

EMERGENCY MANAGEMENT ACT 2005 (WA)

Section 72A

AIRCRAFT TRAVEL (FACE MASK) 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, Colin John Blanch, Acting Commissioner of Police and State Emergency Coordinator, now give the following directions pursuant to my powers under section 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 **Aircraft Travel (Face Mask) Directions**.

COMMENCEMENT

3. These directions commence upon signing.

DIRECTIONS

4. Unless an **authorised officer** directs otherwise, a person on a **domestic aircraft** must wear a **face mask** at all times while they are on a domestic aircraft while it is on land or waters within Western Australia or flying in **Western Australian airspace** unless:
 - (a) the person is a child of 12 years of age or under; or
 - (b) the person has a physical or mental illness, condition or disability which makes wearing a face mask unsuitable; or
 - (c) the person falls within one or more of the exceptions specified in paragraph 5 and is carrying a face mask.
5. The exceptions specified in this paragraph are as follows:
 - (a) the person is communicating with a person who is deaf or hard of hearing or for whom visibility of the mouth is essential for communication;

- (b) the person is consuming food, drink or medicine provided that the person is seated at the time;
- (c) the person is asked to remove the face mask to ascertain identity;
- (d) not wearing a face mask is required for emergency purposes (other than emergency preparation or emergency preparation activities, unless another exception specified in this paragraph applies);
- (e) not wearing a face mask is otherwise required or authorised by law;
- (f) wearing a face mask is not safe in all the circumstances;
- (g) the person is an instructor on an aircraft that is being used for the purposes of training for a trainee pilot;
- (h) the person is a member of the **flight crew** of the aircraft and there are no passengers on board the aircraft at the time; or
- (i) the person is the sole occupant of the aircraft,

provided that in each of the circumstances listed in subparagraphs (a) – (f), the person must resume wearing the face mask as soon as practicable.

6. 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 contained in the Controlled Border for Western Australia Directions or any other **direction** provided that if a person to whom this direction applies is required to wear a face mask whilst on an aircraft under the Airport and Transportation (Face Masks) Directions the person must comply with this direction and not the requirement in the Airport and Transportation (Face Masks) Directions.

Definitions

7. **Airport** has the same meaning as it has in the Airport and Transportation (Face Masks) Directions.
8. **Authorised officer** has the same meaning that it has in the Act.
9. **Direction** includes any direction under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing.

10. **Domestic aircraft** means an aircraft that is being used to transport passengers or carry freight or 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:
 - (a) involved in the provision of emergency services; or
 - (b) other than a flight that is not a commercial flight and which is carrying less than 5 passengers.
11. **Face mask** means a disposable surgical mask or fitted cloth mask that covers the nose and mouth (but does not include a face shield).
12. **Flight crew** means a member of the crew of a domestic aircraft.
13. **Western Australian airspace** means the 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.

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Colin John Blanch

Acting Commissioner of Police and State Emergency Coordinator

13 January 2021 2010 hrs