

Public Health Act 1997

DIRECTION UNDER SECTION 16

(Residential Aged Care Facilities – No. 5)

I, MARK VEITCH, the Director of Public Health, in pursuance of section 16 of the *Public Health Act 1997* ("the Act"), in order to manage the threat to public health posed by the notifiable disease known as COVID-19 ("the disease"), direct that –

- (a) subject to paragraph (b), a person must not enter, or remain on, the premises of a residential aged care facility in Tasmania commencing on 11 May 2020 unless –
 - (i) the person is a resident of the residential aged care facility; or
 - (ii) the person is an employee or contractor of the residential aged care facility; or
 - (iii) the person's presence at the premises is for the purposes of providing goods or services that are necessary for the effective operation of the residential aged care facility, whether the goods or services are provided for consideration or on a voluntary basis; or
 - (iv) the person's presence at the premises is for the purposes of providing health, medical or pharmaceutical goods or services to a resident of the residential aged care facility, whether the goods or services are provided for consideration or on a voluntary basis; or
 - (v) the person's presence at the premises is for the purposes of end of life support for a resident of the residential aged care facility; or
 - (vi) the person's presence at the premises is for the purposes of a care and support visit to a resident of the residential aged care facility and the resident has not had a care and support visit from any person in at least 5 days; or
 - (vii) the person –
 - (A) is a key support person for a resident of the residential aged care facility who has a diagnosed medical condition; and

- (B) is present at the premises at the request of the operator of the residential aged care facility and for the purpose of providing essential support to the resident by reducing distress or confusion that has occurred in respect of the resident as a result of the medical condition; or
 - (viii) the person's presence at the premises is required for the purposes of emergency management or law enforcement; and
- (b) despite paragraph (a), a person referred to in paragraph (a)(ii), (iii), (iv), (v), (vi), (vii) or (viii) must not enter, or remain on, the premises of a residential aged care facility in Tasmania commencing on 11 May 2020 if –
 - (i) during the 14-day period immediately preceding the entry, the person arrived in Tasmania from a place outside Tasmania; or
 - (ii) during the 14-day period immediately preceding the entry, the person had known contact with a person who –
 - (A) has been diagnosed with the disease; or
 - (B) is reasonably suspected of having the disease; or
 - (iii) the person has –
 - (A) a temperature higher than 37.5 degrees; or
 - (B) one or more symptoms of acute respiratory infection; or
 - (iv) the person does not have an up-to-date vaccination against influenza, if such a vaccination is available and there is no medical recommendation against the administration of the vaccine to the person; or
 - (v) the person has not attained the age of 16 years, unless his or her presence is required on the premises for end of life support; and
- (c) paragraph (b)(i) or (ii) does not apply in respect of a person if –
 - (i) the person is a significant person in respect of a resident at the residential aged care facility; and
 - (ii) the Director of Public Health, or his or her delegate, is satisfied that the person is entering in, or remaining on, the premises of the residential aged care facility for the purpose of end of life support for the resident; and

- (iii) the Director of Public Health, or his or her delegate, has authorised the person to enter, or remain on, those premises for those purposes; and
 - (iv) in addition to any other legal requirements under the Act, the person complies with any additional requirements imposed on the person by the Director of Public Health, or his or her delegate, to ensure the safety of the person, the staff of the residential aged care facility and the residents at the residential aged care facility; and
- (d) paragraph (b)(i) and (iv) does not apply in respect of a person entering the premises of a residential aged care facility if the most senior representative of the operator of the facility, who is at the facility and on-duty at the time the person enters, is satisfied that the person is entering the premises for the purposes of emergency medical, including transport, emergency management or law enforcement services; and
- (e) paragraph (b)(ii) does not apply in respect of a person entering the premises of a residential aged care facility if –
 - (i) the known contact with another person, diagnosed with the disease or reasonably suspected of having the disease, occurred as part of the person's employment; and
 - (ii) the person was wearing PPE consistent with, or at the level required by, the National Guidelines for public health units developed by the Communicable Diseases Network Australia in respect of the disease; and
 - (iii) there was no breach to the PPE during that contact with the other person; and
- (f) the operator of a residential aged care facility in Tasmania must take all reasonable steps to ensure that a person does not enter, or remain on, the premises of the residential aged care facility if the person is prohibited from doing so under paragraph (a) or (b); and

- (g) the operator of a residential aged care facility in Tasmania must ensure that all persons who enter, or remain, on the premises of the residential aged care facility have been screened, as directed by the Director of Public Health or his or her delegate, before the person so enters, or remains, on the premises; and
- (h) paragraphs (a), (b) or (f) do not prevent a person who is resident of a residential aged care facility from leaving, and returning to, the premises of the residential aged care facility if the resident is leaving the premises for the purposes of attending medical, or health care, appointments or for medical treatment; and
- (i) in this direction –
 - (i) **care and support visit**, in relation to a resident at a residential aged care facility, means a visit of no longer than 2 hours made to the resident –
 - (A) by a single person or no more than 2 persons together; and
 - (B) in the resident's room, outdoors or in a specific non-communal area, as designated by the residential aged care facility; and
 - (C) for the purposes of providing care and support to the resident; and
 - (ii) **flexible care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth; and
 - (iii) **key support person**, in relation to a resident of a residential aged care facility with a diagnosed medical condition, means a person who has been identified, by the operator of that facility, as a person who has the ability to reduce distress or confusion that has occurred in respect of the resident as a result of the medical condition; and
 - (iv) **operator**, of a residential aged care facility, means a person who owns, controls or operates the residential aged care facility; and
 - (v) **residential aged care facility** means a facility at which accommodation, and personal care or nursing care or both, are

provided to a person in respect of whom a residential care subsidy or a flexible care subsidy is payable under the *Aged Care Act 1997* of the Commonwealth; and

(vi) **residential care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth; and

(vii) **significant person**, in relation to a resident, includes –

(A) the spouse of the resident, including the other party to a significant relationship with the resident, within the meaning of the *Relationships Act 2003*; and

(B) a child of the resident, within the meaning of the *Evidence Act 2001*; and

(C) a parent of the resident; and

(viii) **symptoms of acute respiratory infection** include fever, coughing, sore throat, muscular pains, shortness of breath or unexpected tiredness; and

(j) on 11 May 2020, the direction given by the Acting Director of Public Health, given under section 16 of the Act on 4 May 2020 and entitled *Residential Aged Care Facilities – No. 4*, is revoked.

Dated: 9 May 2020

Signed: 

Director of Public Health