

# First Nations Guide to COVID-19 Laws – Western Australia

18 May 2020

Governments have introduced wide-ranging temporary measures to help prevent the spread of coronavirus (COVID-19) and keep communities safe. The Police have powers to enforce these public health directions.

This may change your daily life and what communities can do together.

This information sheet explains some of the key public health directions in Western Australia and the powers of the police.

Directions and police powers are changing regularly and so it is important to check for any updates.

## A. Public health laws - Social distancing and travel within communities

### When can I leave the house?

Following continued low numbers of new cases and the encouraging responses to COVID-19 coronavirus in WA, some restrictions have been lifted. From Monday 18 May 2020, up to 20 people are allowed to attend indoor and outdoor non-work public gatherings.

The current direction requires everyone to continue to stay home, except for:

- shopping for food or necessary supplies;
- medical or health care needs (including compassionate requirements, such as attending a funeral or visiting a seriously ill relative);
- childcare or school;
- exercise, including outdoor personal training in groups of up to 10 people without shared equipment (while social distancing); or
- work and study if you can't do so remotely;
- non-contact recreational activities such as private picnics in the park, the hairdresser, fishing, boating, hiking and camping – all in compliance with travel restrictions (below) and with no more than 10 people;
- home opens and display village openings, with appropriate record keeping and hygiene practices in place and in compliance with the 10-person rule.

If you are inside or outside, and there is more than 2 people, there has to be at least 4 square metres of space for each person.

You can't travel between "regions" in WA without an exemption. There may be further restrictions on your movements if you are in a designated "region" (see below).

### What do I have to do if outside of the home?

If you are inside or outside, and there is more than 2 people, there has to be at least 4 square metres of space for each person.

The aim of *social distancing* is to keep room between yourself and other people. This is to stop the spread of COVID-19. You should practise social distancing everywhere, including in public, at home, at work and at schools. You should keep 1.5 metres away from others.

### What about family in other houses, can we visit each other?

Yes. However, where there is more than 2 people, there needs to be at least 4 square metres of space for each person at the gathering. There can't be more than 10 people.

### What if I am homeless?

There is no rule forcing you to stay in a house.

Homeless services, crisis accommodation and restaurants and cafes that provide food and drink to the homeless are open. The WA Government starting to give emergency accommodation to homeless people because of Covid-19.

### What if I don't feel safe in my home?

You can leave your home if there is violence by another person in the home. Travel between regions to escape danger is allowed.

You can still get help from specialist domestic, family and sexual violence services, such as refuges, shelters, counselling or legal services. You should call 1800 737 732.

If it is an emergency, call the police on 000.

## When do I have to self-isolate?

Self-isolation means staying at home or in your hotel room to prevent the possible spread of COVID-19 to other people. This means that you must not leave your home unless in an emergency and you cannot let visitors in your home.

You must self-isolate if:

- You have been diagnosed with COVID-19;
- you have been tested for COVID-19 and are awaiting the result; or
- an authorised person has told you that you have been in close contact of a person who has been diagnosed with COVID-19.

If you have tested positive or have symptoms for COVID-19 you must self-isolate until you are informed in writing by a responsible officer that you are no longer required to do so.

It is an offence to not follow a public health direction to self-isolate.

## Returning to WA from another state

A person who comes into WA, must isolate themselves for a quarantine period of 14 days. Even if you have already quarantined in another State or Territory (for example, after arriving in from overseas) you will be required to self-isolate for another 14-day period upon entering WA.

WA's borders are closed unless you are an exempt traveller. Most exempt travellers will be subject to a self-quarantine direction which will mean you need to self-isolate for 14 days.

## Can I use my car?

The same rules apply to your car. This means you can only have people you live with in your car and one other person.

## Can I care for Elders?

You can care for Elders if you comply with the above rules including social distancing and the 10-person rule.

Visits to aged care facilities is not allowed unless you are:

- an officer, employee or contractor of an aged care facility;

- providing goods or services necessary for the operation of the facility;
- providing health, medical or pharmaceutical services to a resident;
- on a care and support visit and no one else has made a similar visit that day;
- there for end of life support;
- there for emergency management or law enforcement;
- thinking of moving into aged care facility; or
- a lawyer there to provide legal services in relation to wills and estate planning to a resident.

## Can we still get together outside for community events?

Up to 20 people can gather in public indoors and outdoors. Stay away from large groups and always follow social distancing when leaving the house. On private property, there must be at least 4 square metres of space for each person at the gathering if there are more than 2 people.

## What about sorry business and funerals?

A funeral can still be held. From Monday 18 May 2020, up to 20 people will be able to attend an inside funeral and up to 30 people will be able to attend an outside funeral.

A bigger funeral can be allowed if the State Emergency Coordinator has given approval. Funerals and sorry business are still required to abide by the one person per 4 square metres rule.

## What if I can't pay my rent?

If you have lost your job, or you are making less money because of COVID-19, you should speak with your landlord as soon as possible about options.

If you fall behind in rent, until 30 September 2020, you can't be evicted if you can't pay rent because you are suffering hardship because of COVID-19. If you get an eviction notice, you should call Tenancy WA on 1800 621 888.

You can still be evicted for other things, like damaging your property or not paying rent because of other reasons. Landlords are not allowed to increase rent at this time.

You might be able to get a grant of up to \$2000 from the Government if you:

- lost your job after 20 March 2020;
- have applied for Centrelink income support;

- have less than \$10,000 of household savings; and
- are currently paying rent of at least 25% of the total household income after tax.

## B. Police enforcement powers

### What powers do the police have to enforce the directions?

Police have powers to enforce the public health directions, including issuing fines or making arrests. Penalties can include:

- Police officers may give you an on-the-spot fine of \$1000 (without having to go through courts);
- a fine of up to \$50,000 for individuals, or \$250,000 for corporations or prison of up to 12 months;
- for breaching rules relating to biosecurity areas, a maximum imprisonment of 5 years or fine of \$63,000.

If you do not follow quarantine requirements you may be forced to wear an electronic tracking device or install one at your home. If you don't meet these rules, you could receive a fine of \$12,000 or up to 12 months imprisonment.

There are also new offences relating to COVID-19. This includes fines for assaulting a doctor, nurse or other emergency services or prison officer, where you know you have COVID-19 or you tell them that you have COVID-19. You could face up to 10 years imprisonment. This also includes spitting on someone.

Threatening to injure or harm a public officer by exposing them to COVID-19, could also mean up to 7 years imprisonment.

Police could give you a warning or fine or possibly arrest you if you are not following the rules and you are aged 10 years or over. However, police should only give a fine to a child between 10 and 14 if the police believe the child understood that they were doing the wrong thing.

### What do I have to do if the police approach me?

The police have wide powers to assist with emergency. Some of the things a police officer may direct you to do include:

- providing your name, date of birth and address when requested;

- closing your place of business;
- removing you to a place (eg your home) if the police officer thinks you are obstructing emergency management activities.

A police officer may use reasonable force to enforce public health directions. For the purposes of emergency management, a police officer may also enter or search a place. A police officer cannot exercise these powers contrary to a public health direction.

You can film your interaction with police in a public place if you are concerned about your rights.

### Can I appeal my fine?

If you think the fine is too high or you don't think you should have been fined, you can appeal the decision. It is best to seek legal advice before appealing.

If you need more time to pay, you may ask for a time to pay order which allows you to pay the fine by a later or date or pay in regular instalments.

## C. Restrictions on movement into Aboriginal communities and between regions

There are a number of layers of restrictions on travel within WA, particularly to remote Aboriginal communities and between regions. These rules have been made by the WA, Federal government and local governments, and restrictions also imposed by Aboriginal communities themselves (for example by native title holders).

You may be limited in travel from or to your community or region. Always check for the latest travel restrictions and community restrictions before leaving your particular community or region. The below is a guide to some of the key rules. You can call the WA government COVID-19 information line on 13 26843.

From 18 May 2020, you will now be allowed to travel within a number of regions, including:

- Within the Perth, Peel, the Wheatbelt, South West and Great Southern regions
- Within the Mid-West, Gascoyne and Pilbara regions (excluding the bio-security area in parts of the Shire of East Pilbara that encompass the communities of Jigalong, Martu homeland communities and Kiwirrkurra)

- Within the Goldfields-Esperance region including from other parts of that region into Esperance (but excluding the bio security area of Shire of Ngaanyatarraku)
- Between local government areas in the Kimberley.

Travel exemptions will still be required to travel between these regions.

Exemptions apply and include: for people travelling to work; returning to a place of residence; attending medical appointments; transporting freight; where necessary to attend school or an educational institution; for people who do not have access to groceries or supplies within their region; and approved compassionate grounds.

Police have the power to enforce these restrictions, and fines of up to \$50,000 can be issued.

Travel into remote Aboriginal communities remains restricted, as does travel within the Federal Government biosecurity areas.

#### *Biosecurity areas*

Access continues to be restricted into the following regions:

- The Kimberley (comprising all four local government areas);
- Shire of Ngaanyatjarraku
- Parts of the Shire of East Pilbara that encompass the communities of Jigalong, Martu homeland communities and Kiwirrkurra.

Under these arrangements, any person who is outside a designated area can only enter that region if that person has self-isolated for 14 days prior to entering the designated biosecurity areas. Exceptions apply where there is an urgent need to perform an essential activity, or other exceptional circumstances.

Breaching these restrictions is a criminal offence and could lead to a maximum imprisonment of 5 years or fine of \$63,000.

### **Can I travel to another State for work or to shop?**

WA has closed its border to other States and Territories. A person must not enter WA unless they are an exempt traveller. Exempt travellers include:

- Compassionate grounds such as receiving medical treatment, visiting ill relatives or attending funerals, as a carer for a relative, to be cared for by a relative;
- Government officials, members and workers;
- Army members;
- Doctors and other people providing health services;
- People working in transport, freight and logistics in or out of WA;
- People with specialist skills not available in WA.
- Fly in fly out employees and their families.
- Emergency service workers;
- people who work at the courts;
- People entering WA as required under a court order;
- Children who live interstate but need to go to WA in the school holidays; or
- Any person the State Emergency Coordinator approves to enter WA.

Re-entry into WA will require a G2G PASS in order to pass police checkpoints. You face a fine of up to \$50,000 and/or up to 12 months in prison for entering WA without an exemption.

### **D. Businesses**

A number of essential services and shops have continued operating with some restrictions to make sure that people are able to get what they need.

From Monday 18 May 2020, restrictions on some businesses will be relaxed. Provided social distancing, good hygiene and the “4 square metre” rule can be applied, the following activities will be allowed:

- Meal services at cafes and restaurants (including within any pub, bar, club, hotel or casino) of up to 20 patrons;
- Non-contact community sport up to 20 people;
- Outdoor or indoor fitness classes with minimal shared equipment, up to 20 people;

- Public pools (1 indoor and 1 outdoor) permitted to open under strict rules, with up to 20 patrons per pool); and
- Places of worship, community facilities and libraries, up to 20 patrons.

Any businesses seeking to reopen will need to complete an official COVID Safety Plan.

## Who to call for help or information

For community advice about coronavirus in WA call the WA government COVID-19 information line 13 268 43 or 13COVID.

*This guidance sheet is not a substitute for legal advice. You should contact a lawyer for specific legal advice or referral.*