

PUBLIC HEALTH ACT 2016 (WA)

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

VISITORS TO RESIDENTIAL AGED CARE FACILITIES

DIRECTIONS (NO 2)

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 Paul Kenneth Armstrong, an emergency officer authorised by the Chief Health Officer under section 174(2) 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.

DIRECTIONS

Preamble

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

Citation

2. These directions may be referred to as the **Visitors to Residential Aged Care Facilities Directions (No 2)**.

Commencement

3. These directions come into effect when they are made.

Revocation of Directions

4. The Visitors to Residential Aged Care Facilities Directions that I made on 20 March 2020 are revoked.

Directions

5. A person must not enter, or remain on, the premises of a **residential aged care facility** in the State of Western Australia 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 providing goods or services that are necessary for the effective operation of the residential aged care facility; or
 - (c) the person's presence at the premises is for the purposes of 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
 - (d) 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 on a particular day, and is the only care and support visit made to the resident on that day; or
 - (e) 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
 - (f) the person's presence at the premises is required for the purposes of 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 5(f)
 - (g) the person's presence at the premises is required for the purposes of 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
 - (h) the person's presence at the premises is in the person's capacity as a prospective resident of the residential aged care facility; or
 - (i) 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.
6. Despite paragraph 5, a person referred to in paragraph 5 must not enter or remain on the premises of a residential aged care facility in the State of Western Australia if:

- (a) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia; or
- (b) during the 14 days immediately preceding the entry, the person had known contact with a person who has a confirmed case of COVID-19; or
- (c) the person has a temperature higher than 38 degrees or symptoms of acute respiratory infection; or
- (d) the person is not a person referred to in paragraph 5(f) and does not have an up to date vaccination against influenza, if such a vaccination is available to the person; or

Note: a person whose presence at the premises is required for the purposes of emergency management, law enforcement or otherwise responding to an emergency does not have to have an up to date vaccination against influenza, irrespective of whether such a vaccination is available

- (e) the person is aged under 16 years, other than in circumstances where the person's presence at the premises is for the purposes of end of life support of a resident of the residential aged care facility.
7. The operator of a residential aged care facility in the State of Western Australia 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 5 or 6.
 8. Despite paragraph 6(d), a person may enter and remain on the premises of a residential aged care facility for the period reasonably required to provide an emergency service that is necessary for the effective operation of the residential aged care facility or to protect the health and safety of staff and residents, provided that the person keeps a distance of at least 1.5 metres from another person if it is practicable for the person to do so.
 9. Despite paragraph 7, the operator of a residential aged care facility may allow a person to enter and remain on the premises of a residential aged care facility in accordance with paragraph 8.
 10. Nothing in paragraph 5, 6 or 7 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.

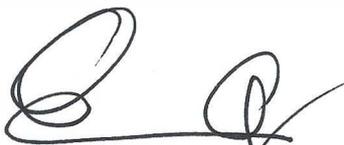
Definitions

For the purposes of these directions:

11. **Care and support visit**, in relation to a resident of a residential aged care facility, means a visit of no longer than 2 hours made to the resident by one person, or two persons together, for the purposes of providing care and support to the resident.
12. **End of life support** includes the provision or religious or spiritual counsel or other services related to the end of life.
13. **Flexible care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth.
14. **Operator** of a residential aged care facility means a person who owns, controls or operates the residential aged care facility.
15. **Public authority** has the same meaning as it has in 4(1) of the Act.
16. **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.
17. **Residential care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth.
18. **Premises** has the same meaning as it has in section 4(1) of the Act.

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.



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Dr Paul Kenneth Armstrong
Emergency Officer
25 April 2020 13 10 hours