

# Refusing To Allow Entry or a Service to a Medically Exempt Person

***Are you aware of the risks of discriminating against people with lawful medical exemptions from wearing masks?***

## **Please note:**

If you refuse entry or a service to anyone not wearing a mask who have a lawful medical exemption, this will put you in breach of both the **Chief Health Officer's Covid Directions** and the **Commonwealth Disability Discrimination Act 1992**. There are hefty lawsuits for this at a time when most businesses are financially struggling.

Businesses, organisations and public authorities and officers are obliged to make themselves familiar with these medical exemptions as follows:

- 1. People with a medical condition do not have to wear a mask.**
- 2. A medical certificate is not required.**
- 3. Medically exempt employees cannot be forced to wear a mask.**
- 4. Business owners are not responsible** for people who cannot wear masks.
- 5. Medically exempt conditions** are wide and varied.
- 6. They are not required to tell you** or disclose their personal medical information to anyone.
  - a. *Ref: Privacy Act 1988* [http://www5.austlii.edu.au/au/legis/cth/consol\\_act/pa1988108/](http://www5.austlii.edu.au/au/legis/cth/consol_act/pa1988108/)
  - b. *The Disability Discrimination Act 1992* <https://www.legislation.gov.au/Details/C2018C00125>
- 7. Signs such as 'No Mask, No Entry'** are in breach of Section 6 & 24 of the Commonwealth Discrimination Act 1992 (and other laws) and should be removed from the premises unless they state 'EXCEPT THOSE WITH LAWFUL MEDICAL CONDITIONS' or similar disclaimer.
  - a. *Disability Discrimination Act – Section 6* [http://www5.austlii.edu.au/au/legis/cth/consol\\_act/dda1992264/s6.html](http://www5.austlii.edu.au/au/legis/cth/consol_act/dda1992264/s6.html)
  - b. *Disability Discrimination Act 1992 – Section 24* [http://www5.austlii.edu.au/au/legis/cth/consol\\_act/dda1992264/s24.html](http://www5.austlii.edu.au/au/legis/cth/consol_act/dda1992264/s24.html)
- 8. Harassment, intimidation, coercion, deceit, aggressiveness, or bullying are not lawful means of imposing your personal beliefs or opinions about masks upon others.**
- 9. Many people are medically exempt from wearing masks including most senior citizens,** even though they may not be currently aware of their exemption.