

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

SEASONAL 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 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 **seasonal worker** immediately after they **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 **Seasonal Workers Directions (No 2)**.

COMMENCEMENT

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

REVOCATION AND CONTINUING OBLIGATIONS

4. The Seasonal Workers Directions (**revoked directions**) are revoked.
5. Despite paragraph 4, if a person **entered** Western Australia before the commencement of these directions, 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immediately before they were revoked to the same extent that the person would if the revoked directions had not been revoked, and, for the avoidance of doubt, if the person fails to comply with a requirement that applied to them under the revoked directions, the person may commit an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

7. Unless stated otherwise, a seasonal worker must comply with these directions and not the COVID Transition (Border Requirements) Directions, except for paragraphs 4, 5 and 6 of the COVID Transition (Border Requirements) Directions.
8. A seasonal worker may enter Western Australia on a flight that has been approved in writing by the Chief Health Officer as a flight that may enter Western Australia in advance of the flight's scheduled arrival into Western Australia, and, for the avoidance of doubt, the Chief Health Officer may withdraw or cancel in writing any such approval given for the purpose of this paragraph prior to the flight's scheduled arrival into Western Australia.
9. If a seasonal worker enters Western Australia in accordance with paragraph 8, the seasonal worker must comply with paragraphs 10 to 12 of these directions.
10. Immediately after entering Western Australia, a seasonal worker must:
 - (a) 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 **seasonal worker quarantine facility**;
 - (b) travel to the seasonal worker quarantine facility in the way which an **authorised officer** orally directs them to take;
 - (c) wear a face mask if available and practicable from when they enter Western Australia until they enter their **allocated room** at the seasonal worker quarantine facility; and
 - (d) remain inside their allocated room at the seasonal worker quarantine facility for a period of 14 days commencing from the date and time that they enter Western Australia, unless otherwise **directed** at the seasonal worker quarantine facility.

11. A seasonal worker must immediately inform a person in authority at the seasonal worker quarantine facility if they develop or have recently experienced any **symptoms**.
12. During the period referred to in paragraph 10(d), the seasonal worker must:
 - (a) take all reasonable steps to keep at least 1.5 metres from any other person;
 - (b) not allow any person to access their allocated room at the seasonal worker quarantine facility unless the person:
 - (i) is a **relevant officer**, or a person assisting a relevant officer;
 - (ii) accesses the allocated room for medical or emergency purposes;
 - (iii) is required to access the allocated room for the purpose of performing critical and time-sensitive maintenance; or
 - (iv) is acting in compliance with a **direction** or **instruction** given by a relevant officer,provided that no more than two persons access the allocated room at any one time if they access the allocated room in accordance with paragraph 12(b)(i) to 12(b)(iii);
 - (c) keep the door to their allocated room closed at all times, except to the extent necessary:
 - (i) to allow a person referred to in paragraph 12(b) to enter the room;
 - (ii) for receiving deliveries including meals, packages or medical treatment; or
 - (iii) for the disposal of rubbish and the collection of linen at pre-arranged times;
 - (d) wear a face mask at all times whenever the door to their allocated room is open or whilst a person referred to in paragraph 12(b) is inside their allocated room; and
 - (e) comply with any other direction or instruction that they are given by a relevant officer.
13. For the avoidance of doubt:

- (a) the seasonal worker quarantine facility is not a quarantine centre for the purposes of any of the following directions as amended or replaced from time to time:
- (i) the Access to Quarantine Centres Directions (No 2);
 - (ii) the Presentation for Testing (Quarantine Centre Workers) Directions (No 8); and
- (b) a person who transports a seasonal worker from Perth Airport to the seasonal worker quarantine facility is not a **quarantine driver** for the purposes of the Quarantine Driver Directions as amended or replaced from time to time.

INTERPRETATION

14. 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

15. **Affected aircraft** means an **aircraft** which originated from a place outside of Western Australia.
16. **Aircraft** includes any vehicle for travelling by air.
17. **Allocated room** means a room at the seasonal worker quarantine facility which a seasonal worker is allocated to reside in while they are in quarantine.
18. **Authorised officer** has the same meaning that it has in the Act.
19. **Direction** includes a 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.
20. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
21. **Enter** means to disembark from an **affected aircraft** onto land in Western Australia and leave the terminal or airstrip where the aircraft landed.

22. **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.
23. **Quarantine driver** has the same meaning that it has in the Quarantine Driver Directions.
24. **Relevant officer** means:
- (a) an authorised officer; or
 - (b) an **emergency officer**; or
 - (c) a **responsible officer**.
25. **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, as that term is defined by section 6 of the *Health Services Act 2016* (WA); 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.
26. **Seasonal worker** means a person who enters Western Australia for the purpose of employment or other engagement in the agricultural, food production, primary or hospitality industries, where such employment or engagement requires the person to be physically present in Western Australia.
27. **Seasonal worker quarantine facility** means the Novotel Langley located at 221 Adelaide Terrace, Perth in the State of Western Australia or any other place which has been approved in writing by me, or a person authorised by me for that purpose.
28. **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
State Emergency Coordinator and Commissioner of Police

31 January 2022 1848 hours