

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

TRANSPORT, FREIGHT AND LOGISTICS DIRECTIONS (NO 13)

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**) (**State of Emergency**). 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, 70 and 72A of the Act.

PREAMBLE

1. These directions set out the requirements that apply to a **transport, freight and logistics driver** who **enters** or intends to enter Western Australia and are for the purpose of preventing the importation of COVID-19 into Western Australia and otherwise limiting the spread of COVID-19 in Western Australia.

CITATION

2. These directions may be referred to as the **Transport, Freight and Logistics Directions (No 13)**.

COMMENCEMENT

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

REVOCATION AND CONTINUING OBLIGATIONS

4. The Transport, Freight and Logistics Directions (No 12) (**revoked directions**) are revoked.
5. Despite paragraph 4, if a transport, freight and logistics driver **entered** Western Australia before the commencement of these directions, the driver must continue to comply with any requirement which still applied to them under the revoked directions immediately before they were revoked to the same extent that the driver would if the revoked directions had not been revoked, subject to the COVID Transition (Modification of Obligations) Directions and, for the avoidance of doubt, if the driver

fails to comply with a requirement that applied to them under the revoked directions, the driver may commit an offence under the Act.

6. Any reference to the revoked directions in any **direction** or approval given under or pursuant to a direction is deemed to be a reference to these directions from the commencement of these directions.

DIRECTIONS

Interaction with the COVID Transition (Border Requirements) Directions

7. Unless stated otherwise, a transport, freight and logistics driver who enters Western Australia pursuant to these directions must comply with these directions and not the COVID Transition (Border Requirements) Directions, except for paragraphs 4, 5, 6 and 7 of the COVID Transition (Border Requirements) Directions.
8. If there is any conflict between these directions and the COVID Transition (Border Requirements) Directions, these directions prevail to the extent of any inconsistency.

Vaccination prior to entry

9. A transport, freight and logistics driver must not enter Western Australia unless the person:
 - (a) has had administered to them a **full course** of an **approved COVID-19 vaccine** and produces **accepted proof of vaccination** to a **relevant officer** on request; or
 - (b) is **vaccine ineligible** and produces evidence of this to the satisfaction of a relevant officer on request; or
 - (c) is **vaccine exempt** and produces **accepted proof of vaccination exemption** to a relevant officer on request; or
 - (d) is approved to enter Western Australia by me or a person authorised by me for that purpose, notwithstanding that the person does not meet one of the requirements in paragraph 9(a), 9(b) or 9(c).
10. A transport, freight and logistics driver must not enter Western Australia after 12:01 am on 9 March 2022 unless the person:
 - (a) has had administered to them a **booster vaccination** and produces accepted proof of vaccination to a relevant officer on request; or

- (b) is **booster ineligible** and produces evidence of this to the satisfaction of a relevant officer on request; or
- (c) is vaccine exempt and produces accepted proof of vaccination exemption to a relevant officer on request; or
- (d) is approved to enter Western Australia by me or a person authorised by me for that purpose, notwithstanding that the person does not meet one of the requirements in paragraph 10(a), 10(b) or 10(c).

Rapid antigen testing

11. A transport, freight and logistics driver must not enter Western Australia unless:

- (a) such driver has undertaken a rapid antigen test in the 24 hours prior to entering Western Australia; and
- (b) such driver has received a negative **test** result in respect of the rapid antigen test undertaken pursuant to this paragraph ,

unless such person is approved to enter Western Australia by me or a person authorised by me for that purpose notwithstanding that the person does not meet the requirements of this paragraph.

12. A transport, freight and logistics driver must not enter Western Australia at or within 100 km of the **Eucla border crossing** or the **Kununurra border crossing** unless:

- (a) such driver has undertaken a rapid antigen test in the vicinity of the Eucla border crossing or the Kununurra border crossing (as applicable) immediately prior to entering Western Australia; and
- (b) such driver has received a negative test result in respect of the rapid antigen test undertaken pursuant to this paragraph ,

unless such person is approved to enter Western Australia by me or a person authorised by me for that purpose notwithstanding that the person does not meet the requirements of this paragraph.

Note: A driver who satisfies the requirements of paragraph 12 will also satisfy the requirements of paragraph 11 and does not need to undertake two rapid antigen tests in order enter Western Australia.

24 hour presentation requirement

13. A transport, freight and logistics driver must comply with the **24 hour presentation requirement**, unless the driver:
- (a) has undertaken a rapid antigen test in accordance with paragraph 11 of these directions; or
 - (b) leaves Western Australia within 24 hours of entering Western Australia; or
 - (c) is given a direction to quarantine at a **quarantine centre** or a **hospital**; or
 - (d) is required to quarantine or isolate under the COVID Transition (Testing and Isolation) Directions.

Additional testing

14. Subject to paragraph 15, a transport, freight and logistics driver must comply with the **6th day presentation requirement** or the **7th day protocol** unless the driver:
- (a) leaves Western Australia prior to the time when compliance with this paragraph is required; or
 - (b) is given a direction to quarantine at a quarantine centre or a hospital; or
 - (c) is required to quarantine or isolate under the COVID Transition (Testing and Isolation) Directions.
15. Notwithstanding any provision to the contrary in the Presentation for Testing Directions (No 40), a transport, freight and logistics driver who elects to discharge their obligation under paragraph 14 by complying with the 6th day presentation requirement may comply with the 6th day presentation requirement on the 6th day or the 7th day after the day on which that driver entered Western Australia.

Other provisions relating to testing

16. A transport, freight and logistics driver must carry **acceptable evidence** of each COVID-19 test that has been performed on them if the test either relates to their most recent entry into Western Australia or has been undertaken during their most recent entry into Western Australia, and produce that evidence for inspection on request by a relevant officer.

General obligations on all transport, freight and logistics drivers

17. At all times whilst a transport, freight and logistics driver is outside the **motor vehicle** in which they travel in connection with their duties as a driver, the driver must:
- (a) take all reasonable steps to avoid coming within 1.5 metres of another person; and
 - (b) when coughing or sneezing do so into their elbow or a tissue; and
 - (c) wash their hands often with soap and water or using alcohol hand rub, particularly before and after eating, and after attending a bathroom; and
 - (d) wear a **face mask** when the driver is in public or in the same room with one or more other persons unless one or more of the **face covering exceptions** apply at that time.
18. If a transport, freight and logistics driver rests overnight in Western Australia at a location outside of the motor vehicle in which they travel in connection with their duties as a driver, the driver must:
- (a) stay only in **suitable accommodation**; and
 - (b) unless the suitable accommodation is the driver's home, prior to their arrival at the suitable accommodation:
 - (i) notify the accommodation provider that the driver is subject to these directions; and
 - (ii) ensure the accommodation provider is willing to accept the driver; and
 - (c) while at the suitable accommodation:
 - (i) proceed directly to their **allotted room** and remain within that room until the driver leaves pursuant to subparagraph (d) unless:
 - (A) the driver needs to leave their allotted room to escape an immediate threat to their safety; or
 - (B) the suitable accommodation is the driver's home, in which case the driver may utilise other areas of that home provided they are not occupied by any other person; and

- (ii) obtain food or refreshments via room service or delivery only and using contactless payment where practicable unless the driver has been at the suitable accommodation for a continuous period of more than 48 hours, in which case the driver may leave the suitable accommodation to obtain food or beverages in accordance with paragraph 20; and
- (iii) keep the door to the allotted room closed at all times, except to the extent necessary:
 - (A) to allow a person referred to in paragraph 18(c)(iv) to enter the room; or
 - (B) for receiving deliveries including meals, packages or medical treatment; and
- (iv) not allow any person to access their allotted room unless the person:
 - (A) is a relevant officer, or a person assisting a relevant officer; or
 - (B) accesses the driver's allotted room for medical or emergency purposes; or
 - (C) is required to access the driver's allotted room for the purpose of performing critical and time-sensitive maintenance at the suitable accommodation; or
 - (D) is acting in compliance with a direction or **instruction** given by a relevant officer; or
 - (E) usually resides at the suitable accommodation and is also subject to a **quarantine requirement**; and
- (d) leave the suitable accommodation only:
 - (i) to provide **transport, freight and logistics services**; or
 - (ii) to attend a place of business or publicly accessible indoor space that the driver is entitled to attend pursuant to paragraph 20; or
 - (iii) to present for COVID-19 testing; or

- (iv) to seek urgent medical treatment at a hospital, provided that the driver:
 - (A) notifies the hospital that the driver is subject to these requirements and obtains the approval of the relevant hospital to attend for treatment; and
 - (B) contacts an **authorised officer** as soon as practicable after leaving the suitable accommodation and complies with any directions or instructions given by that authorised officer; or
- (v) to escape an immediate threat to their safety, provided that the driver contacts an authorised officer as soon as practicable after leaving the suitable accommodation and complies with any directions or instructions given by that authorised officer; or
- (vi) when the person ceases to be a transport; freight and logistics driver pursuant to paragraph 24.

19. A transport, freight and logistics driver must not allow another person to enter or have access to or remain inside the motor vehicle that they utilise in connection with their duties as a driver unless:

- (a) the other person is also a transport, freight and logistics driver who entered Western Australia in the same motor vehicle and at the same time as the transport, freight and logistics driver; or
- (b) the primary purpose of the relevant journey is the transport of passengers on a commercial basis, and the other person is a passenger who entered Western Australia in the same motor vehicle and at the same time as the transport, freight and logistics driver; or
- (c) the other person's presence in the motor vehicle is essential for the provision of the relevant transport, freight and logistics services, and they wear a face mask at all times while they are in the motor vehicle, and minimise the time they spend inside the motor vehicle.

20. A transport, freight and logistics driver must not enter any place of business or publicly accessible indoor space unless:
- (a) such entry is required or permitted under these directions; or
 - (b) such entry is necessary:
 - (i) for the purposes of the driver's duties as a transport, freight and logistics driver; or
 - (ii) to obtain food, beverages, fuel or other necessities where such items cannot be obtained by delivery to the driver or in another contactless manner; or
 - (iii) to obtain or access goods or services for health or medical purposes.
21. Whilst the transport, freight and logistics driver is in Western Australia, the driver must take all reasonable steps to keep a written record of the following details relating to any person (A) with whom they have **direct contact**:
- (a) A's name; and
 - (b) A's contact telephone number; and
 - (c) the date and time when the driver had direct contact with A; and
 - (d) the location at which the driver had direct contact with A.
22. If requested by a relevant officer, the transport, freight and logistics driver must produce the written record referred to in paragraph 21 for inspection.

General obligations on all transport, freight and logistics drivers

23. If the transport, freight and logistics driver develops or has recently experienced **symptoms**, the driver must:
- (a) immediately telephone 13 COVID (13 268 43) and ask for an instruction; and
 - (b) comply with any instruction given.

Duration a person remains a transport, freight and logistics driver

24. A person who entered Western Australia as a transport, freight and logistics driver will remain a transport, freight and logistics driver for the purposes of these directions

for 7 days after the day on which the person most recently entered Western Australia as a transport, freight and logistics driver, irrespective of:

- (a) whether such person provides transport, freight and logistics services in that 7 day period; and
- (b) that person's intentions concerning future work as a transport, freight and logistics driver.

SPECIFIC PROVISION FOR REMOVALISTS

25. A transport, freight and logistics driver who is a furniture removalist must:

- (a) travel to the **removal premises** as soon as possible and by the most direct route available and without stopping except:
 - (i) as required by law; or
 - (ii) as necessary for fuel or rest, including at suitable accommodation in accordance with paragraph 18; or
 - (iii) to obtain or access essential goods or services from the closest practicable location; or
 - (iv) to obtain or access goods or services for health or medical purposes; and
- (b) not enter the removal premises unless each person inside the removal premises is necessary for the removal process; and
- (c) not enter the removal premises unless each person inside the removal premises is wearing a face mask, unless one or more of the face covering exceptions apply to that person at that time; and
- (d) wear a face mask at all times when inside the removal premises unless one or more of the face covering exceptions apply to the furniture removalist at that time.

26. A person who is inside the removal premises at the same time as a transport, freight and logistics driver who is a furniture removalist must wear a face mask at all times, unless one or more of the face covering exceptions apply to that person at that time.

AUTHORISATION

27. Any **police officer** acting at or above the rank of Inspector is authorised to give an approval for the purposes of paragraph 9(d), 10(d), 11 or 12 of these directions, including any terms or conditions to which that approval is subject.

INTERPRETATION

28. 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

29. **6th day presentation requirement** has the same meaning that it has in the Presentation for Testing Directions (No 40).
30. **7th day protocol** has the same meaning that it has in the Presentation for Testing Directions (No 40).
31. **24 hour presentation requirement** has the same meaning that it has in the Presentation for Testing Directions (No 40).
32. **Acceptable evidence** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
33. **Accepted proof of vaccination** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
34. **Accepted proof of vaccination exemption** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
35. **Allotted room** means your allotted room at suitable accommodation.
36. **Approved COVID-19 vaccine** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
37. **Authorised officer** has the same meaning that it has in the Act.
38. **Booster ineligible** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
39. **Booster vaccination** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.

40. **Direct contact** means:
- (a) more than 15 minutes of face-to-face contact in any setting; or
 - (b) more than 2 hours in the same room.
41. **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.
42. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
43. **Enter** means:
- (a) cross the border into Western Australia by road; or
 - (b) cross the border into Western Australia by rail,
- and **entered** has a corresponding meaning.
44. **Eucla border crossing** means the location where the Eyre Highway crosses the Western Australia/South Australia border.
45. **Face covering exception** 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 has a physical, developmental or mental illness, injury, condition or disability which makes wearing a face covering unsuitable; or
 - (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (d) 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
 - (e) the person needs to temporarily remove their face covering so as to enable another person to appropriately perform their occupation; or

- (f) 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
- (g) the person is consuming food, drink or medicine; or
- (h) the person is asked to remove the face covering to ascertain identity; or
- (i) 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
- (j) the person is working in the absence of others in an enclosed indoor space (unless and until another person enters that indoor space); or
- (k) the person is running or jogging or otherwise engaged in some form of strenuous or vigorous exercise or physical activity; or
- (l) the person is travelling in a motor vehicle and is the sole occupant of that vehicle; or
- (m) the person is undergoing medical, dental or beauty related care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (n) 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
- (o) not wearing a face covering is otherwise required or authorised by law; or
- (p) wearing a face covering is not safe in all the circumstances,

provided that, where a person is relying on an exception under paragraph 45(c) to 45(p), that person resumes wearing the face covering as soon as reasonably practicable after the person no longer falls within the relevant exception.

- 46. **Face mask** means a disposable surgical mask or fitted cloth mask that covers the nose and mouth (but does not include a face shield).
- 47. **Full course** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
- 48. **Health service provider** has the same meaning that it has in the *Health Services Act 2016* (WA).

49. **Hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).
50. **Indirect international arrival** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
51. **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.
52. **Kununurra border crossing** means the location where the Victoria Highway crosses the Western Australia/Northern Territory border.
53. **Motor vehicle:**
- (a) has the same meaning as in paragraph (b) of the definition of "motor vehicle" in section 4 of the *Road Traffic (Administration) Act 2008* (WA); or
 - (b) means a vehicle that is operated on rails.
54. **Premises** has the same meaning that it has in the Act.
55. **Police officer** means a person appointed under Part I of the *Police Act 1892* (WA) to be a member of the Police Force of Western Australia
56. **Quarantine centre** means a place specified as a quarantine centre by an authorised officer.
57. **Quarantine requirement** has the same meaning that it has under the COVID Transition (Border Requirements) Directions.
58. **Relevant officer** means:
- (a) an authorised officer; or
 - (b) an **emergency officer**; or
 - (c) a **responsible officer**.
59. **Removal premises** means a **premises** at which the transport, freight and logistics driver who is a furniture removalist must remove or deliver furniture as part of the driver's duties as a transport, freight and logistics driver.
60. **Responsible officer** means:
- (a) an officer, employee or contractor of the Department of Health; or
 - (b) an officer, employee or contractor of a **health service provider**; or

- (c) any other person authorised by the Chief Health Officer orally or in writing to perform a function for the purposes of these directions.
61. **Suitable accommodation** means accommodation where you will have your own room and will not be required to share bathrooms or other facilities with any other persons.
62. **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.
63. **Test** means test for COVID-19.
64. **Transport, freight and logistics driver** or **driver** means a person, other than an **indirect international arrival**:
- (a) whose primary occupation is:
 - (i) driving motor vehicles for the purposes of providing transport, freight and logistics services; or
 - (ii) working on motor vehicles in a role other than as a driver for the purposes of providing transport, freight and logistics services; and
 - (b) who imminently intends to enter Western Australia by road or rail, or who has recently entered Western Australia by road or rail, for the purpose of providing transport, freight and logistics services; and
 - (c) in the case of a person contemplated in subparagraph 63(a)(ii), whose presence on the relevant motor vehicle is reasonably necessary for the provision of transport, freight and logistics services from that motor vehicle.
65. **Transport, freight and logistics services** means the transport of goods, items, commodities, food, livestock or other animals, or passengers on a commercial basis, but excludes:
- (a) the provision of taxi or rideshare services; and

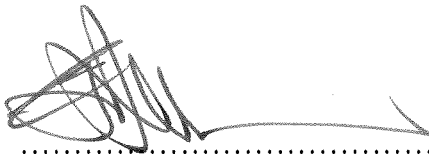
- (b) the provision of transport services where:
 - (i) those transport services are provided as part of a package involving both transport services and tourism related services or experiences; and
 - (ii) the transport services are ancillary to the tourism related service or experiences.

66. **Vaccine exempt** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.

67. **Vaccine ineligible** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.

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 1958 hours