

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67 and 72A

PRESENTATION FOR TESTING (AIRPORT WORKERS – INTERNATIONAL ARRIVALS) 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 and 72A of the Act.

PREAMBLE

1. The purpose of these directions is to prevent the importation of COVID-19 into the Western Australian community and to otherwise limit the spread of COVID-19 in Western Australia.

CITATION

2. These directions may be referred to as the **Presentation for Testing (Airport Workers – International Arrivals) Directions (No 2)**.

COMMENCEMENT

3. These directions come into effect upon signing.

REVOCATION AND CONTINUING OBLIGATIONS

4. The Presentation for Testing (Airport Workers – International Arrivals) Directions (**revoked directions**) are revoked.
5. Despite paragraph 4 and subject to paragraph 7, a person must continue to comply with any obligations which still applied to the person under the revoked directions immediately before these directions came into effect, to the same extent that the person would have to comply with them if the revoked directions had not been revoked, and, for the avoidance of doubt, if a person fails to comply with an obligation that applied to them under a revoked direction, the person may commit an offence under the Act.

6. A person who was required to comply with the seven day presentation protocol (as that term is defined in the revoked directions and not these directions) is no longer required to comply with that seven day presentation protocol but must instead comply with the **seven day presentation protocol** in these directions.

DIRECTIONS

Standard requirements to present for testing

7. A person who is:
- (a) an **airport worker** at the time that these directions come into effect; or
 - (b) employed or engaged as, or otherwise becomes, an airport worker after these directions come into effect,

must comply with the seven day presentation protocol from the date of commencement of these directions on an ongoing basis:

- (c) until the person completes their final shift at Perth Airport due to no longer being employed or otherwise engaged as an airport worker; or
- (d) subject to paragraph 8, until the person completes their last shift at Perth Airport before commencing a period of leave or absence from their position as an airport worker of more than 4 days in duration,

unless the person:

- (e) is not in Western Australia on the day that they are required to go to a **COVID Clinic** in accordance with the seven day presentation protocol (but for the avoidance of doubt the person must comply with the seven day presentation protocol on such a day when they are in Western Australia); or
- (f) is given a **direction** to quarantine at a **quarantine centre** or a **hospital**; or
- (g) is required to quarantine or isolate under either or both of the **relevant directions**.

8. A person to whom paragraph 7(d) applies must recommence complying with the seven day presentation protocol when they recommence their duties as an airport worker.

9. A person who is:

- (a) an airport worker at the time that these directions come into effect; or
- (b) employed or otherwise engaged as an airport worker after these directions come into effect,

must comply with the **shift presentation protocol** each day that the airport worker attends Perth Airport to complete a shift unless that shift falls on a day that the airport worker is **tested** after having complied with a **protocol** other than the shift presentation protocol.

Special requirements to present for testing during leave or absence

10. A person who:

- (a) is an airport worker at the time that these directions come into effect; or
- (b) is employed or engaged as, or otherwise becomes, an airport worker after these directions come into effect; and
- (c) is on a period of leave or absence from their position as an airport worker of more than 4 days in duration (irrespective of whether that period commenced before or commences after these directions come into effect),

must comply with the absence presentation protocol unless the person:

- (d) is not in Western Australia on a day that they are required to comply with the absence presentation protocol (but for the avoidance of doubt the person must comply with the absence presentation protocol on such a day when they are in Western Australia); or
- (e) is given a direction to quarantine at a quarantine centre or a hospital; or
- (f) has been directed otherwise by me or a person authorised by me for the purposes of this paragraph; or
- (g) is required to quarantine or isolate under either or both of the relevant directions.

Special requirements to present for testing on ceasing being an airport worker

11. A person who:

- (a) is an airport worker at the time that these directions come into effect; or

- (b) is employed or engaged as, or otherwise becomes, an airport worker after these directions come into effect; and
- (c) ceases to be employed or engaged as, or otherwise be, an airport worker,

must comply with the **end of employment presentation protocol** unless the person:

- (d) is not in Western Australia on a day that they are required to comply with the end of employment presentation protocol (but for the avoidance of doubt the person must comply with the end of employment presentation protocol on such a day when they are in Western Australia); or
- (e) is given a direction to quarantine at a quarantine centre or a hospital; or
- (f) has been directed otherwise by me or a person authorised by me for the purposes of this paragraph; or
- (g) is required to quarantine or isolate under either or both of the relevant directions.

Seven day presentation protocol

12. An airport worker who must comply with this paragraph must, within seven days after the then current **presentation trigger date** for that airport worker:

- (a) go to a COVID Clinic; and
- (b) inform a relevant officer at the COVID Clinic that they are required to attend the COVID Clinic under these directions; and
- (c) comply with any instruction which a relevant officer at the COVID Clinic gives to them; and
- (d) answer truthfully if a relevant officer at the COVID Clinic asks the airport worker to describe their state of health or whether the airport worker has or has had any **symptoms**; and
- (e) remain at the COVID Clinic until the airport worker has been tested, or a relevant officer has instructed the airport worker that they may leave the COVID Clinic.

Note: This paragraph DOES NOT require an airport worker to be tested for COVID-19. An airport worker must consent to be tested for COVID-19 unless they are directed to have the test by an emergency officer under the Public Health Act 2016 (WA).

Shift presentation protocol

13. An airport worker who must comply with this paragraph must, prior to completing a shift as an airport worker:

- (a) go to the place at the airport where mouth swabs are being collected for the purpose of testing for COVID-19 (*testing location*); and
- (b) comply with any instruction given to them at the testing location; and
- (c) answer truthfully if asked, either orally or in writing, to describe their state of health or whether the person has or has had any symptoms.

Note 1: this paragraph DOES NOT require an airport worker to be tested for COVID-19. An airport worker must consent to be tested for COVID-19 unless they are directed to have the test by an emergency officer under the Public Health Act 2016 (WA).

Note 2: testing for COVID-19 under the shift presentation protocol is undertaken by way of a mouth swab.

Absence presentation protocol

14. A person who must comply with this paragraph must:

- (a) on the day on which the person undertakes their last shift as an airport worker before commencing their period of leave or absence (*start day*) and on each of the third, seventh and tenth days after the start day, unless the person is no longer on leave on the relevant day:
 - (i) go to a COVID Clinic or hospital emergency department; and
 - (ii) inform a relevant officer at the COVID Clinic or emergency department that they are required to attend the COVID Clinic or emergency department under these directions; and
 - (iii) comply with any instruction which a relevant officer at the COVID Clinic or emergency department gives to them; and
 - (iv) answer truthfully if a relevant officer at the COVID Clinic or emergency department asks the airport worker to describe their state of health or whether the airport worker has or has had any symptoms; and

- (v) remain at the COVID Clinic or emergency department until the airport worker has been tested, or a relevant officer has **instructed** the airport worker that they may leave the COVID Clinic or emergency department; and
- (b) on the day that the person undertakes their first shift as an airport worker after returning from a period of leave or absence:
 - (i) go to the place at the airport where mouth swabs are being collected for the purpose of testing for COVID-19 (**testing location**); and
 - (ii) comply with any instruction given to them at the testing location; and
 - (iii) answer truthfully if asked, either orally or in writing, to describe their state of health or whether the person has or has had any symptoms.

Note 1: this paragraph DOES NOT require a person to be tested for COVID-19. A person must consent to be tested for COVID-19 unless they are directed to have the test by an emergency officer under the Public Health Act 2016 (WA).

Note 2: an airport worker who tests positive for COVID-19 in respect of a test done in accordance with the absence presentation protocol must comply with the Isolation (Diagnosed) Directions (No 2).

End of employment presentation protocol

15. A person who must comply with this paragraph must:

- (a) on the day on which the person undertakes their last shift as an airport worker before ending their employment, or, in the event that the person does not cease to be an airport worker until a day that is a different day to the day on which they completed their last shift, within 24 hours after the day on which they cease to be an airport worker (**cessation day**):
 - (i) go to a COVID Clinic or hospital emergency department; and
 - (ii) inform a relevant officer at the COVID Clinic or emergency department that they are required to attend the COVID Clinic or emergency department under these directions; and
 - (iii) comply with any instruction which a relevant officer at the COVID Clinic or emergency department gives to them; and

- (iv) answer truthfully if a relevant officer at the COVID Clinic or emergency department asks the airport worker to describe their state of health or whether the airport worker has or has had any symptoms; and
 - (v) remain at the COVID Clinic or emergency department until the airport worker has been tested, or a relevant officer has instructed the airport worker that they may leave the COVID Clinic or emergency department; and
- (b) on each of the third, seventh, tenth and fourteenth days after the cessation day:
- (i) go to a COVID clinic or hospital emergency department; and
 - (ii) inform a relevant officer at the COVID Clinic or emergency department that they are required to attend the COVID Clinic or emergency department under these directions; and
 - (iii) comply with any instruction which a relevant officer at the COVID Clinic or emergency department gives to them; and
 - (iv) answer truthfully if a relevant officer at the COVID Clinic or emergency department asks the airport worker to describe their state of health or whether the airport worker has or has had any symptoms; and
 - (v) remain at the COVID Clinic or emergency department until the airport worker has been tested, or a relevant officer has instructed the airport worker that they may leave the COVID Clinic or emergency department.

Note 1: this paragraph DOES NOT require an airport worker or former airport worker to be tested for COVID-19. They must consent to be tested for COVID-19 unless they are directed to have the test by an emergency officer under the Public Health Act 2016 (WA).

Note 2: an airport worker or former airport worker who tests positive for COVID-19 in respect of a test done in accordance with the end of employment presentation protocol must comply with the Isolation (Diagnosed) Directions (No 2).

Other requirements

16. An airport worker, or a person who has ceased to be an airport worker but who is required to present for testing in accordance with these directions, does not have to comply with paragraph 5 of the Quarantine and Isolation (Undiagnosed) Directions (No 2) in respect

of any test that is performed on them following compliance with a protocol, unless the airport worker:

- (a) displayed symptoms at the time the test was undertaken; or
- (b) is directed otherwise.

Note: an airport worker who tests positive for COVID-19 must still comply with the Isolation (Diagnosed) Directions (No 2).

17. If an airport worker, or a person who has ceased to be an airport worker but is required to present for testing in accordance with these directions, develops or has recently experienced symptoms, the airport worker must:
- (a) immediately telephone 13 COVID (13 268 43) and ask for an instruction; and
 - (b) comply with any instruction given.
18. An airport worker, or a person who has ceased to be an airport worker but is required to present for testing in accordance with these directions, must produce for inspection evidence of any test that is performed on them if requested to do so by a relevant officer.

DEFINITIONS

19. **Absence presentation protocol** means the requirements of paragraph 14 of these directions.
20. **Airport worker** means a person, other than a **quarantine centre driver**, employed or otherwise engaged at Perth Airport who has contact with **international arrivals**, including:
- (a) any person employed or otherwise engaged at Perth Airport to process international arrivals; or
 - (b) a person employed or otherwise engaged at Perth Airport to provide medical, health or ancillary services, including welfare related services to international arrivals,
- and for the avoidance of doubt, does not include a **flight crew member**.
21. **Authorised officer** has the same meaning that it has in the Act.
22. **COVID Clinic** has the same meaning that it has in the Presentation for Testing Directions (No 15).

23. **Direction** includes any direction 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.
24. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
25. **End of employment presentation protocol** means the requirements of paragraph 15 of these directions.
26. **Flight crew member** has the same meaning that it has in the Flight Crew Directions or any directions that amend or replace those directions.
27. **Health service provider** has the same meaning that it has in the *Health Services Act 2016* (WA).
28. **Hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).
29. **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, and **instructed** means instructed by way of an instruction given for the purposes of these directions, whether the instruction is given orally or in writing.
30. **International arrival** has the same meaning that it has in the Controlled Border for Western Australia directions.
31. **Premises** has the same meaning that it has in the Act.
32. **Presentation trigger date** means, in respect of an airport worker, the most recent date on which any of the following occurred:
 - (a) the airport worker was last tested; or
 - (b) the airport worker completed their first shift at Perth Airport, in the case of an airport worker who was employed or otherwise engaged as an airport worker after these directions come into effect; or
 - (c) the airport worker completed their first shift at Perth Airport after taking a period of leave or absence from their position as an airport worker of more than 4 days in duration.
33. **Protocol** means any of the:
 - (a) seven day presentation protocol;

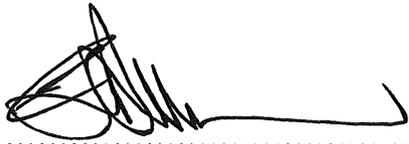
- (b) shift presentation protocol;
 - (c) absence presentation protocol; and
 - (d) end of employment presentation protocol.
34. **Quarantine centre** means any quarantine centre operated or managed by the State Health Incident Command Centre (including a hotel quarantine centre) or which has been arranged by the State Health Incident Command Centre for the quarantining of people for public health purposes in connection with COVID-19.
35. **Quarantine centre driver** has the same meaning that it has in the Quarantine Centre Drivers Directions or any direction that replaces or amends those directions.
36. **Relevant directions** means:
- (a) the Quarantine and Isolation (Undiagnosed) Directions (No 2); and
 - (b) the Isolation (Diagnosed) Directions (No 2).
37. **Relevant officer** means:
- (a) an **authorised officer**; or
 - (b) an emergency officer; or
 - (c) a **responsible officer**.
38. **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**; 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.
39. **Seven day presentation protocol** means the requirements of paragraph 12 of these directions.
40. **Shift presentation protocol** means the requirements of paragraph 13 of these directions.
41. **Symptoms** means any one or more of:
- (a) a fever of 37.5 degrees or above;
 - (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.

42. **Test** and **tested** means test for COVID-19 and tested for COVID-19 respectively.

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

22 February 2021 1205 hours