

PUBLIC HEALTH ACT 2016 (WA)

Sections 157(1)(k) and 190(1)(p)

**VISITORS TO RESIDENTIAL AGED CARE FACILITIES
(OUTBREAK RESTRICTIONS (LEVEL 1)) DIRECTIONS**

The World Health Organization declared COVID-19 a pandemic on 11 March 2020.

On 23 March 2020, the Minister for Health declared a public health state of emergency with effect from 1.30 p.m. on 23 March 2020 in respect of COVID-19 pursuant to section 167 of the *Public Health Act 2016 (WA)* (**Act**). The public health state of emergency applies to the State of Western Australia.

I, Dr Andrew Robertson, the Chief Health Officer, authorised as an emergency officer under section 4 of the Act to exercise any of the emergency powers while the public health state of emergency declaration in respect of COVID-19 is in force, consider it reasonably necessary to give the following directions to all persons in Western Australia to prevent, control or abate the serious public health risk presented by COVID-19 pursuant to sections 157(1)(k) and 190(1)(p) of the Act.

PREAMBLE

1. The purpose of these directions is to limit the spread of COVID-19 in **residential aged care facilities** in the **affected area**.

CITATION

2. These directions may be referred to as the **Visitors to Residential Aged Care Facilities (Outbreak Restrictions (Level 1)) Directions**.

COMMENCEMENT

3. These directions come into effect at 12.10 pm on 27 June 2021.

OPERATION

4. These directions apply in the **affected area** only.
5. These directions are intended to apply despite the Visitors to Residential Aged Care Facilities Directions (No 7) or any further directions that I give that amend or replace those directions, and to the extent of any inconsistency between them, these directions prevail.

DIRECTIONS

6. A person must not enter, or remain on, the **premises** of a residential aged care facility in the affected area unless:
- (a) the person is an officer, employee or contractor of the residential aged care facility; or
 - (b) the person's presence at the premises is for the purposes of:
 - (i) providing goods or services that are necessary for the effective operation of the residential aged care facility; or
 - (ii) providing health, medical, or pharmaceutical 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
 - (iii) providing **end of life support** to a resident of the residential aged care facility; or
 - (iv) emergency management, law enforcement or otherwise responding to an emergency; or

Example: a police officer, fire fighter or ambulance officer responding to an emergency would all be persons referred to in paragraph 6(b)(iv)

 - (v) performing a function (including exercising a power or performing a duty) under a written law by an officer, employee or contractor of a **public authority**; or
 - (vi) making a **care and support visit** to a resident of the residential aged care facility, provided that no more than four people per resident make a care and support visit on any given day; or
 - (c) the person's presence at the premises is required for the purposes of performing a Commonwealth aged care regulatory function; or
 - (d) the person's presence at the premises is in the person's capacity as a prospective resident of the residential aged care facility; or
 - (e) the person is a legal practitioner whose presence on the premises is for the purpose of providing legal services in relation to wills and estate planning to a resident of a residential aged care facility; or

- (f) subject to paragraph 12, the person is entitled to enter a residential aged care facility in the affected area under a Fair Work entry permit issued by the Fair Work Commission under the *Fair Work Act 2009* (Cth); or
 - (g) subject to paragraph 12, the person is entitled to enter a residential aged care facility in the affected area under a Work Health and Safety entry permit issued by the Fair Work Commission under the *Work Health and Safety Act 2011* (Cth).
7. Despite paragraph 6, a person must not enter or remain on the premises of a residential aged care facility in the affected area if, in the preceding 14 days:
- (a) the person has returned from overseas; or
 - (b) the person has been **informed** that the person is a **close contact**.
8. Despite paragraph 6, a person must not enter or remain on the premises of a residential aged care facility in the affected area if the person has any **symptoms**.
9. Despite paragraph 6, a person must not enter or remain on the premises of a residential aged care facility in the affected area if the person has not had an up to date vaccination against influenza unless:
- (a) the person's presence at the premises is required for the purposes of emergency management, law enforcement or otherwise responding to an emergency;
Example: a police officer, fire fighter or ambulance officer responding to an emergency would all be persons referred to in paragraph 9(a)
 - (b) a vaccination against influenza is not readily available to the person; or
 - (c) the person has a documented medical contraindication to the influenza vaccine.
10. A person must not enter, or remain on, the premises of a residential aged care facility in the affected area if the person is entering or remaining on the premises to provide a service to a resident of the facility (whether or not the service is to be provided for consideration) and it would be reasonably practicable for the service to be provided via telehealth or some other adaptive model of care or for the resident to attend an external facility to receive the service.
- Note: for the avoidance of doubt, it is not reasonably practicable if it would not be in the best interests of the resident for the service to be provided via telehealth or some other adaptive model of care or for the resident to attend an external facility to receive the service.*

11. A person who is a **quarantine centre worker** and who has attended a **quarantine centre** in the preceding 14 days must not enter, or remain on, the premises of a residential aged care facility in the State of Western Australia unless that person at all times while on the premises keeps a distance of at least 1.5 metres from any other person if it is practicable for the person to do so.
12. A person who enters or remains on the premises of a residential aged care facility in the affected area in accordance with paragraph 6(f) or 6(g), must at all times while on the premises, keep a distance of at least 1.5 metres from any resident of the residential aged care facility if it is practicable for the person to do so.
13. A person who enters or remains on the premises of a residential aged care facility in the affected area and is not a resident or staff member of the facility must comply with any instruction given to the person by the **supervisor** unless the person has a reasonable excuse for failing to comply with the instruction.
14. The **operator** of a residential aged care facility in the affected area 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 by these directions.
15. Nothing in these directions is to be taken to prevent a resident of a residential aged care facility from entering or remaining upon the premises of the residential aged care facility.

DEFINITIONS

16. **Affected area** means the following regions of Western Australia:
 - (a) the Metropolitan region described in Schedule 3 to the *Planning and Development Act 2005* (WA) (**Planning Act**);
 - (b) the Peel Region described in item 6 of Schedule 4 to the *Planning Act*; and
 - (c) Rottnest Island, as described in section 4 of the *Rottnest Island Authority Act 1987* (WA).
17. **Care and support visit** means a visit made to a resident for the purpose of providing care and support to that resident.
18. **Close contact** has the same meaning as in the Quarantine and Isolation (Undiagnosed) Directions (No 2) made under the *Emergency Management Act 2005* (WA), as amended or replaced from time to time.
19. **End of life support** includes the provision of religious or spiritual counsel or other services related to the end of life.

20. **Flexible care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth.
21. **Informed** has the same meaning as in the Quarantine and Isolation (Undiagnosed) Directions (No 2) made under the *Emergency Management Act 2005* (WA), as amended or replaced from time to time.
22. **Operator** of a residential aged care facility means a person who owns, controls or operates the residential aged care facility.
23. **Premises** has the same meaning as it has in section 4(1) of the Act.
24. **Quarantine centre** means any quarantine centre operated or managed by the State Health Incident Coordination Centre (including a hotel quarantine centre) or which has been arranged by the State Health Incident Coordination Centre for the quarantining of people for public health purposes in connection with COVID-19.
25. **Quarantine centre worker** has the same meaning as in the Presentation for Testing (Quarantine Centre Workers) Directions (No 7) as amended or replaced from time to time.
26. **Public authority** has the same meaning as it has in section 4(1) of the Act.
27. **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.
28. **Residential care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth.
29. **Supervisor** means the staff member at the residential aged care facility responsible for supervising the facility at that time.
30. **Symptoms** mean any one or more of:
 - (a) a fever of 37.5 degrees or above; or
 - (b) a recent history of fever; or
 - (c) symptoms of acute respiratory infection (including, but without limitation, shortness of breath, a cough or sore throat); or
 - (d) loss of smell or taste.

PENALTIES

It is an offence for a person to fail, without reasonable excuse, to comply with any of these directions, punishable by a fine of up to \$20,000 for individuals and \$100,000 for bodies corporate.



Dr Andrew Robertson
Emergency Officer

27 June 2021 at 12:10 hours