

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

TRANSITING AIRCRAFT PASSENGERS DIRECTIONS (NO 4)

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 **transiting aircraft passenger** immediately after they **enter** Western Australia 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.

Note: a transiting aircraft passenger is a person who enters Western Australia to transit through Western Australia to a destination outside of Western Australia. For example, a person who travels from Melbourne to Perth to transit to Darwin as their final destination will fall under these directions. In contrast, a person who travels from Melbourne to Perth to transit to Broome as their final destination will not fall under these directions.

CITATION

2. These directions may be referred to as the **Transiting Aircraft Passengers Directions (No 4)**.

COMMENCEMENT

3. These directions come into effect 12.01 am on 5 February 2022.

REVOCATION AND CONTINUING OBLIGATIONS

4. The Transiting Aircraft Passengers Directions (No 3) (**revoked directions**) are revoked.

5. Despite paragraph 4, if a transiting aircraft passenger entered Western Australia before the date and time specified in paragraph 3 the transiting aircraft passenger 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they were revoked to the same extent that the transiting aircraft passenger would if the revoked directions had not been revoked, and, for the avoidance of doubt, if the transiting aircraft passenger fails to comply with a requirement that applied to them under the revoked directions, the transiting aircraft passenger 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

7. Unless stated otherwise, a transiting aircraft passenger must comply with these directions and not the COVID Transition (Border Requirements) Directions, except for paragraphs 4 and 5 of the COVID Transition (Border Requirements) Directions.
8. A **domestic short-term transiting passenger** who enters Western Australia and, in the 14 days before entering Western Australia has been in a **restricted location** must also comply with:
 - (a) the **short-term transiting passenger requirements**; and
 - (b) the **connecting flight requirements** if the destination of the person's **next flight** is inside Western Australia, for as long as those requirements apply to them; and
 - (c) paragraph 15 to the extent that paragraph is relevant to the person.
9. A **domestic long-term transiting passenger** who enters Western Australia and, in the 14 days before entering Western Australia has been in a restricted location must also comply with:
 - (a) the **long-term transiting passenger requirements**; and
 - (b) the connecting flight requirements if the destination of the person's next flight is inside Western Australia, for as long as those requirements apply to them; and
 - (c) paragraph 15 to the extent that paragraph is relevant to the person.

10. An **international short-term transiting passenger** who enters Western Australia must also comply with:
 - (a) the short-term transiting passenger requirements; and
 - (b) paragraph 15 to the extent that paragraph is relevant to the person.
11. An **international long-term transiting passenger** who enters Western Australia must also comply with:
 - (a) the long-term transiting passenger requirements; and
 - (b) paragraph 15 to the extent that paragraph is relevant to the person.

Short-term transiting passenger requirements

12. A **short-term transiting passenger** must:
 - (a) as soon as possible after disembarking from the **affected aircraft**, travel in any manner **directed** by an **authorised officer** and, subject to such a direction, by the most direct route available and without stopping except as required by law or necessary for fuel to the **departure terminal**; and
 - (b) remain at the departure terminal until the person boards their next flight, unless otherwise directed by an authorised officer; and
 - (c) immediately inform an authorised officer if the person develops or has recently experienced any **symptoms**; and
 - (d) comply with the **infection control measures**; and
 - (e) board their next flight when it is possible for the person to do so and remain on the next flight until it takes off.

Long-term transiting passenger requirements

13. A **long-term transiting passenger** must:
 - (a) as soon as possible after disembarking from the affected aircraft, travel in any manner directed by an authorised officer and, subject to such a direction, by the most direct route available and without stopping except as required by law or necessary for fuel to:

- (i) **suitable premises** in the case of a domestic long-term transiting passenger described in paragraph 9 who has access to such premises; or
 - (ii) a **quarantine centre**; and
- (b) the person complies with any direction given by an authorised officer or an **emergency officer** while at the quarantine centre, if applicable; and
- (c) the person remains in the suitable premises or in an allocated room at the quarantine centre (as the case may be) until the person needs to travel to the departure terminal to board their next flight, unless otherwise directed by an authorised officer or an emergency officer; and
- (d) not allow any person to access their suitable premises or their allocated room at the quarantine centre (as the case may be) (*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 paragraph 13(d)(i) to 13(d)(iii); and
- (e) when the person needs to travel to the departure terminal, they do so in any manner directed by an authorised officer or an emergency officer and, subject to such a direction, by the most direct route available and without stopping except as required by law or necessary for fuel; and
- (f) immediately inform an authorised officer or an emergency officer if the person develops or has recently experienced any symptoms; and
- (g) comply with the infection control measures; and

- (h) board their next flight when it is possible to do so and remain on the next flight until it takes off.

Connecting flight requirements

14. If a person lands at an airport in Western Australia on a next flight or a **subsequent flight**, the person must comply with each of the following requirements which apply to the person:

Where the person is scheduled to take a flight within 8 hours

- (a) if the person has a **flight within 8 hours** to catch, the person must:
 - (i) as soon as possible after disembarking from the aircraft on which the person took their next flight or their previous subsequent flight, as the case may be, travel in any manner directed by an authorised officer and, subject to such a direction, by the most direct route available and without stopping except as required by law or necessary for fuel to the departure terminal; and
 - (ii) remain at the departure terminal until the person boards their subsequent flight, unless otherwise directed by an authorised officer; and
 - (iii) immediately inform an authorised officer if the person develops or has recently experienced any symptoms; and
 - (iv) comply with the infection control measures; and
 - (v) board their flight when it is possible to do so and remain on that flight until it takes off.

Where the person is scheduled to take a flight in more than 8 but less than 72 hours

- (b) if a person has a **later flight** to catch, the person must:
 - (i) as soon as possible after disembarking from the aircraft on which the person took their next flight or their previous subsequent flight, as the case may be, travel in any manner directed by an authorised officer to:

- (A) suitable premises, in the case of a domestic long-term transiting passenger described in paragraph 9 who has access to such premises; or
- (B) a quarantine centre; and
- (ii) comply with any direction given by an authorised officer or an emergency officer while at the quarantine centre, if applicable; and
- (iii) remain in the suitable premises or in an allocated room at the quarantine centre until the person needs to travel to the departure terminal to board their flight, unless otherwise directed by an authorised officer or an emergency officer; and
- (iv) not allow any person to access their suitable premises or their allocated room at the quarantine centre (as the case may be) (*relevant place*) unless the person:
 - (A) is a relevant officer, or a person assisting a relevant officer; or
 - (B) accesses the relevant place for medical or emergency purposes; or
 - (C) is required to access the relevant place for the purpose of performing critical and time-sensitive maintenance; or
 - (D) is acting in compliance with a direction or instruction given by a relevant officer; or
 - (E) 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 paragraph 14(b)(iv)(A) to 14(b)(iv)(C); and
- (v) when the person needs to travel to the departure terminal, they do so in any manner directed by an authorised officer or an emergency officer and, subject to such a direction, by the most direct route available and without stopping except as necessary for fuel; and
- (vi) immediately inform an authorised officer or an emergency officer if the person develops or has recently experienced any symptoms; and

- (vii) comply with the infection control measures; and
- (viii) board their flight when it is possible for the person to do so and remain on that flight until it takes off.

Example 1: a person lands at Broome Airport on an aircraft out of Darwin. Their next flight (to Perth Airport) is scheduled to depart from Broome Airport within 8 hours of the person disembarking from the aircraft out of Darwin. The person must comply with paragraph 12 from when the person disembarks the aircraft out of Darwin until the person disembarks from their next flight in Perth. If the person will be catching a subsequent flight from Perth within the next 8 hours, the person must comply with paragraph 14(a). If the person will be catching a subsequent flight from Perth in more than 8 hours but less than 72 hours, the person must comply with paragraph 14(b). At each airport where the person lands on another subsequent flight inside Western Australia, the person will have to comply with whichever of paragraph 14(a) or 14(b) applies to them. That will continue until the person leaves Western Australia.

Example 2: a person lands at Bunbury Airport on an aircraft out of Adelaide. Their next flight (to Perth Airport) is scheduled to depart from Bunbury Airport more than 8 hours but less than 72 hours after the person disembarks from the aircraft out of Adelaide. The person must comply with paragraph 13 from when the person disembarks the aircraft out of Adelaide until the person disembarks from their next flight in Perth. Once again, if the person will be catching a subsequent flight from Perth within the next 8 hours, the person must comply with paragraph 14(a). If the person will be catching a subsequent flight from Perth in more than 8 hours but less than 72 hours, the person must comply with paragraph 14(b). At each airport where the person lands on another subsequent flight inside Western Australia, the person will have to comply with whichever of paragraph 14(a) or 14(b) applies to them. That will continue until the person leaves Western Australia.

If a person cannot comply with a requirement of this approval

15. If a person cannot comply with a requirement of this approval, the person must contact an authorised officer as soon as possible and ask for a direction and comply with any direction given.

Infection control measures

16. If a person must comply with the infection control measures, the person must:

- (a) at all times take all reasonable steps to avoid coming within 1.5 metres of another person; and
- (b) at all times take all reasonable steps to limit interactions with other persons; and
- (c) at all times when coughing or sneezing do so into the person's elbow or a tissue; and
- (d) wash their hands often with soap and water or using alcohol hand rub, particularly before and after eating and after attending a bathroom; and
- (e) wear a face mask when in public or when transiting through a **terminal** unless one or more of the **face covering exceptions** applies to them at the time.

Inconsistency

17. 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

18. 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

19. **Affected aircraft** means an **aircraft** which originated from:
- (a) a place in an Australian State or Territory that is not Western Australia in the case of a domestic short-term transiting passenger or a domestic long-term transiting passenger; or
 - (b) a place outside Australia in the case of an international short-term transiting passenger or an international long-term transiting passenger.
20. **Aircraft** includes any vehicle for travelling by air.
21. **Authorised officer** has the meaning that it has in the Act.
22. **Connecting flight requirements** means the requirements of paragraph 14.
23. **Departure terminal** means the terminal from which the person's next flight or subsequent flight (as the case may be) is scheduled to depart.

24. **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.
25. **Domestic long-term transiting passenger** means a person who has landed at an airport in Western Australia in an affected aircraft, provided that the person:
- (a) has a ticket or other booking for their next flight, which is scheduled to depart from that airport more than 8 hours but less than 72 hours after the person disembarks from the affected aircraft; and
 - (b) will leave Western Australia on the next flight, or on the last of one or more subsequent flights:
 - (i) for each of which the person has a ticket or other booking at the time the person landed at the airport in Western Australia in an affected aircraft; and
 - (ii) each of which is scheduled to depart less than 72 hours after the scheduled arrival of the flight which preceded it.
26. **Domestic short-term transiting passenger** means a person who has landed at an airport in Western Australia in an affected aircraft, provided that the person:
- (a) has a ticket or other booking for their next flight, which is scheduled to depart from that airport within 8 hours of the person disembarking from the affected aircraft; and
 - (b) will leave Western Australia on the next flight, or on the last of one or more subsequent flights:
 - (i) for each of which the person has a ticket or other booking at the time the person landed at the airport in Western Australia in an affected aircraft; and
 - (ii) each of which is scheduled to depart less than 72 hours after the scheduled arrival of the flight which preceded it.
27. **Emergency officer** has the meaning that it has in the *Public Health Act 2016* (WA).
28. **Enter** means to disembark from an affected aircraft onto land anywhere in Western Australia.

29. **Face covering exceptions** 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 emergency medical or dental 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 paragraph 29(c) to 29(p), that person resumes wearing the face covering as soon as reasonably practicable after the person no longer falls within the relevant exception.

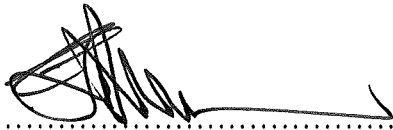
- 30. **Flight within 8 hours** means a subsequent flight for which a person has a ticket or other booking and which is scheduled to depart from the airport within 8 hours of the person disembarking from the next flight or the previous subsequent flight.
- 31. **Infection control measures** means the requirements of paragraph 16.
- 32. **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.
- 33. **International long-term transiting passenger** means a person who has landed at an airport in Western Australia in an affected aircraft, provided that:
 - (a) the person has a ticket or other booking for their next flight, which is scheduled to depart from that airport more than 8 hours but less than 72 hours after the person disembarks from the affected aircraft; and
 - (b) the ticket or other booking for the next flight is to a place outside of Australia; and
 - (c) the person will leave Western Australia on the next flight.
- 34. **International short-term transiting passenger** means a person who has landed at an airport in Western Australia in an affected aircraft, provided that:
 - (a) the person has a ticket or other booking for their next flight, which is scheduled to depart from that airport within 8 hours of the person disembarking from the affected aircraft; and
 - (b) the ticket or other booking for the next flight is to a place outside of Australia; and
 - (c) the person will leave Western Australia on the next flight.

35. **Later flight** means a subsequent flight for which a person has a ticket or other booking and which is scheduled to depart from the airport more than 8 hours but less than 72 hours after the person disembarks from the next flight or the previous subsequent flight.
36. **Long-term transiting passenger** means a domestic long-term transiting passenger or an international long-term transiting passenger.
37. **Long-term transiting passenger requirements** means the requirements of paragraph 13.
38. **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).
39. **Next flight** means the next flight which the person has to take from the airport where the person landed in an affected aircraft, in order to leave Western Australia or to connect with one or more subsequent flights (as the case may be).
40. **Quarantine centre** means a place specified as a quarantine centre by an authorised officer.
41. **Relevant officer** means:
- (a) an authorised officer; or
 - (b) an emergency officer; or
 - (c) a **responsible officer**.
42. **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.
43. **Restricted location** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
44. **Short-term transiting passenger** means a domestic short-term transiting passenger or an international short-term transiting passenger.

45. **Short-term transiting passenger requirements** means the requirements of paragraph 12.
46. **Subsequent flight** means a flight after the next flight (whether that flight is immediately after the next flight or is one of two or more subsequent flights after the next flight), on which a person will leave Western Australia, or will connect with one or more subsequent flights on which the person will ultimately leave Western Australia.
47. **Suitable premises** has the same meaning that it has in the COVID Transition (Border Requirements) Directions.
48. **Symptoms** means any one or more of:
- (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.
49. **Terminal** means a terminal at a Western Australian airport.
50. **Transiting aircraft passenger** means a short-term transiting passenger or a long-term transiting passenger.

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

31 January 2022 1850 hours