

# EMERGENCY MANAGEMENT ACT 2005 (WA)

## Sections 61, 67 and 72A

### COVID TRANSITION (PUBLIC HEALTH AND SOCIAL MEASURES) 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, 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 (No 2).

#### COMMENCEMENT

3. These directions come into effect at 12.01 am on Thursday 31 March 2022.

#### REVOCATION

4. The COVID Transition (Public Health and Social Measures) Directions are revoked.
5. The COVID Transition (Level 2 Public Health and Social Measures) Directions (No 3) are revoked.

6. Any approval by the Chief Health Officer or the State Emergency Coordinator under the directions that are revoked by paragraphs 4 and 5 of these directions continues in effect as if it was made under these directions.

## OPERATION

7. These directions operate throughout the affected area.
8. 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 5),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, and the maximum number of people who may attend at certain types of gatherings or **premises**. 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

9. A person must not hold, conduct, participate in or attend a gathering at a **limited capacity venue** in the affected area where the number of patrons present in any single undivided **indoor space** or single undivided **outdoor space** (whether or not the space is a **public place**) at the gathering exceeds 500 at any time.
10. Subject to paragraph 12, a person must not hold, conduct, participate in or attend a gathering of two or more people at the same time, including a gathering that is an **event**, in any single undivided indoor space or single undivided outdoor space (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.
- 11. 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 9 and 10 (as applicable).
- 12. Notwithstanding paragraphs 10 and 11, 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.

*Note: The total number of people who may be present at a gathering at a specified entertainment venue is the greater of either the number of people who can be accommodated in 75% of the fixed seated capacity of the venue 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**

- 13. 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 solely inside the home, where the total number of persons exceeds 30 (including members of the **household**); or
    - (ii) if the gathering is solely 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. The term "home" includes the land on which a residence is built.*

(b) a wedding, wedding reception, funeral or wake involving a gathering of more than 200 persons that occurs in an outdoor space that is not a high risk venue or at a home; 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 and if the high risk venue is a **hospitality venue**, the capacity cap will also apply.*

(c) a **private gathering** of more than 200 persons 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 14 to 15 apply (in addition to those requirements applying to any other gathering at a major stadium which is not a private gathering).

### **Special requirements for gatherings at major stadiums**

14. 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.
15. In addition to the requirements of paragraph 14, 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**

16. 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: VISITOR REQUIREMENTS**

### **Maximum number of visitors at residential disability care facilities**

17. Subject to paragraph 18, the owner, operator or person otherwise apparently in charge of a **residential disability care facility** must take all reasonable steps to ensure that no more than two visitors per day enter the facility for the purpose of visiting any single resident unless a greater number of visitors has been approved in respect of that resident by the Chief Health Officer or a person approved by the Chief Health Officer for the purposes of this paragraph.

*Note: Up to 2 visitors can visit each resident per day. This paragraph does not impose a cap on the total number of visitors who may enter a residential disability facility per day, the cap applies to an individual resident.*

18. Where it is necessary for the purposes of providing urgent or end of life care or support to a resident, 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 17, the owner, operator or person otherwise apparently in charge may allow more than 2 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.

### **Visitors to Hospitals**

19. Subject to paragraph 20, the owner, operator or person otherwise apparently in charge of a **hospital** must take all reasonable steps to ensure that no more than two visitors who are not **approved visitors** enter the facility on any single day for the purpose of visiting any single resident unless a greater number of visitors has been approved in respect of that resident by the Chief Health Officer or a person approved by the Chief Health Officer for the purposes of this paragraph.

*Note: Up to 2 visitors can visit each patient each day in addition to any approved visitors. Approved visitors is defined in the definitions section of these directions.*

20. Where it is necessary for the purposes of providing urgent or end of life care or support to a 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 19, the owner, operator or person otherwise apparently in charge of a hospital may allow more than 2 visitors (in addition to any approved visitors) to enter the facility to visit that patient on a particular day but must keep a record of those visitors and notify the Chief Health Officer as soon as reasonably practicable.

### **PART III: REQUIREMENTS FOR EVENTS**

*This part sets out the requirements for events in the State. Under this Part, **COVID Event Plans** are required for events over 1000 patrons, and event checklists are required for events between 501 and 1000 patrons.*

#### **Requirements for events that were registered under the COVID Transition (Public Health and Social Measures) Directions**

21. Where an event:
- (a) fell within the definition that was given to the term Category 1 event in the COVID Transition (Public Health and Social Measures) Directions immediately prior to their revocation; or

- (b) fell within the definition that was given to the term Category 2 event in the COVID Transition (Public Health and Social Measures) Directions immediately prior to their revocation; and
- (c) immediately prior to the revocation of the COVID Transition (Public Health and Social Measures) Directions 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 24 or 25 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.

- 22. A person who undertakes, engages in, holds, conducts or attends an event which meets the requirements of paragraph 21(a) – 21(c) 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 24(b) or 25(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**

- 23. Where an event is scheduled to take place at any time prior to the **nominated date** any references in paragraphs 24 and 25 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)**

24. Subject to paragraph 23, 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)**

25. Subject to paragraph 23, 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 the 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 26; and
    - (iv) holds or conducts the Category 2 Event in accordance with the COVID event plan.
26. 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 IV: COVID SAFETY PLAN REQUIREMENTS**

*This part sets out the requirements for COVID safety plans.*

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

27. Every owner, occupier or person apparently in charge of a place listed in Schedule 2 must:
- (a) have in place a **current COVID safety plan**; and

- (b) 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
- (c) 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**

28. 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**

29. 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**

30. **Affected area** means the entirety of the State of Western Australia.
31. **Approved visitor** means:
- (a) a parent or guardian of a child who is a patient;
  - (b) a parent or guardian of an adult patient with complex needs;
  - (c) the **carer** of a patient;
  - (d) the birthing partner of a patient attending the hospital for a purpose connected with the birth of a child;
  - (e) a person who is otherwise present for compassionate or other reasons approved by the owner, operator or person apparently in charge of the hospital.
32. **Approved** means:
- (a) in relation to an event falling within the definition of a Category 1 event in the COVID Transition (Public Health and Social Measures) Directions 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 21(c)(i) of the COVID Transition (Public Health and Social Measures) Directions as that paragraph read immediately prior to revocation; and
  - (ii) completed a COVID event checklist within the meaning of that term in the COVID Transition (Public Health and Social Measures) Directions immediately prior to revocation; and submitted the COVID event checklist in accordance with the requirements of paragraph 21(c)(ii) of the COVID Transition (Public Health and Social Measures) Directions 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 Transition (Public Health and Social Measures) Directions 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 22(c)(i) of the COVID Transition (Public Health and Social Measures) Directions as that paragraph read immediately prior to revocation; and
  - (ii) completed a COVID event plan within the meaning of that term in the COVID Transition (Public Health and Social Measures) Directions immediately prior to revocation; and
  - (iii) submitted the completed COVID event plan in accordance with the requirements of paragraph 22(c)(ii) of the COVID Transition (Public Health and Social Measures) Directions as that paragraph read immediately prior to revocation; and
  - (iv) complied with any requirement under paragraph 22(c)(iii) of the COVID Transition (Public Health and Social Measures) Directions as that paragraph read immediately prior to revocation.

33. **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 28 ensures that relevant officers are also authorised officers for the purposes of these directions.*

34. **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.

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

36. **Carer** has the same meaning as in the *Carers Recognition Act 2004* (WA).

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

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

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

40. **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.

41. **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, and played or participated in other than for **valuable remuneration** but does not include a training session, sporting activity or undertaking at a major stadium.

42. **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>.
43. **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>.
44. **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>.*

45. **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.

46. **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.
47. **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/department-of-the-premier-and-cabinet/covid-19-coronavirus-business-and-industry-advice#covid-safety-plan>*

48. **Direction** includes a direction under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing.
49. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).

50. **Entertainment venue of any other kind** means any entertainment venue that is not otherwise referred to in Schedule 1.

51. **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).*

52. **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 can be found at:

<https://ww2.health.wa.gov.au/en/Articles/AE/Events-registration>.

53. **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 53(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.

54. **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, which exemption may be subject to terms and conditions which must be complied with.

55. **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.
56. **Fixed seating capacity** means the maximum number of patrons who can be seated in **fixed seating** at the premises.
57. **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.
58. **Function venue** includes a convention centre or exhibition centre, including the Perth Convention Exhibition Centre, or other building or premises used for the purposes of the holding of private functions and gatherings.
59. **High risk venue** means a venue listed in Schedule 1.
60. **Home** means:
- (a) the premises or place where a person usually resides; or
  - (b) premises or a place which is capable of being used as a private residence on a temporary or permanent basis; or
  - (c) other premises (such as a hotel room or short stay accommodation) at which a person is residing.
61. **Hospital** has the same meaning as in the *Health Services Act 2016*.
62. **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).
63. **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 the gaming floor of the Crown Perth Complex; 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).
64. **Household** means two or more persons who usually reside at the same home, irrespective of whether those persons are related to each other.
65. **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.
66. **Limited capacity venue** means:
- (a) a nightclub; and
  - (b) at any time prior to 12.01am on 14 April 2022:
    - (i) a hospitality venue; or
    - (ii) a **function venue**,
 other than at a time when they are being used for the purposes of an event.
67. **Lodgement address** means Public.Events@health.wa.gov.au.
68. **Main arena** has the same meaning as in the Proof of Vaccination Directions (No 5).
69. **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.

70. **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).
71. **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.
72. **Nominated date** means the date that is one calendar month from the date and time that these directions come into effect.
73. **Outdoor gym** means an outdoor space used for, and equipped with, facilities or equipment for exercise.
74. **Outdoor space** means any space that is not an indoor space.
75. **Patron** means a person who is not staff and, for the avoidance of doubt, includes spectators.
76. **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.*
77. **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**.
78. **Playground** means an outdoor space used for, and equipped with, facilities for recreation, especially by children.
79. **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.
80. **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.
81. **Previously approved checklist** means a COVID event checklist within the meaning of that term in the COVID Transition (Public Health and Social Measures) Directions immediately prior to their revocation.
82. **Previously approved plan** means a COVID event plan within the meaning of that term in the COVID Transition (Public Health and Social Measures) Directions immediately prior to their revocation.
83. **Private gathering** means an organised or planned gathering or activity for a common recreational purpose, other than a gathering at a home or at a high risk venue, 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, it will not be a private gathering.*
84. **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.
85. **Publicly accessible** means open to, practically accessible and permitted to be used by, the public.
86. **Relevant officer** means:
- (a) an authorised officer; or
  - (b) an **emergency officer**; or
  - (c) a **responsible officer**.

87. **Residential disability care facility** has the same meaning as in the Residential Aged Care Facility Worker Access Directions (No 4) made by the Chief Health Officer pursuant to the *Public Health Act 2016* (WA).
88. **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.
89. **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-of-the-premier-and-cabinet/covid-19-coronavirus-business-and-industry-advice#covid-safety-plan>*
90. **Skate park** means a facility specifically designed for skateboarding, rollerskating or rollerblading, containing structures such as ramps and basins.
91. **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.
92. **Specified entertainment venue** means an indoor or outdoor cinema, theatre, concert hall or other live music venue, a convention centre, stadium other than a major stadium 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.

93. **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.
94. **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.
95. **Stadium operator** means the owner, occupier or person apparently in charge of the relevant major stadium.
96. **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 12(b) and 14 includes any person who is engaged in performing or playing professional sport.

97. **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).*

98. **Valuable remuneration** means financial or in-kind payments of more than a nominal sum.
99. **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](https://ww2.health.wa.gov.au/~/_media/Corp/Documents/Health-for/Infectious-disease/COVID19/COVID-19-ventilation-in-buildings.pdf)
100. **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.



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**Christopher John Dawson**

Commissioner of Police and State Emergency Coordinator

29 March 2022 1025 hours



## **SCHEDULE 1 – HIGH RISK VENUES**

1. a hospitality venue other than the casino gaming floor of the Crown Perth Complex
2. a nightclub
3. a **casino** other than the casino gaming floor of the Crown Perth Complex
4. a gaming or gambling venue other than the casino gaming floor of the Crown Perth Complex
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. a museum or gallery
12. a theatre, concert hall or other live music venue
13. a function venue
14. Crown Perth Complex, including the gaming floor of the casino
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 and which is not otherwise captured by this schedule
25. a place at which a specified gathering is at the time being held

## **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.