

COVID-19 and Face Masks

Under the current Public Health orders in New South Wales wearing a face mask is compulsory in some settings including shops, public transport and certain workplaces.

It is also compulsory to carry a mask when you leave your home.



What constitutes a mask?

It must be a fitted face covering that fits securely around your face.

It must cover your mouth and nose to provide you with protection against infection.

Face shields are not a substitute for face masks, however people who are unable to wear a mask may find it easier to wear a face shield.

Exemptions to wearing a mask

There are 2 main exemptions. You will be exempt if you:

1. Have a physical or mental health illness or condition, or disability, that makes wearing a fitted face covering unsuitable including, for example, a skin condition, an intellectual disability, autism or trauma.
2. Are aged 12 years or under.

Evidence of your medical exemption

You are now required to carry written evidence of your medical condition or disability that prevents you from wearing a mask.

You must carry a letter from your health professional or NDIS provider, or a statutory declaration that identifies your health condition or disability and states that your condition or disability makes wearing a mask unsuitable.

You are also required to carry evidence of your name and residential address.

A police officer can request to see the evidence of your medical condition or disability and your residential address.

Officers will only issue penalty notices if you clearly refuse to wear a mask without a lawful reason.

In other circumstances, if you are eating or drinking, or there is an emergency, you will not be expected to continue wearing a mask.

If someone has treated you unfairly because of your exemption for wearing a face mask, they may have unlawfully discriminated against you.

You can call Kingsford Legal Centre on 9385 9566 or 1300 722 795 for legal advice about discrimination.

This factsheet is current as at 23 July 2021. It contains general information only about the law as it applies to New South Wales and does not constitute legal advice.

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