



Northern Territory of Australia

Public and Environmental Health Act 2011

COVID-19 Directions (No. 89) 2021: Directions to wear face masks in the Territory

I, Charles Hawkhurst Pain, Acting Chief Health Officer, under section 52 of the *Public and Environmental Health Act 2011*, consider it necessary, appropriate or desirable to take action to alleviate the public health emergency in the Territory, declared by instrument entitled "Declaration of Public Health Emergency" dated 18 March 2020 (the **public health emergency declaration**) by making the following directions:

- 1 These Directions take effect at 12:00 noon on 16 November 2021 and remain in force until the earlier of:
 - (a) 6:00 pm on 22 November 2021; or
 - (b) the public health emergency declaration ceasing to be in force.
- 2 In these Directions:

health practitioner means:

 - (a) a person registered under the Health Practitioner Regulation National Law to practise in a health profession (other than as a student); or
 - (b) an audiologist or a speech pathologist.
- 3 If these Directions are inconsistent with an advice, order or notice under the *Notifiable Diseases Act 1981*, the advice, order or notice prevails to the extent of the inconsistency.

Example for direction 3

A person may be ordered under the Notifiable Diseases Act 1981 to isolate for longer than the quarantine period or to undertake a specific course of medical treatment.

- 4 These Directions apply in relation to the Territory, except the areas to which the following Directions apply:
- (a) my COVID-19 Directions (No. 1) 2021, as amended from time to time, or any subsequent Directions that replace and substantially correspond to those Directions;
 - (b) my COVID-19 Directions (No. 83) 2021, as amended from time to time, or any subsequent Directions that replace and substantially correspond to those Directions;
 - (c) my COVID-19 Directions (No. 85) 2021, as amended from time to time, or any subsequent Directions that replace and substantially correspond to those Directions;
 - (d) my COVID-19 Directions (No. 86) 2021, as amended from time to time, or any subsequent Directions that replace and substantially correspond to those Directions.

Note for direction 4

Those Directions already require the use of face masks:

- (a) *at airports and on aircraft; and*
 - (b) *in low vaccinated communities; and*
 - (c) *in the Municipality of Katherine; and*
 - (d) *in the community known as Robinson River and surrounding homelands.*
- 5 Subject to direction 7, a person must wear a face mask when the person is outside the premises where the person resides and the person is within 1.5 m of another person who does not reside at the same premises.
- 6 The person must wear the face mask securely over the person's nose and mouth.
- 7 A person is not required to wear a mask if the person:
- (a) is a child:
 - (i) under the age of 12 years; or
 - (ii) attending primary school, while at school; or

- (b) has a physical or mental health illness or condition, or a disability, that makes wearing a face mask unsuitable; or
- (c) is engaged in vigorous exercise or is swimming; or
- (d) is communicating with a person who is hearing impaired and visibility of the person's mouth is essential; or
- (e) is in a private vehicle, that is not being used for commercial purposes, or is alone in a commercial vehicle; or
- (f) is eating or drinking; or
- (g) is asked to remove the face mask to ascertain the person's identity; or
- (h) is requested by a health practitioner to remove the face mask in order to enable the practitioner to administer treatment to the person; or
- (i) is a teacher, educator or child care worker in a school or child care facility who removes it for the purpose of teaching or child care activities; or
- (j) must remove it in an emergency.

8 A police officer or an authorised officer may:

- (a) request a person who is not wearing a face mask as required by these Directions to state the person's reason for not doing so; and
- (b) if the person claims to have a physical or mental health illness or condition, or a disability, that makes wearing a face mask unsuitable – require the person to produce evidence to support that claim.

Notes for COVID-19 Directions

- 1 *Section 56 of the Act provides for an offence for failing to comply with a direction given by me under section 52(3) of the Act.*
- 2 *The maximum penalty for this offence is 400 penalty units.*
- 3 *A person is not guilty of this offence if the person has a reasonable excuse.*

- 4 *An infringement notice may be given for failing to comply with these Directions with a fine equal to 32 penalty units for an individual and 160 penalty units for a body corporate.*



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Acting Chief Health Officer

Dated

16.11.21

11.45