

Public Health Act 1997

ORDER UNDER SECTION 53

(Masks on Aircraft)

I, MARK VEITCH, the Director of Public Health, make this order under section 53 of the *Public Health Act 1997* ("the Act"), in order to stop, limit or prevent the spread of the notifiable disease known as COVID-19 ("the disease").



Director of Public Health

Dated: 30 June 2022

1. Commencement

This order takes effect on 1 July 2022.

2. Interpretation

(a) In this order –

Act means the *Public Health Act 1997*; and

commercial aircraft means an aircraft that is used to provide passengers with transportation or touring, on a commercial basis; and

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

person in authority includes –

- (i) an authorised officer within the meaning of the Act; and
- (ii) an authorised officer within the meaning of the *Emergency Management Act 2006*; and

- (iii) a person employed or engaged by an airline for the purposes of monitoring safety, and security, on aircraft operated by the airline; and
- (b) The *Acts Interpretation Act 1931* applies to the interpretation of this order as if this order were regulations made under the Act.

3. Persons to wear a fitted face covering on-board a commercial aircraft

- (a) A person must wear a fitted face covering while he or she is on-board a commercial aircraft in Tasmania.

4. Persons who are not required to wear a fitted face covering

- (a) A person is not required to wear a fitted face covering under this order if the person is –
 - (i) a child who has not attained the age of 12 years and it is not practicable, due to age or otherwise, for the child to wear a fitted face covering; or
 - (ii) a person who –
 - (I) 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
 - (II) produces a legible copy of the medical certificate, or other documentation, if requested to do so by a person in authority; or
 - (iii) a person who –
 - (I) holds an exemption, from the requirement to wear a fitted face covering, that is given by the Director of Public Health or his or her delegate; and

- (II) produces a legible copy of the exemption if requested to do so by a person in authority; or
- (iv) a person who –
 - (I) is employed or engaged –
 - (A) as a worker at the airport; or
 - (B) by the airline operating the aircraft; and
 - (II) while so employed or engaged, is in an area of the aircraft that is not open to passengers or other members of the public.

5. When a person can temporarily remove a fitted face covering

- (a) A person is not required to wear a fitted face covering under this order 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) such other circumstances that are specified in an exemption, from the requirement to wear a fitted face covering, that is given by the Director of Public Health or his or her delegate; and
- (b) a person who is required to wear a fitted face covering under this order, other than a person to whom 4 applies, must carry a fitted face covering.