

# EMERGENCY MANAGEMENT ACT 2005 (WA)

## Section 72A

### AIRPORT AND TRANSPORTATION (FACE MASK) DIRECTIONS (NO 2)

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 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 **Airport and Transportation (Face Mask) Directions (No 2)**.

#### COMMENCEMENT

3. These directions come into effect upon signing.

#### REVOCATION

4. The Airport and Transportation (Face Mask) Directions are revoked.

#### DIRECTIONS

5. Unless an **authorised officer** directs otherwise, a person must wear a **face mask** at all times while they are at an **airport** or **engaged in transport services** unless:
  - (a) the person is a child 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 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 mask*

- (d) the person is a quarantine driver within the meaning of that term in the Quarantine Driver Directions, in which case the person must comply with any requirements regarding the wearing of masks contained in the Quarantine Driver Directions; or
- (e) the person falls within one or more of the exceptions specified in paragraph 6 and is carrying a face mask.

6. The exceptions specified in this paragraph are as follows:

- (a) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (b) the nature of a person's work means that wearing a face mask creates a risk to their health and safety; or
- (c) the nature of a person's work means that clear enunciation or visibility of the mouth is essential; or
- (d) the person is working in the absence of others in an enclosed indoor space (unless and until another person enters that indoor space); or

*Example: a person working by themselves in an office*

- (e) the person is travelling in a private vehicle and is the sole occupant of that vehicle; or
- (f) the person is working by themselves in an outdoor space, provided no other person in the outdoor space is within 1.5 metres of the person; or
- (g) the person is engaged in any strenuous physical exercise; or

*Examples: jogging, running*

- (h) the person is consuming food, drink or medicine provided that the person:
  - (i) is seated at the time; and
  - (ii) is not in a vehicle at the time; and
  - (iii) resumes wearing the mask as soon as practicable; or

(i) the person is asked to remove the face mask to ascertain identity; or

*Example: a person may be asked by police, security, airport or flight staff to remove a face mask to ascertain identity*

(j) 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); or

(k) not wearing a face mask is otherwise required or authorised by law; or

(l) wearing a face mask is not safe in all the circumstances.

7. A person who is subject to a **quarantine requirement** and **engages in a transport service** must advise the driver and any other occupants of the vehicle that the person is subject to the quarantine requirement.

8. 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 COVID Transition (Border Requirements) Directions or any other direction.

### **Interpretation**

9. 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**

10. **Airport** means an area of land or water that is used or intended to be used for the landing and take-off of aircraft, and includes any aircraft, jetway or gangway (however described), terminal, baggage handling facility and other buildings or facilities on the land or water that are ancillary to or connected with the operation of the airport, if any, but does not include any building or facility outside the terminal or any outdoor space at which, or in which, the persons working, or present, do not at any time knowingly come into contact with any person who is present at the airport for the purposes of travel.

11. **Authorised officer** has the same meaning that it has in the Act.

12. **Direction** includes any direction under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing.

13. **Driver** means the person operating or otherwise in control of the vehicle while it is travelling.
14. **Engaged in transport services** means travelling in a vehicle of any kind, including a private vehicle, ride-share vehicle or taxi and whether as a passenger or **driver** where the particular passenger or driver knows or ought reasonably to have known that at least one person in the vehicle is subject to a quarantine requirement, and **engages in a transport service** has a corresponding meaning.
15. **Face mask** means a disposable surgical mask or fitted cloth mask that covers the nose and mouth (but does not include a face shield).
16. **Quarantine requirement** has the same meaning that it has in the COVID Transition (Border Requirements) Directions but also includes any other direction pursuant to which a person is required to undertake a period of quarantine in connection with COVID-19.

#### **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

8 February 2022 0635 hours