EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67 and 72A

PRESENTATION FOR TESTING DIRECTIONS (No 39)

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

 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

 These directions may be referred to as the Presentation for Testing Directions (No 39).

COMMENCEMENT

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

REVOCATION AND CONTINUING OBLIGATIONS

- 4. The Presentation for Testing Directions (No 38) (**revoked directions**) are revoked.
- 5. Despite paragraph 4, if a person **entered** Western Australia before the date and time specified in paragraph 3, the person 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immediately before they were revoked to the same extent that the person would if the revoked directions had not been revoked.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, a person specified in Row 2, Column 3 of the table set out in Schedule 1 of these directions (if any) must comply with the 48 hour presentation requirement.
- 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 specified in Row 3, Column 3 of the table set out in Schedule 1 of these directions (if any) must comply with the **6th day presentation requirement**.
- 9. 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 4, Column 3 of the table set out in Schedule 1 of these directions (if any) must comply with the **12th day presentation requirement**.
- 10. 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) 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

11. 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 10.

INTERPRETATION

12. 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

- 13. **6th day presentation requirement** means the requirements set out in Schedule 4 of these directions.
- 14. **12th day presentation requirement** means the requirements set out in Schedule 5 of these directions.
- 15. **24 hour presentation requirement** means the requirements set out in Schedule 2 of these directions.
- 16. **48 hour presentation requirement** means the requirements set out in Schedule 3 of these directions.
- 17. **Centre quarantine requirements** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
- Children requirements has the same meaning that it has in the COVID Transition (Border Requirements) Directions.

19. **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.

- 20. **Direct international arrival** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
- 21. **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.
- 22. Emergency officer has the same meaning that it has in the *Public Health Act 2016* (WA).
- 23. 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.

- 24. **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
 - the person is running or jogging or otherwise engaged in some form of strenuous or vigorous exercise or physical activity; or

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- (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.

- 25. **Government official requirements** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
- 26. **Health service provider** has the same meaning that it has in the *Health Services Act* 2016 (WA).
- 27. **Indirect international arrival** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
- 28. **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.
- 29. **International arrival** means:
 - (a) a person who is a **direct international arrival**; and
 - (b) a person who is an **indirect international arrival**.
- 30. Modified quarantine direction has the same meaning that it has in the COVID Transition (Border Requirements) Directions.

- 31. **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).
- 32. **Police officer** means a person appointed under Part I of the *Police Act 1892* (WA).
- 33. **Premises** has the same meaning that it has in the Act.
- 34. Public hospital has the same meaning that it has in the *Health Services Act 2016* (WA).
- 35. **Relevant directions** means:
 - (a) the Quarantine (Undiagnosed) Directions; and
 - (b) the Isolation (Diagnosed) Directions (No 2).
- 36. **Relevant officer** has the same meaning that it has in the **relevant directions**.
- 37. **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 either of the relevant directions.
- Restricted location has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
- 39. Self-quarantine requirements has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
- 40. **Specified arrangement** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
- 41. **Supervised quarantine traveller** the same meaning that it has in the COVID Transition (Border Requirements) Directions.
- 42. **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.
- 43. **Undiagnosed high risk quarantine requirements** has the same meaning that it has in the Quarantine (Undiagnosed) 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.

Christopher John Dawson Commissioner of Police and State Emergency Coordinator

February 2022 2020 February 2022

Row	Column 2 –	Column 3 – Category of person
	Presentation protocol	
1.	24 hour presentation requirement	 A person who: (a) is directed to comply with the 24 hour presentation requirement; or (b) is required to comply with the 24 hour presentation requirement pursuant to another direction.
2.	48 hour presentation requirement	 A person who enters Western Australia and who: (a) has been in a restricted location in the 14 days before the person enters Western Australia; or (b) is an international arrival who is subject to the self-quarantine requirements, unless: (c) the person enters Western Australia pursuant to the a Transport, Freight and Logistics Directions (No 10); or (d) the person enters Western Australia pursuant to the Rig or Platform Crew Member Directions (No 3); or (e) the person enters Western Australia pursuant to the Maritime Crew Member Directions (No 3); or (f) the person enters Western Australia pursuant to the Exposed On-Board Worker Directions (No 3); or

Row	Column 2 –	Column 3 – Category of person
	Presentation protocol	
		(g) within 48 hours of entering Western Australia, the person:
		(i) has left and is no longer in Western Australia; or
		(ii) is subject to the centre quarantine requirements; or
		(iii) is required to quarantine or isolate undereither or both of the relevant directions;or
		(iv) is a supervised quarantine traveller .
3.	6th day presentation	A person who enters Western Australia and:
	requirement	(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;
		and
		(b) who is subject to:
		(i) a modified quarantine direction; or
		(ii) the government official requirements,
		unless:
		(c) at the time at which the person is required to comply with the 6th day presentation requirement the person:
		(i) has left and is no longer in Western Australia; or
		(ii) is subject to the centre quarantine requirements; or

Row	Column 2 –	Column 3 – Category of person
	Presentation protocol	
		(iii) is required to quarantine or isolate under
		either or both of the relevant directions;
		or
		(iv) is a supervised quarantine traveller.
4.	12th day presentation	A person who enters Western Australia and:
	requirement	(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
		(b) is an international arrival who is subject to the
		self-quarantine requirements,
		unless:
		(c) the person enters Western Australia pursuant to
		the a Transport, Freight and Logistics Directions
		(No 10); or
		(d) the person enters Western Australia pursuant to
		the Rig or Platform Crew Member Directions
		(No 3); or
		(e) the person enters Western Australia pursuant to
		the Maritime Crew Member Directions (No 3); or
		(f) the person enters Western Australia pursuant to
		the Exposed On-Board Worker Directions
		(No 3); or

Row	Column 2 –	Column 3 – Category of person
	Presentation protocol	
		(g) at the time at which the person is required to comply with the 12th day presentation requirement the person:
		(i) has left and is no longer in Western Australia; or
		(ii) is subject to the centre quarantine requirements; or
		(iii) is required to quarantine or isolate undereither or both of the relevant directions;or
		(iv) is a supervised quarantine traveller.

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:
 - (a) go to the COVID Clinic nearest to them as early as possible within that 24 hour period; 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; or
 - (ii) a relevant officer has instructed the person that they may leave the COVID Clinic.

- 2. 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 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.

Note: A person who is tested after they present to a COVID Clinic in accordance with these directions must comply with the **undiagnosed high risk quarantine requirements** until the person is informed of their test result unless the person is informed by a relevant officer that they do not have to comply with the undiagnosed high risk quarantine requirements: see paragraph 10 of the Quarantine (Undiagnosed) Directions (or any paragraph having an equivalent effect if those directions are amended or replaced).

48 hour presentation requirement

- A person who must comply with the 48 hour presentation requirement must, within 48 hours of entering Western Australia from a location outside Australia or from a restricted location:
 - (a) go to the COVID Clinic nearest to them as early as possible within that 48 hour period; 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; or
 - (ii) a relevant officer has instructed the person that they may leave the COVID Clinic.

- 2. If a person who must comply with the 48 hour presentation requirement is subject to a requirement to quarantine at the time that they must comply with the 48 hour presentation requirement, the person must comply with the 48 hour presentation requirement and the requirement to quarantine except that, for the purposes of complying with the 48 hour 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.

Note: A person who is tested after they present to a COVID Clinic in accordance with these directions must comply with the undiagnosed high risk quarantine requirements until the person is informed of their test result unless the person is informed by a relevant officer that they do not have to comply with the undiagnosed high risk quarantine requirements: see paragraph 10 of the Quarantine (Undiagnosed) Directions (or any paragraph having an equivalent effect if those directions are amended or replaced).

6th day presentation requirement

- 1. A person who must comply with the 6th day presentation requirement must, on the sixth day after the day on which a person was last outside Australia or in a restricted location (whichever is the later) or, if the person enters Western Australia after the sixth day after the day on which the person was last outside Australia or in a restricted location, within 24 hours of entering Western Australia:
 - (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; or
 - (ii) a relevant officer has instructed the person that they may leave the COVID Clinic.

- 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.

Note: A person who is tested after they present to a COVID Clinic in accordance with these directions must comply with the undiagnosed high risk quarantine requirements until the person is informed of their test result unless the person is informed by a relevant officer that they do not have to comply with the undiagnosed high risk quarantine requirements: see paragraph 10 of the Quarantine (Undiagnosed) Directions (or any paragraph having an equivalent effect if those directions are amended or replaced).

Note: A person who must quarantine or isolate under another direction must continue to comply with the undiagnosed high risk quarantine requirements until they are informed of their test result irrespective of whether they otherwise would no longer have been required to quarantine or isolate. See paragraph 11 of the Quarantine (Undiagnosed) Directions (or any paragraph having an equivalent effect if those directions are amended or replaced).

12th day presentation requirement

- 1. A person who must comply with the 12th day presentation requirement must, on the twelfth day after the day on which a person was last outside Australia or in a restricted location (whichever is the later) or, if the person enters Western Australia after the twelfth day after the day on which the person was last outside Australia or in a restricted location, within 24 hours of entering Western Australia:
 - (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; or
 - (ii) a relevant officer has instructed the person that they may leave the COVID Clinic.

- 2. If a person who must comply with the 12th day presentation requirement is subject to a requirement to quarantine at the time that they must comply with the 12th day presentation requirement, the person must comply with the 12th day presentation requirement and the requirement to quarantine except that, for the purposes of complying with the 12th 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.

Note: A person who is tested after they present to a COVID Clinic in accordance with these directions must comply with the undiagnosed high risk quarantine requirements until the person is informed of their test result unless the person is informed by a relevant officer that they do not have to comply with the undiagnosed high risk quarantine requirements: see paragraph 10 of the Quarantine (Undiagnosed) Directions (or any paragraph having an equivalent effect if those directions are amended or replaced).

Note: A person who must quarantine or isolate under another direction must continue to comply with the undiagnosed high risk quarantine requirements until they are informed of their test result irrespective of whether they otherwise would no longer have been required to quarantine or isolate. See paragraph 11 of the Quarantine (Undiagnosed) Directions (or any paragraph having an equivalent effect if those directions are amended or replaced).