

# EMERGENCY MANAGEMENT ACT 2005 (WA)

## Section 72A

### FACE COVERING 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 section 72A of the Act.

#### DIRECTIONS

##### 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 **Face Covering Directions**.

##### Commencement

3. These directions come into effect at 6:00pm on 31 January 2021.

##### Directions

3. A person in an **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 unless:
  - (a) the person is a child under the age of 12 years; or
  - (b) the person has a physical or mental illness, condition or disability which makes wearing a face covering unsuitable; or
  - (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 4 and is carrying a face covering (or, in the case of paragraph 4(d), the person has access to a facemask close by) and resumes wearing the face mask as soon as reasonably practicable.
4. 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 nature of a person's work means that wearing a face covering creates a risk to their health and safety;
  - (c) 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;
  - (d) the person is engaged in swimming as a form of physical exercise;
  - (e) the person is travelling in a private vehicle and is the sole occupant of that vehicle;
  - (f) the person is consuming food, drink or medicine provided that they are seated at the time and they are not in a vehicle;
  - (g) the person is undergoing medical care or treatment to the extent that such care or treatment requires that no face covering be worn;
  - (h) the person is asked to remove the 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);
  - (j) not wearing a face covering is otherwise required or authorised by law;
  - (k) wearing a face covering is not safe in all the circumstances.

### **Definitions**

- 5. **Affected area** has the same meaning that it has in the Stay at Home and Closure (Perth, Peel and the South West) Directions as amended or replaced from time to time.
- 6. **Face covering** means a disposable surgical mask or fitted cloth mask that covers the nose and mouth (but does not include a face shield).

## 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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**Christopher John Dawson**

State Emergency Coordinator and Commissioner of Police

31 January 2021

1813 hours