

Post-emergency COVID-19 Directions (No. 9) 2022: Face masks

I, Charles Hawkhurst Pain, Acting Chief Health Officer, under section 57B of the *Public and Environmental Health Act 2011*, after taking into account social considerations and economic considerations, in addition to public health considerations, and after consulting in accordance with section 57C(1)(b) of the Act, consider it necessary, appropriate or desirable to take action in relation to COVID-19 by making the following directions:

Part 1 Preliminary matters

- 1 These Directions take effect at 23:59 pm on 8 September 2022 and remain in force until 23:59 pm on 15 June 2024.

Note for direction 1

Part 5, Division 2A, of the Act under which these Directions are made has effect for 2 years commencing on 16 June 2022 until 15 June 2024.

- 2 These Directions revoke Post-emergency COVID-19 Directions (No.7) 2022.

- 3 In these Directions:

beauty therapy means an activity intended to maintain, alter or enhance a person's appearance other than a surgical or medical procedure undertaken by a health practitioner.

Examples for definition beauty therapy

Facial, the application of cosmetics, epilation, waxing, threading, spray tanning and beard trimming.

body art means an activity intended to permanently decorate or adorn a person's skin or permanently alter a person's appearance other than a surgical or medical procedure undertaken by a health practitioner.

Examples for definition body art

Tattooing, ear piercing or body modification.

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.

high risk place, see direction 4.

residence includes commercial visitor accommodation but does not include a high risk place.

4 The following are **high risk places**:

- (a) a hospital;
- (b) a residential facility within the meaning of section 2 of the *Disability Services Act 1993*;
- (c) a custodial correctional facility within the meaning of section 11 of the *Correctional Services Act 2014*, not including police custody centres within the meaning of section 13 of that Act;
- (d) a detention centre within the meaning of section 5 of the *Youth Justice Act 2005*;
- (e) an aged care facility;
- (f) a renal hostel;
- (g) a family violence shelter;
- (h) a sobering up shelter;
- (i) a homeless shelter.

Part 2 Requirement to wear face mask

5 The obligation to wear a face mask under this Part is subject to the exceptions in Part 3.

6 A person must wear a face mask at all times when the person is inside any premises or vehicle within any of the following places and cannot maintain a distance of 1.5 m from other people:

- (a) a high risk place;
 - (b) a clinic for general medical practitioners;
 - (c) a remote health centre or clinic.
- 7 A person who is a disability support worker or personal carer must wear a face mask at all times when the person is providing services inside any premises or vehicle within a residence and cannot maintain a distance of 1.5 m from other people.
- 8 A person who is required under this Part to wear a face mask must wear the face mask securely over the person's nose and mouth.

Part 3 Exceptions to requirement to wear face mask

- 9 A person is not required to wear a face mask under Part 2 if the person:
- (a) subject to direction 7, is inside the residence of the person or another person; or
 - (b) is a child:
 - (i) under the age of 12 years; or
 - (ii) attending primary school, while at school; or
 - (c) has a physical or mental health illness or condition, or a disability, that makes wearing a face mask unsuitable; or
 - (d) a person whose health and safety in the workplace would be at risk, as determined in accordance with the work health and safety guidelines applicable to the person's workplace, if the person wore a mask; or
 - (e) is engaged in exercise or is swimming; or
 - (f) is communicating with a person who is hearing impaired and visibility of the person's mouth is essential; or
 - (g) is inside a private vehicle or vessel, that is not being used for commercial purposes, or is alone in a commercial vehicle or vessel; or

- (h) is eating or drinking; or
- (i) is asked to remove the face mask to ascertain the person's identity; or
- (j) is a health practitioner and needs to remove the face mask in order to administer treatment to a person; or
- (k) is requested by a health practitioner to remove the face mask in order to enable the practitioner to administer treatment to the person; or
- (l) is requested by a person carrying out beauty therapy or body art to remove the face mask in order to enable the person to carry out the beauty therapy or body art on the person; or
- (m) 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
- (n) is wearing an oxygen mask; or
- (o) must remove it in an emergency.

Part 4 General matters

- 10 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 Post-emergency COVID-19 Directions

- 1 *Section 57K of the Act provides for an offence for failing to comply with a direction given under section 57B of the Act.*
- 2 *The maximum penalty for the offence is 400 penalty units.*
- 3 *A person is not guilty of the 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.*



Digitally signed by Dr Charles Pain
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Acting Chief Health Officer

Dated