

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

MARITIME CREW DIRECTIONS

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 a.m. 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 **maritime crew** 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.

CITATION

2. These directions may be referred to as the **Maritime Crew Directions**.

COMMENCEMENT

3. These directions come into effect at 12.01 am on 14 November 2020.

DIRECTIONS

Note: These directions only address maritime crew who enter Western Australia by disembarking from an affected vessel or a formerly affected 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 is dealt with under the Controlled Border for Western Australia Directions.

4. Unless stated otherwise, maritime crew must comply with these directions and not the Controlled Border for Western Australia Directions.
5. Subject to paragraph 7, a **crew member** may only disembark from an **affected vessel** or a **formerly affected vessel** onto land in Western Australia at a **Perth Port** if any of

paragraphs 8, 10, 12, 14, 15 or 16 apply to the crew member, subject to the crew member complying with:

- (a) the requirements set out in the paragraph which applies to the crew member;
and
 - (b) each of paragraphs 17 and 18 to the extent that they apply to the crew member;
and
 - (c) paragraphs 4 and 5 of the Controlled Border for Western Australia Directions.
6. Subject to paragraph 7, a crew member may only disembark from an affected vessel or a formerly affected vessel onto land in Western Australia at a **State Port** that is not a Perth Port if any of paragraphs 9, 11, 13, 14, 15 or 16 apply to the crew member, subject to the crew member complying with:
- (a) the requirements set out in the paragraph which applies to the crew member;
and
 - (b) each of paragraphs 17 and 18 to the extent that they apply to the crew member;
and
 - (c) paragraphs 4 and 5 of the Controlled Border for Western Australia Directions.
7. If a crew member disembarks from an affected vessel or a formerly affected vessel (*relevant vessel*) onto land in Western Australia at a State Port or a Perth Port (*relevant port*), and
- (a) the relevant vessel is an **Australian vessel**; and
 - (b) in the 14 days before the relevant vessel arrives at the relevant port, the relevant vessel:
 - (i) has only been in or at ports in Australian States or Territories that are not in a **restricted location**; and
 - (ii) has not embarked a person who, in the 14 days prior to their embarkation, had been in a restricted location,
- the crew member must only comply with paragraphs 4 and 5 of the Controlled Border for Western Australia Directions.

A crew member disembarking at a Perth Port and leaving Perth on a flight within 8 hours

8. A crew member may disembark from an affected vessel or a formerly affected vessel (*relevant vessel*) at a Perth Port if:
- (a) the crew member has a ticket or other confirmed booking for a flight to a destination outside of Australia that is scheduled to depart from Perth Airport within 8 hours of the crew member disembarking from the relevant vessel; and
 - (b) the crew member remains on the relevant vessel for as long as is consistent with having enough time to leave on the flight; and
 - (c) as soon as possible after disembarking from the relevant vessel, the crew member travels in any manner directed by an **authorised officer** and, subject to such a **direction**, by the most direct route and without stopping except as required by law or necessary for fuel to Perth Airport; and
 - (d) the crew member complies with paragraph 17 in respect of the flight; and
 - (e) the crew member complies with the **infection control measures**.

A crew member disembarking at a State Port that is not a Perth Port and leaving Perth on a flight within 8 hours

9. A crew member may disembark from an affected vessel or a formerly affected vessel (*relevant vessel*) at a State Port that is not a Perth Port if:
- (a) the crew member disembarks from the relevant vessel:
 - (i) at the **Port of Bunbury**, the crew member travels to Perth Airport in accordance with the travel requirements in Column 3 of Schedule 1 that are specified for a crew member disembarking at the Port of Bunbury; or
 - (ii) at any other State Port that is not a Perth Port, the crew member travels to Perth Airport in accordance with the travel requirements in Column 3 of Schedule 1 that are specified for a crew member disembarking at a State Port that is not a Perth Port or the Port of Bunbury; and
 - (b) the crew member has a ticket or other confirmed booking for a flight to a destination outside of Australia that is scheduled to depart from Perth Airport within 8 hours of the crew member's arrival at Perth Airport; and

- (c) as soon as possible after arriving at Perth Airport, the crew member proceeds directly to the departure terminal from which the crew member's flight is scheduled to depart; and
- (d) the crew member remains at the departure terminal until they board their flight, unless otherwise directed by an authorised officer; and
- (e) the crew member complies with paragraph 17 in respect of the flight; and
- (f) the crew member complies with the infection control measures.

A crew member disembarking at a Perth Port and leaving Perth on a flight more than 8 hours later

10. A crew member may disembark from an affected vessel or a formerly affected vessel (*relevant vessel*) at a Perth Port if:
- (a) the crew member has a ticket or other confirmed booking for a flight to a destination outside of Australia that is scheduled to depart from Perth Airport more than 8 hours after the crew member disembarks from the relevant vessel; and
 - (b) the relevant vessel will depart earlier than 8 hours before the flight is scheduled to depart from Perth Airport; and
 - (c) the crew member remains on the relevant vessel for as long as possible prior to the relevant vessel's departure; and
 - (d) as soon as possible after disembarking from the relevant vessel, the crew member travels in any manner directed by an authorised officer and, subject to such a direction, by the most direct route and without stopping except as required by law or necessary for fuel, to a place specified in a direction (*relevant place*), which may include, for the avoidance of doubt, a **quarantine centre** or a **crew hotel**; and
 - (e) the crew member remains in an allocated room at the relevant place until:
 - (i) no earlier than 8 hours before the time the flight is scheduled to depart from Perth Airport; and
 - (ii) for as long as is consistent with having enough time to leave on the flight; and

- (f) whilst at the relevant place, the crew member does not allow another person to access the crew member's allocated room at the relevant place unless the person:
 - (i) is a **relevant officer** or a person assisting a relevant officer; or
 - (ii) accesses the allocated room for medical or emergency purposes; or
 - (iii) is required to access the allocated room 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,

provided that no more than two persons access the allocated room at any one time if they access the allocated room in accordance with subparagraph (f)(i) to (iii); and

- (g) as soon as possible after the crew member leaves the relevant place, the crew member travels in any manner directed by an authorised officer and, subject to such a direction, by the most direct route and without stopping except as required by law or necessary for fuel to Perth Airport; and
- (h) the crew member complies with paragraph 17 in respect of the flight; and
- (i) the crew member complies with the infection control measures.

A crew member disembarking at a State Port that is not a Perth Port and leaving Perth on a flight more than 8 hours later

11. A crew member may disembark from an affected vessel or a formerly affected vessel (*relevant vessel*) at a State Port that is not a Perth Port if:

- (a) the crew member disembarks from the relevant vessel:
 - (i) at the Port of Bunbury, the crew member travels to a place specified in a direction, which may include, for the avoidance of doubt, a quarantine centre or a crew hotel (*relevant place*) in accordance with the travel requirements in Column 3 of Schedule 1 that are specified for a crew member disembarking at the Port of Bunbury; or
 - (ii) at any other State Port that is not a Perth Port, the crew member travels to a relevant place in accordance with the travel requirements in Column

3 of Schedule 1 that are specified for a crew member disembarking at a State Port that is not a Perth Port or the Port of Bunbury; and

- (b) the crew member has a ticket or other confirmed booking for a flight to a destination outside of Australia that is scheduled to depart from Perth Airport more than 8 hours after the crew member's arrival in the **Perth Metropolitan Region**;
- (c) immediately after arriving at the relevant place, the crew member remains in an allocated room at the relevant place until:
 - (i) no earlier than 8 hours before the time the flight is scheduled to depart from Perth Airport; and
 - (ii) for as long as is consistent with having enough time to leave on the flight; and
- (d) whilst at the relevant place, the crew member does not allow another person to access the crew member's allocated room at the relevant place unless the person:
 - (i) is a relevant officer or a person assisting a relevant officer; or
 - (ii) accesses the allocated room for medical or emergency purposes; or
 - (iii) is required to access the allocated room 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,provided that no more than two persons access the allocated room at any one time if they access the allocated room in accordance with subparagraph (d)(i) to (iii); and
- (e) as soon as possible after the crew member leaves the relevant place, the crew member travels in any manner directed by an authorised officer and, subject to such a direction, by the most direct route and without stopping except as required by law or necessary for fuel to Perth Airport; and
- (f) the crew member complies with paragraph 17 in respect of the flight; and
- (g) the crew member complies with the infection control measures.

A crew member ordinarily resident in Australia who disembarks at a Perth Port

12. A crew member who is ordinarily resident in Australia may disembark from an affected vessel or a formerly affected vessel (*relevant vessel*) at a Perth Port if the crew member:
- (a) as soon as possible after disembarking from the relevant vessel, travels in any manner directed by an authorised officer and, subject to such a direction, by the most direct route and without stopping except as required by law or necessary for fuel to **suitable premises** or a quarantine centre (as the case may be); and
 - (b) complies with the:
 - (i) **self-quarantine requirements**, if the relevant vessel is an Australian vessel and, in the 14 days before the relevant vessel arrives at a Perth Port, the relevant vessel:
 - (A) has been in or at a port in a restricted location; or
 - (B) has embarked a person who, in the 14 days prior to their embarkation, had been in a restricted location; or
 - (ii) **centre quarantine requirements**; and
 - (c) the crew member complies with the infection control measures.

A crew member ordinarily resident in Australia who disembarks at a State Port that is not a Perth Port

13. A crew member who is ordinarily resident in Australia may disembark from an affected vessel or a formerly affected vessel (*relevant vessel*) at a State Port that is not a Perth Port if:
- (a) the crew member disembarks from the relevant vessel:
 - (i) at the Port of Bunbury, the crew member travels to suitable premises or a quarantine centre (as the case may be) in accordance with the travel requirements in Column 3 of Schedule 1 that are specified for a crew member disembarking at the Port of Bunbury; or
 - (ii) at any other State Port that is not a Perth Port, the crew member travels to suitable premises or a quarantine centre (as the case may be) in accordance with the travel requirements in Column 3 of Schedule 1 that

are specified for a crew member disembarking at a State Port that is not a Perth Port or the Port of Bunbury; and

- (b) the crew member complies with the:
 - (i) self-quarantine requirements, if the relevant vessel is an Australian vessel and, in the 14 days before the relevant vessel arrives at the State Port, the relevant vessel:
 - (A) has been in or at a port in a restricted location; or
 - (B) has embarked a person who, in the 14 days prior to their embarkation, had been in a restricted location; or
 - (ii) centre quarantine requirements; and
- (c) the crew member complies with the infection control measures.

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

14. A crew member may disembark from an affected vessel or a formerly affected vessel at a Perth Port or a State Port for the purpose of boarding another affected vessel or formerly affected vessel (*second vessel*) in the same port to serve as a member of that second vessel's crew if:
- (a) the crew member travels to and boards the second vessel as soon as possible, by the most direct route and without stopping except as required by law; and
 - (b) the crew member complies with the infection control measures.

A crew member disembarking to carry out port activities

15. A crew member may disembark from an affected vessel or a formerly affected vessel (*relevant vessel*) at a Perth Port or a State Port for the purpose of carrying out **port activities** in connection with the relevant vessel, provided that:
- (a) the crew member does not go further from the relevant vessel than is necessary for the purpose of carrying out the port activities; and
 - (b) immediately after carrying out the port activities, the crew member returns to and boards the relevant vessel from which the crew member disembarked for the purpose of carrying out the port activities, and does not disembark from the

relevant vessel again except in accordance with these directions or a direction;
and

- (c) the crew member complies with the infection control measures.

A crew member disembarking to receive medical treatment

16. A crew member may disembark from an affected vessel or a formerly affected vessel (*relevant vessel*) at a Perth Port or a State Port to seek medical or dental treatment at a **hospital** or other treatment facility (*relevant facility*) provided that:

- (a) before disembarking from the relevant vessel, the crew member:
 - (i) notifies the relevant facility at which it is proposed that the treatment will be sought that they are a crew member on the relevant vessel; 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 subparagraph (a)(ii), the crew member 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 the relevant facility; and
- (b) the crew member complies with any direction given, and if a direction is given in writing, carries the written direction at all times; and
- (c) the crew member complies with the infection control measures.

Requirements in relation to flights

17. A person required to comply with this paragraph must comply with the following requirements to the extent they are relevant:

- (a) 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 or the formerly affected vessel (*relevant 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 relevant 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 relevant vessel is no longer in the port where the person disembarked, or it is otherwise impracticable for the person to comply with paragraph 17(a)(i).

If a person cannot comply with a requirement under these directions

- 18. If a person cannot comply with a requirement under these directions, 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

- 19. 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 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) when travelling (including whilst at an airport) or carrying out port activities, wear a face mask.

Inconsistency

- 20. If there is any conflict between these directions and the Controlled Border for Western Australia Directions, these directions prevail to the extent of any inconsistency.

DEFINITIONS

- 21. Except where expressly defined below, or where the context requires otherwise, terms used in this direction have the same meaning as corresponding terms in the Controlled Border for Western Australia Directions.
- 22. **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; or
 - (c) includes a vessel which is in a Perth Port or a State Port when these directions come into effect and, if these directions had been in effect at the time the vessel came into that port, the vessel would have been an affected vessel under either subparagraphs (a) or (b) of this definition.
23. **Australian vessel** means an affected vessel or a formerly affected vessel, which, in the period of 60 days before the vessel arrives at or in a Perth Port or a State Port:
- (a) has not been in or at any ports outside of Australia; and
 - (b) has not embarked a person who, in the 14 days prior to their embarkation, had been in a place outside of Australia; and
 - (c) has not had any person on board the vessel receive a **positive test**.
24. **Authorised officer** has the same meaning that it has in the Act.
25. **Centre quarantine requirements** has the same meaning that it has in the Controlled Border for Western Australia Directions.
26. **Charter bus** means a bus that has been hired or otherwise arranged for the exclusive use of one or more crew members who disembarked from the same affected vessel or formerly affected vessel at the Port of Bunbury.
27. **Charter flight** means a flight on an aircraft that has been hired or otherwise arranged for the exclusive use of one or more crew members who disembarked from an affected vessel or a formerly affected vessel.
28. **Charter vehicle** means a vehicle, including, for the avoidance of doubt, a bus, which has been hired or otherwise arranged for the exclusive use of one or more crew members who disembarked from the same affected vessel or formerly affected vessel at the same port.
- Note: a charter vehicle does not include a taxi or rideshare service.*
29. **Crew hotel** means a hotel which:
- (a) has been organised by the employer of a crew member; and

- (b) has been approved by me or by a **police officer** acting in their capacity as an authorised officer; and
 - (c) in the event that subparagraphs (a) and (b) are not satisfied, any other place which a crew member is given a direction to travel to and remain in.
30. **Crew member** means a person who is a member of a maritime crew.
31. **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.
32. **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.
33. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
34. **Enter** means to disembark from an affected vessel or a formerly affected vessel onto land anywhere in Western Australia.
35. **Formerly affected vessel** means a vessel:
- (a) that arrives in a Perth Port or a State Port as an affected vessel (*first port*); and
 - (b) after its first port, travels to one or more other Perth Ports or State Ports (*next port*); and
 - (c) whenever the vessel is at a next port, it has aboard one or more crew members who were aboard the vessel when it was an affected vessel at the first port.
36. **Hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).
37. **Infection control measures** means the requirements of paragraph 19.
38. **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.
39. **Maritime crew** means the crew of an affected vessel or a formerly affected vessel.

40. **Perth Metropolitan Region** means the Metropolitan region described in Schedule 3 to the *Planning and Development Act 2005* (WA).
41. **Perth Port** means:
- (a) the **Port of Fremantle**; or
 - (b) any other place within the Perth Metropolitan Region at which a crew member of an affected vessel or a formerly affected vessel can disembark onto land within the Perth Metropolitan Region.
42. **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.
43. **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.
44. **Port of Bunbury** means the Port of Bunbury that is, pursuant to section 4 of the *Port Authorities Act 1999* (WA), named at item 3 in column 3 of Schedule 1 to that Act.
45. **Port of Fremantle** means the Port of Fremantle that is, pursuant to section 4 of the *Port Authorities Act 1999* (WA), named at item 1 in column 3 of Schedule 1 to that Act.
46. **Positive test** means oral or written notice from a **responsible officer** that the person has tested positive for COVID-19, irrespective of whether the person has in fact tested positive for COVID-19.
47. **Quarantine centre** means a place specified as a quarantine centre by an authorised officer.
48. **Relevant officer** means:
- (a) an authorised officer; or
 - (b) an **emergency officer**; or
 - (c) a responsible officer.
49. **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.
50. **Restricted location** has the same meaning that it has in the Controlled Border for Western Australia Directions.
51. **Self-quarantine requirements** has the same meaning that it has in the Controlled Border for Western Australia Directions.
52. **State 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).
- Note: for the avoidance of doubt, a Perth Port within the meaning of paragraph 41(b) is not a State Port for the purposes of this paragraph.*
53. **Suitable premises** has the same meaning that it has in the Controlled Border for Western Australia Directions.
54. **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.



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Christopher John Dawson
Commissioner of Police and State Emergency Coordinator

13 November 2020 1517 hours

SCHEDULE 1 – TRAVEL REQUIREMENTS FOR CERTAIN CREW MEMBERS

| Item | Column 2 – Port of Disembarkation | Column 3 – Travel Requirements |
|------|--|--|
| 1. | Crew member disembarking at the Port of Bunbury | <ol style="list-style-type: none"> 1. The crew member's relevant vessel must not be scheduled to depart from the Port of Bunbury earlier than 8 hours before the charter bus is scheduled to depart. 2. The crew member must remain on the relevant vessel for as long as is consistent with having enough time to leave on the charter bus. 3. As soon as possible after disembarking the relevant vessel, the crew member must travel, by the most direct route and without stopping except as required by law or necessary for fuel, in a charter bus to: <ol style="list-style-type: none"> (a) Perth Airport, if the crew member falls within paragraph 9; or (b) a place specified in a direction, which may include, for the avoidance of doubt, a quarantine centre or a crew hotel, if the crew member falls within paragraph 11; or (c) suitable premises or a quarantine centre, if the crew member falls within paragraph 13. 4. The crew member must be seated as far as practicable from the driver of the charter bus. |
| 2. | Crew member disembarking at a State Port that is not a Perth Port or the Port of Bunbury | <ol style="list-style-type: none"> 1. The crew member's relevant vessel must not be scheduled to depart from the port earlier than 8 hours before the charter flight is scheduled to depart. 2. The crew member must remain on the relevant vessel for as long as is consistent with having enough time to leave on the charter flight. |

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| | | <ol style="list-style-type: none"> 3. As soon as possible after disembarking the relevant vessel, the crew member must travel, by the most direct route and without stopping except as required by law or necessary for fuel, in a charter vehicle to the airport (<i>relevant airport</i>) from which the crew member will board the charter flight to an airport in the Perth Metropolitan Region. 4. The crew member must be seated as far as practicable from the driver of the charter vehicle. 5. The crew member must remain at the relevant airport until they board the charter flight, unless otherwise directed by an authorised officer. 6. The crew member must be seated as far as practicable from: <ol style="list-style-type: none"> (a) the pilot of the charter flight, and (b) other crew members who disembarked from an affected vessel or formerly affected vessel that is not the relevant vessel that the crew member disembarked from. 7. As soon as possible after disembarking from the charter flight, the crew member must travel in any manner directed by an authorised officer and, subject to such a direction, by the most direct route and without stopping except as required by law or necessary for fuel to: <ol style="list-style-type: none"> (a) Perth Airport, if the crew member falls within paragraph 9; or (b) a place specified in a direction, which may include, for the avoidance of doubt, a quarantine centre or a crew hotel, if the crew member falls within paragraph 11; or (c) suitable premises or a quarantine centre, if the crew member falls within paragraph 13. |
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