

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

ISOLATION (DIAGNOSED) 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 a.m. on 16 March 2020 in respect of the pandemic caused by COVID-19 pursuant to section 56 of the *Emergency Management Act 2005 (WA)* (**Act**) (**State of Emergency**). The State of Emergency applies to the State of Western Australia.

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

PREAMBLE

1. The purpose of these directions is to prevent the importation of COVID-19 into the Western Australian community and to otherwise limit the spread of COVID-19 in Western Australia.

CITATION

2. These directions may be referred to as the **Isolation (Diagnosed) Directions (No 2)**.

COMMENCEMENT

3. These directions come into effect at 12.01 am on 5 December 2020.

REVOCATION AND CONTINUING OBLIGATIONS

- 3A. The Isolation (Diagnosed) Directions (**revoked directions**) given on 9 May 2020 are revoked.
- 3B. Despite paragraph 3A, a person must continue to comply with any obligations which still applied to the person under the revoked directions immediately before these directions came into effect, to the same extent that the person would have had to comply with them if the revoked directions had not been revoked, and, for the avoidance of doubt, if a person fails to comply with an obligation that applied to them under the revoked directions, the person may commit an offence under the Act.
- 3C. Any reference in any **direction** to the revoked directions is deemed to be a reference to these directions from the commencement of these directions.

DIRECTIONS

Note 1: these directions affect people who have been informed that they have tested positive for or otherwise been diagnosed with COVID-19 and must isolate until they have recovered and been informed that they are no longer required to isolate.

Note 2: both quarantine and isolation involve separation from the community to reduce the risk of spreading COVID-19, but isolation involves stricter hygiene requirements.

The persons who must isolate under these directions

4. A person who receives a **positive result** or is otherwise **informed** that the person has been diagnosed with COVID-19 must isolate until the person is informed that they are no longer required to isolate.

Note: in most if not all cases, a person will only be informed that they are no longer required to isolate once they are determined to have recovered from COVID-19 based on criteria in the Coronavirus Disease 2019 (COVID-19) CDNA National Guidelines for Public Health Units from time to time.

5. A person must isolate if they are required to do so by paragraph 4, irrespective of whether:
 - (a) they are already required to quarantine or isolate under another direction; or
 - (b) they otherwise would no longer have been required to quarantine or isolate.
6. If:
 - (a) what a person is required to do under paragraph 4 is different from what the person is required to do under another direction; and
 - (b) the person cannot comply with both requirements,the person must do what they are required to do under paragraph 4 to the extent that they cannot comply with both requirements.
7. A person must isolate rather than quarantine if, at any given time, the person is required:
 - (a) to isolate by paragraph 4 or under another direction; and
 - (b) to quarantine under another direction.

Everyone affected by these directions must follow these requirements

Remain in premises unless otherwise directed or it is necessary to leave for safety reasons

8. Subject to paragraph 9, a person who must isolate must:
- (a) if the person has been **directed** or **instructed** to remain in **specified premises**:
 - (i) go to those **premises** in the manner directed or instructed if the person is not already in those premises (and if no manner is directed or instructed, as soon as possible, by the most direct route available and without stopping except as required by law or necessary for fuel); and
 - (ii) remain in those premises unless otherwise directed or instructed by a **relevant officer**;
 - (b) if the person has not been directed or instructed by a relevant officer to remain in specified premises:
 - (i) go to the premises where the person ordinarily resides as soon as possible (if the person is not already in those premises), by the most direct route available and without stopping except as required by law or necessary for fuel; and
 - (ii) remain in the premises where the person ordinarily resides unless otherwise directed or instructed by a relevant officer.
9. A person may leave the premises where they quarantine or isolate in accordance with paragraph 8 in any of the following circumstances:
- (a) to go to specified premises in accordance with a direction or **instruction** by a relevant officer, provided that the person goes to those premises in the manner directed or instructed (and if no manner is directed or instructed, provided that the person goes to those premises as soon as possible, by the most direct route available and without stopping except as required by law or necessary for fuel) and remains there while the person must isolate unless otherwise directed or instructed; or
 - (b) to seek urgent medical treatment at a **hospital** for the person or for someone else at those premises, provided that:

- (i) it is necessary for the person to leave those premises in order for that treatment to be provided; and
 - (ii) the person goes to the hospital by ambulance or by the most direct route available and without stopping except as required by law or necessary for fuel; and
 - (iii) the person complies with any direction or instruction given by a relevant officer at the hospital; and
 - (iv) unless otherwise directed or instructed by a relevant officer, the person returns to those premises as soon as possible after the urgent treatment has been provided and by the most direct route available and without stopping except as required by law or necessary for fuel; or
- (c) to leave those premises to escape an immediate threat to their safety or the safety of someone with the person for whom the person is responsible (other than any threat posed by COVID-19), provided that:
- (i) the person does not go any further from those premises than is reasonably necessary to ensure that the person (or those persons) is safe from that threat, and from any other threat to their safety (other than any threat posed by COVID-19); and
 - (ii) the person telephones the police on 131 444 as soon as possible to inform the police that the person is required to isolate and has had to leave the premises where the person was in isolation; and
 - (iii) if it is safe for the person (or those persons) to do so and the person is not otherwise directed or instructed by a relevant officer, the person returns to those premises as soon as possible.

Truthfully answer questions about their state of health

10. A person who must isolate must answer truthfully if a relevant officer asks the person to describe their state of health or asks whether the person has or has had any **symptoms**.

Comply with other directions and instructions and seek direction or instruction when needed

11. A person who must isolate must comply with any other direction or instruction the person is given by a relevant officer.

Follow appropriate infection control measures

12. Unless otherwise directed or instructed by a relevant officer, a person who must isolate must:
- (a) wear a face mask, if available and appropriate having regard to the person's age and ability to wear a face mask, when the person is in the same room with one or more other persons (irrespective of whether any of those persons are required to quarantine or isolate); and
 - (b) cover the person's mouth and nose when the person sneezes or coughs; and
 - (c) wash the person's hands often and thoroughly with soap and water or alcohol rub for at least 20 seconds on each occasion that the person washes their hands; and
 - (d) ensure that the person does not share household items with any other person.

Entry into high risk settings

13. A person who must isolate under these directions and intends to enter a **high risk setting** after they have been informed that they are no longer required to isolate must notify a relevant officer of that intention:
- (a) as soon as possible after the person receives a positive result or is otherwise informed that the person has been diagnosed with COVID-19; or
 - (b) if the person did not have that intention at that time, then as soon as possible after the person forms that intention.
14. A person who was required to isolate under these directions, but has been informed that they no longer have to isolate, must not enter a high risk setting unless a relevant officer has informed the person that they may enter a high risk setting.

Note: in most if not all cases a person who no longer has to isolate under these directions will only be able to enter a high risk setting if they satisfy the relevant requirements of the Coronavirus Disease 2019 (COVID-19) CDNA National Guidelines for Public Health Units from time to time.

Restriction on a person accessing premises where another person is in isolation

15. A person (A) must not access premises where another person (B) is in isolation unless:

- (a) A is a relevant officer, or a person assisting a relevant officer; or
- (b) A accesses the premises for medical or emergency purposes; or
- (c) A is required to access the premises for the purpose of performing critical and time-sensitive maintenance; or
- (d) A is acting in compliance with a direction or instruction given by a relevant officer; or
- (e) A usually lives in the premises,

provided that no more than two persons access the premises at any one time if they access the premises in accordance with subparagraph (a) to (c).

15A. A person (C) who must isolate under these directions must not allow another person (D) to access the premises where C is in isolation unless:

- (a) D is a relevant officer, or a person assisting a relevant officer; or
- (b) D accesses the premises for medical or emergency purposes; or
- (c) D is required to access the premises for the purpose of performing critical and time-sensitive maintenance; or
- (d) D is acting in compliance with a direction or instruction given by a relevant officer; or
- (e) D usually lives in the premises,

provided that no more than two persons access the premises at any one time if they access the premises in accordance with subparagraph (a) to (c).

Note: if a person (E) accesses premises where a person (F) is isolating under these directions and has contact with F, E may become a close contact of F and may be required to quarantine pursuant to paragraph 4 of the Quarantine and Isolation (Undiagnosed) Directions (No 2).

DEFINITIONS

- 16. **Authorised officer** has the same meaning that it has in the Act.
- 17. **Direction** includes any direction under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing, and **directed** includes directed by way

of a direction under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing.

Note: these directions recognise that a person in isolation may receive an instruction rather than a direction from a relevant officer, because not all relevant officers are empowered to give directions. The person must comply with directions and with instructions which are given by relevant officers for the purposes of these directions.

18. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).

19. **High risk setting** has the same meaning that it has in the Coronavirus Disease 2019 (COVID-19) CDNA National Guidelines for Public Health Units from time to time.

Note: at the time of making these directions, high risk settings include aged care and other residential care facilities, health care settings, boarding schools and other group residential settings, and correctional facilities.

20. **Hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).

21. **Informed** means given **oral or written notice** by a relevant officer, irrespective of whether that oral or written notice is correct.

22. **Instruction** means an instruction given for the purposes of these directions which is not a direction, whether the instruction is given orally or in writing, and **instructed** means instructed by way of an instruction given for the purposes of these directions, whether the instruction is given orally or in writing.

23. **Oral or written notice** means notice by oral or written means (including by text message or other electronic means) or by a combination of those means.

24. **Positive result** means oral or written notice from a relevant officer that the person who receives the notice has tested positive for COVID-19, irrespective of whether the person has in fact tested positive for COVID-19.

25. **Premises** has the same meaning that it has in the Act.

26. **Relevant officer** means:

- (a) an **authorised officer**; or
- (b) an **emergency officer**; or
- (c) a **responsible officer**.

27. **Responsible officer** means:
- (a) an officer, employee or contractor of the Department of Health; or
 - (b) an officer, employee or contractor of a health service provider, as that term is defined by section 6 of the *Health Services Act 2016* (WA); or
 - (c) any other person authorised by the Chief Health Officer orally or in writing to give oral or written notice or an instruction for the purposes of these directions.
28. **Specified premises** means premises specified in a direction or instruction.
29. **Symptoms** means any one or more of:
- (a) a fever of 37.5 degrees or above; or
 - (b) a recent history of fever; or
 - (c) symptoms of acute respiratory infection (including, but without limitation, shortness of breath, a cough or sore throat); or
 - (d) loss of smell or loss of taste.

PENALTIES

It may be an offence not 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

4 December 2020 1345 hours