

Public Health Act 1997

DIRECTION UNDER SECTION 16

(Mask wearing in certain locations - No.2)

I, JULIE GRAHAM, the Deputy 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 in Tasmania posed by the notifiable disease known as COVID-19 ("the disease"), direct that –

- (a) a person must wear a fitted face covering while in an indoor space of –
 - (i) a vehicle being used to provide a passenger service, within the meaning of the *Passenger Transport Services Act 2011*, other than –
 - (A) a passenger service referred to in section 35(2) of that Act; or
 - (B) a hire and drive service within the meaning of that Act; or
 - (C) a passenger service provided by a large passenger vehicle, or a small passenger vehicle, that is not available to the general public and does not operate at regular or substantially regular intervals; or
 - (ii) a vehicle being used to provide a passenger service in accordance with a contract, or agreement, with the Tasmanian Government; or
 - (iii) a premises that is primarily used to provide one or more of the following services to persons who are present on the premises:
 - (A) health and medical services or treatments;
 - (B) a service provided under the direction of a registered health practitioner, within the meaning of the *Health Practitioner Regulation National Law (Tasmania)*, in his or her capacity as a registered health practitioner; or
 - (iv) a premises that is used as a blood donation centre or a pathology collection centre; or
 - (v) a premises used to provide supported accommodation within the meaning of the *Disability Services Act 2011*; or
 - (vi) a premises being used to provide a child care service, within the meaning of the *Child Care Act 2001*, except where the service is provided to a child in the child's primary or other residence; or

- (vii) an education and care service premises, within the meaning of the Education and Care Services National Law (Tasmania), except while the premises is being used for the purpose of –
 - (A) a polling place within the meaning of the *Electoral Act 2004*; or
 - (B) a Polling place within the meaning of the *Commonwealth Electoral Act 1918* of the Commonwealth; or
 - (viii) a school, within the meaning of the *Education Act 2016*, except while the school is being used for the purposes of –
 - (A) a polling place within the meaning of the *Electoral Act 2004*; or
 - (B) a Polling place within the meaning of the *Commonwealth Electoral Act 1918* of the Commonwealth; or
 - (ix) a prison, remand centre, youth residential centre, youth justice centre or other similar premises where a person may lawfully be detained; and
- (b) a person must wear a fitted face covering while the person is providing one or more of the following services, in an indoor space, to persons who are present in the indoor space:
- (i) health and medical services or treatments;
 - (ii) a service provided by, or under the direction of, a registered health practitioner, within the meaning of the *Health Practitioner Regulation National Law (Tasmania)*, in his or her capacity as a registered health practitioner;
 - (iii) services provided by a disability support provider within the meaning of the *Disability Services Act 2011*;
 - (iv) services provided to an NDIS participant, if funding is payable under the NDIS in respect of the services so provided;
 - (v) a service providing home-based child care, within the meaning of the *Child Care Act 2001*, to a child in the child's primary or other residence;
 - (vi) in-home and community aged care services; and
- (c) the requirement to wear a fitted face covering under paragraph (a) or (b) does not apply in respect of the following persons:

- (i) a child who –
 - (A) has not attained the age of 12 years if it is not practicable, due to age or otherwise, for the child to wear a fitted face covering;
or
 - (B) is undertaking primary education, whether at a school or as part of home education, within the meaning of the *Education Act 2016*; or
 - (ii) a person who is being provided with supported accommodation, within the meaning of the *Disability Services Act 2011*, while the person is inside the supported accommodation; or
 - (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) or (b) 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; or
 - (v) a person who is exempt from wearing a fitted face covering under another direction in force under section 16 of the Act, while the person is so exempt; or
- (d) the requirement to wear a fitted face covering under paragraph (a) or (b) 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, engagement under a contract of services 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 is wearing a fitted face covering;
- (vi) the person is undergoing a service, or treatment, that is unable to be provided while the person is wearing a fitted face covering;
- (vii) the person is requested to remove the fitted face covering, by a person in authority, to ascertain or confirm the identity of the person;
- (viii) the person may lawfully remove, or is lawfully required to remove, the fitted face covering;
- (ix) an emergency where it is not practicable or safe to wear the fitted face covering;
- (x) the person is in a personal vehicle;
- (xi) during a period of intense physical exercise;
- (xii) the person is performing or is rehearsing for a performance, regardless of whether the performance is theatrical, musical or dance;
- (xiii) the person is working, or volunteering, by themselves in an enclosed indoor space, provided no other person is also in the enclosed indoor space;
- (xiv) the person is a prisoner in a prison, subject to any policies of that prison;
- (xv) the person is detained in a remand centre, youth residential centre or youth justice centre, subject to any policies of that centre;
- (xvi) the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person;

- (xvii) other circumstances that are specified in an exemption, from the requirements of paragraph (a) or (b), that is given by the Director of Public Health or his or her delegate; and
- (e) a person to whom this direction applies, other than a person to whom paragraph (c) applies, must carry a fitted face covering while away from the premises at which the person is residing; and
- (f) in this direction –
 - (i) **Commonwealth funded service provider** means one of the following providers:
 - (A) an approved provider within the meaning of the meaning of the *Aged Care Quality and Safety Commission Act 2018* of the Commonwealth;
 - (B) a service provider within the meaning of the meaning of the *Aged Care Quality and Safety Commission Act 2018* of the Commonwealth; and
 - (ii) **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
 - (iii) **health and medical services or treatments** means services or treatments provided by –
 - (A) a person who –
 - (I) is registered in the medical profession under the Health Practitioner Regulation National Law (Tasmania); and
 - (II) is providing the services or treatments under the authority of that registration; or
 - (B) a person who –
 - (I) is registered under the Health Practitioner Regulation National Law (Tasmania) to practise a health profession; and
 - (II) is providing the services or treatments under the authority of that registration; or
 - (C) a person who is one of the following allied health professionals:

- (I) art therapist;
 - (II) audiologist;
 - (III) chiropractor;
 - (IV) counsellor holding a Master of Counselling, or equivalent, from a tertiary institution;
 - (V) dietician;
 - (VI) exercise physiologist;
 - (VII) genetic counsellor;
 - (VIII) music therapist;
 - (IX) occupational therapist;
 - (X) optometrist;
 - (XI) orthoptist;
 - (XII) orthotist;
 - (XIII) osteopath;
 - (XIV) perfusionist;
 - (XV) pharmacist;
 - (XVI) physiotherapist;
 - (XVII) podiatrist;
 - (XVIII) prosthetist;
 - (XIX) psychologist;
 - (XX) rehabilitation counsellor;
 - (XXI) social worker;
 - (XXII) sonographer;
 - (XXIII) speech pathologist; or
- (D) a person providing ambulance services, or non-emergency patient transport services, within the meaning of the *Ambulance Service Act 1982*; and
- (iv) **indoor space** means an area (including a lift, elevator or other similar space), room, vehicle or premises, that is, or are, substantially enclosed by a roof and walls, regardless of whether the roof or walls, or any part of the roof or walls, are permanent or temporary, or open or closed; and

- (v) **in-home and community aged care services** means the following care or services provided by, or on behalf of, a Commonwealth funded service provider:
 - (A) Commonwealth-funded aged care services, within the meaning of the *Aged Care Quality and Safety Commission Act 2018* of the Commonwealth;
 - (B) flexible care, within the meaning of the *Aged Care Act 1997* of the Commonwealth;
 - (C) home care, within the meaning of the *Aged Care Act 1997* of the Commonwealth; and
 - (vi) **NDIS** means the National Disability Insurance Scheme, established by the *National Disability Insurance Scheme Act 2013* of the Commonwealth; and
 - (vii) **NDIS participant** means a participant within the meaning of the *National Disability Insurance Scheme Act 2013* of the Commonwealth; and
 - (viii) **personal vehicle** means a vehicle that is not being operated for consideration, whether monetary or otherwise, at the relevant time; and
 - (ix) **person in authority** 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
 - (x) **premises** has the same meaning as in the Act; and
 - (xi) **vehicle** has the same meaning as in the Act; and
- (g) the *Acts Interpretation Act 1931* applies to the interpretation of this direction as if it were regulations made under the Act; and
- (h) the direction made by the Director of Public Health on 11 March 2022, and entitled *Mask wearing in certain locations - No. 1*, is revoked

Dated:.....6th May 2022.....

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Signed:.....

Deputy Director of Public Health