

COVID-19 Policy

STATE EMERGENCY MANAGEMENT

A Strategic Framework for Emergency
Management in Western Australia.

RESPONSIBLE AGENCY

State Emergency Management
Committee Business Unit

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The SEMC acknowledges the Aboriginal peoples throughout the state of Western Australia as the Traditional Custodians of the lands where we live, work and volunteer. We recognise Aboriginal peoples' continued connection to land, waters and community, and pay our respects to Elders both past and present.

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All of the State emergency management legislation and documents can be accessed via the [State Emergency Management Framework](#) page of the State Emergency Management Committee website: www.wa.gov.au.

Contents

1.1	Summary	4
1.2	Introduction	5
1.3	Purpose	5
1.4	Scope and Application	5
1.5	COVID-19 Declaration	5
1.6	State Disaster Council	6
1.7	State Emergency Coordination Group	6
1.8	Making a COVID-19 Declaration	6
1.9	Extension of a COVID-19 Declaration	7
1.10	Revocation of a COVID-19 Declaration	8
1.11	Appointment of Authorised COVID-19 Officers	8
1.12	Obtaining identifying particulars during COVID-19 declaration	8
1.13	Powers Concerning Movement and Evacuation during COVID-19 Declaration	9
1.14	Powers to Control and Use Property during COVID-19 Declaration	9
1.15	Direction to Persons exposed to SARS-COV-2 virus during COVID-19 Declaration	10
1.16	Direction to Close Places during COVID-19 Declaration	11
1.17	General powers during COVID-19 declaration	11
1.18	General provisions regarding powers	12
1.19	General provisions regarding directions	12
1.20	Exchange of Information during COVID-19 declaration	12

1.1 Summary

On 16 March 2020, a state of emergency in respect to the pandemic caused by the COVID-19 virus was declared by the Minister for Emergency Services. This is the first time Western Australia has experienced an emergency of this scope and magnitude. Importantly, this was also the first time that a state of emergency had been declared in Western Australia under the *Emergency Management Act 2005* (EM Act).

The *Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022* amended the EM Act and other legislation to provide for a temporary, fit for purpose legislative framework for the ongoing management of COVID-19. The temporary scheme, which is to be in place for two (2) years, commenced by proclamation on 3 November 2022.

This State Emergency Management COVID-19 Policy (State EM COVID-19 Policy) provides a temporary framework for the management of a COVID-19 event in Western Australia and builds upon the existing established State Emergency Management (EM) framework that encompasses policy, plans, procedures and guidelines.

The State EM COVID-19 Policy identifies the roles and responsibilities of emergency management agencies and other public authorities and organisations for the management of adverse effects from a COVID-19 event.

This State EM COVID-19 Policy is supported by a suite of emergency management documents. For complete guidance on the management of a COVID-19 event in Western Australia, this policy is to be read in conjunction with the following documents:

- **State Emergency Management Policy** (State EM Policy) prepared under section 17 of the EM Act and ensures clearly defined roles and responsibilities of all parties involved.
- **State Emergency Management Plan** (State EM Plan) documents the all-hazard EM arrangement in the State and identifies the roles and responsibilities of public authorities and other organisations that support these arrangements.
- **State Hazard Plan – Human Biosecurity** is a dedicated State Hazard Plan (SHP) that outlines the arrangements on how to manage the hazards of a human epidemic and the actual or impending release of a biological substance that is capable of causing loss of life, injury to a person or damage to the health of a person, property or the environment. The SHP contains information on arrangements to support prevention, preparedness, response and initial recovery activities relating to human epidemic emergencies. The SHP also defines supporting agencies/organisations roles and responsibilities.
- **State Support Plans** outline support functions and services that support the management of a COVID-19 event.
- **State Emergency Management COVID-19 Exchange of Information Procedure** explains a step-by-step process for the disclosure of information whilst a COVID-19 declaration is in force.
- **State Emergency Management Procedures** (State EM Procedures), which explain a step-by-step process for the completion of tasks in accordance with the State EM Policy.
- **State Emergency Management Guidelines** (State EM Guidelines), which propose methods for conducting activities and are not formal instructions.
- **State Emergency Management Glossary** (State EM Glossary), provides definitions for a range of terms encountered in emergency management, drawing together definitions from many sources.

1.2 Introduction

- 1.2.1 In Western Australia, emergency management arrangements are governed by the EM Act and *Emergency Management Regulations 2006* (EM Regulations).
- 1.2.2 The SEMC is to arrange for the preparation of State EM policies (section 17(1) and (2) EM Act). A State EM policy, and any amendment to a State EM policy, has effect when it is approved by the SEMC (section 17(3) EM Act).
- 1.2.3 The SEMC may arrange for a State EM policy or a State EM plan to be reviewed, amended, or replaced whenever the SEMC considers it appropriate (section 19(1) EM Act).
- 1.2.4 In accordance with section 77W of the EM Act, the following may, but are not required to, include a provision in relation to COVID-19 management:
- State emergency management policies
 - State emergency management plans
 - Emergency management arrangements for an emergency management district
 - Local emergency management arrangements as defined in section 41(1) of the EM Act.

1.3 Purpose

- 1.3.1 The purpose of this State EM COVID-19 policy is to provide a temporary framework for the management of a COVID-19 event in the State that builds upon the existing established State EM framework.

1.4 Scope and Application

- 1.4.1 This Policy applies to public authorities (as defined by section 3 EM Act) with roles and responsibilities under the State EM Framework. A public authority given a role and responsibilities under a State EM Policy is to comply with that State EM Policy (section 20(4) EM Act).
- 1.4.2 The SHP - Human Biosecurity provides an overview of arrangements for the management of a human epidemic, such as COVID-19. The SHP contains information on prevention, preparedness, response, and initial recovery. The SHP refers to a range of existing plans, arrangements, and documents relating to a human epidemic.
- 1.4.3 Agencies and organisations with defined roles and responsibilities in the SHP – Human Biosecurity are obliged to fulfill their agreed arrangements during a COVID-19 declaration.

1.5 COVID-19 Declaration

- 1.5.1 The State Emergency Coordinator may make a COVID-19 declaration in relation to the whole or any area or areas of the State. While a COVID-19 declaration is in force, this provides additional powers under Division 4 Part 6A of the EM Act for the purposes of COVID-19 management.
- 1.5.2 A COVID-19 declaration has effect from the time of the declaration or from such time as is specified in the declaration and remains in force for a period of three months unless extended or revoked.

1.5.3 The following forms are relevant:

- COVID-19 EM Form 1: Declaration of COVID-19 Declaration
- COVID-19 EM Form 2: Extension of COVID-19 Declaration
- COVID-19 EM Form 3: Revocation of COVID-19 Declaration.

1.6 State Disaster Council

- 1.6.1 The State Disaster Council established for the 16 March 2020 COVID-19 state of emergency declaration, continues to until the day determined by the Chairman under section 77V(2) of the EM Act.
- 1.6.2 During any period when a COVID-19 declaration is in force, the State Disaster Council referred to above, may exercise functions under section 64 of the EM Act as if a reference in that section to the state of emergency were a reference to COVID-19 management.
- 1.6.3 If a further state of emergency in relation to COVID-19 is declared at a time when the State Disaster Council is active due to a COVID-19 declaration, section 63(1) of the EM Act does not operate to establish another State Disaster Council.

1.7 State Emergency Coordination Group

- 1.7.1 If a COVID-19 declaration is in force, the State Emergency Coordinator may establish a State Emergency Coordination Group in relation to COVID-19.
- 1.7.2 Despite section 26(3)(e) of the EM Act, a State Emergency Coordination Group established whilst a COVID-19 declaration is in force, is not required to include the person referred to in that section. The State Emergency Coordination Group must instead include a person nominated by the State Emergency Coordinator as a representative of all local governments in the State.
- 1.7.3 A State Emergency Coordination Group established due to a COVID-19 declaration continues until the day determined under section 26(6) of the EM Act, even if the COVID-19 declaration ceases to be in force.
- 1.7.4 During any period when a COVID-19 declaration is in force, the established State Emergency Coordination Group may exercise functions under section 27 of the EM Act as if the references to emergency management were references to COVID-19 management.

1.8 Making a COVID-19 Declaration

- 1.8.1 The State Emergency Coordinator must not make a COVID-19 declaration unless they are satisfied that:
- The occurrence of COVID-19 is, or imminently will be, of such a nature or magnitude that it requires a coordinated response; and
 - There is a need to exercise powers under Division 4 of Part 6A of the EM Act to prevent or minimise loss of life, prejudice to the safety, or harm to the health, of persons.
- 1.8.2 A COVID-19 declaration cannot be made unless:
- the State Emergency Coordinator has consulted the Chief Health Officer
 - the Chief Health Officer has provided written advice to the State Emergency Coordinator as to

whether the declaration should be made; and

- the State Emergency Coordinator has considered the advice.

1.8.3 If the State Emergency Coordinator requests the Chief Health Officer to provide advice urgently, the advice provided may be in summary form and is not required to set out detailed reasons for the advice.

1.8.4 If the Chief Health Officer provides advice in summary form, the Chief Health Officer must, within seven (7) days after providing that advice, provide the State Emergency Coordinator with a further written statement setting out detailed reasons for that advice. (This requirement also applies to an extension or revocation of a COVID-19 declaration).

1.8.5 A COVID -19 declaration must include

- the time when, and date on which, the declaration is made; and
- the area to which it applies.

1.8.6 Once a COVID-19 declaration has been made, the State Emergency Coordinator must:

- publish a notice for general information as soon as is practicable after the declaration is made in any manner that the State Emergency Coordinator considers to be appropriate having regard to the circumstances and what is practicable
- publish a notice in the Gazette as soon as is practicable after the declaration is made
- publish written advice provided by the Chief Health Officer in relation to the declaration, in any manner that the State Emergency Coordinator considers to be appropriate having regard to the circumstances and what is practicable.

This requirement also applies to an extension or revocation of a COVID-19 declaration.

1.8.7 Where the written advice was provided by the Chief Health Officer in summary form to make the declaration, the State Emergency Coordinator must:

- publish a further statement of reasons for that advice, in any manner that the State Emergency Coordinator considers to be appropriate having regard to the circumstances and what is practicable.

This requirement also applies to an extension or revocation of a COVID-19 declaration.

1.9 Extension of a COVID-19 Declaration

1.9.1 The State Emergency Coordinator may by declaration in writing extend, or from time to time further extend, the duration of a COVID-19 declaration.

1.9.2 The State Emergency Coordinator must not make a declaration extending, or further extending, a COVID-19 declaration unless the following criteria are met:

- is satisfied that the COVID-19 declaration continues to be of such a nature or magnitude that it requires a coordinated response
- is satisfied there is a continued need to exercise powers under Division 4 Part 6A of the EM Act to prevent or minimise loss of life, prejudice to the safety, or harm to the health, of persons
- has consulted with the Chief Health Officer

- the Chief Health Officer has provided written advice as to whether the declaration should be made
- has considered the advice from the Chief Health Officer
- completed in full COVID-19 EM Form 2: Extension of COVID-19 Declaration.

1.9.3 The period by which the duration of a COVID-19 declaration is extended must not exceed three months.

1.10 Revocation of a COVID-19 Declaration

1.10.1 The State Emergency Coordinator may revoke a COVID-19 declaration at any time. The State Emergency Coordinator cannot revoke a COVID-19 declaration unless:

- the State Emergency Coordinator has consulted the Chief Health Officer; and
- the Chief Health Officer has provided written advice to the State Emergency Coordinator as to whether the declaration should be revoked; and
- the State Emergency Coordinator has considered the advice.

1.10.2 The State Emergency Coordinator must revoke a COVID-19 declaration as soon as the State Emergency Coordinator is satisfied that it is no longer necessary for the powers under Division 4 Part 6A of the EM Act to be exercised in relation to COVID-19 management in the declaration area.

1.11 Appointment of Authorised COVID-19 Officers

1.11.1 The State Emergency Coordinator may authorise persons to act as authorised COVID-19 officers while a COVID-19 declaration is in force.

1.11.2 The following forms are relevant:

- COVID-19 EM Form 4: Authorisation of persons to act as COVID-19 officers during a COVID-19 Declaration
- COVID-19 EM Form 5: Revocation of authorisation of persons to act as COVID-19 officers during a COVID-19 Declaration.

1.11.3 Authorised COVID-19 officers may exercise a power under Division 4 Part 6A of the EM Act only and are subject to the terms and conditions under which the person is authorised.

1.12 Obtaining identifying particulars during COVID-19 declaration

1.12.1 In relation to an offence or suspected offence under the EM Act, an authorised COVID-19 officer may, where reasonably required for the purposes of COVID-19 management while a COVID-19 declaration is in force, request a person to give the officer any or all of the person's personal details.

1.12.2 Personal details, in relation to a person, means:

- the person's full name
- the person's date of birth
- the address of where the person is living

- the address of where the person usually lives.

1.12.3 If, while a COVID-19 declaration is in force, an authorised COVID-19 officer reasonably suspects that a personal detail given by a person is false, the officer may request the person to produce evidence of the correctness of the detail.

1.13 Powers Concerning Movement and Evacuation during COVID-19 Declaration

1.13.1 For the purposes of COVID-19 management while a COVID-19 declaration is in force, an authorised COVID-19 officer may do all or any of the following under section 77L of the EM Act:

- direct or, by direction, prohibit, the movement of persons and vehicles within, into, out of or around the declaration area or any part of the declaration area
- direct the evacuation and removal of persons from the declaration area or any part of the declaration area
- close any road, access route or area of water in or leading to the declaration area
- direct that any road, access route or area of water in or leading to the declaration area be closed.

1.13.2 A direction concerning movement and evacuation may be given orally or in writing. Where a direction is given orally, it must be confirmed in writing within two (2) working days after it is given unless within that period it is complied with or cancelled (section 77T(2) EM Act).

1.13.3 A direction given concerning movement and evacuation must be published in the manner that the State Emergency Coordinator considers suitable in the circumstances.

1.13.4 Failure to confirm the direction in writing or publish the direction does not invalidate the direction (section 77T(4) EM Act).

1.13.5 The following form is relevant:

- COVID-19 EM Form 6: Direction Concerning Movement and Evacuation during a COVID-19 declaration.

1.14 Powers to Control and Use Property during COVID-19 Declaration

1.14.1 For the purposes of COVID-19 management while a COVID-19 declaration is in force, an authorised COVID-19 officer may take control of or make use of any place, vehicle or thing (section 77M(1) EM Act).

1.14.2 The place, vehicle or thing may be in, or outside, the declaration area.

1.14.3 The authorised COVID-19 officer may enter, or if necessary break into and enter, any place or vehicle in order to take control of or make use of any place, vehicle or thing outlined in section 77M (1) EM Act.

1.14.4 An authorised COVID-19 officer may direct the owner or occupier, or the person apparently in charge, of a place vehicle or thing to give the authorised COVID-19 officer reasonable assistance to exercise the officer's powers.

- 1.14.5 An authorised officer may exercise the powers under section 77M of the EM Act without a warrant or the consent of the owner or occupier, or the person apparently in charge, of the place, vehicle or other thing.
- 1.14.6 A direction concerning the control and use of property may be given orally or in writing. Where a direction is given orally, it must be confirmed in writing within two (2) working days after it is given unless within that period it is complied with or cancelled (section 77T(2) EM Act).
- 1.14.7 Failure to confirm the direction in writing does not invalidate the direction (section 77T(4) EM Act).
- 1.14.8 The authorised COVID-19 officer must ensure that, as soon as is reasonably practicable in the circumstances and no later than seven (7) days after the place, vehicle or thing is taken control of or made use, a notice is given to the owner occupier, or the person formerly in charge, of the place, vehicle or thing stating:
- that the place, vehicle or thing has been taken of or made use of under section 77M of the EM Act.
 - the name of the authorised COVID-19 officer who has taken control of or made use of the place, vehicle or thing.
- 1.14.9 The following form is relevant:
- COVID-19 EM Form 11: Direction to control and use property.

1.15 Direction to Persons exposed to SARS-COV-2 virus during COVID-19 Declaration

- 1.15.1 While a COVID-19 declaration is in force, for the purpose of limiting the spread of the SARS-COV-2 virus, an authorised COVID-19 officer may direct any person who has been exposed, or any class of person who may have been exposed, to the SARS-COV-2 virus to do all or any of the following –
- to remain in an area specified by the authorised COVID-19 officer for such period as is specified by the authorised COVID-19 officer
 - to remain quarantined from other persons for such period, and in such reasonable manner, as is specified by the authorised COVID-19 officer
 - to submit to infection prevention and control procedures within such reasonable period, and in such reasonable manner, as is specified by the authorised COVID-19 officer.
- 1.15.2 The period specified under paragraphs (a) or (b) must not be more than 24 hours (section 77N EM Act) unless the State Emergency Coordinator gives the direction, or the State Emergency Coordinator has given authorisation for a longer period to be specified.
- 1.15.3 A direction to a person or class of person who has been/may have been exposed to SARS-COV-2 virus may be given orally or in writing. A direction given orally must be confirmed in writing within two (2) working days after it is given unless within that period it is complied with or cancelled (section 77T(2) EM Act).
- 1.15.4 A direction given regarding persons exposed to SARS-COV-2 virus must be published in the manner that the State Emergency Coordinator considers suitable in the circumstances.
- 1.15.4 Failure to confirm the direction in writing or publish the direction does not invalidate the direction (section 77T(4) EM Act).

1.15.6 The following form is relevant:

- COVID-19 EM Form 7: Direction to Person Exposed to SARS-Co V-2 virus during COVID-19 declaration.

1.16 Direction to Close Places during COVID-19 Declaration

1.16.1 For the purposes of COVID-19 management, while a COVID-19 declaration is in force, a police officer may direct the owner, occupier, or the person apparently in charge of any place of business, worship, or entertainment, or may direct a class of place, in the emergency area to close that place to the public for the period specified in the direction (section 770(1) EM Act).

1.16.2 A direction to close premises may be given orally or in writing. A direction given orally must be confirmed in writing within two (2) working days after it is given unless within that period it is complied with or cancelled (section 77T(2) EM Act).

1.16.3 A direction given to close places must be published in the manner that the State Emergency Coordinator considers suitable in the circumstances.

1.16.4 Failure to confirm the direction in writing or publish the direction does not invalidate the direction (section 77T(4) EM Act).

1.16.5 The following form is relevant:

- COVID-19 EM Form 8: Direction to Close a Place of Business, Worship, or Entertainment.

1.17 General powers during COVID-19 declaration

1.17.1 While a COVID-19 declaration is in force, an authorised COVID-19 officer may take, or direct a person or a class of person to take, any action that the officer considers is reasonably necessary to prevent, control or abate risks associated with COVID-19.

1.17.2 For the purposes of COVID-19 management while a COVID-19 declaration is in force, an authorised COVID-19 officer may direct a person to –

- give to the authorised COVID-19 officer relevant information about the person or any other person closely associated with the person.
- answer questions intended to elicit relevant information about the person or any other person closely associated with the person.

1.17.3 Where general powers are being used to prevent, control or abate risks associated with COVID-19, they may be given orally or in writing. A direction given orally must be confirmed in writing within two (2) working days after it is given unless within that period it is complied with or cancelled (section 77T(2) EM Act).

1.17.4 A direction given to prevent, control or abate risks associated with COVID-19 must be published in the manner that the State Emergency Coordinator considers suitable in the circumstances.

1.17.5 Failure to confirm the direction in writing or publish the direction does not invalidate the direction (section 77T(4) EM Act).

1.17.6 Relevant information means information as defined in section 77P(1) of the EM Act and regulation 23 (Part 4) of the EM Regulations, or information of a kind specified by the State Emergency Coordinator as relevant to COVID-19 management.

1.18 General provisions regarding powers

- 1.18.1 If a person does not comply with a direction, an officer (authorised COVID-19 officer or police officer) may do all such things as are reasonably necessary to ensure compliance with the direction, using such force as is reasonable in the circumstances,
- 1.18.2 An officer may exercise a power with the help, and using the force, that is reasonable in the circumstances.

1.19 General provisions regarding directions

- 1.19.1 A direction may be given orally or in writing. A direction given orally must be confirmed in writing within two (2) working days after it is given, unless within that period it is complied with or cancelled.
- 1.19.2 While a COVID-19 declaration is in force, the State Emergency Coordinator must publish in the manner considered suitable in the circumstances a direction that is given in relation to a class of person, place or thing relating to:
- the control and use of property
 - persons exposed to the SARS-CoV-2 virus
 - closure of places
 - actions that are reasonably necessary to prevent, control or abate risks associated with COVID-19.
- 1.19.3 Failure to confirm the direction in writing or publish the direction does not invalidate the direction.

1.20 Exchange of Information during COVID-19 declaration

- 1.20.1 For the purposes of COVID-19 management, an authorised COVID-19 officer may request or disclose relevant information while a COVID-19 declaration is in force (section 77P(2) and (3) EM Act).
- 1.20.2 Relevant information means:
- As per the definition in section 77P(1) EM Act:
 - the personal details of a person
 - information about the whereabouts of a person
 - information about the state of health of a person
 - information about any recent travel undertaken by a person
 - information about persons with whom a person has been in close contact
 - information of a kind prescribed by the regulations.
 - As prescribed in regulation 23 (Part 4) EM Regulations:
 - information about the loss suffered by a person, the assistance requested by a person and the assistance provided to or approved for a person
 - information about the owner or occupier of real property
 - information relating to a person's finances or insurance.

- 1.20.3 Section 77P(6) of the EM Act provides that the SEMC must establish procedures for the disclosure of relevant information between an authorised COVID-19 officer and an emergency management agency. These procedures are contained within State EM COVID-19 Exchange of Information Procedure.
- 1.20.4 Authorised COVID-19 officers may disclose relevant information to:
- an emergency management agency, which includes a hazard management agency, combat agency, support organisation as prescribed in the EM Regulations
 - a person or entity engaged by an emergency management agency to provide welfare services, (as provided for by the EM Regulations).
- 1.20.5 Authorised COVID-19 Officers may also request an emergency management agency that holds relevant information to disclose that information to the authorised COVID-19 officer (section 77P(3) EM Act). The emergency management agency may comply with a request despite any law relating to secrecy or confidentiality (section 77P (4) EM Act).
- 1.20.6 The EM Act allows the disclosure of certain information by an emergency management agency or welfare service that has received the information from an authorised COVID-19 officer. The emergency management agency or welfare service may further disclose the information when reasonably necessary to do so while a COVID-19 declaration is in force and for the purposes of COVID-19 management.
- 1.20.7 Emergency management agencies may request relevant information from an Authorised COVID-19 officer.
- 1.20.8 The following forms are relevant:
- COVID-19 EM Form 9 - Request for Relevant Information by Authorised COVID-19 Officer
 - COVID-19 EM Form 10 - Request for Relevant Information by Emergency Management Agency.

