

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011
APPLICATION OF EMERGENCY MANAGEMENT ACT 2004

**DIRECTIONS OF THE CHIEF EXECUTIVE OF THE DEPARTMENT FOR HEALTH AND
WELLBEING**

VISITORS TO RESIDENTIAL AGED CARE FACILITIES

The World Health Organization (WHO) declared the COVID-19 a pandemic on 11 March 2020. On 15 March 2020, a public health emergency in relation to the transmission of COVID-19 was declared pursuant to section 87 of the *South Australian Public Health Act 2011*.

NOW I, Dr Christopher McGowan, Chief Executive of the Department for Health and Wellbeing, pursuant to sections 89(1) and 90(1) of the *South Australian Public Health Act 2011* and sections 25(2)(f), 25(2)(fb) and 25(2)(m) of the *Emergency Management Act 2004*, make the following directions:

Citation

1. These directions may be referred to as the **Visitors to Residential Aged Care Facilities Directions**.

Directions

2. I prohibit a person from entering or remaining on, the premises of a **residential aged care facility** in the State of South Australia unless:
 - a) the person is an 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, whether the goods or services are provided for consideration or on a voluntary basis; 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 or law enforcement; or
 - g) the person's presence at the premises is in the person's capacity as a prospective resident of the residential aged care facility.
3. Despite paragraph 2, a person referred to in paragraph 2(a), (b), (c), (d), (e), (f) or (g) must not enter or remain on the premises of a residential aged care facility in the State of South 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 37.5 degrees or symptoms of acute respiratory infection; or
 - d) once the 2020 seasonal influenza vaccine(s) become generally available in South Australia, a person who has not been vaccinated against 2020 seasonal influenza; or
 - 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 for a resident of the residential aged care facility.
4. The operator of a residential aged care facility in the State of South 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 2 or 3.
5. Nothing in paragraph 2, 3 or 4 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:

- 6. **Care and support visit**, in relation to a resident of a residential aged care facility, means a visit made to the resident by one (1) person, or two (2) persons together, for the purposes of providing care and support to the resident.
- 7. **Flexible care subsidy** has the same meaning as the *Aged Care Act 1997* of the Commonwealth.

8. **Operator** of a residential aged care facility means a person who owns, controls or operates the residential aged care facility.
9. **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.
10. **Residential care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth.

PENALTIES

Section 90 of the *South Australian Public Health Act 2011* and section 28 of the *Emergency Management Act 2004* provides:

Failure to comply with directions

- (1) A person must not, without reasonable excuse, refuse or fail to comply with a requirement or direction of the Chief Executive, or of an emergency officer given in accordance with this Act during a public health emergency.


Maximum penalty:

- (a) If the offender is a body corporate - \$75 000
- (b) If the offender is a natural person - \$20 000

These directions operate from the 22nd day of MARCH 2020 at 13:30 hours.

SIGNED at Adelaide on this 22nd day of

MARCH 2020 at 11:30 hours.



DR CHRISTOPHER MCGOWAN
 CHIEF EXECUTIVE
 DEPARTMENT FOR HEALTH AND WELLBEING