



New South Wales

Public Health (COVID-19 Western Australia) Order 2021

under the

Public Health Act 2010

I, Brad Hazzard, the Minister for Health and Medical Research, make the following Order under section 7 of the *Public Health Act 2010*.

Dated 31 January 2021 at 10.12 pm (original order).
As amended on 1 February 2021.

Minister for Health and Medical Research

Explanatory note

The object of this Order is to restrict the movement of persons who have been in parts of Western Australia since 25 January 2021.

Editorial note

This is the order as amended by the *Public Health (COVID-19 Western Australia) Amendment Order 2021*.

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Part 1 Preliminary

1 Name of Order

This Order is the *Public Health (COVID-19 Western Australia) Order 2021*.

2 Definitions

(1) In this Order—

affected area means—

- (a) each of the following Western Australian local government areas—
Armadale, Augusta Margaret River, Bassendean, Bayswater, Belmont, Boddington, Boyup Brook, Bridgetown-Greenbushes, Bunbury, Busselton, Cambridge, Canning, Capel, Claremont, Cockburn, Collie, Cottesloe, Dardanup, Donnybrook-Balingup, East Fremantle, Fremantle, Gosnells, Harvey, Joondalup, Kalamunda, Kwinana, Mandurah, Manjimup, Melville, Mosman Park, Mundaring, Murray, Nannup, Nedlands, Peppermint Grove, Perth, Rockingham, Serpentine Jarrahdale, South Perth, Stirling, Subiaco, Swan, Victoria Park, Vincent, Wanneroo, Waroona, and
- (b) another area or place in Western Australia specified by a COVID-19 concerns notice.

affected person means a person who has been in an affected area on or after 25 January 2021, but does not include a person who has transited through Perth Airport for the purposes of departing on another flight without leaving the Airport.

COVID-19 concerns notice means a notice, as in force for the time being, published for the purposes of this Order by the Chief Health Officer on the New South Wales Government website specifying areas or places in Western Australia that are areas or places of concern for COVID-19 transmission.

Note. The NSW Government website is www.nsw.gov.au.

enforcement officer means any of the following—

- (a) a police officer,
- (b) a member of the NSW Health Service who is a member of a class approved by the Chief Health Officer for the purposes of this Order,
- (c) a member of the Public Service who is a member of a class approved by the Chief Health Officer for the purposes of this Order.

NSW airport means an airport located in New South Wales.

place of residence includes the premises where a person lives, together with any garden, yard, passage, stairs, garage, outhouse or other area or thing attached to, or used in connection with, the premises.

Note. The Act defines premises to include any land, temporary structure, vehicle or vessel.

temporary accommodation includes hotel or motel accommodation or a short-term holiday rental.

the Act means the *Public Health Act 2010*.

WA traveller self-declaration means a declaration approved by the Chief Health Officer for the purposes of clause 4.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

- (2) If a provision of this Order provides for a person to travel to a place outside New South Wales by the most practicable direct route, the provision does not prevent the person—
- (a) if the person is travelling by road—
 - (i) obtaining fuel for the vehicle or other necessary supplies for the vehicle or a person in the vehicle, or
 - (ii) taking a rest stop, including an overnight rest stop or meal break, or
 - (iii) dealing with an emergency, or
 - (b) if the person is travelling by rail or air—
 - (i) travelling directly to suitable accommodation while waiting to transit to the place outside New South Wales if the person self-isolates until the transit, or
 - (ii) dealing with an emergency.
- (3) Notes included in this Order do not form part of this Order.

3 Grounds for concluding that there is a risk to public health

The basis for concluding that a situation has arisen that is, or is likely to be, a risk to public health is as follows—

- (a) public health authorities both internationally and in Australia have been monitoring and responding to outbreaks of COVID-19, which is a condition caused by the severe acute respiratory coronavirus 2 (SARS-CoV-2),
- (b) COVID-19 is a potentially fatal condition and is highly contagious,
- (c) a number of cases of individuals with COVID-19 have now been confirmed in New South Wales and other Australian jurisdictions, including by means of community transmission, and there is an ongoing risk of continuing introduction of COVID-19 into the New South Wales community,
- (d) there has been at least one recent case in Western Australia, establishing a substantial risk of transmission in the community requiring heightened vigilance and the gathering of information from travellers for the purposes of contact tracing.

Part 2 Directions concerning providing information

4 Directions to complete self-declaration

- (1) The Minister directs that an affected person who enters New South Wales at a NSW airport must complete a WA traveller self-declaration substantially in the form approved by the Chief Health Officer.
- (2) The Minister directs that a person who completes a WA traveller self-declaration under this clause must ensure that the information provided is true and accurate.
- (3) A WA traveller self-declaration may be completed—
 - (a) within the 24-hour period immediately before the person enters New South Wales, or
 - (b) on entering New South Wales.
- (4) An affected person must complete a new WA traveller self-declaration each time the person enters New South Wales at a NSW airport.
- (5) Despite subclause (4), an affected person is not required to complete more than one WA traveller self-declaration on a calendar day.
- (6) Without limiting the form of a declaration, a declaration approved by the Chief Health Officer must require the affected person to provide the following information—
 - (a) the person's name,
 - (b) the person's email address and telephone number,
 - (c) each address at which the person stayed in Western Australia in the previous 14 days,
 - (d) the address or addresses where the person will be staying in New South Wales,
 - (e) whether or not the person has, in the last 14 days, visited an affected area,
 - (f) the number of dependent children under the age of 16 years travelling with the person,
 - (g) the person's planned date of arrival in New South Wales,
 - (h) if the person is not ordinarily resident in New South Wales, the person's planned date of departure from New South Wales.

5 Directions about providing information

- (1) The Minister directs that an affected person who enters New South Wales at a NSW airport must carry evidence of completion of a WA traveller self-declaration.
- (2) The Minister directs that a person must, if required to do so by an enforcement officer, provide information, including photo identification, to allow a decision to be made about—
 - (a) whether the person is an affected person, and
 - (b) if the person is an affected person who entered New South Wales at a NSW airport—whether the person has completed a WA traveller self-declaration.
- (3) An enforcement officer may require information under subclause (2) only if the enforcement officer suspects on reasonable grounds that the person may be an affected person.
- (4) The Minister directs that a person who provides information in response to a requirement under this clause must ensure that the information is true and accurate.

- (5) A person provides sufficient information in response to a requirement under this clause about whether the person is an affected person if the person produces photographic identification to verify the person's name and address.

6 Direction to provide self-declaration information to enforcement officer

If an affected person enters New South Wales at a NSW airport and is, when directed by an enforcement officer, unable to produce evidence of completion of a WA traveller self-declaration, the Minister directs that the affected person must provide information to the enforcement officer to enable the declaration to be completed on the affected person's behalf.

7 Direction about providing information to contact tracers

- (1) This clause applies to an affected person who—
- (a) enters, or is in, New South Wales, and
 - (b) is contacted by a person undertaking contact tracing functions for NSW Health.
- (2) The Minister directs that a person to whom this clause applies must provide true, accurate and complete information to the person undertaking contact tracing functions.

Part 3 Directions concerning movement

8 Directions of Minister concerning affected persons

- (1) The Minister directs that an affected person who enters New South Wales on or after the commencement of this Order must, immediately after entering, travel directly to—
 - (a) the person's place of residence, or
 - (b) another place that is suitable for the person to reside in.
- (2) If an affected person who entered New South Wales before the commencement of this Order is not already complying with subclause (1) when this Order commences, the Minister directs that the affected person must, as soon as possible after the commencement of this Order, travel directly to—
 - (a) the person's place of residence, or
 - (b) another place that is suitable for the person to reside in.
- (3) The Minister directs that an affected person must not, without reasonable excuse, be away from the place at which the person is staying.
- (4) This clause does not apply to a person who is homeless.
- (5) This clause ceases to apply to an affected person at—
 - (a) 9.00 pm on 5 February 2021— if the affected person is tested for COVID-19 between the commencement of this Order and 9.00 pm on 5 February 2021, or
 - (b) 9.00 pm on 14 February 2021—in any other case.

9 Reasonable excuses

- (1) For the purposes of clause 8, a reasonable excuse includes doing an activity specified in Schedule 1.
Example. Schedule 1 includes the following reasonable excuses—
 - (a) obtaining food or other goods and services,
 - (b) travelling for the purposes of education if it is not possible to do it at home,
 - (c) exercise,
 - (d) medical or caring reasons.
- (2) In addition, if a person is staying in temporary accommodation, it is a reasonable excuse to leave the temporary accommodation if—
 - (a) the period of the booking of the temporary accommodation expires, and
 - (b) the person—
 - (i) goes directly to the person's place of residence or other temporary accommodation, or
 - (ii) travels immediately by the most practicable direct route to a place outside New South Wales, and
 - (c) if subparagraph (b)(i) applies—the person continues to comply with clause 8.
- (3) Taking a holiday is not a reasonable excuse.

10 Application of directions to persons transiting through New South Wales

Clause 8 does not apply to a person who enters, or has entered, New South Wales for immediate travel by the most direct practicable route to a place outside New South Wales.

Part 3A Direction concerning face coverings

10A Definition

In this Part, ***fitted face covering*** has the same meaning as in the *Public Health (COVID-19 Mandatory Face Coverings) Order 2021*.

10B Direction of Minister to wear fitted face covering

The Minister directs that an affected person to whom clause 8 applies must wear a fitted face covering at all times except when—

- (a) inside the person's place of residence or another place that is suitable for the person to reside in, or
- (b) inside the person's private vehicle, and the only other persons in the vehicle reside with the affected person at their place of residence or other suitable place, or
- (c) when exercising outdoors.

10C Exceptions

- (1) Clause 10B does not apply to a person exempted under clause 5(5) of the *Public Health (COVID-19 Mandatory Face Coverings) Order 2021*.
- (2) Clause 10B does not apply in the circumstances set out in clause 5(7) and (7A) of the *Public Health (COVID-19 Mandatory Face Coverings) Order 2021* provided that a person who removes the person's fitted face covering in one of those circumstances must resume wearing the fitted face covering as soon as practicable after the circumstance ends.

Part 4 Miscellaneous

11 Relationship of Order to related Public Health Orders

- (1) To avoid doubt, nothing in this Order affects an obligation an affected person has to comply with a direction applicable to the person under a related Public Health Order, including in relation to isolation.
- (2) In this clause—
related Public Health Order means each of the following orders made under section 7 of the Act as in force from time to time—
 - (a) the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) 2020*,
 - (b) the *Public Health (COVID-19 Maritime Quarantine) Order (No 4) 2020*,
 - (c) the *Public Health (COVID-19 Self-Isolation) Order (No 5) 2020*,
 - (d) an order that remakes, replaces or consolidates, whether in whole or in part, an order or orders mentioned above.

12 Exemptions

The Minister may, in writing and subject to the conditions that the Minister considers appropriate, grant an exemption to this Order or specified provisions of this Order.

Schedule 1 Reasonable excuses

- 1** obtaining food or other goods or services for the personal needs of the household or other household purposes (including for pets) and for vulnerable persons
- 2** travelling for the purposes of facilitating attendance at a school or other educational institution if the person attending the school or institution cannot learn from the person's place of residence
- 3** exercising outdoors
- 4** obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities
- 5** providing care or assistance (including personal care) to a vulnerable person or providing emergency assistance, but not including visiting a residential aged care facility within the meaning of the *Public Health (COVID-19 Aged Care Facilities) Order (No 4) 2020*
- 6** undertaking any legal obligations
- 7** accessing public services (whether provided by Government, a private provider or a non-Government organisation), including—
 - (a) social services, and
 - (b) employment services, and
 - (c) domestic violence services, and
 - (d) mental health services, and
 - (e) services provided to victims (including as victims of crime)
- 8** for children who do not live in the same household as their parents or siblings or one of their parents or siblings—continuing existing arrangements for access to, and contact between, parents and children or siblings
- 9** avoiding injury or illness or to escape a risk of harm
- 10** for emergencies or compassionate reasons including where 2 persons are in a relationship but do not necessarily live together.