(c) the person must travel to and from the COVID Clinic nearest to them by:

(i) private vehicle, a taxi or rideshare service; or

*Note: a rideshare service does not include a bus, train or other form of mass public transport.*

(ii) walking, provided that:

(A) the COVID Clinic is located within 2 km of the place where the person is required to remain under the requirement to quarantine; and

(B) the person takes all reasonable steps to keep at least 1.5 metres away from any other person whilst walking to and from the COVID Clinic; and

(d) the person must wear a face mask from when the person leaves the place where they are required to remain under the requirement to quarantine until they return to that place unless one or more of the face covering exceptions apply to the person at that time.

## SCHEDULE 4

### **7th day protocol**

1. To comply with the 7th day protocol a person must be able to produce evidence of a rapid antigen test for COVID-19 which has been taken by the person on or after the seventh day after the day on which a person was last outside Australia or in a restricted location (whichever is the later).

### **Additional requirements**

2. If a person who complies with the 7th day protocol is tested for COVID-19 using a rapid antigen test, the person must produce photographic evidence of a result for that test upon request by a relevant officer.

*Note: A person who tests positive to COVID-19 as a result of a rapid antigen test must register that result as soon as possible in accordance with the COVID Transition (Testing and Isolation) Directions and comply with the isolation requirements.*