

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

REGULATED ENTRY OF HIGHER RISK VESSELS INTO WESTERN AUSTRALIA 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 am 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**). The state of emergency applies to the State of Western Australia.

I, Christopher John Dawson, State Emergency Coordinator and Commissioner of Police, now give the following directions pursuant to my powers under sections 67, 70 and 72A of the Act.

PREAMBLE

1. The purpose of these directions is to prevent the importation of COVID-19 into Western Australia by regulating the entry of **higher risk vessels** into Western Australia.

CITATION

2. These directions may be referred to as the **Regulated Entry of Higher Risk Vessels Into Western Australia Directions (No 2)**.

COMMENCEMENT

3. These directions come into effect on signing.

REVOCATION AND CONTINUING OBLIGATIONS

4. These directions revoke the Regulated Entry of Higher Risk Vessels Into Western Australia Directions (**revoked directions**).
5. Despite paragraph 4, if a person was subject to a requirement in the revoked directions immediately before the date and time specified in paragraph 3, the person must continue to comply with that requirement to the same extent that the person would if the revoked directions had not been revoked.
6. Any designation by the Chief Health Officer under paragraphs 9, 12(b) or 18 of the revoked directions continues in effect as if it was made under paragraphs 12, 15(b) or 21 of these directions.

DIRECTIONS

Entry of the Vessel into Western Australia

7. The:

- (a) master; and
- (b) operator

of a higher risk vessel must not cause or allow the higher risk vessel to enter the **coastal waters of the State** unless:

- (c) a **vessel declaration** in relation to the higher risk vessel has been completed and submitted to the following email address: COVIDshippingdec@transport.wa.gov.au; or
- (d) the State Emergency Coordinator has given written approval for the vessel to enter the coastal waters of the State, and any condition to which that approval is subject has been complied with.

Declaration

8. A vessel declaration required for the purposes of paragraph 7 must be completed and submitted by:

- (a) the master, on behalf of the owner of the vessel; or
- (b) the operator of the vessel; or
- (c) the agent of the vessel; or
- (d) the charterer of the vessel; or
- (e) an employee or officer of a person referred to in paragraphs (b), (c) or (d) who has authority to complete and submit the vessel declaration on behalf of that person.

9. A person who completes a vessel declaration must do so truthfully.

10. Where a vessel declaration is completed by a person referred to in paragraph 8(a) or (e), the person on whose behalf the declaration is made must take all reasonable steps to ensure that the declaration is true and complete.

DEFINITIONS

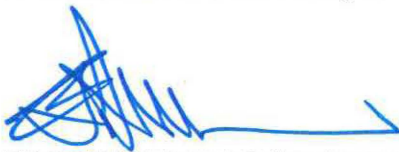
11. **Approved COVID-19 management protocol** means a protocol approved by the Department of Transport for the management of the risk of COVID-19 infection on the vessel, if any.
12. **COVID-19 higher risk location** means a location, if any, designated by the Chief Health Officer for the purposes of these directions.
13. **Coastal waters of the State** has the same meaning that it has in the *Off-shore (Application of Laws) Act 1982* (WA).
14. **Declaration** means a declaration that:
 - (a) in the 28 days prior to the estimated date of entry of the vessel into the coastal waters of the State:
 - (i) no crew member boarded or left the vessel at or in a **COVID-19 higher risk location** at any time during the **higher risk period** for that location; and
 - (ii) every other person who boarded the vessel at or in a COVID-19 higher risk location at any time during the higher risk period for that location wore a disposable surgical mask or particulate filter respirator that covered their nose and mouth when on the vessel; and
 - (b) every person on board the vessel has received a negative test result in respect of a Rapid Antigen Test for COVID-19 conducted on departure of the vessel from its last port prior to its entry into the coastal waters of the State; and
 - (c) if the person who completes and submits the vessel declaration is doing so on behalf of the operator, agent or charterer of the vessel, that person is authorised by the relevant operator, agent or charterer to make the vessel declaration.
15. **Higher risk period**, in relation to a COVID-19 higher risk location, means the period:
 - (a) commencing at the **relevant time** in relation to that COVID-19 higher risk location; and
 - (b) ending 3 months after that relevant time, or at such other time as is designated by the Chief Health Officer in relation to that COVID-19 higher risk location.

16. **Higher risk vessel** means a vessel:
- (a) that entered a port at a COVID-19 higher risk location; or
 - (b) onto which any thing was loaded, or from which any thing was unloaded, at or in a COVID-19 higher risk location; or
 - (c) onto which any person boarded at or in a COVID-19 higher risk location, at any time during the higher risk period in relation to that COVID-19 higher risk location and in the 28 days before the estimated date of entry of the vessel into the coastal waters of the State.
17. **Higher risk vessels webpage** means the webpage available at: <https://www.wa.gov.au/higher-risk-vessels-apply-to-enter-wa-waters>.
18. **IMO number** means the International Marine Organization number assigned to the vessel.
19. **Master** means a person, other than a pilot, having command or charge of the vessel.
20. **Protocol record number** means the number issued by the Department of Transport in relation to an **approved COVID-19 management protocol**.
21. **Relevant time** means the time designated in relation to a COVID-19 higher risk location for the purposes of these directions.
22. **Vessel** means a ship, boat or any other kind of vessel for travelling on water that is used for, or in connection with:
- (a) the carriage of cargo for hire or reward; or
 - (b) the provision of services to ships or shipping, whether for reward or otherwise,
- but does not include an oil rig or offshore platform.
23. **Vessel declaration** means a declaration in the form provided on the **higher risk vessels webpage** which includes:
- (a) the name of the vessel; and
 - (b) the vessel's **IMO number**; and
 - (c) the number of crew on the vessel (including the master); and

- (d) the telephone number for any communication in relation to the vessel declaration; and
- (e) the name, telephone number and email address of the vessel's agent in Western Australia (if applicable); and
- (f) the name of the vessel's operator (if applicable); and
- (g) the name of the vessel's charterer (if applicable); and
- (h) the name of the vessel's owner; and
- (i) the port in Western Australia that the vessel proposes to enter; and
- (j) the estimated date of entry of the vessel into the coastal waters of the State; and
- (k) a statement as to whether or not an approved COVID-19 management protocol was complied with during the voyage of the vessel and, if so, the relevant **protocol record number** which applies to the voyage of the vessel; and
- (l) the **declaration**.

PENALTIES

It may be an offence to fail to comply with this direction, 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

24 November 2021 17 22 hours

