

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

FLIGHT CREW DIRECTIONS (No 2)

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 sections 67, 70 and 72A of the Act.

PREAMBLE

1. These directions set out the requirements that apply to a **domestic flight crew member** and an **international flight crew member** immediately after they **enter** Western Australia and are for the purpose of preventing the importation of COVID-19 into Western Australia and otherwise limiting the spread of COVID-19 in Western Australia.

CITATION

2. These directions may be referred to as the **Flight Crew Directions (No 2)**.

COMMENCEMENT

3. These directions come into effect at 12.01 am on 31 January 2021.

REVOCATION AND CONTINUING OBLIGATIONS

4. The Flight Crew Directions (**revoked directions**) are revoked.
5. Despite paragraph 4, if a domestic flight crew member or an international flight crew member entered Western Australia before the date and time specified in paragraph 3, the domestic flight crew member or international flight crew member must continue to comply with any requirement which still applied to them under the revoked directions immediately before they were revoked to the same extent that the domestic flight crew member or international flight crew member would if the revoked directions had not been revoked, and, for the avoidance of doubt, if the domestic flight crew member or international flight crew member fails to comply with a requirement that applied to them

under the revoked directions, the domestic flight crew member or international flight crew member may commit an offence under the Act.

6. Any reference to the revoked directions in any **direction** or approval given under or pursuant to a direction is deemed to be a reference to these directions from the commencement of these directions.

DIRECTIONS

7. Unless stated otherwise, a domestic flight crew member or an international flight crew member must comply with these directions and not the Controlled Border for Western Australia Directions, except for paragraphs 4, 5 and 5A of those directions.
8. A domestic flight crew member who enters Western Australia must comply with paragraphs 10 to 12 and 20 of these directions (to the extent those paragraphs apply to them) if, in the 14 days before the domestic flight crew member enters Western Australia, they:
 - (a) have been in a **restricted location**; or
 - (b) have been in New Zealand and another Australian State or Territory; or
 - (c) have knowingly been in **direct contact** with a person who, in the 14 days prior to the direct contact, had been in a restricted location or a place outside of Australia; and
 - (d) have not been outside of Australia.

Note: if a domestic flight crew member has been outside of Australia in the 14 days before they enter Western Australia, they are, for the purposes of these directions, an international flight crew member, as provided in paragraph 34(b). Accordingly, such a crew member must comply with the requirements for international crew members that are set out in these directions.

9. An international flight crew member who enters Western Australia must comply with paragraphs 10 and 13 to 20 of these directions (to the extent those paragraphs apply to them).

Requirements for certain domestic flight crew members and all international flight crew members

10. While in Western Australia, a domestic flight crew member or an international flight crew member must:
- (a) take all reasonable steps to maintain a distance of at least 1.5 metres from any other person; and
 - (b) practise good hygiene, including but not limited to washing their hands often with soap and water or using alcohol hand rub, particularly before and after eating and after attending the bathroom, and covering their cough or sneeze; and
 - (c) take all reasonable steps to limit interactions with other crew members, members of hotel staff and any other person.

Requirements for certain domestic flight crew members not ordinarily resident in Western Australia

11. Subject to paragraph 12, upon disembarking an **affected aircraft**, a domestic flight crew member who is not ordinarily resident in Western Australia must:
- (a) travel as soon as possible, by the most direct and practicable route available and without stopping except as required by law or necessary for fuel to the **crew hotel**, in a vehicle provided by their employer; and
 - (b) remain in the crew hotel for a period ending fourteen (14) days after the day on which they entered Western Australia or for the duration of their **layover**, whichever is the shorter time period; and
 - (c) not leave the crew hotel other than to return to the **terminal** for their outward-bound flight by the most direct and practicable route available and without stopping except as required by law or necessary for fuel, or as otherwise provided in paragraph 20.
12. A domestic flight crew member who is not ordinarily resident in Western Australia does not need to comply with paragraph 11 if, in accordance with their duties as a domestic flight crew member, they are required to remain at the terminal for the purpose of embarking an aircraft to take a flight to a destination outside of Western Australia, and the person leaves Western Australia on that flight.

Requirements for international flight crew members

13. In addition to, and without derogating from, any other requirement contained in any other direction to wear a mask, an international flight crew member must wear a face mask when transiting through a terminal or any other crowded place.
14. Upon disembarking an affected aircraft and subject to paragraph 17, an international flight crew member who is not ordinarily resident in Western Australia must:
 - (a) unless otherwise **directed**, travel in a vehicle provided by their employer in a manner directed by an **authorised officer** to the **approved crew hotel**;
 - (b) remain in the approved crew hotel for a period ending fourteen (14) days after the day on which they entered Western Australia or for the duration of their layover, whichever is the shorter time period; and
 - (c) subject to paragraph 16, not leave the approved crew hotel other than to return to the terminal for their outward-bound flight by the most direct and practicable route available and without stopping except as required by law or necessary for fuel, or as otherwise provided in paragraph 20.
15. Upon disembarking an affected aircraft and subject to paragraph 17, an international flight crew member who is ordinarily resident in Western Australia must:
 - (a) travel as soon as possible, by the most direct and practicable route available and without stopping except as required by law or necessary for fuel to **suitable premises**;
 - (b) remain in the suitable premises for a period ending fourteen (14) days after the day on which they entered Western Australia or for the duration of their layover, whichever is the shorter time period; and
 - (c) subject to paragraph 16, not leave the suitable premises other than to return to the terminal for their outward-bound flight by the most direct and practicable route available and without stopping except as required by law or necessary for fuel, or as otherwise provided in paragraph 20.
16. An international flight crew member must not leave the approved crew hotel or their suitable premises (whichever applies) to return to the terminal for an outward-bound

flight pursuant to paragraph 14(c) or 15(c), if the destination of that outward-bound flight is a place outside Western Australia but within Australia, unless:

- (a) the international flight crew member is travelling on an aircraft to reposition at another location and that aircraft is only carrying other international flight crew members; or
- (b) the duration of the international flight crew member's layover under paragraph 14(b) or 15(b) has been for a period longer than fourteen (14) days after the day on which they entered Western Australia.

Presentation for testing requirements for international flight crew members

17. An international flight crew member must, as soon as is practicable after the person disembarks from an affected aircraft at Perth Airport and in accordance with any **instruction** or direction:

- (a) report to an authorised officer; and
- (b) in accordance with any instruction or direction from that authorised officer, go to the place at Perth Airport where testing for COVID-19 is being conducted (**testing booth**), or if no testing is being conducted, comply with any other direction or instruction given to them by an authorised officer; and
- (c) comply with any instruction given to them by a **relevant officer** at the testing booth; and
- (d) answer truthfully if a relevant officer at the testing booth asks the international flight crew member to describe their state of health or asks whether they have or have had any **symptoms**; and
- (e) remain at the testing booth until:
 - (i) the international flight crew member has been tested for COVID-19; or
 - (ii) a relevant officer has instructed the international flight crew member that they may leave the testing booth.

18. An international flight crew member not ordinarily resident in Western Australia must:
- (a) if they were not tested for COVID-19 at Perth Airport after having complied with paragraph 17:
 - (i) when requested by a relevant officer conducting testing for COVID-19, open the door to their allocated room at the approved crew hotel; and
 - (ii) comply with any instruction given to them by the relevant officer; and
 - (iii) answer truthfully if the relevant officer asks the international flight crew member to describe their state of health or asks whether they have or have had any symptoms; and
 - (b) if they remain in Western Australia on the seventh day after the day that they entered Western Australia, comply with subparagraph (a)(i) to (iii) on that day.
19. An international flight crew member ordinarily resident in Western Australia must:
- (a) if they were not tested for COVID-19 at Perth Airport after having complied with paragraph 17:
 - (i) comply with any instruction given to them by the relevant officer in relation to presenting for testing; and
 - (ii) answer truthfully if the relevant officer asks the international flight crew member to describe their state of health or asks whether they have or have had any symptoms; and
 - (b) if they remain in Western Australia on the seventh day after the day that they entered Western Australia, comply with subparagraph (a)(i) to (ii) on that day.

Note: an international flight crew member ordinarily resident in Western Australia will be contacted by a relevant officer to confirm their presentation for testing requirements. This may include an instruction to present for testing at a COVID Clinic, or an instruction to permit a relevant officer to attend their suitable premises for the purpose of testing for COVID-19.

Requirements for domestic flight crew members and international flight crew members who must quarantine

20. A person who is required to comply with paragraphs 11, 14 or 15 must:

- (a) remain inside their allocated room at the approved crew hotel or crew hotel, or the suitable premises (as the case may be) unless:
 - (i) the person is otherwise directed; or
 - (ii) the person must leave to receive urgent medical treatment at a **hospital**; or
 - (iii) the person must leave to escape an imminent threat to their safety; and
- (b) if the person leaves the approved crew hotel, the crew hotel or suitable premises (the **relevant place**) to receive urgent medical treatment at a hospital:
 - (i) prior to leaving the relevant place (and if it is practicable to do so), telephone the ambulance service or the hospital at which the urgent medical treatment will be sought and inform them that they are subject to a quarantine requirement and need to attend the hospital for urgent medical treatment; and
 - (ii) go to the hospital by ambulance or by the most direct and practicable route available and without stopping except as required by law or necessary for fuel; and
 - (iii) comply with any direction or instruction given by an **emergency officer** or a **responsible officer**; and
 - (iv) unless otherwise directed by an emergency officer or a responsible officer, return to the relevant place as soon as possible after the urgent medical treatment has been provided by the most direct and practicable route available and without stopping except as required by law or necessary for fuel; and
- (c) if the person leaves the approved crew hotel, the crew hotel or suitable premises (the **relevant place**) to escape an imminent threat to their safety:
 - (i) go no further from the relevant place than the person has to in order to escape that threat; and

- (ii) return to the relevant place as soon as it is safe to do so; and
- (iii) if unable to return to the relevant place within an hour of leaving, telephone the police on 131 444 and inform them that they are subject to a quarantine requirement and had to leave the relevant place; and
- (d) if the person develops or has recently experienced symptoms:
 - (i) immediately telephone 13 COVID (13 268 43) and ask for an instruction; and
 - (ii) comply with any instruction given; and
- (e) not allow any person to access their allocated room at the approved crew hotel or crew hotel, or their suitable premises (as the case may be) (the **relevant place**) unless the person:
 - (i) is a relevant officer or a person assisting a relevant officer; or
 - (ii) accesses the relevant place for medical or emergency purposes; or
 - (iii) is required to access the relevant place for the purpose of performing critical and time-sensitive maintenance; or
 - (iv) is acting in compliance with a direction or instruction given by a relevant officer; or
 - (v) usually resides at the suitable premises,

provided that no more than two persons access the relevant place at any one time if they access the relevant place in accordance with subparagraph (e)(i) to (iii).

Inconsistency

21. If there is any conflict between these directions and the Controlled Border for Western Australia Directions, these directions prevail to the extent of any inconsistency.

DEFINITIONS

22. **Affected aircraft** means an **aircraft** which originated from a place outside Western Australia.
23. **Aircraft** includes any vehicle for travelling by air.

24. **Approved crew hotel** means a hotel which has been approved in writing by me, or a person authorised by me for that purpose, to accommodate an international flight crew member who is not ordinarily resident in Western Australia for the duration of that member's layover, whether under these directions or the revoked directions.
25. **Authorised officer** has the same meaning that it has in the Act.
26. **Crew hotel** means the hotel which has been organised for a domestic flight crew member by their employer or airline for the duration of that member's layover.
27. **Direct contact** has the same meaning that it has in the Controlled Border for Western Australia Directions.
28. **Direction** includes any direction given under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing, and **directed** includes directed by way of a direction under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing.
29. **Domestic flight crew member** means a member of the crew of an airliner or a medevac or air ambulance crew, including:
- (a) an off-shift crew member who is travelling as a passenger on an aircraft to reposition at another location; or
 - (b) an off-shift crew member who is returning to Western Australia after attending mandatory training required by the Civil Aviation Safety Authority at a place outside of Western Australia but within Australia.
30. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
31. **Enter** means to disembark from an affected aircraft onto land anywhere in Western Australia.
32. **Hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).
33. **Instruction** means an instruction given for the purposes of these directions which is not a direction, whether the instruction is given orally or in writing.
34. **International flight crew member** means:
- (a) a member of the crew of an airliner or a medevac or air ambulance crew, including an off-shift crew member who is travelling as a passenger on an

aircraft to reposition at another location, where the airliner, medevac or air ambulance or other aircraft has originated in a place outside of Australia; or

- (b) a domestic flight crew member who has been in a place outside of Australia in the 14 days before they enter Western Australia.

35. **Layover** means the period of time that an international flight crew member or a domestic flight crew member needs to remain in Western Australia commencing from when that member disembarks the affected aircraft and ending when that member arrives back at the terminal from the approved crew hotel, crew hotel or suitable premises (as the case may be) to board an aircraft to take a flight to a destination outside of Western Australia.

36. **Relevant officer** means:

- (a) an authorised officer; or
- (b) an emergency officer; or
- (c) a responsible officer.

37. **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 perform a function for the purposes of these directions.

38. **Restricted location** has the same meaning that it has in the Controlled Border for Western Australia Directions.

39. **Suitable premises** has the same meaning that it has in the Controlled Border for Western Australia Directions.

40. **Symptoms** means:

- (a) a fever of 37.5 degrees or above; or
- (b) a recent history of fever; or
- (c) symptoms of acute respiratory infection (including, but without limitation, shortness of breath, a cough or sore throat); or
- (d) loss of smell or loss of taste.

41. **Terminal** means a terminal at a Western Australian airport.

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

30 January 2021 2011 hours