

*Public Health Act 1997*

**DIRECTION UNDER SECTION 16**

*(Airports and aircrafts – No. 2)*

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 –

- (a) a person at an airport must wear a fitted face covering while he or she –
  - (i) is at the airport, regardless of whether the person is indoors or outdoors; or
  - (ii) 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 may lawfully remove, or is lawfully required to remove, the fitted face covering;
  - (viii) the person is in a personal vehicle that is at the airport;
  - (ix) the person is in a vehicle that is being used to provide a private passenger service, or a passenger transport service, within the meaning of the *Passenger Transport Services Act 2011*;
  - (x) 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 at an airport, other than a person to whom paragraph (b) applies, must carry a fitted face covering while he or she –
- (i) is at the airport, regardless of whether the person is indoors or outdoors; or

- (ii) 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 domestic commercial aircraft into, or the departure of a domestic 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 –
      - (I) 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; or
      - (II) is only used in connection with administration of the airport and is not open for use by members of the public, including passengers and persons intending to travel; and
  - (ii) **domestic commercial aircraft** means an aircraft that is used, or is being relocated to enable it to be used, to provide passengers with transportation or touring, on a commercial basis, only within Australia; and
  - (iii) **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
  - (iv) **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
  - (v) **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
  - (vi) **premises** has the same meaning as in the Act; and

(vii) **Tasmanian airspace** means the airspace over Tasmania, including the coastal waters and dependences of Tasmania; and

(f) the direction, entitled *Airports and aircrafts – No. 1*, given by me on 21 January 2021, is revoked.

Dated: 5 February 2021

Signed: 

Director of Public Health