

Protecting Public Officials and Workers (Spitting, Coughing and Sneezing) Direction

Summary

Effective from: 27 April 2020

Posted: 27 April 2020

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 19 May 2020 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 directions 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.

Preamble

1. There are increasing reports of people intentionally spitting at or coughing or sneezing on public officials and workers during the COVID-19 declared public health emergency. These behaviours increase the risk of spreading COVID-19 and disrupt the ability of public officials and workers to carry out their functions, which are critical to containing and responding to the spread of COVID-19 within the community.
2. Intentionally spitting, coughing or sneezing at public officials and other workers increases the risk that they will be exposed to COVID-19 and, in turn, that they may spread the virus to other members of the community. These risks are especially pronounced for police, health and other front-line workers who interact regularly and at close proximity with members of the public, including those most vulnerable to developing complications that could lead to serious illness or death.
3. In addition to directly contributing to the spread of COVID-19, these behaviours may disrupt the ability of public officials and workers to perform critical functions due to

fear that they may have been exposed to COVID-19. Following an incident, these individuals may be required to undergo testing, quarantine and/or isolation, during which time they are unable to carry out activities and provide essential services to assist efforts to contain and respond to the spread of COVID-19.

Citation

4. This Public Health Direction may be referred to as the Protecting Public Officials and Workers (Spitting, Coughing and Sneezing) Direction.

PART 1 — DIRECTION – Protecting public officials and workers

1. The purpose of this Part is to prohibit persons from intentionally spitting at, coughing or sneezing on public officials and workers, or threatening to do so.
2. A person must not intentionally spit at, cough or sneeze on, or threaten to spit at or cough or sneeze on, any of the following persons in a way that would reasonably be likely to cause apprehension or fear of being exposed to COVID-19—
 - a. A **public official**;
 - b. Another **worker** while the worker is—
 - i. at the worker’s place of work, or
 - ii. travelling to or from that place of work.

Example — A person behaves in the presence of a police officer in a way that creates a reasonable belief that the person has COVID-19 and may, by their actions or implied threat, expose the officer to a risk of infection.

3. If the worker’s place of work is the worker’s residential premises, the place of work does not, for the purposes of this clause, include any part of the premises used solely for residential purposes.
4. This Direction takes effect from publication until the end of the declared public health emergency.

Definitions

For the purposes of this Public Health Direction:

5. **Health worker** means —
 - a. an ambulance officer under the *Ambulance Service Act 1991*;
 - b. a health service employee under the *Hospital and Health Boards Act 2011*;
 - c. a registered health practitioner or a student under the Health Practitioner Regulation National Law;
 - d. a member of staff of a private health facility within the meaning of the *Private Health Facilities Act 1999*; or
 - e. a person who works in a pharmacy or on other premises at which a registered health practitioner routinely practises the practitioner’s profession.
6. **Public official** means —
 - a. a health worker;
 - b. a police officer;
 - c. a fire service officer under the *Fire and Emergency Services Act 1990*;
 - d. an emergency officer under the *Public Health Act 2005*;

- e. a teacher under the *Education (Queensland College of Teachers) Act 2005*;
 - f. a local government employee or a local government worker under the *Local Government Act 2009*;
 - g. a council employee or a council worker under the *City of Brisbane Act 2010*;
 - h. another person exercising public functions under a law of Queensland;
 - i. an Immigration and Border Protection worker within the meaning of the *Australian Border Force Act 2015* of the Commonwealth; or
 - j. a person employed or otherwise engaged by the Commonwealth Department of Health.
7. **Worker** includes, without limitation —
- a. a retail worker;
 - b. a person who works at an airport;
 - c. a person who works for an electricity, gas, water or other utility company;
 - d. a person who works in the transport industry or a transport-related industry; and
 - e. a member of the Australian Defence Force.

Note — Examples of public officials and workers include hospital staff, bus drivers, train drivers, ferry deckhands, taxi drivers, ride share drivers, food delivery workers, security guards, electricity, gas and water meter readers and postal delivery staff (including persons working for an entity under a contract, directly or indirectly, on behalf of the Queensland Government).

PART 2 - 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

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