

EMERGENCY MANAGEMENT ACT 2005 (WA)

Section 72A

FACE COVERING DIRECTIONS (NO 4)

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 change the face covering requirements that came into effect at 12.01 am on 1 May 2021 to respond to recently detected further community transmission of COVID-19, so as to limit the spread of COVID-19.

CITATION

2. These directions may be referred to as the **Face Covering Directions (No 4)**.

COMMENCEMENT

3. These directions come into effect at 6 pm on Saturday, 1 May 2021 and continue in effect until 12.01 am on Saturday, 8 May 2021 or such other further period specified in writing by me.

REVOCATION

4. The Face Covering Directions (No 3) are revoked.

DIRECTIONS

5. A person in the **affected area** must wear a **face covering** at all times while they are outside the place where they ordinarily reside, including while in a vehicle (including a **motor vehicle**, boat or aircraft), unless:
 - (a) the person is a child 12 years of age or under, unless the child is attending school in Year 7 or above;

- (b) the person has a physical, developmental or mental illness, injury, condition or disability which makes wearing a face covering unsuitable;
- (c) the person is a prisoner or detainee in a prison, detention centre or other place of 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.

- (d) the person falls within one or more of the exceptions specified in paragraph 6 and is carrying a face covering (or, in the case of paragraph 6(g) or (h), the person has a face covering close by) and resumes wearing the face covering as soon as reasonably practicable after the person no longer falls within one of those exceptions.

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;
- (b) the person is at the time attending school as a student in Year 6 or below;
- (c) the nature of a person's occupation means that wearing a face covering is impractical to perform that occupation or creates a risk to their health and safety;
- (d) the person needs to temporarily remove their face covering so as to enable another person to appropriately perform their occupation;
- (e) 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;
- (f) the person is a teacher who at the time is engaging in teaching primary, secondary or tertiary students or a child care worker engaging in child care;
- (g) the person is engaged in an activity involving swimming;
- (h) the person is running or jogging or otherwise engaged in some form of strenuous or vigorous exercise or physical activity that is taking place outside;
- (i) the person is travelling in a motor vehicle and either is the sole occupant of that vehicle or is travelling in the vehicle with other persons provided that all the occupants of the vehicle are members of the same **household**;

- (j) the person is consuming food, drink or medicine, provided that they are seated at the time and they are not in a vehicle;
 - (k) the person is undergoing medical, dental or beauty related care or treatment to the extent that such care or treatment requires that no face covering be worn;
 - (l) the person is asked to remove the face covering to ascertain identity;
 - (m) 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);
 - (n) the person is directed by a judicial officer or tribunal member in proceedings in a court or tribunal to remove their face covering to ensure the proper conduct of those proceedings;
 - (o) the person is working in the absence of others in an enclosed **indoor space** (unless and until another person enters that indoor space);
 - (p) not wearing a face covering is otherwise required or authorised by law; or
 - (q) wearing a face covering is not safe in all the circumstances.
7. If a person is outside the affected area and was in the affected area at any time in the previous 14 days, the person must comply with the requirements of paragraph 5 at any time while they are outside the affected area as if they remained in the affected area until 14 days after the last time they were in the affected area.

Note: a person who is required by paragraph 5 to wear a face covering is able to rely on any exceptions under paragraph 6 to the same degree that they could if they were in the affected area.

8. These requirements are intended to apply despite any other direction that imposes a requirement to wear a face covering (however described) and to the extent of any inconsistency between those directions and these directions, these directions prevail.

DEFINITIONS

- 9. **Affected area** means the area comprising:
 - (a) the Metropolitan region described in Schedule 3 to the *Planning and Development Act 2005* (WA) (**Planning Act**);
 - (b) the Peel Region described in item 6 of Schedule 4 to the *Planning Act*; and
 - (c) **Rottnest Island**.
- 10. **Face covering** means a disposable surgical mask or fitted cloth mask that covers the nose and mouth (but does not include a face shield).
- 11. **Household** means two or more persons who usually reside together at the same place, except a place that is a residential college or student accommodation, including a boarding school, irrespective of whether those persons are related to each other.
- 12. **Indoor space** has the same meaning as in the *Gathering and Activities Directions* (No 2).
- 13. **Motor vehicle** has the same meaning as in paragraph (b) of the definition of "motor vehicle" in section 4 of the *Road Traffic (Administration) Act 2008* (WA).
- 14. **Rottnest Island** has the same meaning as in section 4 of the *Rottnest Island Authority Act 1987* (WA).

PENALTIES

It may be an offence to fail to comply with any of 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

1 May 2021 1623 hours