

PUBLIC HEALTH ACT 2016 (WA)

Sections 157(1)(k) and 190(1)(p)

COVID TESTING REPORTING DIRECTIONS

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

On 23 March 2020, the Minister for Health declared a public health state of emergency with effect from 1.30 p.m. on 23 March 2020 in respect of COVID-19 pursuant to section 167 of the Act. The public health state of emergency applies to the State of Western Australia.

I, Dr Revle Bangor-Jones, an emergency officer authorised by the Chief Health Officer under section 174(2) of the Act to exercise any of the emergency powers while the public health state of emergency declaration in respect of COVID-19 is in force, consider it reasonably necessary to give the following directions to all persons in Western Australia to prevent, control or abate the serious public health risk presented by COVID-19 pursuant to sections 157(1)(k) and 190(1)(p) of the Act.

DIRECTIONS

Preamble

1. The purpose of these directions is to ensure that all pathology laboratories undertaking COVID-19 testing notify the Chief Health Officer of all positive and negative tests, as soon as practicable, and in any event, within 24 hours of obtaining each positive or negative test result, in order to prevent, control or abate the serious public health risk presented by COVID- 19.

Citation

2. These directions may be referred to as the **COVID Testing Reporting Directions**.

Commencement

3. These directions come into effect at the beginning of the day after the day on which they are made.

Directions

4. In addition to any obligation imposed by section 94 of the Act on the **responsible pathologist** of a pathology laboratory in relation to COVID-19, a responsible pathologist must notify the **Chief Health Officer** of:

- (a) the **details** of each analysis involving testing for COVID-19 in the **approved form** as soon as practicable, and in any event within 24 hours of the performance of the analysis; and
- (b) the **details** of each analysis involving testing for COVID-19 which was performed on and from 13 March 2020 until these directions came into effect in the **approved form** as soon as practicable, and in any event within 72 hours of these directions coming into effect.

Note: Human coronavirus with pandemic potential – relevantly COVID-19 – is an urgently notifiable infectious disease which engages the notification requirements of section 94 of the Act. Failure to comply with those requirements may be an offence punishable by a fine of up to \$10,000 for an individual and \$50,000 for a body corporate.

DEFINITIONS

- 5. **Approved form** means a form approved by the Chief Health Officer (if any).
- 6. **Chief Health Officer** has the same meaning that it has in the Act.
- 7. **Details** means, in relation to an analysis involving testing for COVID-19, the following information about the person from whom the sample analysed was taken, to the extent that the responsible pathologist has the information:
 - (a) the name, residential address, date of birth and gender of the patient or person from whom the sample analysed was taken (**patient**); and
 - (b) whether the patient is an Aboriginal or Torres Strait Islander; and
 - (c) the date of the test or analysis; and
 - (d) the **result**.
- 8. **Responsible pathologist** has the same meaning that it has in section 93 of the Act.
- 9. **Result** means whether the test or analysis was positive, negative or inconclusive for COVID-19.

PENALTIES

It is an offence for a person to fail, without reasonable excuse, to comply with these directions, punishable by a fine of up to \$20,000 for individuals and \$100,000 for bodies corporate.


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Dr Revle Bangor-Jones

Emergency Officer

4 April 2020