

Public Health Act 1997

DIRECTION UNDER SECTION 16
(Residential Aged Care Facilities – No. 11)

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, commencing on 1 March 2021–

- (a) subject to paragraph (b), a person must not enter, or remain on, the premises of a residential aged care facility in Tasmania unless –
 - (i) the person is a resident of the residential aged care facility, including a resident for the purposes of respite; 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 in respect 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 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; or
 - (vii) 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) or (vii) must not enter, or remain on, the premises of a residential aged care facility in Tasmania if –

- (i) during the 14-day period immediately preceding the entry, the person arrived in Tasmania from a place outside of Tasmania that is a medium risk area or premises, or a high risk area or premises, as determined by the Director of Public Health or his or her delegate; 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 one or more clinical symptoms of the disease; or
 - (iv) the person is required to be in isolation or quarantine, in respect of the disease, under the Act or the *Emergency Management Act 2006*; and
- (c) paragraph (b)(i), (ii) and (iv) 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, or remaining on, the premises of the residential aged care facility for the purpose of providing 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 (iii), and paragraph (h), do 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 treatment

(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) for the avoidance of doubt, paragraphs (b) and (f) do not prevent a person who is a resident of a residential aged care facility from leaving, and returning to, the premises of the residential aged care facility; and
- (h) 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
- (i) the operator of a residential aged care facility in Tasmania must keep the following information in respect of each person who enters the facility and remains on the premises of the facility for at least 15 minutes:
 - (i) the name of the person;
 - (ii) a telephone number by which the person is able to be contacted;
 - (iii) the date and time the person entered the premises; and

- (j) the operator of a residential aged care facility in Tasmania must refuse a person entry onto the premises of the facility if –
 - (i) paragraph (i) applies to the entry of the person on the facility; and
 - (ii) the person refuses to provide the information referred to in paragraph (i) in respect of the person; and

- (k) the operator of a residential aged care facility in Tasmania is taken to keep information in respect of a person, for the purposes of this direction, if the information is kept in format that enables the Director of Public Health or his or her delegate, if required under this direction, to directly access the information for the purposes of this direction; and

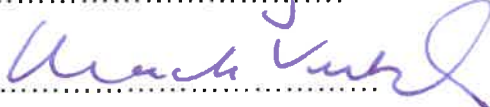
- (l) information required to be kept, under this direction, in respect of a person by the operator of a residential aged care facility in Tasmania –
 - (i) is information obtained by the operator for the purposes of –
 - (A) the management, detection, notification, treatment or prevention of the spread of the disease; or
 - (B) managing a threat to public health, or a likely threat to public health, as a result of the disease; or
 - (C) ensuring compliance with, and enforcing, the Act; and
 - (ii) must be kept in writing for a period of at least 28 days after the person has entered onto the residential aged care facility as recorded in the information; and
 - (iii) must not be used, or disclosed, other than as authorised under the Act; and

- (m) the operator of a residential aged care facility in Tasmania –
 - (i) if requested to do so by the Director of Public Health or his or her delegate, must disclose information kept under paragraph (i) to the Director of Public Health or his or her delegate as soon as possible after the request has been made to the owner or operator; and
 - (ii) if information is disclosed under subparagraph (i), is taken to have been disclosed for a purpose specified in paragraph (l)(i); and

- (n) in this direction –
- (i) **care and support visit**, in relation to a resident at a residential aged care facility, means a visit made to the resident, for the purposes of providing care and support to the resident, in one of the following locations:
 - (A) in the resident's room, outdoors or in a specific non-communal area, as designated by the residential aged care facility;
 - (B) in a specific communal area, as designated by the residential aged care facility, if each person in that area maintains, where practicable, a distance of not less than 1.5 metres between the person and each other person in the area; and
 - (ii) **clinical symptoms of the disease** means the following symptoms:
 - (A) a temperature of 37.5°C or more;
 - (B) night sweats;
 - (C) chills;
 - (D) coughing;
 - (E) shortness of breath;
 - (F) sore throat;
 - (G) loss of taste;
 - (H) loss of smell; and
 - (iii) **flexible care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth; 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 parent of the resident; and
- (C) a sibling of the resident; and
- (D) a child of the resident, within the meaning of the *Evidence Act 2001*; and
- (E) a grandchild of the resident; and

(o) the direction, given by me on 24 October 2020 and entitled *Residential Aged Care Facilities – No. 10*, is revoked.

Dated: 24 February 2021
Signed: 

Director of Public Health