

Public Health Act 1997

DIRECTION UNDER SECTION 16

(Airports and aircrafts – No. 3)

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, commencing on 26 May 2021 –

- (a) a person must wear a fitted face covering while he or she –
 - (i) is in such part of the airport that is indoors and is open to passengers, or other members of the public, at the time the person is at the airport; or
 - (ii) is a passenger, or person intending to travel, on an aircraft that is at the airport and the person is transiting between the arrivals, or departure, gate at the airport and the aircraft; or
 - (iii) is on-board a domestic commercial aircraft that is –
 - (A) at the airport; or
 - (B) arriving at, or departing from, the airport; or
 - (C) within Tasmanian airspace; and

- (b) paragraph (a) does not apply in respect of the following persons:
 - (i) a child who has not attained the age of 12 years;
 - (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 at the airport;
 - (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 at the airport;
- (c) paragraph (a) does not apply to a person in 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 at the airport, to ascertain or confirm the identity of the person;
 - (vii) the person –
 - (A) is employed, or engaged, as an airport worker at the airport or as a member of a domestic flight crew of an aircraft; and
 - (B) while so employed or engaged, is in an area of the airport, or aircraft, that is not open to passengers or other members of the public;
 - (viii) the person may lawfully remove, or is lawfully required to remove, the fitted face covering;

- (ix) 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, other than a person to whom paragraph (b) applies, must carry a fitted face covering while he or she –
 - (i) is in such part of the airport that is indoors and is open to passengers, or other members of the public, at the time the person is at the airport; or
 - (ii) is a passenger, or person intending to travel, on an aircraft that is at the airport and is transiting between the arrivals, or departure, gate at the airport and the aircraft; or
 - (iii) is on-board a domestic commercial aircraft that is –
 - (A) at the airport; or
 - (B) arriving at, or departing from, the airport; or
 - (C) within Tasmanian airspace; and
- (e) in this direction –
 - (i) **airport** means premises that contain an aerodrome
 - (A) at which facilities are available for the arrival of a commercial aircraft into, or the departure of a commercial aircraft from, the premises; and
 - (B) other than a building, structure or distinct outdoor space on those premises if that building, structure or space is not used in connection with aircraft that are used, or are intended to be used, to provide passengers with transportation or touring, whether within Australia or internationally; and
 - (ii) **airport worker**, at an airport, includes the following persons employed, or engaged, to work at the airport:
 - (A) an engineer or other technical staff;
 - (B) a cleaner;
 - (C) a baggage handler;
 - (D) a person involved in the delivery or removal of food, goods or other things in connection with an aircraft at the airport;

- (E) a person employed or engaged by an airline that is operating at the airport;
- (F) a person providing services relating to law enforcement or border security; and
- (iii) **domestic commercial aircraft** means an aircraft that is used to provide passengers with transportation or touring, on a commercial basis, only within Australia; and
- (iv) **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
- (v) **member of a domestic flight crew** means a person, on a domestic commercial aircraft, who is employed or engaged as –
 - (A) a pilot, a crew member providing essential safety or maintenance functions or a cabin crew member actively servicing a flight on the domestic commercial aircraft; or
 - (B) a pilot, crew member or cabin crew member who is not working on the domestic commercial aircraft but is travelling on the domestic commercial aircraft to be able to commence work at another location; or
 - (C) an aeromedical services crew member providing patient transport, or emergency medical care, to a patient travelling on the domestic commercial aircraft; or
 - (D) an aeromedical services crew member who is not working on the domestic commercial aircraft but is travelling on the domestic commercial aircraft to be able to commence work at another location; and
- (vi) **personal vehicle** means a vehicle, within the meaning of the Act, that is not being operated for consideration, whether monetary or otherwise, at the relevant time; and
- (vii) **person in authority**, in relation to an airport, 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 employed or engaged by the airport for the purpose of monitoring safety, and security, at the airport; and
 - (D) a person employed or engaged by an airline for the purposes of monitoring safety, and security, on aircraft operated by the airline; and
 - (viii) **premises** has the same meaning as in the Act; and
 - (ix) **Tasmanian airspace** means the airspace over Tasmania, including the coastal waters and dependences of Tasmania; and
- (f) the direction, entitled *Airports and aircrafts – No. 2*, given by the me on 5 February 2021, is revoked.

Dated: 24 May 2021

Signed: 

Director of Public Health