



Northern Territory of Australia

Public and Environmental Health Act 2011

COVID-19 Directions (No. 49) 2022: Directions to wear face masks

I, Hugh Crosbie Heggie, 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:

Part 1 Preliminary matters

- 1 These Directions take effect at 12:01 am on 7 March 2022 and remain in force until the public health emergency declaration ceases to be in force.
- 2 The following Directions are revoked:
 - (a) my COVID-19 Directions (No. 142) 2021;
 - (b) my COVID-19 Directions (No. 143) 2021.
- 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.

Big Rivers region means those parts of the Territory outlined in thick black line on the map in the Schedule.

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 my COVID-19 Directions (No. 41) 2022, or any subsequent Directions that replace and substantially correspond to those Directions.

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

Part 2 Requirement to wear face mask

- 4 This Part applies to a person subject to Part 3.
- 5 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 in the Territory 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.

Note for direction 5(a)

My COVID-19 Directions (No. 141) 2021 require the use of face masks in aged care facilities.

- 6 A person must wear a face mask at all times when the person is inside any premises, vehicle or vessel in the Big Rivers region and cannot

maintain a distance of 1.5 m from other people.

- 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 in the Territory 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) is inside the residence of the person or another person;
 - (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) is engaged in exercise or is swimming; or
 - (e) is communicating with a person who is hearing impaired and visibility of the person's mouth is essential; or
 - (f) 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
 - (g) is eating or drinking; or
 - (h) is asked to remove the face mask to ascertain the person's identity; or
 - (i) is a health practitioner and needs to remove the face mask in order to administer treatment to a person; or
 - (j) is requested by a health practitioner to remove the face mask in order to enable the practitioner to administer treatment to the person; or

- (k) 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
- (l) 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
- (m) 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.
- 11 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 11

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.

- 12 To the extent of any inconsistency with my COVID-19 Directions (No. 141) 2021 or any subsequent Directions that replace and substantially correspond to those Directions, these Directions prevail.

Note for direction 12

My COVID-19 Directions (No. 141) 2021 require the use of face masks in aged care facilities.

Part 5 Consequential amendment

- 13 This Part amends my COVID-19 Directions (No. 22) 2022.

14 Direction 8

omit


(No. 142) 2021

insert

(No. 49) 2022

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 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 Hugh Heggie
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Chief Health Officer

Dated

Schedule

