

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

APPROVAL FOR FLIGHT CREW PURSUANT TO THE OUTBREAK OUTSIDE OF WESTERN AUSTRALIA RESPONSE DIRECTIONS (NO 15)

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**) (**State of Emergency**). The State of Emergency applies to the State of Western Australia.

On 17 December 2021 I made the Outbreak Outside of Western Australia Response Directions (No 15) (**Directions**).

Under paragraph 6(c) of the Directions, a person who is subject to a **specified arrangement** and who is an **indirect international arrival** or who has been in an **outbreak jurisdiction** after the **relevant time** applicable to that outbreak jurisdiction and in the 14 days before the person **enters** Western Australia, may enter Western Australia if they are approved by the State Emergency Coordinator, subject to the person complying with any terms or conditions imposed by the State Emergency Coordinator.

I, Christopher John Dawson, Commissioner of Police and State Emergency Coordinator, now give the following approval under paragraph 6(c) of the Directions.

PREAMBLE

1. The purpose of this approval is to facilitate the entry of certain persons into Western Australia subject to terms and conditions which are intended to prevent the importation of COVID-19 into Western Australia following an outbreak or outbreaks of COVID-19 outside of Western Australia and to otherwise limit the spread of COVID-19 in Western Australia.

CITATION

2. This approval may be referred to as the **Approval for Flight Crew pursuant to the Outbreak Outside of Western Australia Response Directions (No 15)**.

COMMENCEMENT

3. This approval comes into effect upon commencement of the Directions.

REVOCATION AND CONTINUING OBLIGATIONS

4. The Approval for Flight Crew pursuant to the Outbreak Outside of Western Australia Response Directions (No 14) is revoked (**revoked approval**).
5. Despite paragraph 4:
 - (a) the revocation of the revoked approval does not affect the validity of the entry of any person who entered pursuant to that approval; and
 - (b) if a person was subject to any obligation under the revoked approval immediately before this approval came into effect, the person must continue to comply with the revoked approval to the same extent that the person would have had to comply with the revoked approval if it had not been revoked.

APPROVAL

6. A person who is an **international flight crew member** is approved for the purposes of paragraph 6(c) of the Directions provided that the person complies with the Flight Crew Directions (No 7) (to the extent that they apply to the person).
7. A person who is a **domestic flight crew member** who is ordinarily resident in Western Australia is approved for the purposes of paragraph 6(c) of the Directions provided that, in addition to complying with the Flight Crew Directions (No 7) (to the extent that they apply to the person), the person complies with paragraphs 10 to 13 of this approval.
8. A domestic flight crew member who is ordinarily resident in Western Australia does not need to comply with paragraph 10 to 13 of the approval if the only place the person attends while in the outbreak jurisdiction is an **interstate terminal**, for the purpose of a **stopover** and the person:
 - (a) does not leave the interstate terminal; and
 - (b) is at the interstate terminal for less than four hours; and
 - (c) wears a mask at all times while in the interstate terminal.
9. A person who is a domestic flight crew member who is not ordinarily resident in Western Australia is approved for the purposes of paragraph 6(c) of the Directions provided that, in addition to complying with the Flight Crew Directions (No 7) (to the extent that they apply to the person), the person complies with paragraph 13 of this approval.

TERMS AND CONDITIONS

Additional requirements for domestic flight crew members ordinarily resident in Western Australia who are indirect international arrivals or who have been in an outbreak jurisdiction

10. A domestic flight crew member who must comply with this paragraph must:

- (a) upon exiting the **Western Australian terminal**, travel as soon as possible and by the most direct route available and without stopping except as required by law or necessary for fuel to **suitable premises**, either:
 - (i) in the domestic flight crew member's own vehicle or a private vehicle; or
 - (ii) by taxi or rideshare service; or
 - (iii) in another way that an **authorised officer** directs the domestic flight crew member to take, either orally or in writing,and, for the avoidance of doubt, the domestic flight crew member must not travel to the suitable premises using any form of mass public transport, such as a bus or train; and
- (b) remain inside the suitable premises for a period of fourteen (14) days commencing from the date and time the domestic flight crew member was last in an outbreak jurisdiction, or for the duration of their **layover**, whichever is the shorter time period; and
- (c) not allow any person to access their suitable premises, 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 (c)(i) to (iii); and

- (d) not leave the suitable premises other than to return to the Western Australian terminal for their outward-bound flight, or as otherwise provided in paragraph 11.

11. A domestic flight crew member who is required to comply with paragraph 10 may leave their suitable premises if:

- (a) the domestic flight crew member is given another direction which they are required by law to obey; or
- (b) the domestic flight crew member must leave the suitable premises to receive urgent medical treatment at a **hospital**, provided that:
 - (i) prior to leaving the suitable premises (and if it is practicable to do so), the domestic flight crew member telephones the ambulance service or the hospital at which the urgent medical treatment will be sought and informs them that they are subject to a quarantine requirement and need to attend the hospital for urgent medical treatment; and
 - (ii) the domestic flight crew member goes 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) the domestic flight crew member complies 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, the domestic flight crew member returns to the suitable premises 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; or

- (c) the domestic flight crew member must leave the suitable premises to escape an imminent threat to their safety, provided that the domestic flight crew member:
 - (i) goes no further from the suitable premises than is necessary to escape that threat; and
 - (ii) returns to the suitable premises as soon as it is safe to do so; and
 - (iii) if the person is unable to return to the suitable premises within an hour of leaving, telephones the police on 131 444 and informs them that the person is subject to a quarantine requirement and had to leave the suitable premises.
- 12. A domestic flight crew member who is required to comply with this paragraph must:
 - (a) immediately telephone 13 COVID (13 268 43) if the domestic flight crew member develops or has recently experienced **symptoms** and ask for an instruction; and
 - (b) comply with any instruction given.

Requirement applicable to all domestic flight crew members who are indirect international arrivals or who have been in an outbreak jurisdiction

- 13. A domestic flight crew member must wear a **face mask** if available and practicable when transiting through a Western Australian terminal or any other crowded place.

INCONSISTENCY

- 14. In the event of any inconsistency between a provision of this approval and a provision of:
 - (a) the Controlled Border for Western Australia Directions; or
 - (b) the Flight Crew Directions (No 7),this approval prevails to the extent of the inconsistency.

INTERPRETATION

- 15. Unless specified otherwise, any reference in this approval to any other direction made by the State Emergency Coordinator is deemed to be a reference to that direction as amended or replaced from time to time.

DEFINITIONS

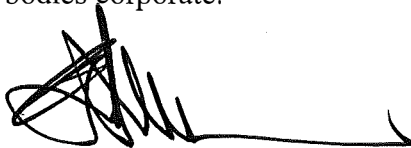
16. **Affected aircraft** means an **aircraft** which originated from a place outside Western Australia.
17. **Aircraft** includes any vehicle for travelling by air.
18. **Authorised officer** has the same meaning that it has in the Act.
19. **Direction** includes any direction given under the Act or 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.
20. **Domestic flight crew member** has the same meaning that it has in the Flight Crew Directions (No 7).
21. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
22. **Enter** has the same meaning that it has in the Flight Crew Directions (No 7), and **enters** has a corresponding meaning.
23. **Face mask** has the same meaning that it has in the Controlled Border for Western Australia Directions.
24. **Hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).
25. **Indirect international arrival** has the same meaning that it has in the Controlled Border for Western Australia Directions.
26. **Instruction** means an instruction given for the purposes of this approval which is not a direction, whether the instruction is given orally or in writing.
27. **International flight crew member** has the same meaning that it has in the Flight Crew Directions (No 7).
28. **Interstate terminal** means a terminal at an airport:
 - (a) in a State or Territory of Australia other than Western Australia; or
 - (b) in New Zealand.
29. **Layover** means the period of time that 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 Western Australian terminal

from the suitable premises to board an aircraft to take a flight to a destination outside of Western Australia.

30. **Outbreak jurisdiction** has the same meaning that it has in the Controlled Border for Western Australia Directions.
31. **Relevant officer** means:
 - (a) an authorised officer; or
 - (b) an emergency officer; or
 - (c) a responsible officer.
32. **Relevant time** has the same meaning that is has in the Controlled Border for Western Australia Directions.
33. **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 this approval.
34. **Specified arrangement** has the same meaning that it has in the Outbreak Outside of Western Australia Response Directions.
35. **Stopover** has the same meaning that it has in the Flight Crew Directions (No 7).
36. **Suitable premises** has the same meaning that it has in the Controlled Border for Western Australia Directions.
37. **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.
38. **Western Australian terminal** means a terminal at a Western Australian airport.

PENALTIES

It may be an offence to fail to comply with a term or condition of this approval, 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

17 December 2021 1550 hours