

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

PROOF OF VACCINATION DIRECTIONS (NO 6)

The World Health Organization declared COVID-19 a pandemic on 11 March 2020.

On 15 March 2020, the Minister for Emergency Services declared a state of emergency with effect from 12 am on 16 March 2020 in respect of the pandemic caused by COVID-19 pursuant to section 56 of the *Emergency Management Act 2005 (WA)* (**Act**). The state of emergency applies to the State of Western Australia.

I, Colin John Blanch, Acting Commissioner of Police and State Emergency Coordinator, give the following directions pursuant to my powers under sections 67, 70 and 72A of the Act.

PREAMBLE

1. The purpose of these directions is to set out vaccination and proof of vaccination requirements for certain **premises** in the State of Western Australia for the purposes of preventing, controlling or abating the risks associated with the State of Emergency.

CITATION

2. These directions may be referred to as the **Proof of Vaccination Directions (No 6)**.

COMMENCEMENT

3. These directions come into effect at 12.01 am on 29 April 2022.

OPERATION

4. These directions apply throughout the whole of the **emergency area**.

REVOCATION

5. The Proof of Vaccination Directions (No 5) are revoked.

DIRECTIONS

Restriction on Entry by Unvaccinated Patrons

6. A **patron** who is 16 years of age or over must not enter, or remain at a **specified vaccination venue** unless that patron is:
 - (a) **fully vaccinated**; or

(b) an **exempt person**,

other than where the patron enters or remains at the particular premises in any of the circumstances referred to in paragraph 8(b) to 8(h).

Proof of vaccination information

7. Subject to paragraph 8, a **responsible person** must:

(a) request that each patron entering a specified vaccination venue (or cause that each patron entering a specified vaccination venue is requested to) produce the patron's **accepted proof information** for sighting; and

(b) take all reasonable steps to ensure that a patron does not remain at the specified vaccination venue for which the person is the responsible person unless they have provided their accepted proof information.

8. A responsible person is not required to comply with paragraph 7 in respect of a patron if:

(a) the patron is or appears to be younger than 16 years old;

(b) the patron enters or remains at the specified vaccination venue:

(i) for the purposes of performing a law enforcement function that cannot reasonably be performed other than by entering the particular premises;

(ii) for medical or emergency purposes;

(c) the patron is a resident of shared residential premises, such as an apartment complex or retirement village, and is entering or remaining in a space within that residential premises;

(d) the patron has a valid **proof exception**, or falls within a class of persons that the State Emergency Coordinator or the Chief Health Officer or a person authorised by the State Emergency Coordinator or the Chief Health Officer for that purpose has identified in writing as being a class of persons to whom a proof exception applies, provided the patron complies with any terms and conditions to which that proof exception is subject;

- (e) the patron is a patient or a person seeking medical advice, support or care at a **hospital** or a resident at a **residential aged care facility** and is entering or remaining at that hospital or residential aged care facility;
- (f) the patron is a **carer** and is accompanying a person for whom they are caring to a hospital or to receive medical treatment and that person cannot reasonably be accompanied by a person who is fully vaccinated or an exempt person instead;
- (g) the patron is the parent or guardian of a child under the age of 16 years and is accompanying that child to a hospital or to receive medical treatment and the child cannot reasonably be accompanied by a person who is fully vaccinated or an exempt person instead; or
- (h) the patron is a **support person** attending a specified vaccination venue that is a hospital; and
- (i) except in the case of a person referred to in paragraph 8(a) – 8(d), the person complies with:
 - (i) any instructions given to them by a responsible person at the specified vaccination venue regarding the wearing of personal protective equipment, time limits for remaining at the specified vaccination venue and physical distancing requirements; and
 - (ii) **guidelines** (if any) issued by the Chief Health Officer or the State Emergency Coordinator.

9. Except for:

- (a) a child under the age of 16 years; or
- (b) in any of the circumstances referred to in paragraphs 8(b) to 8(h),

a patron entering or remaining at a specified vaccination venue must produce a true and accurate copy of their accepted proof information to a **relevant officer** or a member of the **staff** of the venue for sighting upon request at any time while at the specified vaccination venue.

10. A patron who does not produce their accepted proof information in accordance with paragraph 9 must not remain at the specified vaccination venue.

11. A patron who is requested by a relevant officer or a member of staff of a specified vaccination venue to produce their accepted proof information must not act in a manner that is threatening, intimidating or offensive towards a relevant officer or any member of staff of the specified vaccination venue.

AUTHORISATION

12. Any police officer acting at or above the rank of Inspector is authorised to:
- (a) identify a class of persons to whom a proof exception applies under paragraph 8(d); or
 - (b) designate a place or venue or class of place or venue to be an **excluded venue** under paragraph 24; or
 - (c) designate a place or venue, or class of place or venue to be a specified vaccination venue under paragraph 40(b),
- of these directions, including any terms or conditions to which that exception or designation (as the case may be) is subject.

INTERPRETATION

13. Any reference in these directions to any other **direction** made by the State Emergency Coordinator or the Chief Health Officer is deemed to be a reference to that direction as amended or replaced from time to time.

DEFINITIONS

14. **Accepted proof information** means:
- (a) **accepted proof of vaccination**; or
 - (b) **accepted proof of vaccination exemption**.
15. **Accepted proof of vaccination** means **identification** for the person and one of the following showing that the person is fully vaccinated:
- (a) a COVID-19 digital vaccination certificate or an Immunisation History Statement issued to the person showing the COVID-19 vaccinations recorded on the Australia Immunisation Register for the person;
 - (b) an International COVID-19 Vaccination Certificate issued by the Commonwealth Government to the person showing the COVID-19

vaccinations recorded on the Australian Immunisation Register for the person;

- (c) a **foreign vaccination certificate**;
- (d) written confirmation of vaccinations issued by the Chief Health Officer or a person authorised by the Chief Health Officer to the person of the COVID-19 vaccinations administered to the person; or
- (e) a digital certificate contained in an **approved app** showing the COVID-19 vaccinations administered to the person,

provided that in the event that the person provides proof of the kind referred to in paragraph 18(e), the requirement in this paragraph to produce identification does not apply.

- 16. **Accepted proof of vaccination exemption** means identification for the person and an Immunisation History Statement issued to the person showing a medical exemption recorded on the Australian Immunisation Register for the person.
- 17. **Approved app** means the Medicare Express app or the ServiceWA app or any other app or application designated in writing by the State Emergency Coordinator, or a person authorised by the State Emergency Coordinator for that purpose, to be an approved app.
- 18. **Approved COVID-19 vaccine** means:
 - (a) any vaccine that has been approved by the Therapeutic Goods Administration for use in Australia for the purpose of vaccinating persons against COVID-19; or
 - (b) any other vaccine specified by the Chief Health Officer, or any other person authorised by the Chief Health Officer for that purpose, as an approved COVID-19 vaccine.
- 19. **Authorised officer** has the same meaning that it has in the Act.
- 20. **Carer** has the same meaning as in the *Carers Recognition Act 2004* (WA).
- 21. **Direction** includes any direction under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing.

22. **Emergency area** means the area to which the state of emergency declared by the Minister for Emergency Services on 15 March 2020 with effect from 12 am on 16 March 2020 applies.
23. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
24. **Excluded venue** means any place or venue or class of place or venue designated in writing by the State Emergency Coordinator, or a person authorised by the State Emergency Coordinator for that purpose, or by the Chief Health Officer or a person authorised by the Chief Health Officer to be an excluded venue, as well as any means of access and egress that is strictly necessary for the purposes of accessing a venue referred to in this paragraph, but only at a time that it is being used for access and egress to that venue.
25. **Exempt person** means a person in respect of whom a medical exemption is recorded on the Australia Immunisation Register in relation to the person and is displayed on the person's Immunisation History Statement.
26. **Foreign vaccination certificate** means a certificate that meets the criteria set out by the Australian Passport Office in its guidance on foreign vaccination certificates available at:

<https://www.passports.gov.au/guidance-foreign-vaccination-certificates>
27. **Full course** means:
- (a) in respect of the SPIKEVAX, VAXZEVRIA and COMIRNATY – BNT162b2 vaccines, two doses of the vaccine administered with an appropriate interval between doses;
 - (b) in respect of the COVID-19 Vaccine Janssen, a single dose of that vaccine; and
 - (c) in respect of any other **COVID-19 vaccine**, such number of doses of that vaccine as specified by the Chief Health Officer or a person authorised by the Chief Health Officer for that purpose.
28. **Fully vaccinated** means a person that has been administered with a **full course** of an **approved COVID-19 vaccine**.

29. **Guidelines** means written guidelines issued by the Chief Health Officer setting out requirements which must be followed by persons who enter certain specified vaccination venues without accepted proof information, including in relation to the use of personal protective equipment.

30. **Hospital** has the same meaning as in the *Health Services Act 2016* (WA).

31. **Identification** means one of the primary or secondary documents identified as being acceptable proof of identification in the information available at:

<https://www.wa.gov.au/government/covid-19-coronavirus/covid-19-coronavirus-what-proof-of-covid-19-vaccinations-can-i-use>

provided that any expiry date for the document has not yet passed or any other form of identification which the State Emergency Coordinator or a person nominated by him for that purpose designates in writing to be identification for the purposes of this paragraph.

32. **Initial dose** means:

- (a) in respect of the SPIKEVAX, VAXZEVRIA and COMIRNATY – BNT162b2 vaccines, at least one dose of the vaccine administered; and
- (b) in respect of the COVID-19 Vaccine Janssen, a single dose of that vaccine; and
- (c) in respect of any other approved COVID-19 vaccine, such number of doses of that vaccine as specified by the Chief Health Officer or a person authorised by the Chief Health Officer for that purpose to be an **initial dose**.

33. **Patron** means a person who is not staff and, for the avoidance of doubt, includes visitors.

34. **Premises** includes:

- (a) land (whether vacant or not);
- (b) land covered by water, whether permanently or temporarily or from time to time;
- (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.
35. **Proof exception** means a written exception from the requirement to provide proof of vaccination, issued by the Chief Health Officer or the State Emergency Coordinator or a person approved by either of them for the purposes of these directions, which exception may be issued subject to terms and conditions.
36. **Relevant officer** means:
- (a) an **authorised officer**;
 - (b) an **emergency officer**; or
 - (c) a **responsible officer**.
37. **Residential aged care facility** has the same meaning as in the Residential Aged Care Facility Worker Access Directions (No 5) made by the Chief Health Officer pursuant to the *Public Health Act 2016* (WA).
38. **Responsible officer** means:
- (a) an officer, employee or contractor of the Department of Health;
 - (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.
39. **Responsible person**, in relation to particular premises, means the occupier or other person apparently in charge of those premises.
40. **Specified vaccination venue** means:
- (a) that part of any place that is comprised of a place listed in Schedule 1, except if that place (or that part of a place) is an excluded venue; and
 - (b) any other place or venue, or class of place or venue designated in writing by the State Emergency Coordinator, or a person authorised by the State Emergency Coordinator for that purpose, to be a specified vaccination venue and for the avoidance of doubt, such a designation may also be expressed to apply to a particular place or venue, or class of place or venue, only at a time when it is being used for a particular purpose or purposes.

41. **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 in the case of a sporting activity, coaches and officials such as umpires, referees or scorekeepers.
42. **Support person** means a person who is:
- (a) a birthing partner for a person attending a hospital or other medical facility for a purpose connected with the birth of a child; or
 - (b) attending a hospital or other medical facility, including a palliative support facility, for the purposes of providing end of life support or care to a member of the person's family or for a purpose directly related to end of life support or care for a member of the person's family.

PENALTIES

A failure to comply with these directions may be an offence which is punishable by imprisonment for up to 12 months or a fine of up to \$50,000 for individuals and \$250,000 for bodies corporate.



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Colin John Blanch
Acting Commissioner of Police and State Emergency Coordinator

28 April 2022 1607 hours

SCHEDULE 1

SPECIFIED VACCINATION VENUES

1. a hospital (whether public or private); and
2. a residential aged care facility.