



New South Wales

Public Health (COVID-19 Mandatory Face Coverings) Amendment (No 2) Order 2021

under the

Public Health Act 2010

I, Brad Hazzard, the Minister for Health and Medical Research, make the following Order under section 7 of the *Public Health Act 2010*.

Dated 9 January 2021.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to amend the *Public Health (COVID-19 Mandatory Face Coverings) Order 2021* to require fitted face coverings to be worn at NSW airports, wherever located, and on domestic commercial aircraft flying into or out of New South Wales.

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1 Name of Order

This Order is the *Public Health (COVID-19 Mandatory Face Coverings) Amendment (No 2) Order 2021*.

2 Commencement

This Order commences at the beginning of 12 January 2021.

Schedule 1 Amendment of Public Health (COVID-19 Mandatory Face Coverings) Order 2021

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—

airport worker includes—

- (a) an engineer or other technical staff, and
- (b) a cleaner, and
- (c) a baggage handler, and
- (d) a person involved in the delivery or removal of food, goods or other things in connection with an aircraft, and
- (e) an employee of an airline other than flight crew, and
- (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.

NSW airport means an airport located in New South Wales.

NSW airspace means the airspace located over New South Wales.

[2] Clause 4 Grounds for concluding there is a risk to public health

Omit “Greater Sydney” from clause 4(c).

Insert instead “New South Wales and other Australian jurisdictions”

[3] Part 2, heading

Omit “in Greater Sydney”

[4] Clause 5(2)

Omit the subclause. Insert instead—

(2) The Minister directs that—

- (a) a person in Greater Sydney must wear a fitted face covering at all times when the person is at a public transport waiting area or in a vehicle, including a train or vessel, being used to provide a public transport service, including a taxi service, rideshare service or community transport service, and
- (b) a person in an indoor area of a NSW airport, including a passenger waiting area, must wear a fitted face covering at all times when in the area, and
- (c) a person on a domestic commercial aircraft that lands at, or takes off from, a NSW airport must wear a fitted face covering at all times when on the aircraft while—
 - (i) the aircraft is located at a NSW airport, including when the aircraft is landing at, or taking off from, the airport, or
 - (ii) the aircraft is flying in NSW airspace.

[5] Clause 5(7A)

Insert after clause 5(7)—

- (7A) Without limiting subclauses (5) and (7), a person may remove a fitted face covering the person is otherwise required by subclause (2)(b) or (c) to wear in the following circumstances—
- (a) the person is a member of the flight crew of an aircraft who is not interacting directly with passengers, including because the person is on an aircraft with no passengers boarded,
 - (b) 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.

[6] Clause 5(8)

Insert “or (7A)” after “subclause (7)”.