



Cocos (Keeling) Islands (Coronavirus Emergency—Self-Isolation) Direction 2020

***Cocos (Keeling) Islands Emergency Management Ordinance 2012
Public Health Act 2016 (WA)(CKI)***

I, David Williams, Territory Controller, make the following direction.

Dated 21 April 2020

A handwritten signature in black ink, appearing to read 'David Williams', is written over the printed name.

David Williams
AFP Officer-in-charge
Territory Controller

1. Name

This direction is the Cocos (Keeling) Islands (Coronavirus Emergency—Self Isolation) Direction 2020.

2. Commencement

This direction commences on 21 April 2020.

3. Authority

- (1) I am the Territory Controller for the purposes of the Ordinance. I am authorised by section 13 of the Ordinance, during a state of emergency for the purpose of emergency management, to exercise a power of an authorised officer in accordance with Division 2 of Part 3 of the Ordinance.
- (2) I am an authorised officer for the purposes of the PH Act, authorised by the Assistant Minister for Regional Development and Territories (the Minister) to exercise the ‘serious public health incident powers’ set out in Part 11 of that Act, in relation to a ‘serious public health risk’ to which the authorisation relates. The authorisation given by the Minister relates to the public health risk from COVID-19, a human coronavirus which has been declared a worldwide pandemic by the World Health Organisation on 11 March 2020.
- (3) I am satisfied that this direction is reasonably required during a state of emergency for the purposes of emergency management, and to prevent, control or abate the risk to the community of COVID-19.
- (4) Accordingly, I make:
 - (a) paragraphs 6(1)(b), 6(2)(b), 7(4)(a) and 7(4)(b), and subparagraph 7(4)(c)(ii) of this direction under paragraph 157(1)(k) of the PH Act; and
 - (b) all other provisions of this direction under subsection 22(1) of the Ordinance.
- (5) Failure to comply with this direction without reasonable excuse constitutes an offence for which significant monetary penalties may apply.

4. Definitions

For the purposes of these directions:

appropriate infection control measures includes:

- (a) wearing a surgical mask, if available and appropriate having regard to the person’s age and ability to wear a surgical mask, when the person is in the same room with one or more other persons (irrespective of whether any of those other persons are required to self-isolate); and
- (b) covering the person’s mouth and nose when the person sneezes or coughs; and
- (c) washing the person’s hands often and thoroughly with soap and water for at least 20 seconds on each occasion that the person washes their hands; and
- (d) ensuring that the person does not share household items with any other person in the premises where the person is self-isolating; and
- (e) any other infection control measures which the person is advised to follow by a person appropriately qualified to give that advice.

close contact means a person who has:

- (a) had more than 15 minutes of face-to-face contact in any setting; or

(b) shared a closed space for more than two hours; with another person who has tested positive or otherwise been diagnosed with COVID-19 in the period extending from 24 hours before the onset of symptoms in the other person.

IOTHS means the Indian Ocean Territories Health Service.

oral or written notice means notice by oral or written means (including by text message or other electronic means) or by a combination of those means.

Ordinance means the *Cocos (Keeling) Islands Emergency Management Ordinance 2012*.

PH Act means the *Public Health Act 2016 (WA)(CKI)*.

positive test means oral or written notice from a responsible officer that the person who receives the notice has tested positive for COVID-19, irrespective of whether the person has in fact tested positive for COVID-19.

responsible officer means:

- (a) an officer, employee or contractor of the IOTHS; or
- (b) an officer, employee or contractor of the WA Department of Health; or
- (c) an officer, employee or contractor of a health service provider (within the meaning of section 6 of the *Health Services Act 2016 (WA)(CKI)*); or
- (d) any other person authorised by the Territory Controller or the Chief Medical Officer of the IOTHS orally or in writing to give that oral or written notice.

self-isolate means:

- (a) to reside in premises that are suitable for the person to reside in until the person is no longer required to self-isolate; and
- (b) to remain in those premises until the person is no longer required to self-isolate, except to the extent necessary:
 - (i) to seek urgent medical attention; or
 - (ii) in an emergency situation.

symptoms means any one or more of:

- (a) a fever of 38 degrees or above; or
- (b) symptoms of acute respiratory infection (including, but without limitation, shortness of breath, a cough or sore throat).

Territory means the Territory of Cocos (Keeling) Islands.

test means test for COVID-19.

5. Prohibition on entering premises where a person is in self-isolation

A person (*A*) must not enter premises in which a person (*B*) is residing while required by this direction to self-isolate unless:

- (a) *A* usually lives in the premises; or
- (b) *A* is also complying with the direction for the same period as person *B*; or
- (c) *A* enters the premises for medical or emergency purposes.

6. Self-isolation following positive test or diagnosis

- (1) A person who receives a positive test or is given oral or written notice by a responsible officer that the person has otherwise been diagnosed with COVID-19 must:
 - (a) self-isolate; and

- (b) at all times follow appropriate infection control measures; until the person is informed in writing by a responsible officer that the person is no longer required to self-isolate.
- (2) If a person is informed in writing by a responsible officer that the person is no longer required to self-isolate, but the person subsequently receives a positive test or is given oral or written notice by a responsible officer that the person has otherwise been diagnosed with COVID-19, the person must:
 - (a) self-isolate; and
 - (b) at all times follow appropriate infection control measures.
- (3) However, a person is not required to comply with subclause (1) or (2) if:
 - (a) the person is already an inpatient in a hospital, for as long as the person remains an inpatient in a hospital; or
 - (b) the person becomes an inpatient in a hospital, for as long as the person remains an inpatient in a hospital; or
 - (c) the person is travelling as soon and as directly as possible from the place where the person receives a positive test to a hospital for receiving medical advice or care for COVID-19; or
 - (d) the person is waiting at a hospital to receive, or is receiving at a hospital, medical advice or care for COVID-19 and complies with all directions given to the person by anyone who is or appears to be a member of the hospital's medical, nursing or security staff; or
 - (e) the person is receiving at a hospital medical advice or care for COVID-19 and complies with all directions given to the person by anyone who is or appears to be a member of the hospital's medical, nursing or security staff; or
 - (f) the person is travelling as soon and as directly as possible from a hospital where the person has sought medical advice or care for COVID-19 to the place where the person will self-isolate, if the person has been directed or advised by a member of the hospital's medical or nursing staff to self-isolate.

7. Self-isolation following testing or close contact

- (1) A person who is tested must:
 - (a) if the person is in a quarantine centre—remain in the quarantine centre until the person receives the test result; and
 - (b) if the person is not already in premises that are suitable for the person to reside in—travel as soon as possible after the completion of the test to such premises; and
 - (c) self-isolate in premises that are suitable for the person to reside in until the person receives the test result.
- (2) A person (*A*) who is informed orally or in writing by a responsible officer that the person is a close contact of a person (*B*) who has received a positive test or has otherwise been diagnosed with COVID-19 must:
 - (a) if *A* is not already in premises that are suitable for *A* to reside in—travel as soon as possible to such premises; and
 - (b) self-isolate in premises that are suitable for *A* to reside in for the period ending 14 days after the day on which *A* last had contact with *B*.
- (3) *A* must comply with subclause (2) even if:
 - (a) *A* is not a close contact of *B*; or
 - (b) *B* has not received a positive test or otherwise been diagnosed with COVID-19; unless *A* is informed orally or in writing by a responsible officer that *A* does not have to comply with the direction in subclause (2).

- (4) If a person who is in self-isolation because of this clause develops symptoms, the person must:
- (a) inform a responsible officer as soon as possible that the person has been in self-isolation and has developed symptoms; and
 - (b) comply with any oral or written instructions given to the person by a responsible officer, whether to the person specifically or to all persons who are in self-isolation and develop symptoms; and
 - (c) until the person is informed in writing by a responsible officer that the person is no longer required to self-isolate:
 - (i) self-isolate; and
 - (ii) at all times follow appropriate infection control measures.

8. Exemptions

The Territory Controller or an authorised officer may, in writing and subject to conditions, grant an exemption to specified provisions of this direction.

Note 1: If a person does not comply with a direction, an authorised officer may do all things reasonably necessary to ensure compliance with the direction, using force as is reasonable in the circumstances (subsection 22(3) of the Ordinance).

Note 2: A person commits an offence if the person fails to comply with a direction or obstructs or hinders the Territory Controller or an authorised officer in the exercise of a power under the Ordinance, punishable by a significant monetary fine (sections 30 and 31 of the Ordinance).
