

*Public Health Act 1997*

**DIRECTION UNDER SECTION 16**

*(Masks at Hospitals – No. 4)*

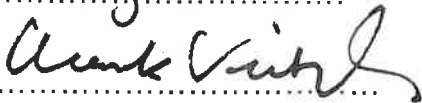
I, MARK VEITCH, the Director of Public Health, in pursuance of section 16 of the *Public Health Act 1997* ("the Act"), in order to manage the threat to public health posed by the notifiable disease known as COVID-19 ("the disease"), direct that –

- (a) a person who enters, or remains on, the premises of a hospital must wear a fitted face covering while the person remains on those premises; and
- (b) paragraph (a) does not apply in respect of the following persons:
  - (i) a patient at the hospital;
  - (ii) a child who has not attained the age of 12 years;
  - (iii) a person who –
    - (A) holds a medical certificate, or other documentation by a medical practitioner, within the meaning of the *Acts Interpretation Act 1931*, that certifies that the person has a physical, or mental health, illness, condition or disability that makes the wearing of a fitted face covering unsuitable; and
    - (B) produces a legible copy of the medical certificate, or other documentation, if requested to do so by a person in authority;or
  - (iv) a person who –
    - (A) holds an exemption, or is a person within a class of persons specified in an exemption, from the requirements of paragraph (a) that is given by the Director of Public Health or his or her delegate; and
    - (B) produces a legible copy of the exemption if requested to do so by a person in authority; and

- (c) paragraph (a) does not apply to a person in the following circumstances if the person wears a fitted face covering as soon as is practicable after the relevant circumstances end:
- (i) the person removes the fitted face covering to communicate with a person who is deaf, or has impaired hearing, and visibility of the mouth is essential for the communication;
  - (ii) the wearing of the fitted face covering would create a risk to the health or safety of the person;
  - (iii) the person removes the fitted face covering to enable clear enunciation, or visibility of the mouth, as part of his or her employment or training;
  - (iv) the person is orally consuming food, drink or medicine;
  - (v) the person is undergoing medical care, or treatment, that is unable to be provided while the person wears a fitted face covering;
  - (vi) the person is requested to remove the fitted face covering, by a person in authority, to ascertain or confirm the identity of the person;
  - (vii) the person may lawfully remove, or is lawfully required to remove, the fitted face covering;
  - (viii) an emergency where it is not practicable or safe to wear the fitted face covering;
  - (ix) the person is working or studying in an indoor or outdoor space where there are no other persons present;
  - (x) such other circumstances that are specified in an exemption, from the requirements of paragraph (a), that is given by the Director of Public Health or his or her delegate; and
- (d) a person required to wear a fitted face covering under paragraph (a), other than a person to whom paragraph (b) applies, must carry a fitted face covering while he or she remains on the premises of a hospital; and
- (e) in this direction –
- (i) **fitted face covering** means a covering, other than a shield, that fits securely around the face and is designed, or made, to be worn over the nose and mouth to provide protection against infection; and

- (ii) **hospital** includes the following, within the meaning of the *Health Service Establishments Act 2006*:
    - (A) public hospitals;
    - (B) private hospitals;
    - (C) day-procedure centres; and
  - (iii) **operator**, of a hospital, means a person who owns, controls or operates the hospital; and
  - (iv) **patient**, at a hospital, means a person seeking medical care or treatment at the hospital who has been admitted to the hospital for that care or treatment; and
  - (v) **person in authority**, in relation to a hospital, includes –
    - (A) an authorised officer within the meaning of the Act; and
    - (B) an authorised officer within the meaning of the *Emergency Management Act 2006*; and
    - (C) a person nominated by the operator of the hospital as a person in authority for the purposes of this direction; and
- (f) the direction, made by me on 19 August 2021 and entitled *Masks at Hospitals – No.3*, is revoked.

Dated: 26 August 2021

Signed: 

Director of Public Health