

EMERGENCY MANAGEMENT ACT 2005 (WA)

Section 72A

CONTACT REGISTER DIRECTIONS

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 section 72A of the Act.

PREAMBLE

1. The purpose of these directions is to require the provision of a person's **contact information** when entering certain places in order to prevent, control or abate the risks associated with the emergency presented by the pandemic caused by COVID-19, by limiting the spread of COVID-19, and for those purposes to specify certain information under section 72A(1) of the Act.

CITATION

2. These directions may be referred to as the **Contact Register Directions**.

COMMENCEMENT

3. These directions come into effect at 6.00 pm on 5 February 2021.

DIRECTIONS

Requirements for records of contact information

4. Except as provided in paragraph 7, a **responsible person** must request each person entering a **relevant place** to provide the person's contact information either:
 - (a) directly to the responsible person; or
 - (b) by electronically recording the person's contact information by means of the app known as 'SafeWA'.

5. If the responsible person displays a QR code to enable a person entering the relevant place to provide their contact information directly to them in accordance with paragraph 4(a), they must also display the 'SafeWA' QR code in a way which clearly identifies it as the 'SafeWA' QR code and ensures that the person entering the relevant place can use the 'SafeWA' app instead.
6. If contact information is provided by a person directly to a responsible person, the responsible person must:
 - (a) keep a record of the contact information for at least 28 days or such longer period as required by me, or a person authorised by me for that purpose; and
 - (b) on request, provide a record of the contact information for the place to a **responsible officer** as soon as practicable, but no later than 3 hours, after the request is made; and
 - (c) on request produce a record of the contact information for the relevant place for inspection by an **authorised officer** for the purpose of checking compliance with paragraphs 4 to 7; and
 - (d) not use or disclose contact information except:
 - (i) as provided for in this paragraph 6; or
 - (ii) as permitted by law; or
 - (iii) to the extent that the person expressly provided the person's contact information for a purpose other than COVID-19 contact tracing,and
 - (e) take reasonable steps to protect the contact information it holds from:
 - (i) misuse and loss; and
 - (ii) unauthorised access, modification or disclosure.
7. A responsible person is not required to request a person to provide the person's contact information under paragraph 4 if:
 - (a) the person is or appears to be younger than 16 years old; or

- (b) the person enters the relevant place for medical or emergency purposes or, in the case of a public or private hospital, the person is a patient or staff member at the hospital; or
 - (c) the relevant place is a boarding school or residential college and the person resides at that place; or
 - (d) the relevant place is, or is part of, **premises** used to accommodate **staff** of a mining site (including mining site accommodation) and is only open to and used by those staff.
8. Except for a person younger than 16 years old or in any of the circumstances described in paragraph 7(b) to (d), a person entering a relevant place must provide their contact information either:
- (a) directly to the responsible person; or
 - (b) by electronically recording their contact information by means of the app known as 'SafeWA',
- which contact information must be true and accurate.
9. A person who fails to provide their contact information at a relevant place in accordance with paragraph 8 must not remain at the relevant place.

DEFINITIONS

10. Unless expressly provided otherwise, terms within this direction that appear in bold have a meaning corresponding to the definition of that term in the Closure and Restriction (Limit the Spread) Directions (No 13), as amended or replaced from time to time.
11. **Authorised officer** has the same meaning as in the Act.
12. **Chief Health Officer** has the same meaning as in the *Public Health Act 2016* (WA).
13. **Contact information**, of a person who enters a place, means:
- (a) the person's name; and
 - (b) the person's telephone number; and
 - (c) the date and time that the person enters the place,

and for the purposes of paragraph 6 includes any information in a register which a person was required to retain by any of the **Former Directions**.

14. **Relevant place** means:

- (a) a place of business that supplies alcohol under a licence granted under the *Liquor Control Act 1988* (WA);
- (b) a restaurant, café or other place of business selling food or drink (including a business selling takeaway food or drink but excluding a business selling food or drink in a food court or from an outdoor food or drink truck or cart), except to the extent that any food or drink is supplied in a drive through;

Note: food courts are relevant places, but businesses selling food or drink in a food court are not. The responsibilities imposed by paragraphs 4 to 7 of these directions fall on the occupier or other person apparently in charge of the food court rather than on the occupier or other person apparently in charge of each business in the food court

- (c) a gym, indoor sporting centre, wellness centre, health club or fitness centre (including a centre offering yoga, barre, pilates, aerobics, dancing or spin facilities), but not including any **outdoor gym**, **outdoor skate park** or **playground**;
- (d) an indoor play centre;
- (e) a sauna;
- (f) a bathhouse;
- (g) a swimming pool, whether indoors or outdoors, that is open to or used by the public;
- (h) a place of worship;
- (i) a funeral parlour or other indoor area when used for the conduct of a funeral service;
- (j) a place that is or is in a beauty parlour or salon (including a hairdressers or barbershop), nail salon, tattoo parlour, spa or massage parlour and is being used to provide a service or services including tanning, waxing, massages, nail services, tattooing and piercing or hairdressing and barbering;

- (k) a gallery;
- (l) a museum;
- (m) a cinema (including a drive-in cinema or outdoor cinema);
- (n) an **entertainment venue of any other kind**;
- (o) a **casino**;
- (p) a gaming or gambling house;
- (q) an auction house;
- (r) an open house inspection (including the inspection of a display home), whether for the purposes of sale or rent;
- (s) an indoor community, recreation or youth centre or facility (including but not limited to community halls, clubs, Returned and Services League facilities and Police and Community Youth Centres);
- (t) a library
- (u) an amusement park or arcade (including, for the avoidance of doubt, a **wildlife park**);
- (v) Perth Zoo;
- (w) an indoor area in a **public place** when used for a function;
- (x) a hotel, motel, campground or other accommodation facility with check-in arrangements in place for the normal operation of accommodation services;
- (y) a boarding school or residential college;
- (z) adult entertainment premises (including but not limited to strip clubs, brothels and sex on premises venues);
- (aa) a food court (whether in a shopping centre or not);
- (bb) any part of a place of business to which the public is ordinarily given access for the purpose of offering or providing them with retail goods or services (including but not limited to banking, insurance, postal and pharmacy services), except to the extent that the goods or services are supplied in a drive through;

Examples: this item includes but is not limited to department stores, pharmacies, supermarkets, grocers, bakeries, butcher's shops, fishmongers, convenience stores, delicatessens, bank branches (but not ATMs), post offices, customer service branches of insurers, motor vehicle repairers, manufacturers' showrooms, "cash'n'carry" premises, hardware stores, furniture stores, electrical stores, recreational goods stores, clothing and footwear stores, newsagents and a part of a place engaged in agriculture or industry which sells the produce or products of the business

- (cc) a place where an **event** is held;
- (dd) an outdoor area in a public place when used for a wedding, corporate function, festival, carnival, fete, market (including a food market or a pop up market), funeral or memorial service or a gathering after a wedding, funeral or memorial service;
- (ee) any vehicle (including a **motor vehicle** or boat) which is capable of carrying 12 or more passengers and is used on a commercial basis for a party, tour or function;

Examples: wine and food tour buses, hop on/hop off tour buses, sightseeing tours on buses or vessels, activity based tours on buses or vessels, buses or vessels used for a party or function

- (ff) a public or private hospital.

15. **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 require the production for inspection or to inspect, or both, a record of contact information that is described in paragraph 6.

16. **Responsible person** means an occupier or other person apparently in charge of a relevant place in the State of Western Australia.

SPECIFICATION OF INFORMATION UNDER SECTION 72A(1) OF THE ACT

17. For the purposes of the definition of "relevant information" in section 72A(1) of the Act, I specify information relating to whether a person has provided or kept a record of contact information.

PENALTIES

It may be an offence to fail 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

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