

## EMERGENCY MANAGEMENT ACT 2005 (WA)

### QUARANTINE (CLOSING THE BORDER) DIRECTIONS APPROVAL FOR MARITIME CREW UNDER PARAGRAPH 27(r) (NO 2)

On 5 April 2020, the State Emergency Coordinator (SEC) made the Quarantine (Closing the Border) Directions (**Directions**).

Under paragraph 27(r) of the Directions, an exempt traveller within the meaning of the Directions includes any person or category of person who the SEC, or someone authorised by the SEC for the purpose, approves in writing, provided that the person or a person in that category complies with any terms or conditions to which that approval is subject.

I, Paul Steel, Assistant Commissioner, having been approved by the SEC for the purpose of giving written approval under paragraph 27(r) of the Directions, revoke the previous written approval and give written approval to **maritime crew** subject to the following conditions.

#### PREAMBLE

1. The purpose of this approval is to provide for the terms and conditions under which maritime crew may **enter** Western Australia as exempt travellers under the Directions in order to limit the spread of COVID-19.

*Note: a person who is an exempt traveller under this approval and paragraph 27(r) of the Directions remains subject to the Directions so far as they apply to exempt travellers, including paragraph 5 (which identifies circumstances in which an exempt traveller cannot enter Western Australia).*

#### CITATION

2. This approval may be referred to as the **Approval for Maritime Crew (No 2)**.

#### COMMENCEMENT

3. This approval comes into effect when it is made.

#### REVOCATION AND CONTINUING OBLIGATIONS

4. The Approval for Maritime Crew (**revoked approval**) given on 8 April 2020 is revoked.
5. Despite paragraph 4, a person must continue to comply with any obligations which still applied to them under the revoked approval immediately before these directions came

into effect, to the same extent that the person would if the revoked approval had not been revoked, except that if a person is required to travel to or remain at a **crew hotel** it is sufficient if the place they travel to or remain at is a crew hotel within the meaning of this approval rather than the revoked approval.

*Example: a person may be remaining in a crew hotel in accordance with the revoked approval and still be required to do so when this approval comes into effect. The person must still remain in the crew hotel in accordance with the revoked approval, but the crew hotel does not have to be one which has been approved by the SEC or a person authorised by the SEC for that purpose.*

## **APPROVAL**

### **When a crew member may enter Western Australia under this approval**

#### *Crew members disembarking from affected vessels*

6. A crew member may disembark from an **affected vessel** onto land in Western Australia if any of paragraphs 8, 9, 10, 11 or 12 apply to the crew member, subject to the crew member complying with:
  - (a) the terms and conditions set out in the paragraph which applies to the crew member; and
  - (b) each of paragraphs 13 and 14 to the extent that they apply to the crew member.

#### *Persons flying into Western Australia to become crew members*

7. A person may disembark from an **affected aircraft** at an airport (*relevant airport*) in Western Australia if the person:
  - (a) complies with paragraph 13 to the extent that the person has a ticket or other booking for one or more connecting flights from the relevant airport to the airport from which the person will comply with paragraph 7(b) (*destination airport*); and
  - (b) travels as soon as possible, by the most direct route and without stopping except as required by law or necessary for fuel, from the relevant airport (or the destination airport if that is not the relevant airport) to a **crew hotel** and remains there for a period of 14 days, or such other period as the person may be directed under a **direction** (*self-isolation period*); and

- (c) after completing the self-isolation period, travels as soon as possible, by the most direct route and without stopping except as required by law or necessary for fuel, from the **crew hotel** to a **vessel** and boards the vessel for the purpose of being a member of the vessel's crew; and
- (d) at all times:
  - (i) takes all reasonable steps to avoid coming within 1.5 metres of another person; and
  - (ii) when coughing or sneezing does so into the person's elbow or a tissue; and
- (e) washes their hands often with soap and water or using alcohol hand rub, particularly before and after eating and after attending a bathroom; and
- (f) when travelling as described in paragraph 7(b) or (c), wears a surgical mask if available and practicable; and
- (g) complies with paragraph 14 to the extent that it applies to the person.

**A crew member leaving Western Australia on a flight within 24 hours**

8. A crew member may disembark from an affected vessel if:
- (a) the crew member has a ticket or other booking for a flight out of Western Australia, or for such a flight and one or more connecting flights to that flight, and the first of those flights (*first flight*) is scheduled to depart from a Western Australian airport (*relevant airport*) within 24 hours of the crew member disembarking; and
  - (b) the crew member remains on the affected vessel for as long as is consistent with having enough time to leave on the first flight; and
  - (c) after disembarking from the affected vessel the crew member travels as soon as possible, by the most direct route and without stopping except as required by law or necessary for fuel, to the relevant airport; and
  - (d) the crew member complies with paragraph 13 in respect of the first flight and any subsequent flight until the crew member leaves on a flight out of Western Australia; and
  - (e) at all times the crew member:

- (i) takes all reasonable steps to avoid coming within 1.5 metres of another person; and
- (ii) when coughing or sneezing does so into the crew member's elbow or a tissue; and
- (f) the crew member washes their hands often with soap and water or using alcohol hand rub, particularly before and after eating and after attending a bathroom; and
- (g) when travelling, the crew member wears a surgical mask if available and practicable.

**A crew member leaving Western Australia on a flight more than 24 hours later**

9. A crew member may disembark from an affected vessel if:

- (a) the crew member has a ticket or other booking for a flight out of Western Australia, or for such a flight and one or more connecting flights to that flight, and the first of those flights (*first flight*) is scheduled to depart from a Western Australian airport (*relevant airport*) more than 24 hours after the crew member disembarks; and
- (b) the affected vessel will depart earlier than 24 hours before the first flight is scheduled to depart from the relevant airport; and
- (c) the crew member remains on the affected vessel for as long as possible prior to the affected vessel's departure; and
- (d) immediately after disembarking from the affected vessel the crew member travels as soon as possible, by the most direct route and without stopping except as required by law or necessary for fuel, to a crew hotel in a vehicle provided by their employer; and
- (e) the crew member remains at the crew hotel until:
  - (i) no earlier than 24 hours before the time the first flight is scheduled to depart from the relevant airport; and
  - (ii) for as long as is consistent with having enough time to leave on the first flight; and

- (f) after the crew member leaves the crew hotel, the crew member travels as soon as possible, by the most direct route and without stopping except as required by law or necessary for fuel, to the relevant airport; and
- (g) the crew member complies with paragraph 13 in respect of the first flight and any subsequent flight until the crew member leaves on a flight out of Western Australia; and
- (h) at all times the crew member:
  - (i) takes all reasonable steps to avoid coming within 1.5 metres of another person; and
  - (ii) when coughing or sneezing does so into the crew member's elbow or a tissue; and
- (i) the crew member washes their hands often with soap and water or using alcohol hand rub, particularly before and after eating and after attending a bathroom; and
- (j) when travelling, the crew member wears a surgical mask if available and practicable.

#### **A crew member ordinarily resident in Western Australia**

10. A crew member who is ordinarily resident in Western Australia may disembark from an affected vessel if:
- (a) the crew member has access to **suitable premises**; and
  - (b) the crew member travels to the nearest suitable premises to which the person has access as soon as possible, by the most direct route available and without stopping except as required by law or necessary for fuel or rest; and
  - (c) as soon as possible after arriving at the suitable premises, the crew member remains inside them:
    - (i) for a period ending fourteen (14) days after the day on which the person arrives at the suitable premises or for the **modified period**, whichever is less; or
    - (ii) for such period as is otherwise directed in a direction; and

*Note: if a crew member is concerned that the crew member will not be able to reside in the premises for the time required by paragraph 10(c) because the crew member is required to be maritime crew on a vessel, the crew member should request a direction from an **authorised officer***

- (d) at all times the crew member:
  - (i) takes all reasonable steps to avoid coming within 1.5 metres of another person; and
  - (ii) when coughing or sneezing does so into the crew member's elbow or a tissue; and
- (e) the crew member washes their hands often with soap and water or using alcohol hand rub, particularly before and after eating and after attending a bathroom; and
- (f) when travelling, the crew member wears a surgical mask if available and practicable.

**A crew member disembarking to immediately board another vessel at the same port**

11. A crew member may disembark from an affected vessel for the purpose of boarding another vessel in the same **port** to serve as a member of that other vessel's crew if:
- (a) the crew member travels to and boards the other vessel as soon as possible, by the most direct route and without stopping except as required by law; and
  - (b) at all times the crew member:
    - (i) takes all reasonable steps to avoid coming within 1.5 metres of another person; and
    - (ii) when coughing or sneezing does so into the crew member's elbow or a tissue; and
  - (c) the crew member washes their hands often with soap and water or using alcohol hand rub, particularly before and after eating and after attending a bathroom; and
  - (d) when travelling, the crew member wears a surgical mask if available and practicable.

### **A crew member disembarking to undertake port activities**

12. A crew member may disembark from an affected vessel for the purpose of carrying out **port activities** in connection with the affected vessel, provided that:
- (a) the crew member does not go further from the affected vessel than is necessary for the purpose of carrying out the port activities; and
  - (b) immediately after completing carrying out the port activities, the crew member returns to and boards the affected vessel from which the crew member disembarked for the purpose of carrying out the port activities, and does not disembark from the affected vessel again except in accordance with this approval or a direction; and
  - (c) at all times the crew member:
    - (i) takes all reasonable steps to avoid coming within 1.5 metres of another person; and
    - (ii) when coughing or sneezing does so into the crew member's elbow or a tissue; and
  - (d) the crew member washes their hands often with soap and water or using alcohol hand rub, particularly before and after eating and after attending a bathroom; and
  - (e) when carrying out the port activities, the crew member wears a surgical mask if available and practicable.

### **Requirements in relation to flights out of Western Australia**

13. A person required to comply with this paragraph must comply with the following requirements to the extent they are relevant:
- (a) when travelling in the circumstances described in paragraph 13, the crew member wears a surgical mask if available and practicable; and
  - (b) if the first flight or any subsequent flight is a flight out of Western Australia, the person must leave Western Australia on the flight or, if the person is unable to leave Western Australia on the flight for any reason, as soon as possible after the person becomes unable to leave on the flight the person must:

- (i) travel back to and board the affected vessel from which the person disembarked as soon as possible, by the most direct route and without stopping except as required by law or necessary for fuel, if the person had disembarked from an affected vessel and the affected vessel is still in the port where the person disembarked; or
  - (ii) contact an authorised officer as soon as possible and ask for a direction and comply with any direction given, if the person had not disembarked from an affected vessel, or the affected vessel is no longer in the port where the person disembarked, or it is otherwise impracticable for the person to comply with paragraph 13(b)(i); and
- (c) if the first flight or any subsequent flight is a connecting flight to a flight out of Western Australia or to another connecting flight:
- (i) the person must leave on the connecting flight or, if the person is unable to leave on the connecting flight for any reason, the person must contact an authorised officer as soon as possible and ask for a direction and comply with any direction given; and
  - (ii) upon arriving at an airport at the end of the connecting flight, the person must proceed directly to the departure terminal for the person's next flight and remain there until the person boards their next flight unless otherwise directed by an authorised officer; and
  - (iii) the person must leave on the next flight or, if the person is unable to leave on the next flight, the person must contact an authorised officer as soon as possible and ask for a direction and comply with any direction given.

**If a person cannot comply with a requirement of this approval**

14. 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.

*Example: a crew member cannot go to or remain in a crew hotel because one has not been organised. The crew member must contact an authorised person as soon as possible, ask for a direction and comply with any direction given.*

## DEFINITIONS

15. Unless otherwise stated, terms used in the Directions have the same meaning when they are used in this approval.
16. **Affected vessel** means a vessel:
  - (a) whose last port was outside of Western Australia; or
  - (b) which after leaving its last port embarked a person (other than from a port or other land in Western Australia) who had contact or had the opportunity to have contact with any other person on the vessel, irrespective of whether the person embarked as a crew member or a passenger or for any other reason; and
  - (c) includes a vessel which was in a port in Western Australia when the Directions came into effect and, if the Directions had been in effect at the time the vessel came into that port, the vessel would have been an affected vessel under either subparagraph (a) or (b) of this definition.
17. **Affected aircraft** means an **aircraft** which originated from a place outside Western Australia.
18. **Aircraft** includes any vehicle for travelling by air.
19. **Authorised officer** has the same meaning that it has in the *Emergency Management Act 2005 (WA) (Act)*.

*Note: at the time of giving this approval, all police officers are authorised officers, and paragraph 16 of the Directions ensures that relevant officers are also authorised officers for the purposes of these directions.*
20. **Crew hotel** means a hotel which has been organised by the employer of a crew member, and if a crew hotel has not been organised, includes any other place which a crew member is given a direction to travel to and remain in instead of a crew hotel.
21. **Crew member** means a person who is a member of a maritime crew.
22. **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.

23. **Direction** means any direction under the Act or the *Public Health Act 2016* (WA) or referred to in the Directions, whether given orally or in writing.
24. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
25. **Enter** means:
- (a) disembark from an affected aircraft onto land anywhere in Western Australia; or
  - (b) disembark from an affected vessel onto land anywhere in Western Australia; or
  - (c) cross the border into Western Australia by rail; or
  - (d) cross the border into Western Australia by road; or
  - (e) cross the border into Western Australia by any other means.
26. **Maritime crew** means the crew of an affected vessel or the class of persons described in paragraph 7.
27. **Modified period** means 14 days less any **time at sea** on the affected vessel if, during the period beginning from when the affected vessel left its last port until the modified period begins, neither the maritime crew nor any other person on board the affected vessel displayed **symptoms**.
- Example 1: a crew member is required to remain inside suitable premises for the period specified in paragraph 10(c)(i) after disembarking from an affected vessel earlier that day. No one on board the affected vessel displayed symptoms during the affected vessel's voyage from its last port until the crew member arrived at the suitable premises. The 14 days that the crew member must remain inside the suitable premises is reduced by the crew member's time at sea.*
- Example 2: another crew member is required to remain inside suitable premises as in example 1, but the crew member was on a vessel on which a person on board displayed symptoms at some point from when the affected vessel left its last port until the crew member arrived at the suitable premises. The crew member's time at sea does not reduce the 14 day period at all, even if the person on board displayed symptoms after the person had left the affected vessel.*
28. **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.

29. **Port** means:

- (a) a port within the meaning of the *Port Authorities Act 1999* (WA); or
- (b) a port within the meaning of the *Shipping and Pilotage Act 1967* (WA).

30. **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.

31. **Relevant officer** means:

- (a) an **emergency officer**; or
- (b) a member of the Australian Border Force; or
- (c) a member of the Australia Federal Police.

32. **Self-quarantine** means to comply with a self-quarantine direction or a self-quarantine (unaccompanied child) direction under the Directions.

33. **Suitable premises** means residential premises that:

- (a) are suitable for the person to reside in for a period ending fourteen (14) days after the day on which the person arrives at the premises under paragraph 10(c) of this approval; and
- (b) are not being used by anyone else to **self-quarantine** at the time when the person disembarks from an affected vessel under paragraph 10 of this approval.

34. **Symptoms** means any one or more of:

- (a) a fever of 38 degrees or above; or
- (b) symptoms of acute respiratory infection (including, but without limitation, shortness of breath, a cough or sore throat).

35. **Time at sea** means:

- (a) if no one came aboard the affected vessel from when it left its last port until it arrived in its current port, that period of time; or
- (b) if anyone came aboard the affected vessel from when it left its last port until it arrived in its current port, the period of time from when the last person came aboard the affected vessel until the affected vessel arrived in its current port.

*Example: an affected vessel leaves its last port. Before it arrives in its current port, the affected vessel has two persons come on board. The first comes on board two days into the voyage. The second comes on board five days into the voyage. The "time at sea" for the purposes of this definition will be calculated from when the second person came on board (five days into the voyage) and not from when the affected vessel left its last port or when the first person came on board (two days into the voyage).*

36. **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 the terms or conditions of this approval or the Directions more generally, 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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**Paul Steel**  
Assistant Commissioner

17 April 2020 1805 hours