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Public Health (COVID-19 Spitting and Coughing) Order 2020
under the
Public Health Act 2010

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

Dated 9 April 2020.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note
The object of this Order is to deal with the public health risk of COVID-19 and its possible consequences by giving a Ministerial direction about intentionally spitting at or coughing on public officials in a way that is reasonably likely to cause fear about the spread of COVID-19.

Section 10 of the Public Health Act 2010 creates an offence if an individual fails to comply with a direction with a maximum penalty of imprisonment for 6 months or a fine of up to $11,000 (or both) plus a further $5,500 fine each day the offence continues.
Public Health (COVID-19 Spitting and Coughing) Order 2020
under the
Public Health Act 2010

1 Name of Order
This Order is the Public Health (COVID-19 Spitting and Coughing) Order 2020.

2 Commencement
This Order commences when the Public Health Amendment (COVID-19 Spitting and Coughing) Regulation 2020 commences.

3 Definitions
In this Order—

**health worker** means—
(a) a person employed in the NSW Health Service within the meaning of the Health Services Act 1997, or
(b) a person engaged by the Health Administration Corporation, within the meaning of the Health Administration Act 1982, to enable the Corporation to exercise its functions, or
(c) a person engaged by a public health organisation, within the meaning of the Health Services Act 1997, to enable the organisation to exercise its functions, or
(d) a member of staff of a licensed private health facility within the meaning of the Private Health Facilities Act 2007, or
(e) a registered health practitioner, or
(f) a person who works in a pharmacy or on other premises at which a health practitioner routinely practises the practitioner’s profession, or
(g) a member of staff of St John Ambulance Australia (NSW), or
(h) a member of staff of the Royal Flying Doctor Service of Australia (NSW Section).

**public official** means—
(a) a health worker, or
(b) a police officer within the meaning of the Police Act 1990, or
(c) another person exercising public functions under a law of New South Wales, or
(d) an Immigration and Border Protection worker within the meaning of the Australian Border Force Act 2015 of the Commonwealth, or
(e) a person employed or otherwise engaged by the Commonwealth Department of Health.
4 Grounds for concluding there is a risk to public health

It is noted that the basis for concluding that a situation has arisen that is, or is likely to be, a risk to public health is as follows—

(a) public health authorities both internationally and in Australia have been monitoring international outbreaks of COVID-19, also known as Novel Coronavirus 2019,

(b) COVID-19 is a potentially fatal condition and is also highly contagious,

(c) a number of cases of individuals with COVID-19 have now been confirmed in New South Wales, as well as other Australian jurisdictions.

5 Direction—spitting or coughing on public official

The Minister directs that a person must not intentionally spit at or cough on a public official in a way that would reasonably be likely to cause fear about the spread of COVID-19.

Reference number:(n2020-977)