

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

MARITIME CREW MEMBER DIRECTIONS (NO 10)

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, Colin John Blanch, Acting 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 **unvaccinated international maritime crew members** disembarking onto land in Western Australia and are for the purpose of limiting the spread of COVID-19 in Western Australia.

CITATION

2. These directions may be referred to as the **Maritime Crew Member Directions (No 10)**.

COMMENCEMENT

3. These directions come into effect upon signing.

REVOCATION AND CONTINUING OPERATION

4. The Maritime Crew Member Directions (No 9) (**revoked directions**) are revoked.
5. Despite paragraph 4, a person who was subject to any obligation or requirement under the revoked directions must continue to comply with that obligation or requirement to the same extent that the person would if the revoked directions had not been revoked.

DIRECTIONS

Note: These directions only address unvaccinated international maritime crew members disembarking onto land in Western Australia from a vessel. A person who flies into Western Australia for the purpose of travelling to a vessel to serve as a member of that vessel's crew will be dealt with in accordance with the COVID Transition (International Border) Directions, to the extent those directions are applicable.

6. An unvaccinated international maritime crew member must comply with these directions and not the COVID Transition (International Border) Directions.

Purposes for which unvaccinated international maritime crew members may disembark onto land in Western Australia

7. An unvaccinated international maritime crew member may disembark onto land in Western Australia only:
 - (a) for the purposes of travelling to an **authorised destination**; or
 - (b) pursuant to paragraph 14, 15 or 16 of these directions.

Rapid antigen testing for unvaccinated international maritime crew members

8. An unvaccinated international maritime crew member may only disembark from a vessel onto land in Western Australia for the purposes of travelling to an authorised destination if:
 - (a) the person undertakes a **rapid antigen test**, and receives a negative test result from that test, immediately prior to their disembarkation from the vessel; or
 - (b) an **authorised officer** otherwise permits the person to disembark, in which case the person must comply with any conditions, **instructions** or **directions** imposed or given by the authorised officer.
9. If more than 6 hours have elapsed since an unvaccinated international maritime crew member undertook a rapid antigen test pursuant to paragraph 8 or this paragraph 9, and the person has not arrived at a **quarantine centre** or left Western Australia, the person:
 - (a) must undertake another rapid antigen test; and
 - (b) must not enter any aircraft or vehicle, other than a charter aircraft or charter vehicle, private vehicle, taxi, or rideshare service unless the unvaccinated international maritime crew member has received a negative test result in respect of the subsequent rapid antigen test undertaken pursuant to paragraph 9(a); and
 - (c) must contact an authorised officer if the unvaccinated international maritime crew member receives a positive test result in respect of a subsequent rapid antigen test undertaken pursuant to paragraph 9(a), and comply with any

conditions, instructions or directions imposed or given by the authorised officer.

Travel and infection control obligations applying to unvaccinated international maritime crew members

10. An unvaccinated international maritime crew member who disembarks onto land in Western Australia pursuant to paragraph 7(a):
 - (a) must travel promptly and directly to the authorised destination; and
 - (b) may only stop where reasonably required in order to connect with onward transport, use bathroom facilities, purchase fuel, food or beverages necessary for the journey, or to rest overnight in a **crew hotel**; and
 - (c) must contact an authorised officer if the time between disembarkation from the vessel and arrival at the authorised destination will be greater than 24 hours.
11. At all times while an unvaccinated international maritime crew member is in Western Australia, such person must:
 - (a) take all reasonable steps to avoid coming within 1.5 metres of another person; and
 - (b) at all times when coughing or sneezing, do so into the person's elbow or a tissue; and
 - (c) wash their hands often with soap and water or using alcohol hand rub, particularly before and after eating and after attending a bathroom; and
 - (d) wear a **face covering** unless one or more of the **face covering exceptions** apply to the person at the time.

*Note: the face covering obligations applicable to unvaccinated international maritime crew members while at a quarantine centre are set out in the **centre quarantine requirements**.*

12. An unvaccinated international maritime crew member who is departing Western Australia from an airport must:
 - (a) as soon as possible after arriving at the airport, proceed directly to the departure terminal from which their flight is scheduled to depart; and

- (b) remain at the departure terminal until they board their flight, unless otherwise directed by an authorised officer; and
 - (c) leave Western Australia on the flight; or
 - (d) if the unvaccinated international maritime crew is unable to leave Western Australia on the flight for any reason, as soon as possible after they become unable to leave on the flight they must:
 - (i) travel back to and board the vessel from which they disembarked by the most direct route and without stopping except as required by law or necessary for fuel, if that vessel is still in the port where they disembarked; or
 - (ii) contact an authorised officer and ask for a direction and comply with any direction given, if that vessel is no longer in the port where the person disembarked, or if it is otherwise impracticable for them to comply with paragraph 12(d)(i).
13. An unvaccinated international maritime crew member who travels to a quarantine centre must, on arrival at the quarantine centre, comply with the centre quarantine requirements.

Unvaccinated international maritime crew member disembarking to immediately board another vessel at the same port

14. An unvaccinated international maritime crew member may disembark onto land in Western Australia for the purpose of boarding another vessel in the same port whose next destination is a port outside of Western Australia (**second vessel**) to serve as a member of that second vessel's crew if the unvaccinated international maritime crew member travels to and boards the second vessel as soon as possible.

Unvaccinated international maritime crew member disembarking to carry out port activities

15. An unvaccinated international maritime crew member may disembark onto land in Western Australia for the purpose of carrying out **port activities** in connection with the vessel, provided that:
- (a) the person does not go further from the vessel than is necessary for the purpose of carrying out the port activities; and

- (b) immediately after carrying out the port activities, the person returns to and boards the vessel from which they disembarked for the purpose of carrying out the port activities, and does not disembark from the vessel again except in accordance with these directions or another direction.

Unvaccinated international maritime crew member disembarking to receive medical treatment

16. An unvaccinated international maritime crew member may disembark onto land in Western Australia to seek medical or dental treatment at a **hospital** or other treatment facility (**relevant facility**) provided that:

- (a) before disembarking from the vessel, the person:
 - (i) notifies the relevant facility that they are an unvaccinated international maritime crew member; and
 - (ii) obtains approval from the relevant facility to attend for treatment at the relevant facility; and
 - (iii) after obtaining the approval referred to in paragraph 16(a)(ii), contacts an authorised officer, informs the authorised officer that they have approval to attend the relevant facility for treatment, and asks for a direction to facilitate their movement to and from the relevant facility; and
- (b) the person complies with any direction given pursuant to paragraph 16(a)(iii) and any further direction given by an authorised officer concerning movement to or from a relevant facility, and if a direction is given in writing, carries the written direction at all times; and
- (c) on conclusion of the medical or dental treatment, and unless otherwise directed, the person returns to their vessel.

Directions given by authorised officers

17. An unvaccinated international maritime crew member must comply with any direction given by an authorised officer.

18. If an unvaccinated international maritime crew member cannot comply with a requirement under these directions, they must contact an authorised officer as soon as possible and ask for a direction and comply with any direction given.

INTERPRETATION

19. 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

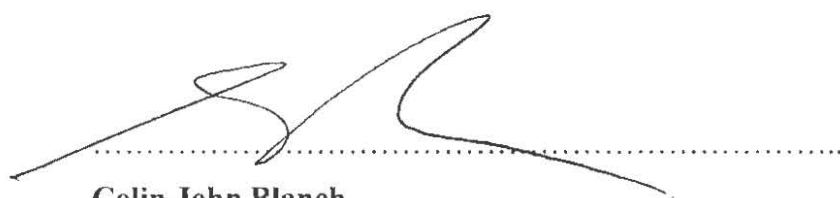
20. **Authorised destination** means:
- (a) a quarantine centre for the purposes of complying with the centre quarantine requirements; or
 - (b) an airport for the purpose of leaving Western Australia.
21. **Authorised officer** has the same meaning that it has in the Act.
22. **Biosecurity Determination** means the *Biosecurity (Entry Requirements - Human Coronavirus with Pandemic Potential) Determination 2022* (Cth) as amended from time to time.
23. **Centre quarantine requirements** has the same meaning that it has in the COVID Transition (International Border) Directions.
24. **Crew hotel** means:
- (a) a hotel which:
 - (i) has been organised by the employer of an unvaccinated international maritime crew member; and
 - (ii) has been approved by the State Emergency Coordinator or by a **police officer** acting in their capacity as an authorised officer; or
 - (b) in the event that paragraphs 24(a)(i) and 24(a)(ii) are not satisfied, any other place which an unvaccinated international maritime crew member is given a direction to travel to and remain in.
25. **Cruise ship** means a ship, boat or any other kind of vessel for travelling on water that:
- (a) has sleeping facilities for 100 or more passengers; and

- (b) is usually used to provide a service of sea transportation, being a service that:
 - (i) is provided in return for a fee payable by persons using the service; and
 - (ii) is available to the general public.
- 26. **Direct international arrival** has the same meaning that it has in the COVID Transition (International Border) Directions.
- 27. **Directions** include any directions given under the Act or the *Public Health Act 2016* (WA), whether the directions are 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.
- 28. **Face covering** means a disposable surgical mask or fitted cloth mask that covers the nose and mouth (but does not include a face shield or a re-usable cloth mask).
- 29. **Face covering exceptions** means the exceptions from face covering requirements in the COVID Transition (Face Covering) Directions (No 7).
- 30. **Hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).
- 31. **Instructions** means instructions given for the purposes of these directions, which is not a direction, whether the instructions are given orally or in writing.
- 32. **International maritime crew member** means a **maritime crew member** who is a **direct international arrival**.
- 33. **Local voyage** means a voyage where the relevant vessel:
 - (a) departs from the mainland or the coastal waters of Western Australia; and
 - (b) does not enter the coastal waters of any other State, or leave Australia's Exclusive Economic Zone; and
 - (c) returns to the mainland or the coastal waters of Western Australia.
- 34. **Maritime crew member** means a person who is a member of the crew of a vessel, but does not include a person who has only served as a member of the crew of a vessel undertaking a **local voyage**.
- 35. **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.

36. **Port activities** means:
- (a) the movement, mooring, hauling out, maintenance and launching of vessels;
or
 - (b) the movement of, and provision of services to, passengers of vessels; or
 - (c) the movement, handling and storage of goods.
37. **Quarantine centre** means any quarantine centre operated or managed by the State Health Incident Coordination Centre (including hotel quarantine centres) 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.
38. **Rapid antigen test** has the same meaning that it has in the COVID Transition (Testing and Isolation) Directions (No 14).
39. **Unvaccinated international maritime crew member** means an **international maritime crew member** who is a person other than a person meeting the description in sections 6(6)(a) and 6(6)(b) of the **Biosecurity Determination**.
40. **Vessel** means a ship, boat or any other kind of vessel for travelling on water but does not include an oil rig or offshore platform or a **cruise ship**.

PENALTIES

It may be an offence to fail to comply with 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.



Colin John Blanch

Acting Commissioner of Police and State Emergency Coordinator

13 May 2022 1226 hours