

Mandatory Face Masks Direction

Summary

Effective from: 12.01am AEST 12 January 2021

Posted: 11 January 2021

Direction from Chief Health Officer in accordance with emergency powers arising from the declared public health emergency

Public Health Act 2005 (Qld)

Section 362B

On 29 January 2020, under the *Public Health Act 2005*, the Minister for Health and Minister for Ambulance Services made an order declaring a public health emergency in relation to coronavirus disease (COVID-19). The public health emergency area specified in the order is for 'all of Queensland'. Its duration has been extended by regulation to 31 March 2021 and may be further extended.

Further to this declaration, I, Dr Jeannette Young, Chief Health Officer, reasonably believe it is necessary to give the following direction pursuant to the powers under s 362B of the *Public Health Act 2005* to assist in containing, or to respond to, the spread of COVID-19 within the community.

Citation

1. This Public Health Direction may be referred to as the *Mandatory Face Masks Direction*.

Commencement

2. This Direction applies from 12.01am on 12 January 2021 until the end of the declared public health emergency, unless it is revoked or replaced.

PART 1 — DIRECTION – MANDATORY FACE MASKS

Face mask requirements in airports

3. A person at a **Queensland airport** must:
 - a. carry a **face mask** at all times, except where paragraphs 4(a) or (b) apply; and
 - b. wear a **face mask** in all areas of a **Queensland airport**, including a passenger waiting area, at all times when at the airport; and
 - c. wear a **face mask** where required to do so in accordance with any other Public Health Directions in effect under section 362B of the *Public Health Act 2005*.

Note: A face mask must be worn in all indoor and outdoor areas at a Queensland airport.

4. The requirement to wear a **face mask** under paragraph 3 does not apply:
 - a. to infants and children under the age of 12 years; or
 - b. to a person who has a physical or mental health illness or condition, or disability, which makes wearing a **face mask** unsuitable; or
Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.
 - c. to a person communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - d. if the nature of a person's work or education means that wearing a **face mask** creates a risk to their health and safety; or

- e. if the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
Examples: training new staff, making announcements or live broadcasting.
- f. if the person is consuming food, drink or medicine; or
- g. if a person is undergoing medical care or treatment to the extent that such care or treatment requires that no **face mask** be worn; or
- h. if a person is asked to remove the **face mask** to ascertain identity; or
Examples: a person may be asked by police, security, or airport staff to remove a face mask to ascertain identity or when purchasing alcohol or cigarettes.
- i. for emergency purposes; or
- j. required or authorised by law; or
- k. doing so is not safe in all the circumstances.

5. A person who removes their **face mask** under paragraph 4 must resume wearing the **face mask** as soon as practicable after the circumstance ends.

Examples: a person must resume wearing a face mask as soon as they finish eating, making an announcement or receiving medical care.

Note: face shields on their own do not meet the face mask requirements. For further information on the use of face masks, please refer to the Queensland Health website as updated from time to time, available at: <https://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19/protect-yourself-others/face-masks>.

Face mask requirements on domestic commercial flights

6. A person on a **domestic commercial aircraft** must wear a **face mask** at all times on the aircraft while:
- a. the aircraft is located at a **Queensland airport**, including when the aircraft is landing at, or taking off from, the airport; or
 - b. the aircraft is flying in **Queensland airspace**.
7. A person on a **domestic commercial aircraft** must carry a **face mask** at all times when paragraphs 6(a) and (b) apply unless they are:
- a. an infant or child under the age of 12 years; or
 - b. a person who has a physical or mental health illness or condition, or disability, which makes wearing a face mask unsuitable.

Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.

8. The requirement to wear a **face mask** under paragraph 6 does not apply:
- a. if any of the circumstances in paragraphs 4(a) to (k) apply to a person; or
 - b. if the person is a member of the **air crew** of an aircraft who is not interacting directly with passengers, including because the person is on an aircraft with no passengers boarded; or
Example – a pilot is not required to wear a mask while in the cockpit.
 - c. if the person is an **airport worker** who is not interacting directly with passengers on an aircraft, including because the person is on an aircraft with no passengers boarded.
9. A person who removes their **face mask** under paragraph 8 must resume wearing the **face mask** as soon as practicable after the circumstance ends.

Examples: a pilot must resume wearing a face mask if they have exited the cockpit to farewell passengers from a flight.

Note: face shields on their own do not meet the face mask requirements. For further information on the use of face masks, please refer to the Queensland Health website as updated from time to time, available at: <https://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19/protect-yourself-others/face-masks>.

Face mask requirements for transport drivers and quarantined persons

10. A person must wear a **face mask** at all times while:
 - a. a person who is a **transport driver** is transporting **quarantined persons** to or from a **government-nominated accommodation**; or
 - b. a **quarantined person** is travelling from a **Queensland airport** to their allocated room in **government-nominated accommodation**.
11. The requirement to wear a **face mask** under paragraph 10 does not apply:
 - a. if one of the circumstances in paragraphs 4(a) to (k) apply; or
 - b. a **transport driver** is driving a vehicle with no passengers boarded.

PART 2 – EXEMPTIONS

12. The Chief Health Officer, Deputy Chief Health Officer or their delegate may give a person or class of persons an exemption from a requirement of this Direction if extreme exceptional circumstances exist.
13. An exemption may be given on conditions and if so, the person given the exemption must comply with the conditions.

PART 3 – PENALTIES

A person to whom the direction applies commits an offence if the person fails, without reasonable excuse, to comply with the direction.

Section 362D of the *Public Health Act 2005* provides:

Failure to comply with public health directions

A person to whom a public health direction applies must comply with the direction unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

Dr Jeannette Young
Chief Health Officer

12 January 2021

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SCHEDULE 1 – DEFINITIONS

For the purposes of this Public Health Direction:

Air crew means a person on a commercial domestic flight landing or taking off in Queensland who is:

- a. a pilot, crew member providing essential safety or maintenance functions or cabin crew member actively servicing a commercial domestic flight; or
- b. an off-shift pilot, crew member providing essential safety or maintenance functions or cabin crew member travelling to reposition to commence duty in Queensland or another State or Territory; or
- c. an aeromedical services crew member providing patient transport or emergency medical care to a patient; or
- d. an off-shift aeromedical services crew member who is travelling as a passenger on an aircraft to reposition to commence duty in Queensland or another State of Territory.

Airport worker includes:

- a. an engineer or other technical staff; and
- b. a cleaner; and
- c. a baggage handler; or
- d. a person involved in the delivery or removal of food, goods or other things in connection with an aircraft; or
- e. an employee of an airline other than **air crew**; or
- f. a person providing law enforcement or border security services.

Domestic commercial aircraft means an aircraft being used to provide passengers with transportation, on a commercial basis, only within Australia.

Face mask means a flat surgical mask, P2/N95 mask or a cloth face mask with three layers that covers the nose and mouth (but does not include a face shield).

Note – a scarf or bandana is not a face mask.

Government-nominated accommodation means a hotel or other accommodation premises at which a quarantined person has been directed to by an **emergency officer public (health)**.

Quarantined person means an individual who has been directed to quarantine by an **emergency officer (public health)** under section 362H of the *Public Health Act 2005*.

Example: an individual who has arrived from overseas and has been directed to quarantine for 14 days at a hotel under the Quarantine for International Arrivals Direction (No. 2) or its successor or a person arriving from a declared COVID-19 hotspot who has been directed to quarantine for 14 days at a hotel under the Border Restrictions Direction (No.21) or its successor.

Queensland airport means an aerodrome at which facilities are available for the arrival or departure of aircraft into or from the State of Queensland.

Queensland airspace means the airspace located over Queensland.

Transport driver means the person driving, or assisting in driving, the bus, coach service, taxi or rideshare that is engaged by a Queensland government department or agency to transport quarantined persons to or from **government-nominated accommodation**.