

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

ENTRY BY APPROVED BORDER COMMUNITY RESIDENTS AND WORKERS DIRECTIONS (NO 2)

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

PREAMBLE

1. The purpose of these directions is to allow **approved border community residents** and **approved critical workers** to enter or re-enter Western Australia in specified circumstances, while limiting the spread of COVID-19 in Western Australia.

CITATION

2. These directions may be referred to as the **Entry by Approved Border Community Residents and Workers Directions (No 2)**.

COMMENCEMENT

3. These directions come into effect at 12.01 am on 5 February 2022.

REVOCATION

4. The Entry by Approved Border Community Residents and Workers Directions (**revoked directions**) are revoked.

DIRECTIONS

5. Notwithstanding anything in the:
 - (a) COVID Transition (Border Requirements) Directions; or
 - (b) **presentation for testing directions**,an approved border community resident or approved critical worker who enters Western Australia pursuant to these directions must comply with these directions and

not the COVID Transition (Border Requirements) Directions or presentation for testing directions, except for paragraphs 4, 5 and 6 of the COVID Transition (Border Requirements) Directions.

Entry by approved border community residents for an essential purpose

6. An approved border community resident may enter and remain in Western Australia for an **essential purpose**, provided that:
 - (a) whilst in a **restricted location** the person has not had **direct contact** with any person who is not an approved border community resident in the period of 14 days before the person enters Western Australia; and
 - (b) the approved border community resident complies with any conditions to which their **approval** is subject.
7. An approved border community resident must only remain in Western Australia for the time necessary to carry out the essential purpose.

Entry by approved border community residents for the purpose of transiting through Western Australia

8. An approved border community resident may enter Western Australia for the purpose of transiting through Western Australia provided that:
 - (a) the person needs to transit through Western Australia in order to travel between two places within a restricted location (**relevant restricted places**) for an essential purpose; and
 - (b) it is not reasonably practical for the person to travel between the relevant restricted places without transiting through Western Australia.
9. An approved border community resident who enters Western Australia under paragraph 8 must:
 - (a) travel through Western Australia using the most direct route available and without stopping except as required by law or necessary for fuel or rest; and
 - (b) not remain in Western Australia except for the purpose of transiting through Western Australia.

Re-entry by an approved border community resident who resides in Western Australia

10. An approved border community resident who:
- (a) resides in Western Australia; and
 - (b) left Western Australia in order to transit through a restricted location, may re-enter Western Australia, provided that:
 - (c) the person needed to transit through the restricted location in order to travel between two places in Western Australia (**relevant WA places**) for an essential purpose; and
 - (d) it was not reasonably practical for the person to travel between the relevant WA places without transiting through the restricted location; and
 - (e) the person has travelled through the restricted location by the most direct route available and without stopping except as required by law or necessary for rest; and
 - (f) the person did not remain in the restricted location except for the purpose of transiting through the restricted location.

RE-ENTRY BY APPROVED CRITICAL WORKER WHO HAS UNDERTAKEN CRITICAL WORK IN SPECIFIED BORDER COMMUNITY

11. An approved critical worker who:
- (a) resides in Western Australia; and
 - (b) left Western Australia in order to undertake critical work in a **specified border community**, may re-enter Western Australia pursuant to these directions, provided that:
 - (c) the approved critical worker 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; and
 - (d) complies with the **green corridor requirements**; and
 - (e) complies with any conditions to which their approval is subject.

AUTHORISATION

12. Any **police officer** holding or acting in the position of:
- (a) Assistant Commissioner, Operation Tide; or
 - (b) Police Commander, Operation Tide; or
 - (c) Deputy Police Commander, Operation Tide; or
 - (d) Police Commander Operations, Operation Tide; or
 - (e) Superintendent, Border and Quarantine Operations, Operation Tide; or
 - (f) State COVID Command Inspector, Operation Tide; or
 - (g) District Officer (Superintendent) and Assistant District Officer (Inspector), Kimberley District; or
 - (h) District Officer (Superintendent) and Assistant District Officer (Inspector), Goldfields-Esperance District,

is authorised to give an approval for the purpose of giving effect to these directions, including any conditions to which that approval is subject.

INTERPRETATION

13. 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

14. **Accepted proof of vaccination** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
15. **Approval** means a written approval granted to a person under paragraphs 16 or 18.
16. **Approved border community resident** means a person who is approved in writing to enter Western Australia pursuant to these directions by me or a person authorised by me for that purpose, which approval may be given conditionally or unconditionally.
17. **Approved COVID-19 vaccine** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.

18. **Approved critical worker** means a person who is approved in writing to enter Western Australia pursuant to these directions by me or a person authorised by me for that purpose, which approval may be given conditionally or unconditionally.
19. **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; or
 - (c) any face-to-face contact where face coverings are not worn by either person or physical distancing of 1.5 m is not maintained at all times.
20. **Enter** has the same meaning that it has in the COVID Transition (Border Requirements) Directions and **enters** has a corresponding meaning.
21. **Essential purpose** means a purpose set out in Schedule 1 to the directions.
22. **Face covering exceptions** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
23. **Face mask** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
24. **Full course** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
25. **Green corridor requirements** means that the approved critical worker must:
 - (a) travel to the specified border community by the most direct route available and without stopping except as required by law or necessary for rest; and
 - (b) wear a **face mask** at all times before entering the specified border community, and at all times while at the specified border community, unless one of the **face covering exceptions** applies to the approval critical worker at the time; and
 - (c) take all reasonable steps to maintain a distance of at least 1.5 metres from any other person (other than another approved critical worker); and
 - (d) practise good hygiene, including but not limited to washing their hands often with soap and water or using alcohol hand rub, particularly before and after

eating, and after attending the bathroom, and covering their cough or sneeze;
and

- (e) remain in the specified border community for no longer than is necessary to undertake the critical work; and
- (f) upon completion of the critical work, immediately leave the specified border community by the most direct route available and without stopping except as required by law or necessary for rest.

- 26. **Home state or territory** means the State or territory in which the person usually resides.
- 27. **Police officer** means a person appointed under Part I of the *Police Act 1892* (WA).
- 28. **Presentation for testing directions** means the Presentation for Testing Directions (No 39).
- 29. **Relevant officer** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
- 30. **Restricted location** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
- 31. **Specified border community** means a location which is specified in writing in an approval given to an approved critical worker under paragraph 18.

PENALTIES

A failure to comply with these directions may be an offence which is 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

31 January 2022 1832 hours

SCHEDULE 1

Essential purposes

- (a) to obtain food or other essential goods or services for the personal needs of the household or other household purposes, which cannot reasonably be obtained within the person's **home State or Territory**; or
- (b) to obtain goods or services for health or medical purposes which cannot reasonably be obtained within their home State or Territory; or
- (c) to attend primary or secondary school; or
- (d) to obtain a scheduled COVID-19 vaccination which cannot reasonably be obtained within their home State or Territory; or
- (e) to be tested for COVID-19; or
- (f) for the purposes of shared parenting arrangements, whether the arrangements are under a court order or otherwise; or
- (g) in an emergency; or
- (h) to comply with a legal requirement that must be fulfilled, including attending:
 - (i) a police station; or
 - (ii) a court or other premises for purposes relating to the justice or law enforcement system; or
- (i) to comply with an order to attend a Court or Tribunal in-person in Western Australia or to give effect to orders of a Court or Tribunal in-person in Western Australia; or
- (j) to provide assistance, care or support to a family member or to fulfil other caring responsibilities; or
- (k) if the person is a parent or guardian of a child:
 - (i) to visit the child if the child is in detention or in the care of another person or to meet any obligations in relation to care and support for that child; or
 - (ii) to take the child to school; or

- (iii) to take the child to childcare or early childhood education, including any after-hours school care in which they are enrolled; or
- (l) to provide care and support to, or receive care and support from, a relative or other person on account of a person who has particular needs because of age, infirmity, disability, illness, a chronic health condition, pregnancy or other health or mental health matters; or
- (m) to provide end-of-life support to a member of the person's immediate family; or
- (n) to visit an aged care or disability care facility for the purpose of personal caregiving; or
- (o) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at home; or
- (p) to provide child-minding assistance (whether on a paid or voluntary basis), including to take a child to school, childcare or early childhood education; or
- (q) if the person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
- (r) for a reason not otherwise specified in subparagraphs (a) to (q) which is approved by me or a person authorised by me for that purpose, and which is specified in the approval granted to the person under paragraph 16.