

Note: This document is a consolidation of the COVID Transition (Public Health and Social Measures) Directions (**Directions**), incorporating amendments up to those made by the COVID Transition (Public Health and Social Measures) Amendment Directions (No 3) given on 25 February 2022.

This document is provided for ease of reference only. This document does not itself constitute a direction made under the *Emergency Management Act 2005* and does not replace, supersede or otherwise affect the validity of any direction made by the State Emergency Coordinator under the *Emergency Management Act 2005*.

Persons wishing to ascertain their legal rights and obligations should do so by reference to the Directions and any directions which make amendments or modifications to those Directions.

Those legal instruments are available at

<https://www.wa.gov.au/government/publications/covid-transition-public-health-and-social-measures-directions>.

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 61, 67 and 72A

COVID TRANSITION (PUBLIC HEALTH AND SOCIAL MEASURES) DIRECTIONS

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, consider it reasonably necessary to give these directions to prevent, control or abate the risks associated with the emergency presented by the pandemic caused by COVID-19 pursuant to my powers under sections 61, 67 and 72A of the Act.

PREAMBLE

1. The purpose of these directions is to regulate certain gatherings, to place restrictions on certain places in the **affected area** and to give further directions in order to prevent, control or abate the risks associated with the emergency presented by the pandemic caused by COVID-19 and to otherwise limit the spread of COVID-19.

CITATION

2. These directions may be referred to as the COVID Transition (Public Health and Social Measures) Directions.

COMMENCEMENT

3. These directions come into effect at 6.00 am on Monday 21 February 2022.

OPERATION

4. These directions operate throughout the affected area other than paragraphs 18 to 24 which apply throughout the entirety of the State.
5. These directions are intended to operate in addition to other directions in place, including:
 - (a) the Contact Register Directions (No 3);

- (b) the Proof of Vaccination Directions (No 5); and
 - (c) the COVID Transition (Face Covering) Directions (No 2),
- as amended from time to time, and to the extent of any inconsistency, these directions prevail.

DIRECTIONS

PART I: GATHERINGS IN THE AFFECTED AREA

*This part sets out requirements regarding **capacity** caps and density limits for certain venues in the affected area, the maximum number of people who may attend at certain types of gatherings or premises and where seated service rules apply. The requirements apply cumulatively. For example, a nightclub must comply with the 500 patron cap as well as the 2sqm requirements.*

Density limits and restrictions on gatherings and activities at high risk venues

6. A person must not hold, conduct, participate in or attend a gathering at a **nightclub** where the number of patrons present at the gathering exceeds 500.
7. Subject to paragraph 9, a person must not hold, conduct, participate in or attend a gathering of 2 or more persons, including a gathering that is an **event**, in a single undivided **indoor space** or a single undivided **outdoor space** at the same time (whether or not the space is a **public place**) on or at a **high risk venue** in the affected area unless:
 - (a) the gathering is an **excluded gathering** or an **exempt gathering**; or
 - (b) there is at least 2 square metres of **publicly accessible** space for each person at the gathering.
8. A person who owns, controls or operates a high risk venue in the affected area must not allow a gathering of 2 or more persons to occur in a single undivided indoor space or a single undivided outdoor space at the same time on the **premises** (whether or not the space is a public place) if that gathering does not comply with the requirements of paragraph 6 (if the high risk venue is a nightclub) and 7.
9. Notwithstanding paragraphs 7 and 8, a person may hold, conduct, participate in or attend a gathering on or at a high risk venue in the affected area of 2 or more persons in a single undivided indoor space or a single undivided outdoor space at the same

time where there is not at least 2 square metres of publicly accessible space for each person at the gathering if:

- (a) the venue is a **specified entertainment venue**; and
- (b) the number of patrons present at the gathering does not exceed 75% of the fixed seating capacity of the specified entertainment venue.

Gatherings at specified entertainment venues can have the greater of 75% of fixed seated capacity or the number of persons that can be accommodated applying the 2 square metre rule.

Maximum numbers of people at homes, outdoor weddings and funerals and private gatherings

10. In the affected area, a person must not hold, conduct, participate in, or attend:

- (a) a gathering of persons at a **home**:
 - (i) if the gathering is inside the home, where the total number of persons exceeds 30 (including members of the **household**); or
 - (ii) if the gathering is outdoors, where the total number of persons exceeds the greater of:
 - (A) 30 people (including members of the household); or
 - (B) the number of people that can be accommodated in the outdoor space allowing at least 2 square metres of space per person present at the gathering up to a maximum of 200 people; or
 - (iii) if the gathering is both indoors and outdoors, where the total number of persons present at the gathering exceeds the greater of:
 - (A) 30 people (including members of the household); or
 - (B) the number of people that can be accommodated in the outdoor space allowing at least 2 square metres of space per person present at the gathering up to a maximum of 200 people,

provided that no more than 30 persons may be inside any building or structure at, or forming part of, the home at any one time.

Note: a gathering at a home includes a wedding or wedding reception, a birthday celebration or other celebration or a funeral or wake that takes place at a home.

- (b) a wedding, wedding reception, funeral or wake of more than 200 persons that occurs in an outdoor space that is not a high risk venue; or

Note: weddings, wedding receptions, funerals and wakes that are held indoors or at a high risk venue are subject to the requirements that apply to the venue at which the particular gathering is being held. For example, if a wedding is at a high risk venue, the 2sqm rule will apply.

- (c) a **private gathering** of more than 200 **patrons** that occurs in an outdoor space unless the gathering is:
 - (i) solely for a **community sporting activity**, in which case there is no maximum number of persons who may be present at the gathering; or
 - (ii) at a **major stadium**, in which case the requirements set out in paragraphs 15 to 16 apply (in addition to those requirements applying to any gathering at a major stadium which is not a private gathering).

Maximum number of visitors at certain places

- 11. Subject to paragraph 12, the owner, operator or person otherwise apparently in charge of:

- (a) a residential disability care facility; or
- (b) a **hospital**;

must take all reasonable steps to ensure that no more than four visitors per day enter the facility for the purpose of visiting any single resident or patient unless a greater number of visitors has been approved in respect of that resident or patient by the Chief Health Officer or a person approved by the Chief Health Officer for the purposes of this paragraph.

Note: Up to 4 visitors can visit each resident or patient. This paragraph does not impose a cap on the total number of visitors who may enter a residential disability facility or a hospital, the cap applies to an individual resident or patient.

12. Where it is necessary for the purposes of providing urgent or end of life care or support to a resident or patient, and it is not reasonably practicable to obtain the prior approval of the Chief Health Officer or a person authorised by the Chief Health Officer for the purposes of paragraph 11, the owner, operator or person otherwise apparently in charge may allow more than 4 visitors to enter the facility to visit that resident on a particular day but must keep a record of those visitors and notify the Chief Health Officer as soon as reasonably practicable.

Seated service requirements for the Crown Perth Complex

13. A person who owns, controls, operates or is otherwise apparently in charge of the Crown Perth Complex or is a member of its **staff** who is engaged in providing food or beverage service must only provide **seated service** in any part of the Crown Perth Complex comprised of the gaming floor and must not allow food or beverages (including alcohol) to be consumed on the gaming floor other than by a patron who is seated.
14. A patron must not consume food or beverages (including alcohol) in any part of the Crown Perth Complex comprised of the gaming floor unless they are seated.

Special requirements for gatherings at major stadiums

15. A **stadium operator** must not allow a gathering at the relevant major stadium in the affected area where the total number of patrons at the relevant major stadium exceeds:
- (a) 75%; or
 - (b) such other higher percentage approved by the Chief Health Officer or a person appointed by the Chief Health Officer for that purpose,
- of the fixed seating capacity of the **spectator seating** at the relevant major stadium.
16. In addition to the requirements of paragraph 15, the stadium operator must not allow a gathering of more than 2 people in any individual **hospitality space** or **special seating space** at the relevant major stadium in the affected area unless there is at least 2 square metres of publicly accessible space for each person at the gathering.

Calculating space for the purposes of the 2 square metre rule

17. In determining the space in a single undivided indoor area or a single undivided outdoor area, only publicly accessible space should be included.

PART II: REQUIREMENTS FOR EVENTS

This part sets out the requirements for events in the State. Under this Part, COVID Event Plans are now required for events over 1000 patrons, and event checklists are required for events between 501 and 1000 patrons. Existing event checklists and event plans are only continued in effect for a limited period and in limited circumstances. Those requirements are set out in paragraphs 18 to 20.

Requirements for events that were registered under the COVID Safe (Phase 5) Directions (No 2)

18. Where an event:

- (a) fell within the definition that was given to the term Category 1 event in the COVID Safe (Phase 5) Directions (No 2) immediately prior to their revocation; or
- (b) fell within the definition that was given to the term Category 2 event in the COVID Safe (Phase 5) Directions (No 2) immediately prior to their revocation; and
- (c) is scheduled to take place prior to 26 February 2022; and
- (d) immediately prior to the revocation COVID Safe (Phase 5) Directions (No 2), was **approved**,

a person who owns, controls or operates the premises where the event is to be held will not be in breach of paragraphs 21 or 22 of these directions if the event is held or conducted in accordance with the previously approved checklist or previously approved plan (whichever applies) provided that the person must also comply with any other requirements of these directions, including any requirement to ensure that there is at least 2 square metres of publicly accessible space for each person at a gathering and the previously approved checklist or previously approved plan is to be read to include those requirements.

19. A person who undertakes, engages in, holds, conducts or attends an event meets the requirements of paragraph 18(a) – 18(d) and is held or conducted in accordance with a previously approved checklist or previously approved plan (whichever applies) will not commit a breach of paragraph 21(b) or 22(b) of these directions notwithstanding that the requirements of those paragraphs are not met.

Modification of requirements where event is scheduled to take place prior to the transition date

20. Where an event is scheduled to take place at any time prior to the **transition date** and it is not an event to which paragraph 18 applies any references in paragraphs 21 and 22 to being required to submit a completed **COVID event checklist** or a completed **COVID event plan**:

- (a) at the same time as any application for local government approval shall be read as being a requirement to submit the completed COVID event checklist or COVID event plan as soon as possible if the application for approval has already been made; and
- (b) to the Department of Health 4 weeks prior to the event, shall be read as being a requirement to do so as soon as possible and in any event no later than one week prior to the event.

Requirements applicable to Category 1 events (501 – 1000 patrons)

21. Subject to paragraphs 19 and 20, a person:

- (a) who owns, controls or operates premises, must not allow those premises to be used for a **Category 1 Event**; and
- (b) must refrain from undertaking, engaging in, holding, conducting or knowingly attending a Category 1 Event,

unless:

- (c) the organiser of the Category 1 Event, or the person who owns, controls or operates the premises at which the Category 1 Event will be held:
 - (i) has registered the Category 1 Event on the **events register**; and
 - (ii) has completed a COVID event checklist and submitted that completed COVID event checklist:
 - (A) at the same time as any application for approval for the Category 1 Event to the local government authority for the local government area in which the Category 1 Event is being held; or

- (B) if no local government approval is required, the completed COVID event checklist must be submitted to the Department of Health at least 4 weeks prior to the event; and
- (iii) holds or conducts the Category 1 Event in accordance with the COVID event checklist.

Requirements applicable to Category 2 Events (1001+ patrons)

22. A person:

- (a) who owns, controls or operates premises, must not allow those premises to be used for a **Category 2 Event**; and
- (b) must refrain from undertaking, engaging in, holding, conducting or knowingly attending a Category 2 Event, unless:
 - (c) the organiser of the Category 2 Event, or the person who owns, controls or operates the premises at which the Category 2 Event will be held:
 - (i) has registered the Category 2 Event on the events register; and
 - (ii) has completed a COVID event plan and submitted that completed COVID event plan:
 - (A) at the same time as any application for approval for the Category 2 Event to the local government authority for the local government area in which the Category 2 Event is being held; and
 - (B) if no local government approval is required, the completed COVID event plan must be submitted to Department of Health at least 4 weeks prior to the event; and
 - (iii) if the Category 2 Event involves more than 5000 patrons, has lodged that COVID event plan in accordance with paragraph 23; and
 - (iv) holds or conducts the Category 2 Event in accordance with the COVID event plan.

23. A COVID event plan for a Category 2 Event that involves more than 5000 patrons must also be lodged by providing it to the Department of Health via the **lodgement address**:
- (a) a minimum of 4 weeks prior to the proposed date of the Category 2 Event; or
 - (b) at such other later time as is approved by the Chief Health Officer (or a person authorised by the Chief Health Officer for that purpose) in writing.

PART III: COVID SAFETY PLAN REQUIREMENTS

This part sets out the requirements for COVID safety plans. Any place that was required to have a COVID safety plan under the COVID Safe (Phase 5) Directions (No 2) will be required to update that plan to comply with the requirements of these directions. In addition, hairdressers, barbershops and child care facilities will now be required to have a COVID safety plan.

Requirement for COVID safety plan and safety plan certificate at specific places

24. Every owner, occupier or person apparently in charge of a place listed in Schedule 2 must:
- (a) if there was a requirement for the place to have a **COVID safety plan** under the COVID Safe (Phase 5) Directions (No 2), continue to have that plan in place until a current COVID safety plan is put into place in accordance with paragraph (b); and
 - (b) have in place a **current COVID safety plan** within one month of these directions coming into effect; and
 - (c) update that current COVID safety plan if any requirement of these directions that applies in relation to the particular place changes, as soon as possible after that change occurs; and
 - (d) display a **safety plan certificate** in a prominent place visible to members of the public at the place while the place is open to the public.

AUTHORISATION

25. For the avoidance of doubt, in addition to and without limiting any other authorisation any **relevant officer** may have, all relevant officers are authorised under section 61 of

the Act to give any **direction** to a person for the purpose of giving effect to these directions.

INTERPRETATION

26. 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

27. **Affected area** means the State of Western Australia.
28. **Approved** means:
- (a) in relation to an event falling within the definition of a Category 1 event in the COVID Safe (Phase 5) Directions (No 2) immediately prior to their revocation, that the organiser of the event, or the person who owns, controls or operates the premises at which the event will be held:
 - (i) registered the event in accordance with paragraph 8 of the COVID Safe (Phase 5) Directions (No 2) as that paragraph read immediately prior to revocation; and
 - (ii) completed a COVID event checklist within the meaning of that term in the COVID Safe (Phase 5) Directions (No 2) as that paragraph read immediately prior to revocation; and
 - (iii) submitted the COVID event checklist referred to in paragraph 8(d)(ii) in accordance with the requirements of the COVID Safe (Phase 5) Directions (No 2) as that paragraph read immediately prior to revocation; and
 - (b) in relation to an event falling within the definition of Category 2 event in the COVID Safe (Phase 5) Directions (No 2) immediately prior to their revocation, that the organiser of the event, or the person who owns, controls or operates the premises at which the event will be held:
 - (i) registered the event in accordance with paragraph 9(c)(i) of the COVID Safe (Phase 5) Directions (No 2) as that paragraph read immediately prior to revocation; and

- (ii) completed a phase 5 COVID event plan within the meaning of that term in the COVID Safe (Phase 5) Directions (No 2) as that paragraph read immediately prior to revocation; and
- (iii) submitted the completed phase 5 COVID event plan in accordance with the requirements of paragraph 9(c)(ii) of the COVID Safe (Phase 5) Directions (No 2) as that paragraph read immediately prior to revocation; and
- (iv) complied with any requirement under paragraph 9(c)(iii) of the COVID Safe (Phase 5) Directions (No 2) as that paragraph read immediately prior to revocation.

29. **Authorised officer** has the same meaning that it has in the Act.

*Note: At the time of making these directions, all **police officers** are **authorised officers**, and paragraph 25 ensures that relevant officers are also authorised officers for the purposes of these directions.*

30. **Bottleshop** means an area physically attached or adjacent to the premises of a business characterised as:

(a) a pub, bar, tavern or club that supplies alcohol under a licence granted under the *Liquor Control Act 1988* (WA); or

(b) a hotel,

that sells packaged alcohol to be consumed off the premises of the pub, bar, club or hotel.

31. **Capacity** means the maximum number of people that can be accommodated at the premises consistent with any legal requirements.

32. **Casino** has the same meaning that it has in the *Casino Control Act 1984* (WA).

33. **Category 1 Event** means an event where the anticipated number of patrons is over 500 but does not exceed 1000.

34. **Category 2 Event** means an event where the anticipated number of patrons is over 1000.

35. **Child care facility** means a place where:
- (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1) operates; or
 - (b) a child care service as defined in the *Child Care Services Act 2007* (WA) section 4 is provided.
36. **Community sporting activity** means:
- (a) an organised and scheduled amateur sporting activity or undertaking; or
 - (b) an organised and scheduled training session relating to an organised and scheduled amateur sporting activity,
- involving members of the community, but does not include a training session, sporting activity or undertaking at a major stadium.
37. **COVID event checklist** means a checklist which addresses each of the matters set out in the list which can be found at <https://www.wa.gov.au/government/document-collections/covid-19-coronavirus-events>.
38. **COVID event guidelines and template** means the guidelines and plan/checklist template prepared by the Department of Health for the purposes of supporting COVID safe events and which are available at the following web address: <https://www.wa.gov.au/government/document-collections/covid-19-coronavirus-events>.
39. **COVID event plan** means a plan in writing that:
- (a) is prepared by or on behalf of the organiser of a Category 2 Event; and
 - (b) for the purposes of preventing the spread of COVID-19, sets out the measures the organiser of the event proposes to put in place to address and mitigate any risks of the spread of COVID-19 that the event presents; and
 - (c) is consistent with the **COVID event guidelines and template**; and
 - (d) complies with the COVID safety marshal condition; and
 - (e) is submitted to the local government authority for the local government area where the Category 2 Event is being held.

Note: at the time of making these directions, a COVID event plan template and information about preparing a COVID event plan is provided at the following website:
<https://www.wa.gov.au/government/document-collections/covid-19-coronavirus-events>.

40. **COVID safety marshal** means a person who meets the following criteria:
- (a) is over 18 years of age; and
 - (b) has completed the online training course "COVID-19 Infection Control Training" provided by Aspen Medical and found at <https://www.health.gov.au/resources/apps-and-tools/covid-19-infection-control-training#registration>; and
 - (c) can produce a National Police Certificate that is less than 12 months old and shows no disclosable court outcomes; and
 - (d) wears distinctive clothing sufficient to identify them as a COVID safety marshal; and
 - (e) is not simultaneously performing another role at the Category 2 Event unless otherwise approved in writing by the Chief Health Officer or a person authorised by the Chief Health Officer for that purpose,
- and is engaged by the organiser of an event to carry out functions under the approved COVID Event Plan for the Category 2 Event.
41. **COVID safety marshal condition** means having one **COVID safety marshal** present per 1000 patrons at a Category 2 Event or such other ratio as is approved in writing by the Chief Health Officer or a person authorised by the Chief Health Officer for that purpose.
42. **COVID safety plan** has the meaning given to the term COVID safety plan in the COVID Safe (Phase 5) Directions (No 2) immediately prior to their revocation.
43. **Current COVID safety plan** means a plan which addresses (for the purposes of preventing the spread of COVID-19) how the owner, occupier or person apparently in charge of the place to which the plan relates, and their staff, intend to ensure that:
- (a) physical distancing protocols will be implemented; and
 - (b) the **ventilation guidance** will be taken into account; and

- (c) required hygiene standards will be maintained; and
- (d) staff will be appropriately trained or educated; and
- (e) an exposure or suspected exposure of a person to COVID-19 will be managed appropriately.

Note: at the time of making these directions, information about preparing safety plans, as well as safety plan certificates, are provided at the following website:

<https://www.wa.gov.au/organisation/departments-of-the-premier-and-cabinet/covid-19-coronavirus-business-and-industry-advice# covid-safety-plan>

- 44. **Direction** includes a direction under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing.
- 45. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
- 46. **Entertainment venue of any other kind** means any entertainment venue except a casino, cinema or nightclub that is not otherwise referred to in Schedule 1.
- 47. **Event** means any gathering of more than 500 patrons, whether in public or in private, and whether undertaken or engaged in on a for profit or not for profit basis, unless the gathering:
 - (a) falls within the terms of an existing approval under section 178 of the *Health (Miscellaneous Provisions) Act 1911* (WA) other than an approval which has been issued on a temporary basis or is expressed to apply only for a fixed period of time; or
 - (b) is an excluded gathering or an exempt gathering.

Note: for the avoidance of doubt, an event includes, but is not limited to, any event that requires approval under section 176 or section 178 of the Health (Miscellaneous Provisions) Act 1911 (WA) or regulation 9 of the Health (Public Buildings) Regulations 1992 (WA).

- 48. **Events register** means the register of events hosted by the Department of Health on its official website which at the time of commencement of these directions found at: <https://ww2.health.wa.gov.au/en/Articles/AE/Events-registration>.

49. **Excluded gathering** means a gathering:

- (a) at an outdoor gym, or a playground or skate park; or
- (b) at an airport that is necessary for the normal business of the airport; or
- (c) for the purposes of or related to public transportation, including at public transportation facilities such as stations, platforms and stops; or
- (d) at a medical or health service facility that is necessary for the normal business of the facility; or
- (e) at a disability or aged care facility that is necessary for the normal business of the facility; or
- (f) for the purposes of providing care or assistance (including personal care) to a vulnerable person or providing emergency assistance; or
- (g) for the purposes of emergency services; or
- (h) at a prison, detention centre, lock up or other place of custody for the purposes of or related to the operation of that place of custody; or
- (i) at Parliament for the purposes of its normal operations; or
- (j) at a court or tribunal; or
- (k) at a permanent fixture food market, supermarket, grocery store, retail store or shopping centre that is necessary for the normal business of those premises; or
- (l) at an office building, factory, mining site (including mining site accommodation), construction site or other place of work that is necessary for the normal business of those premises, except premises described in paragraph 49(m); or
- (m) at a school, university, educational institution or **child care facility** that is necessary for the normal business of the facility; or
- (n) at a hotel, motel or other accommodation facility that is necessary for the normal operation of accommodation services; or
- (o) in an outdoor space where a gathering of persons may be present for the purpose of transiting through the space; or

- *Example: Forrest Place, Perth.*
- (p) in an indoor space where a gathering of persons may be present for the purpose of transiting through the space; or
- *Examples: Perth Busport; an elevator or lift.*
- (q) in an indoor space or an outdoor space where everyone in the gathering is a member of the same household; or
- (r) in or on a vehicle (including a motor vehicle, boat or aircraft), unless the vehicle is being used for the dominant purpose of serving or consuming food or drink.
50. **Exempt gathering** means a gathering which the State Emergency Coordinator or a person approved by the State Emergency Coordinator, or the Chief Health Officer or a person approved by the Chief Health Officer, for the purposes of this paragraph designates in writing to be an exempt gathering.
51. **Existing COVID event plan** has the same meaning as was given to the term Phase 5 COVID event plan in the COVID Safe (Phase 5) Directions (No 2) immediately prior to their revocation.
52. **Fixed seating** means seats which are securely affixed to the floor or otherwise fastened together in blocks of not less than 4 seats and also includes tiered seating that forms part of the immovable structure of a place, such as the tiers of an amphitheatre or a stadium grandstand.
53. **Fixed seating capacity** means the maximum number of patrons who can be seated in **fixed seating** at the premises.
54. **Formal worship** means a religious ceremony or service that consists of communal involvement or participation in religious observances or practices, including rites, rituals, prayer, singing or the receiving of religious instruction.
55. **High risk venue** means a venue listed in Schedule 1.
56. **Home** means the premises or place where a person usually resides or other premises (such as a hotel room or short stay accommodation) at which a person is residing.
57. **Hospital** has the same meaning as in the *Health Services Act 2016*.

58. **Hospitality space** means a space at the relevant major stadium which is:
- (a) characterised as a pub, bar or club (but not a nightclub) that supplies alcohol under a licence granted under the *Liquor Control Act 1988* (WA); or
 - (b) a restaurant or café (including premises selling food or drink in a food court).
59. **Hospitality venue** means:
- (a) that part of any business, place or premises, including any business, place or premises where an event is taking place, including one characterised as a pub, bar, club or tavern, but not a nightclub, that supplies alcohol under a licence granted under the *Liquor Control Act 1988* (WA) (but not including any part of the business constituted by a **bottleshop**); or
 - (b) a hotel, whether licensed or unlicensed, except any part of the hotel:
 - (i) constituted by a bottleshop; or
 - (ii) which consists of accommodation or is otherwise necessary or essential to enable a patron to utilise the accommodation (such as lifts and reception services).
60. **Household** means two or more persons who usually reside at the same home, irrespective of whether those persons are related to each other.
61. **Indoor space** means an area, room or premises that is or are substantially enclosed by a roof and a **sufficient dividing structure**, regardless of whether the roof or sufficient dividing structure, or any part of them, are permanent or temporary or capable of being opened or closed.
62. **Lodgement address** means Public.Events@health.wa.gov.au.
63. **Main arena** has the same meaning as in the Proof of Vaccination Directions (No 4), as amended or replaced from time to time.
64. **Major stadium** means, if in the affected area and as context demands:
- (a) Optus Stadium; or
 - (b) HBF Park; or
 - (c) HBF Stadium – **Main Arena**; or
 - (d) RAC Arena.

65. **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).
66. **Nightclub** means a place that has a nightclub licence under section 42 of the *Liquor Control Act 1988* (WA) or another place that is specified in writing by the State Emergency Coordinator, or a person authorised by the State Emergency Coordinator for that purpose, to be a nightclub for the purposes of these directions.
67. **Outdoor gym** means an outdoor space used for, and equipped with, facilities or equipment for exercise.
68. **Outdoor space** means any space that is not an indoor space.
69. **Patron** means a person who is not staff and, for the avoidance of doubt, includes spectators.
70. **Physical distancing protocols** means:
- (a) generally maintaining a distance of 1.5 m from other persons (save for members of the relevant person's own group); and
 - (b) generally being in areas with a population density of less than 1 person per 2 square metres.
- Note: fleeting breaches of the above protocols (e.g. passing or brushing past a stranger while walking on a footpath) do not comprise a breach of physical distancing protocols.*
71. **Place of worship** means premises used for religious activities such as a chapel, church, mosque, synagogue or temple or any other premises at the time it is being used for the purpose of **formal worship**.
72. **Playground** means an outdoor space used for, and equipped with, facilities for recreation, especially by children.
73. **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.
74. **Premises** includes:
- (a) land (whether vacant or not); and
 - (b) land covered by water, whether permanently or temporarily or from time to time; and

- (c) the whole or any part of a building or other structure, of whatever type and whether of a permanent or temporary nature; and
 - (d) a vehicle.
75. **Previously approved checklist** means a COVID event checklist within the meaning of that term in the COVID Safe (Phase 5) Directions (No 2) immediately prior to their revocation.
76. **Previously approved event plan** means a phase 5 COVID event plan within the meaning of that term in the COVID Safe (Phase 5) Directions (No 2) immediately prior to their revocation.
77. **Private gathering** means an organised or planned gathering or activity for a common recreational purpose, other than a gathering at a home, an event or a **specified gathering**. .
- Example: a party or picnic is a private gathering. A gathering will not be a private gathering where the presence of people at the gathering is incidental. For example, where people are at the beach at the same time but their presence was not arranged or organised but is incidental.*
78. **Public place** means premises that are open to the public, or are used by the public whether or not for payment or other consideration, whether or not the place is ordinarily so open or used and whether or not the public to whom it is open consists of only a limited class of persons.
79. **Publicly accessible** means open to, practically accessible and permitted to be used by, the public.
80. **Relevant officer** means:
- (a) an authorised officer; or
 - (b) an **emergency officer**; or
 - (c) a **responsible officer**.
81. **Responsible officer** means:
- (a) an officer, employee or contractor of the Department of Health; or
 - (b) an officer, employee or contractor of a health services 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.

82. **Safety plan certificate** means a certificate which:

- (a) states the number of patrons who can be accommodated at the place; and
- (b) records the agreement of the owner, occupier or person apparently in charge of the place where the safety plan certificate is displayed to maintain the WA Government's safety measures.

Note: at the time of making these directions, information about the requirements and form of a safety plan certificate is provided at the following website:

- <https://www.wa.gov.au/organisation/departments-and-cabinet/covid-19-coronavirus-business-and-industry-advice#covid-safety-plan>

83. **Seated service** means service to seated patrons or service where patrons may order at a counter or bar but must consume any food or beverages whilst seated.

84. **Skate park** means a facility specifically designed for skateboarding, rollerskating or rollerblading, containing structures such as ramps and basins.

85. **Special seating space** means a space with fixed seating that is a corporate box, a function room, a conference room or a meeting room, which includes, for the avoidance of doubt, any outdoor space with fixed seating that adjoins or is otherwise part of that special seating space.

86. **Specified entertainment venue** means an indoor or outdoor cinema, theatre, concert hall or other live music venue, a convention centre or an entertainment venue of any other kind provided that it contains fixed seating configured in such a manner that all patrons are forward facing when using the fixed seating.

86A. **Specified gathering** means a gathering of over 200 people that is held outdoors and where members of the public gather together for the purposes of viewing a performance or other entertainment other than:

- (a) a private gathering;
- (b) an event;
- (c) a gathering at a major stadium; or

- (d) any gathering or class of gathering which the Chief Health Officer or a person authorised by the Chief Health Officer for the purposes of this paragraph designates not to be a specified gathering.
87. **Spectator seating** means seating that is provided for patrons at the relevant major stadium or relevant premises for the purpose of viewing a sporting event, entertainment or a performance of any kind, but does not include any seating provided in a special seating space.
88. **Stadium operator** means the owner, occupier or person apparently in charge of the relevant major stadium.
89. **Staff** means a person who has responsibilities at a place as an officer or employee or in some other capacity (including a voluntary capacity) and includes:
- (a) in the case of a sporting activity, coaches and officials such as umpires, referees or scorekeepers; and
 - (b) in the case of a religious service at a place of worship:
 - (i) a person who leads or presides at the service, such as an imam, priest or rabbi; and
 - (ii) persons who assist the person who leads or presides at the service (including those who would ordinarily read from scripture or some other sacred text to a congregation or other group gathered to participate in the service); and
 - (iii) persons present for the purpose of live streaming or recording the service; and
 - (c) for the purposes of paragraphs 9(b) and 15 includes any person who is engaged in performing or playing professional sport.
90. **Sufficient dividing structure** means a wall or other structure which:
- (a) substantially comprises material that is impervious to air flow; and
 - (b) is anchored to the ground or floor in a way which ensures that it cannot be lifted or pushed apart; and
 - (c) either:

- (i) reaches from the ground or floor to the ceiling (or roof if there is no ceiling); or
- (ii) starts from the ground or floor and is at least 2 metres high from the ground or floor to its lowest vertical point measured from the ground or floor.

Note: In addition to meeting these requirements, a sufficient dividing structure must comply with any other legal requirements applicable to the structure in any way, including any legal requirements relating to the structural integrity of the structure (such as, but not limited to, requirements typically imposed or administered by local governments).

- 91. **Transition date** means the date that is one calendar month from the date and time that these directions come into effect.
- 92. **Ventilation guidance** means the *Information on COVID-19 and building ventilation* which at the date of these directions can be found at:

https://ww2.health.wa.gov.au/~/_media/Corp/Documents/Health-for/Infectious-disease/COVID19/COVID-19-ventilation-in-buildings.pdf
- 93. **Wildlife park** means an amusement park at which the dominant form of amusement or entertainment relates to any or all of exposure to or experiences with or viewing wildlife but, for the avoidance of doubt, does not include Perth Zoo.

Example: Caversham Wildlife Park.

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

hours

SCHEDULE 1 – HIGH RISK VENUES

1. a **hospitality venue**
2. a nightclub
3. a **casino**
4. a gaming or gambling venue
5. a cinema (including a drive-in cinema or outdoor cinema)
6. an **entertainment venue of any other kind**
7. a restaurant or café (including a food court)
8. adult entertainment premises (including but not limited to strip clubs, brothels and sex on premises venues)
9. a play centre, whether indoors or outdoors
10. an amusement park or arcade (including, for the avoidance of doubt, a **wildlife park**)
11. Crown Perth Complex
12. a museum or gallery
13. a theatre, concert hall or other live music venue
14. a convention centre or function centre
15. a **place of worship**
16. a beauty parlour or salon
17. a hairdressers or barbershop
18. a nail salon
19. a tattoo parlour
20. a spa
21. a massage parlour
22. a community, recreation or youth centre or facility (including but not limited to community halls, clubs, Returned and Services League facilities and Police and Community Youth Centres);

23. a gym, indoor sporting centre, wellness centre, health club or fitness centre (including a centre offering yoga, barre, pilates, aerobics, dancing or spin facilities)
24. a place at which an event is at the time being held
25. a place at which a specified gathering is at the time being held

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SCHEDULE 2 - PLACES REQUIRING COVID SAFETY PLANS

1. a hospitality venue; or
2. a gym, indoor sporting centre, wellness centre, health club or fitness centre (including a centre offering yoga, barre, pilates, aerobics, dancing or spin facilities) or boot camp; or
3. a cinema (including a drive-in cinema or outdoor cinema); or
4. an entertainment venue of any other kind; or
5. a restaurant or café (including premises selling food or drink in a food court); or
6. a place of worship; or
7. an auction house; or
8. a beauty parlour or salon (including a hairdressers or barbershop); or
9. a nail salon; or
10. a tattoo parlour; or
11. a spa; or
12. a massage parlour; or
13. a gaming or gambling venue; or
14. adult entertainment premises (including but not limited to strip clubs, brothels and sex on premises venues); or
15. an amusement park or arcade (including, for the avoidance of doubt, a wildlife park); or
16. a play centre, whether indoors or outdoors; or
17. a community, recreation or youth centre or facility (including but not limited to community halls, clubs, Returned and Services League facilities and Police and Community Youth Centres); or
18. a child care facility; or
19. a sauna; or
20. a bathhouse; or
21. a swimming pool, whether indoors or outdoors; or

22. a gallery; or
23. a museum; or
24. an historic site; or
25. a library; or
26. Perth Zoo; or
27. a casino; or
28. a nightclub; or
29. a major stadium.

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