

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67 and 72A

AIR TRAVEL (FACE COVERING) 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 limit the spread of COVID-19.

CITATION

2. These directions may be referred to as the **Air Travel (Face Covering) Directions (No 3)**.

COMMENCEMENT

3. These directions come into effect at 12.01 am on 18 June 2022.

REVOCATION

4. The Air Travel (Face Covering) Directions (No 2) are revoked.

DIRECTIONS

Requirement to wear a face covering in certain places

5. Subject to paragraph 7, a person must wear a **face covering** at all times while they are in an **affected aircraft**.
6. A person must not enter or remain in an affected aircraft unless the person is wearing a face covering or one or more of the face covering exceptions in paragraph 7 apply to that person at that time.

Exceptions to face covering requirements

7. A person is not required to wear a face covering where:

- (a) the person is a child under the age of 12 years; 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 at that time 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

*Example: a person may be asked by police, security, or **flight crew** to remove a face covering to ascertain identity*

- (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 running or jogging or otherwise engaged in some form of strenuous or vigorous exercise or physical activity; or
- (k) the person is in custody; or

Note: nothing in these directions affects any other power a person may have to require a prisoner or detainee to wear a face covering

- (l) the person is an instructor on an affected aircraft that is being used for the purposes of training for a trainee pilot; or
- (m) the person is a member of the flight crew of an affected aircraft and there are no passengers on board the affected aircraft at the time; or
- (n) the person is the sole occupant of an affected aircraft; 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; or
- (q) the person has been given a **direction** by an **authorised officer** that they are not required to wear a face covering,

provided that:

- (r) a person is only excepted from the requirement to wear a face covering under paragraph 7(b) if the person produces an **approved medical certificate** that certifies that the person has an illness, injury, condition or disability that makes wearing a face covering unsuitable:
 - (i) upon request by an authorised officer; or
 - (ii) if requested to do so whilst in an affected aircraft, by the flight crew of the affected aircraft; and
 - (s) where a person is relying on an exception under paragraphs 7(c) to 7(q), that person resumes wearing the face covering as soon as reasonably practicable after the person no longer falls within the relevant exception; and
 - (t) where a person has been given a direction under paragraph 7(q), the person complies with any conditions associated with any such direction.
8. A patron who is requested by an authorised officer or member of the flight crew of an affected aircraft to produce an approved medical certificate that certifies that the person has an illness, injury, condition or disability that makes wearing a face covering unsuitable must not act in a manner that is threatening, intimidating or offensive towards an authorised officer or any member of the flight crew of the affected aircraft.
9. For the avoidance of doubt, the requirements set out in these directions are in addition to, and do not derogate from, any other requirement to wear a mask or face covering contained in any other direction.

INTERPRETATION

10. 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

11. **Affected aircraft** means a **domestic aircraft** in a **relevant area**.
12. **Approved medical certificate** means a medical certificate issued by a medical practitioner currently registered by the Australian Health Practitioner Regulation Agency.
13. **Authorised officer** has the same meaning that it has in the Act.
14. **Direction** includes any direction under the Act or the *Public Health Act 2016 (WA)*, whether the direction is given orally or in writing.
15. **Domestic aircraft** means an aircraft that is being used:
 - (a) to transport passengers or carry freight between two locations, both of which are within Australia; or
 - (b) for training purposes,whether on a commercial basis or otherwise, and which takes off or lands at an airport in Western Australia but does not include an aircraft involved in the provision of emergency services.
16. **Face covering** means a disposable surgical mask or fitted cloth mask that covers the nose and mouth (but does not include a face shield).
17. **Flight crew** means a member of the crew of an affected aircraft.
18. **Relevant area** means on land or waters within Western Australia or flying in airspace over Western Australia.

PENALTIES

It may be an offence to fail to comply with any of these directions, punishable by 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

17 June 2022 0711 hours