

# EMERGENCY MANAGEMENT ACT 2005 (WA)

## Sections 67 and 72A

### PRESENTATION FOR TESTING (AIRPORT WORKERS – DIRECT INTERNATIONAL ARRIVALS) DIRECTIONS (NO 3)

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 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 – Direct International Arrivals) Directions (No 3).

#### COMMENCEMENT

3. These directions come into effect upon signing.

#### REVOCATION AND CONTINUING OBLIGATIONS

4. The Presentation for Testing (Airport Workers – Direct International Arrivals) Directions (No 2) (**revoked directions**) are revoked.
5. Subject to paragraph 6 and despite paragraph 4, a person who was subject to any obligation or requirement under the revoked directions immediately prior to their revocation must now comply with the requirements of these directions instead as if these directions were in effect immediately before the person became subject to the obligation or requirement under the revoked directions.

6. Despite paragraph 4, to the extent that an **airport worker** was subject to the **absence protocol** or the **end of employment protocol** under the revoked directions at the commencement of these directions, such a person must continue to comply with such **protocols** to the same extent that the person would have to comply with them if the revoked directions had not been revoked, and, for the avoidance of doubt, if a person fails to comply with an obligation that applied to them under a revoked direction, the person may commit an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.

## **DIRECTIONS**

### **Standard requirements to present for testing**

7. A person who is an airport worker must comply with the **seven day protocol** from the commencement of these directions on an ongoing basis:
- (a) until the person completes their final shift at Perth Airport due to no longer being employed or otherwise engaged as an airport worker; or
  - (b) 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 consecutive days in duration,
- unless the person:
- (c) is not in Western Australia on the day that they are required to comply with the seven day protocol; or
  - (d) is given a **direction** to quarantine at a **quarantine centre** or a **hospital**; or
  - (e) is required to quarantine or isolate under the COVID Transition (Testing and Isolation) Directions.
8. A person to whom paragraph 7(b) applies must recommence complying with the seven day presentation protocol when they recommence their duties as an airport worker.
9. A person who is an airport worker 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 additional requirements for airport workers who engage in other employment

*Note: Paragraph 10 deals specifically with requirements for presentation for testing when an airport worker engages in **other employment**. However, nothing in this paragraph should be taken to permit an airport worker to engage in any other employment while employed or engaged as an airport worker if they are otherwise under a legal obligation not to undertake such work.*

10. Subject to paragraph 11, a person who:

- (a) is an airport worker; and
- (b) engages in other employment,

must comply with the **other employment presentation protocol** each day that the airport worker undertakes other employment unless that other employment is undertaken on a day that the airport worker is tested after having complied with a protocol other than the other employment presentation protocol.

11. An airport worker is not required to comply with the other employment presentation protocol on a day that they undertake other employment if it is not reasonably practicable to do so.

*Example: If an airport worker was engaging in other employment (including for the same employer) at a location other than Perth Airport and the airport worker was not a person whose employer offered facilities for COVID-19 testing at the location the person works at when not at the Perth Airport, it would not be considered practicable for the person to travel to the Perth Airport for the purpose of presenting for testing on a day where they engage in that other employment. In such an instance they would instead include that day in the absence protocol as outlined at paragraph 19.*

12. Where an airport worker is tested after complying with the other employment presentation protocol on a day that the person undertakes other employment, that day does not constitute a period of leave or absence for the purposes of paragraph 14(b) notwithstanding that the person may not have attended Perth Airport to complete a shift on that day.

13. If an airport worker does not need to comply with the other employment presentation protocol on a day they undertake other employment by virtue of the operation of paragraph 11, or they are not tested after complying with the other employment

presentation protocol, that day constitutes a period of leave or absence for the purposes of paragraph 14(b).

### **Requirements to present for testing during leave or absence**

*Note: paragraph 14 deals specifically with what happens when an airport worker takes a period of leave of more than 4 consecutive days, but has not ceased employment or ceased being an airport worker.*

14. A person who is:
- (a) an airport worker; and
  - (b) on a period of leave or absence from their position as an airport worker of more than 4 consecutive days in duration (irrespective of whether that period commenced before or commences after these directions come into effect),  
must comply with the absence protocol unless the person:
    - (c) is not in Western Australia on a day that they are required to comply with the absence protocol; or
    - (d) is given a direction to quarantine at a quarantine centre or a hospital; or
    - (e) has been **directed** otherwise by me or a person authorised by me for the purposes of this paragraph; or
    - (f) is required to quarantine or isolate under the COVID Transition (Testing and Isolation) Directions.

*Note: Paragraphs 12 and 13 contain important provisions which are relevant to determining what constitutes a period of leave or absence.*

### **Requirements to present for testing on ceasing being an airport worker**

*Note: Paragraph 15 deals specifically with what happens when an airport worker ends their employment or engagement or otherwise stops being an airport worker. The requirements apply in addition to any other requirements that an airport worker is required to comply with under these directions.*

15. A person who:
- (a) is an airport worker; and
  - (b) ceases to be employed or engaged as, or otherwise be, an airport worker,

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

- (c) is not in Western Australia on a day that they are required to comply with the end of employment protocol; or
- (d) is given a direction to quarantine at a quarantine centre or a hospital; or
- (e) has been directed otherwise by me or a person authorised by me for the purposes of this paragraph; or
- (f) is required to quarantine or isolate under the COVID Transition (Testing and Isolation) Directions.

### **Seven day protocol**

16. An airport worker who must comply with this paragraph must:

- (a) within seven days after the then current **presentation trigger date** for that airport worker, go to a **COVID Clinic** and:
  - (i) inform a **relevant officer** at the COVID Clinic that they are required to attend the COVID Clinic under these directions; and
  - (ii) comply with any **instruction** which a relevant officer at the COVID Clinic gives to them; and
  - (iii) 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
  - (iv) 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; or
- (b) be able to produce, upon request by a relevant officer, photographic evidence of a result in respect of a rapid antigen test for COVID-19 undertaken by the quarantine centre worker within seven days after the then current presentation trigger date for that quarantine centre worker.

*Note: A person who returns a positive rapid antigen test to COVID-19 must register that result as soon as possible in accordance with the COVID Transition (Testing and Isolation) Directions and comply with the isolation requirements in those directions.*

## Shift presentation protocol

17. An airport worker who must comply with this paragraph must, prior to completing a shift as an airport worker:
- (a) go to:
    - (i) the place at the airport where mouth swabbing or rapid antigen testing is being conducted for the purpose of testing for COVID-19; or
    - (ii) in the case of an airport worker who is also a **police officer**, the place or places nominated in writing by me or a person authorised by me for that purpose as being a place where mouth swabbing or rapid antigen testing is being conducted for the purpose of testing of police officers for COVID-19; or
    - (iii) in the case of an airport worker who is employed or otherwise engaged by the Department of Health or a **health service provider**, the place or places nominated in writing by the Chief Health Officer or a person authorised by the Chief Health Officer for that purpose as being a place where mouth swabbing or rapid antigen testing is being conducted for the purposes of testing of officers, employees or contractors of the Department of Health or a health service provider for COVID-19; and
  - (b) comply with any instruction given to them at the **testing location** at which they present in compliance with subparagraph (a); 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: testing for COVID-19 under the shift presentation protocol is undertaken by way of a mouth swab or rapid antigen testing.*

### **Other employment presentation protocol**

18. An airport worker who must comply with this paragraph must, as early as possible on each day that they undertake other employment:
- (a) go to:
    - (i) the place where mouth swabbing or rapid antigen testing is being conducted for the purpose of testing for COVID-19; or
    - (ii) in the case of an airport worker who is also a police officer, the place or places nominated in writing by me or a person authorised by me for that purpose as being a place where mouth swabbing or rapid antigen testing is being conducted for the purposes of testing of police officers for COVID-19; or
    - (iii) in the case of an airport worker who is employed or otherwise engaged by the Department of Health or a health service provider, the place or places nominated in writing by the Chief Health Officer or a person authorised by the Chief Health Officer for that purpose as being a place where mouth swabbing or rapid antigen testing is being conducted for the purposes of testing of officers, employees or contractors of the Department of Health or a health service provider for COVID-19; and
  - (b) comply with any instruction given to them at the testing location at which they present in compliance with subparagraph (a); 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.

### **Absence protocol**

19. 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 day and seventh day after the start day, unless the person is no longer on leave on the relevant day:

- (i) go to a COVID Clinic, or emergency department at a hospital and:
  - (A) 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
  - (B) comply with any instruction which a relevant officer at the COVID Clinic or emergency department gives to them; and
  - (C) 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
  - (D) 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; or
- (ii) be able to produce, upon request by a relevant officer, photographic evidence of a result in respect of a rapid antigen test for COVID-19 undertaken by the quarantine centre worker 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 day and seventh day after the start day; and
- (b) for the avoidance of doubt, on the day that the person undertakes their first shift as an airport worker after returning from a period of leave or absence, comply with the shift presentation protocol.

### **End of employment protocol**

20. A person who must comply with this paragraph must, on their **cessation day**, and on each of the third day and seventh day after their cessation day:

- (a) go to a COVID Clinic, or emergency department at a hospital and:



- (i) 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
  - (ii) comply with any instruction which a relevant officer at the COVID Clinic or emergency department gives to them; and
  - (iii) 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
  - (iv) 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; or
- (b) be able to produce, upon request by a relevant officer, photographic evidence of a result in respect of a rapid antigen test for COVID-19 undertaken by the quarantine centre worker on their cessation day, and on each of the third day and seventh day after their cessation day.

### **Other requirements**

21. If an airport worker, or a person who has ceased to be an airport worker but is required to comply with a protocol 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.
22. An airport worker, or a person who has ceased to be an airport worker but is required to comply with a protocol 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.

### **INTERPRETATION**

23. Unless specified otherwise, any reference in these directions to any other direction is deemed to be a reference to that direction as amended or replaced from time to time.

## DEFINITIONS

24. **Absence protocol** means the requirements of paragraph 19 of these directions.
25. **Airport worker** means a person, other than a **quarantine driver**, employed or otherwise engaged at Perth Airport who has contact with **direct international arrivals**, including:
- (a) any person employed or otherwise engaged at Perth Airport to process direct 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 direct international arrivals,
- and, for the avoidance of doubt, includes a person who is:
- (c) an airport worker at the time that these directions come into effect; or
  - (d) employed or engaged as, or otherwise becomes, an airport worker after these directions come into effect,
- but does not include an **international flight crew member**.
26. **Cessation day** means:
- (a) the day on which an airport worker undertakes their last shift at Perth Airport before ending their employment; or
  - (b) 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, the day the person ends their employment as an airport worker.
27. **COVID Clinic** has the same meaning that it has in the Presentation for Testing Directions (No 40) and includes any place at Perth Airport where testing for COVID-19 can be undertaken, whether or not that place would otherwise constitute a COVID Clinic.
28. **Direct international arrival** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
29. **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.

30. **End of employment protocol** means the requirements of paragraph 20 of these directions.
31. **Health service provider** has the same meaning that it has in the *Health Services Act 2016* (WA).
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, 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.
34. **International flight crew member** has the same meaning that it has in the Flight Crew Directions (No 11) or any directions that amend or replace those directions.
35. **Other employment** means paid employment or work of any kind other than as an airport worker or which is performed at any place other than Perth Airport, including provision of services, whether as an employee, independent contractor or otherwise but does not include any work done in a voluntary or unpaid capacity.
36. **Other employment presentation protocol** means the requirements of paragraph 18 of these directions.
37. **Police officer** means a person appointed under Part I of the *Police Act 1892* (WA) to be a member of the Police Force of Western Australia.
38. **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 after having complied with the seven day protocol under these directions or the revoked directions; 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 consecutive days in duration.
39. **Protocol** means any of the:
- (a) seven day protocol; and
  - (b) shift presentation protocol; and
  - (c) other employment presentation protocol; and
  - (d) absence protocol; and
  - (e) end of employment protocol.
40. **Quarantine centre** means any quarantine centre operated or managed by the State Health Incident Coordination Centre (including a hotel quarantine centre) or which has been arranged by the State Health Incident Coordination Centre for the quarantining of people for public health purposes in connection with COVID-19.
41. **Quarantine driver** has the same meaning that it has in the Quarantine Drivers Directions or any direction that replaces or amends those directions.
42. **Relevant officer** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
43. **Seven day protocol** means the requirements of paragraph 16 of these directions.
44. **Shift presentation protocol** means the requirements of paragraph 17 of these directions.
45. **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.
46. **Test** and **tested** means test for COVID-19 and tested for COVID-19 respectively.

47. **Testing location** means each of the places where mouth swabbing or rapid antigen testing is being conducted for the purpose of testing for COVID-19 referred to in paragraphs 17(a) and 18(a).

**PENALTIES**

48. 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

10 February 2022 1714 hours