

# EMERGENCY MANAGEMENT ACT 2005 (WA)

## Sections 67, 70 and 72A

### FLIGHT CREW DIRECTIONS (NO 11)

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.

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 the entry requirements for those who are a **close contact**, 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 11)**.

#### COMMENCEMENT

3. These directions come into effect at 12.01 am on 9 February 2022.

#### REVOCATION AND CONTINUING OBLIGATIONS

4. The Flight Crew Directions (No 10) (**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 as being when these directions come into effect, 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extent that the domestic flight crew member or international flight crew member would if the revoked directions had not been revoked, subject to:

- (a) the COVID Transition (Modification of Obligations) Directions; and
- (b) if the person was required to comply with a 12th day presentation requirement under the revoked directions, the person is no longer required to comply with that requirement, and must instead comply with the 6th day presentation requirement or 7th day protocol in these directions if the time for complying with that requirement has not passed,

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**

### **Interaction with other directions**

- 7. Unless stated otherwise, a domestic flight crew member or an international flight crew member who enters Western Australia pursuant to these directions must comply with these directions and not the COVID Transition (Border Requirements) Directions, except for paragraphs 4, 5 and 6 of the COVID Transition (Border Requirements) Directions.
- 8. Despite paragraph 4(b) of the COVID Transition (Border Requirements) Directions, a domestic flight crew member or an international flight crew member who is a close contact within that paragraph may enter Western Australia provided that, before the person enters Western Australia, the person:
  - (a) has completed a period of quarantine for 7 days from the day on which the person last became a close contact; and
  - (b) has been tested for COVID-19 using a rapid antigen test on the 6<sup>th</sup> day after the person last became a close contact and returned a negative result for that test.

### **Requirements on domestic flight crew**

9. A domestic flight crew member who enters Western Australia must comply with paragraphs 10 to 12, 21, 22, 23 and 24 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**; and
- (b) have not been in a place outside of Australia.

*Note: if a domestic flight crew member has been in a place 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 44(b). Accordingly, such a crew member must comply with the requirements for international crew members that are set out in these directions.*

### **Requirements for domestic flight crew members ordinarily resident in Western Australia**

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) if:
  - (i) they satisfy each of the **quarantine release protocols**, remain in the suitable premises for a period ending seven (7) days; or

- (ii) they do not satisfy each of the quarantine release protocols, remain in the suitable premises for a period ending fourteen (14) days, commencing from the date and time the domestic flight crew member was last in an restricted location, or for the duration of their **layover**, whichever is the shorter time period; and
  - (c) 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 21.
- 11. A domestic flight crew member who is ordinarily resident in Western Australia does not need to comply with paragraph 10 if the only place the person attends while in the restricted location 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 face mask at all times while in the interstate terminal.

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

- 12. Subject to paragraphs 13 and 14, 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) if:
    - (i) they satisfy each of the quarantine release protocols, remain in the crew hotel for a period ending seven (7) days; or
    - (ii) they do not satisfy each of the quarantine release protocols, remain in the crew hotel for a period ending fourteen (14) days, after the day on which they were last in a restricted location, 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 Western Australian 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 21.
13. A domestic flight crew member who is not ordinarily resident in Western Australia does not need to comply with paragraph 12 if, in accordance with their duties as a domestic flight crew member, they are required to remain at the Western Australian 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.
14. A domestic flight crew member who is not ordinarily resident in Western Australia does not need to comply with paragraph 12 if the only place the person attends while in the restricted location 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 face mask at all times while in the interstate terminal.

#### **Requirements for international flight crew members**

15. An international flight crew member who enters Western Australia must comply with paragraphs 16 to 24 of these directions (to the extent those paragraphs apply to them).
16. Upon disembarking an affected aircraft and subject to paragraph 19, 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; and
  - (b) if:
    - (i) they satisfy each of the quarantine release protocols, remain in the crew hotel for a period ending seven (7) days; or
    - (ii) they do not satisfy each of the quarantine release protocols, remain in the crew hotel for a period ending fourteen (14) days, after the day on which they were last in a restricted location, or for the duration of their layover, whichever is the shorter time period; and

- (c) subject to paragraph 18, not leave the approved crew hotel other than to return to the Western Australian 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 21.
17. Upon disembarking an affected aircraft and subject to paragraph 19, 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; and
  - (b) if:
    - (i) they satisfy each of the **quarantine release protocols**, remain in the suitable premises for a period ending seven (7) days; or
    - (ii) they do not satisfy each of the quarantine release protocols, remain in the suitable premises for a period ending fourteen (14) days, after the day on which they were last in a restricted location, or for the duration of their layover, whichever is the shorter time period; and
  - (c) subject to paragraph 18, not leave the suitable premises other than to return to the Western Australian 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 21.
18. An international flight crew member must not leave the approved crew hotel or their suitable premises (whichever applies) to return to the Western Australian terminal for an outward-bound flight pursuant to paragraph 16(c) or 17(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 16(b) or 17(b) has been for a period longer than:

(i) if they satisfy each of the quarantine release protocols, seven (7) days; or

(ii) they do not satisfy each of the quarantine release protocols, fourteen (14) days,

after the day on which they entered Western Australia.

### **Presentation for testing requirements for international flight crew members**

19. An international flight crew member who is not ordinarily resident in Western Australia must:

(a) when requested by a **relevant officer** conducting testing for COVID-19, open the door to their allocated room at the approved crew hotel; and

(b) comply with any **instruction** given to them by the relevant officer; and

(c) 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

(d) if they remain in Western Australia on the seventh day after the day that they entered Western Australia, comply with paragraphs 19(a) to 19(c) on that day.

20. An international flight crew member who is ordinarily resident in Western Australia must:

(a) comply with any instruction given to them by the relevant officer in relation to presenting for testing; and

(b) 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

(c) if they remain in Western Australia on the seventh day after the day that they entered Western Australia, comply with paragraphs 20(a) to 20(b) 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**

21. A person who is required to comply with paragraphs 10, 12, 16 or 17 must:
- (a) if they are required to quarantine under these directions in an approved crew hotel or crew hotel, remain inside their allocated room at the approved crew hotel or crew hotel, or if they are required to quarantine under these directions in suitable premises, remain inside 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) if they are required to quarantine under these directions in an approved crew hotel or crew hotel, not allow any person to access their allocated room at the approved crew hotel or crew hotel, or if they are required to quarantine under these directions in suitable premises, not allow any person to access 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 paragraphs 21(e)(i) to 21(e)(iii); and

- (f) if they are required to quarantine under these directions in an approved crew hotel or crew hotel, or if they are required to quarantine under these directions in suitable premises, keep the door to their allocated room or suitable premises (as they case may be) closed at all times, except to the extent necessary:
  - (i) to allow a person referred to in paragraph 21(e) to enter the room;
  - (ii) for receiving deliveries including meals, packages or medical treatment; or
  - (iii) for the disposal of rubbish and the collection of linen at pre-arranged times; and
- (g) if they are required to quarantine under these directions in an approved crew hotel or crew hotel, or if they are required to quarantine under these directions in suitable premises (as they case may be) (the **relevant place**), wear a face mask at all times whenever the door to the relevant place is open or while a person referred to in paragraph 21(e) is inside their allocated room, unless one or more of the face covering exceptions apply.

#### **Requirements for domestic flight crew members and international flight crew members**

22. 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) if the crew member is staying in a **crew hotel** or an **approved crew hotel** in accordance with paragraphs 12 or 16, take all reasonable steps to limit

interactions with other crew members, members of hotel staff and any other person;

- (d) wear a face mask if available and practicable when transiting through a Western Australian terminal or any other crowded place.

### **Entry into high risk settings**

23. A domestic flight crew member or an international flight crew member must not enter a **high risk setting** during the **exclusion period** unless:
- (a) the person is authorised, or is a member of a class of persons authorised by the Chief Health Officer (or a person designated by the Chief Health Officer to authorise a person or class of persons for the purposes of this paragraph) to enter the high risk setting and complies with all terms or conditions to which that authorisation is subject; or
  - (b) the person does so for the purposes of obtaining emergency medical treatment at a hospital or other appropriate medical facility and the person advises a relevant officer prior to attending or as soon as possible upon their arrival that they are subject to this clause.

### **Requirement to wear face mask**

24. Without derogating from any other requirement under this direction or another direction to wear a face mask, a domestic flight crew member or an international flight crew member must comply with the **face covering requirements**.

### **INCONSISTENCY**

25. If there is any conflict between these directions and the COVID Transition (Border Requirements) Directions, these directions prevail to the extent of any inconsistency.

### **INTERPRETATION**

26. Unless specified otherwise, any reference in these directions 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**

27. **6th day** presentation requirement has the same meaning that it has in the Presentation for Testing Directions (No 40).

28. **7th day** protocol has the same meaning that it has in the Presentation for Testing Directions (No 40).
29. **Affected aircraft** means an **aircraft** which originated from a place outside Western Australia.
30. **Aircraft** includes any vehicle for travelling by air.
31. **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.
32. **Authorised officer** has the same meaning that it has in the Act.
33. **Close contact** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
34. **Commercial aircraft** means an aircraft that is flying or operating for a purpose referred to in paragraphs (b) or (c) of regulation 206(1) of the *Civil Aviation Regulations 1988* (Cth).
35. **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.
36. **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.
37. **Domestic flight** means a flight between two destinations, both of which are in Australia.
38. **Domestic flight crew member** means a member of the crew of a **commercial aircraft** 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,

but does not include an international flight crew member.

39. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
40. **Exclusion period** means the period ending 14 days after the day a person is required to commence a period of quarantine under these directions.
41. **Enter** means to disembark from an affected aircraft onto land anywhere in Western Australia.
42. **Face covering exception** means any of the following circumstances or situations that apply to the person at the relevant time:
  - (a) the person is a child 12 years of age or under; or
  - (b) the person has a physical, developmental or mental illness, injury, condition or disability which makes wearing a face covering unsuitable; or
  - (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
  - (d) the nature of a person's occupation means that wearing a face covering is impractical to perform that occupation or creates a risk to their health and safety; or
  - (e) the person needs to temporarily remove their face covering so as to enable another person to appropriately perform their occupation; or
  - (f) the nature of a person's work or the activity that they are engaging in means that clear enunciation or visibility of the mouth is essential; or
  - (g) the person is consuming food, drink or medicine; or
  - (h) the person is asked to remove the face covering to ascertain identity; or
  - (i) not wearing a face covering is required for emergency purposes (other than emergency preparation or emergency preparation activities, unless another exception specified in this paragraph applies); or
  - (j) the person is working in the absence of others in an enclosed indoor space (unless and until another person enters that indoor space); or

- (k) the person is running or jogging or otherwise engaged in some form of strenuous or vigorous exercise or physical activity; or
- (l) the person is travelling in a **motor vehicle** and is the sole occupant of that vehicle; or
- (m) the person is undergoing medical, dental or beauty related care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (n) the person is directed by a judicial officer or tribunal member in proceedings in a court or tribunal to remove their face covering to ensure the proper conduct of those proceedings; or
- (o) not wearing a face covering is otherwise required or authorised by law; or
- (p) wearing a face covering is not safe in all the circumstances,

provided that, where a person is relying on an exception under paragraphs 40(c) to 40(p), that person resumes wearing the face covering as soon as reasonably practicable after the person no longer falls within the relevant exception.

43. **Face covering requirements** means the requirements of paragraphs 24B and 24C of the COVID Transition (Border Requirements) Directions.

44. **High risk setting** has the same meaning that it has in the COVID Transition (Testing and Isolation) Directions.

*Note: at the time of making these directions, high risk settings include aged care and other residential care facilities, health care settings, boarding schools and other group residential settings, and correctional facilities.*

45. **Hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).

46. **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.

47. **International flight crew member** means:

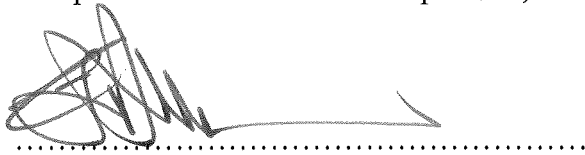
- (a) a member of the crew of a commercial aircraft or Australian Defence Force aircraft, or a medevac or air ambulance crew, including an off-shift crew member who is travelling as a passenger on an aircraft to reposition at another location, where the commercial aircraft, Australian Defence Force aircraft,

- 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.
48. **Interstate terminal** means a terminal at an airport in an Australian State or Territory other than Western Australia.
49. **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 Western Australian 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.
50. **Motor vehicle** has the same meaning that it has in paragraph (b) of the definition of "motor vehicle" in section 4 of the *Road Traffic (Administration) Act 2008* (WA).
51. **Quarantine release protocols** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
52. **Relevant officer** means:
- (a) an authorised officer; or
- (b) an emergency officer; or
- (c) a responsible officer.
53. **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.
54. **Restricted location** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.

55. **Suitable premises** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
56. **Stopover** means the period between two **domestic flights** on each of which the relevant person serves as a domestic flight crew member.
57. **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.
58. **Western Australian terminal** means:
- (a) a terminal at a Western Australian airport; or
  - (b) an Australian Defence Force air base located in Western Australia.

**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.



**Christopher John Dawson**  
Commissioner of Police and State Emergency Coordinator

8 February 2022 2005 hours