

Public Health Act 1997

DIRECTION UNDER SECTION 16
(Mask wearing requirements - No.1)

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 in Tasmania posed by the notifiable disease known as COVID-19 ("the disease"), direct that, on and from 21 December 2021 –

- (a) a person must wear a fitted face covering while in an indoor space, other than –
 - (i) an indoor space that is part of private residential premises in relation to the person; or
 - (ii) an indoor space that is part of private residential premises in relation to another person, unless the first-mentioned person is in the premises primarily for the purpose of providing goods, or a service, whether or not for consideration; and
- (b) paragraph (a) 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;
 - (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 –
 - (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
 - (iii) 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; or
 - (iv) 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
- (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, 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 swimming;
 - (xiii) the person is riding a bicycle or motorcycle;
 - (xiv) the person is performing or is rehearsing for a performance, regardless of whether the performance is theatrical, musical or dance;
 - (xv) the person is being married or is performing a marriage ceremony;
 - (xvi) the person is working, or volunteering, by themselves in an enclosed indoor space, provided no other person is also in the enclosed indoor space;
 - (xvii) the person is a prisoner in a prison, subject to any policies of that prison;
 - (xviii) the person is detained in a remand centre, youth residential centre or youth justice centre, subject to any policies of that centre;
 - (xix) the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person;
 - (xx) 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 to whom this direction applies, other than a person to whom paragraph (b) applies, must carry a fitted face covering while away from the premises at which the person is residing; 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) **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

(iii) **personal vehicle** means a vehicle that is not being operated for consideration, whether monetary or otherwise, at the relevant time; and

(iv) **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

(v) **premises** has the same meaning as in the Act; and

(vi) **private residential premises**, in relation to a person, means a house, or apartment, at which the person is residing, whether temporarily or not;

(vii) **vehicle** has the same meaning as in the Act; and

(f) the *Acts Interpretation Act 1931* applies to the interpretation of this direction as if it were regulations made under the Act.

Dated: 20 December 2021

Signed: Mark Veitch

Director of Public Health