

Border Closures – Western Australia

Member Update

6 April 2020

Members should be aware of the new border restrictions that apply to Western Australia to restrict imported cases of Covid-19. The Western Australian border is now closed and people are not permitted to enter WA unless they apply for, and are granted, an Exemption prior to travelling.

These ‘hard border closures’ came into effect at 11.59pm on Sunday, 5 April 2020. They were announced by the Premier on Thursday, 2 April 2020 via his Media Statement available [here](#).

The State Government’s new set of Directions, the legal instruments that give effect to the border restrictions, are known as:

1. **Quarantine (Closing the Border) Directions** (available [here](#)) (referred to as the ‘**Border Directions**’) – setting out the criteria for applying for an exemption to cross the Western Australian border; and
2. **Quarantine (Closing the Border) Revocation Directions** (available [here](#)) – which revoke some previously issued directions and preserve the operation of other directions in certain circumstances. For example, these directions amend the self-quarantine requirements following interstate and overseas travel, previously published in March.

Both documents are published on the wa.gov.au website [here](#).

This document provides a summary of the Border Directions and the impact on travel to/from WA.

Border Directions

The Border Directions prohibit entry into WA by any person other than an exempt traveller. The Border Directions are in force and must be complied with.

Exemptions are granted by application, which must be approved by WA Police prior to travel.

Persons seeking an Exemption must meet the criteria set out in the Border Directions.

In terms of approval process, it is anticipated that an electronic pre-approval system will be put in place to facilitate entry into WA by exempt travellers, and to determine requests for approval as an exempt traveller. In the meantime, a manual application process applies.

Applications for an Exemption are made using the ‘Exemption Application Form’ available on the government website [here](#). Applications must be emailed to WAEntryRequest@police.wa.gov.au.

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Summary of Exemption Criteria

- People are not permitted to enter WA unless they are classified as an **'exempt traveller'** under the Border Directions.
- **Exempt travellers** are defined to fall within specified categories and will be subject to specified terms or conditions on any approval granted.

The following categories may be relevant to members:

- **Persons with specialist skills not available in Western Australia**, that meet one of the following categories:
 - Any specialists required for industry or business continuity and maintenance of competitive operation where the service is time-critical; or
 - Any person who in the course of their duties is responsible for critical maintenance or repair of infrastructure critical to a region of, or to, WA.
- **FIFO workers who are not specialists**: A person who ordinarily travels from one state or territory to another state or territory for work purposes for regular periods according to established work schedules (FIFO worker), PROVIDED the person will:
 - at the expense of their employer, be subject to strict quarantine provisions and complete a mandatory 14-day isolation period in a location agreed with the State Emergency Coordinator (or their delegate); AND
 - that isolation period be served immediately after entering WA and before the person enters a workplace in WA.
- **Family member(s) of a FIFO worker**: A family member of a FIFO worker who enters WA after the person has been granted written approval from the State Emergency Coordinator (or their delegate) to enter WA on compassionate grounds, PROVIDED the person will:
 - at the expense of the FIFO worker's employer, be subject to strict quarantine provisions and complete a mandatory 14-day isolation period in a location agreed with the State Emergency Coordinator (or their delegate), before the family member leaves that location; AND
 - comply with any other terms or conditions of the approval.
- **Approval on compassionate grounds**: Those seeking to enter WA for work-related reasons not otherwise captured may be considered on a case-by-case basis, and evidence may be required. Authorisation must be first sought and obtained from the State Emergency Coordinator (or their delegate) and the person must comply with any terms or conditions, which will likely include a mandatory 14-day quarantine period. **Examples** given in the Border Direction include where:

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- A person may face exceptional hardship if they are not permitted to enter WA because they live in WA and operate a small business and would face financial ruin if they were prevented from returning.
- A person who needs to enter WA because they have lost their job in another state, have no means of support, and will need to live with and be supported by their family until their circumstances change.
- There are other (limited) exemptions for transport, freight and logistics, health and emergency services, and other compassionate grounds.
- All persons, even exempt travellers must not enter WA if they have:
 - experienced or are experiencing Covid-19 symptoms;
 - received oral or written notice of close contact (ie having spent more than 15 minutes of face-to-face contact, or more than 2 hours in the same room with someone diagnosed with Covid-19);
 - been tested and are awaiting a test result; or
 - received a positive test.
- **Western Australian residents** who have already completed a 14-day period of supervised quarantine in another Australian state or territory without displaying symptoms, and entered WA no longer than 24 hours after completing that quarantine, may be given a direction by an authorised officer. For example, they may be given a self-quarantine direction, which specifies how the person must travel and where they must stay during that period.

Offences:

- It is an offence to fail to comply with the Border 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.

Members should note that:

- All persons seeking to enter WA must now obtain an Exemption to enter the State.
- Persons granted an exemption must carry it with them when travelling. If your exemption category requires further documentation or proof, you must produce this material on request. Failure to do so can constitute an offence.
- Those seeking to enter WA without an Exemption may commit an offence and will be refused entry and asked to leave.
- Other regional/intrastate travel restrictions apply, along with requirements around testing for Covid-19 (see 'Other travel restrictions' below).

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Travel Restrictions within WA (Regional/Intrastate Travel)

For information regarding travel within Western Australia (intrastate travel), please refer to Master Builders WA's '**Travel Restrictions within WA (Intrastate Travel) Member Update**' available on our website [here](#). Please note however that the government directions are being updated regularly, and members should refer to the wa.gov.au website to read the relevant Direction(s) that may apply to their situation.

For example, since that member update was published, the state government has issued further restrictions for the Kimberley, which members travelling to the Kimberley region should be aware of. Refer to the published **Prohibition on Travel between Local Government Districts in the Kimberley Directions**, available [here](#).

Other travel restrictions

All Covid-19 related Declarations issued under the *Emergency Management Act 2005* (WA) and the *Public Health Act 2016* (WA) are published on the government's website [here](#).

Other relevant directions include:

- Mass Gatherings Directions
- Covid Testing Reporting Directions
- Self-isolation test and close contact directions (applicable to anyone tested for Covid-19).

Members are encouraged to review all directions to ensure they are aware of and comply with all relevant to their situation.

Safety Duties

Members should act responsibly and ensure that all persons within their business, contractors and supply chain comply with the restrictions to avoid the spread of Covid-19 and save lives.

Summaries of the health and safety requirements around Covid-19 that all persons operating in the building and construction industry must follow are available on the Master Builders website [here](#).

Should you have queries regarding health and safety matters, please contact our team on mba@mbawa.com or (08) 9476 9800 and we will direct your query.

Should you require legal advice on these matters, please contact our Legal Advice Line on 1300 651 959 (free for members).

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