

PUBLIC HEALTH ACT 2016 (WA)

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

VISITORS TO RESIDENTIAL AGED CARE FACILITIES DIRECTIONS (NO 12)

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**). On 22 September 2021, the Minister for Health declared a further public health state of emergency with effect from 4.25 pm on 22 September 2021 in respect of COVID-19 pursuant to section 167 of the 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 prevent the introduction and 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 12)**.

COMMENCEMENT

3. These directions come into effect upon signing.

REVOCATION

4. The Visitors to Residential Aged Care Facilities Directions (No 11) 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 if, in the preceding 7 days the person has been **informed** that the person is a **close contact** unless the person is a **critical worker** who enters, and remains at, the premises of a residential aged care facility in accordance with paragraph 6 of the COVID Transition (Critical Worker) Directions as amended or replaced from time to time.
6. A person must not enter, or remain on, the premises of a residential aged care facility in the State of Western Australia if the person has any **symptoms**.
7. A person must not enter, or remain on, the premises of a residential aged care facility in the State of Western Australia 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; or
Example: a police officer, fire fighter or ambulance officer responding to an emergency would all be persons referred to in paragraph 7(a)
 - (b) a vaccination against influenza is not reasonably available to the person; or
 - (c) the person has a documented medical contraindication to the influenza vaccine.
8. A person must not enter, or remain on, the premises of a residential aged care facility in the State of Western Australia 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.

9. A person who enters or remains on the premises of a residential aged care facility in the State of Western Australia 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.
10. The **operator** of a residential aged care facility in the State of Western Australia must take all reasonable steps to ensure that:
 - (a) a person does not enter or remain on the premises of the facility if the person is prohibited from doing so under paragraphs 5 to 9; or
 - (b) subject to paragraph 11, no more than 2 visitors per day enter the facility for the purpose of a **care and support visit** to any single resident unless a greater number of visitors has been approved in respect of that resident by the Chief Health Officer or a person approved by the Chief Health Officer for the purposes of this paragraph.
11. Where it is necessary for the purposes of providing urgent or end of life care or support to a resident, and it is not reasonably practicable to obtain the prior approval of the Chief Health Officer or a person authorised by the Chief Health Officer for the purposes of paragraph 10, the operator or person otherwise apparently in charge may allow more than 2 visitors to enter the facility to visit that resident on a particular day but must keep a record of those visitors and notify the Chief Health Officer as soon as reasonably practicable.
12. Nothing in paragraph 5 to 8 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:

13. **Care and support visit** means a visit made to a resident for the purpose of providing care and support to that resident.
14. **Close contact** has the same meaning as in the COVID Transition (Testing and Isolation) Directions (No 6) as amended or replaced from time to time.
15. **Critical worker** has the same meaning as in the COVID Transition (Critical Worker) Directions as amended or replaced from time to time.

16. **Face covering** means a disposable surgical mask or fitted cloth mask that covers the nose and mouth (but does not include a face shield).
17. **Flexible care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth.
18. **Informed** has the same meaning as in the COVID Transition (Testing and Isolation) Directions (No 6) as amended or replaced from time to time.
19. **Operator** of a residential aged care facility means a person who owns, controls or operates the residential aged care facility.
20. **Premises** has the same meaning as in section 4(1) of the Act.
21. **Resident** means a resident of a residential aged care facility.
22. **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.
23. **Residential care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth.
24. **Supervisor** means the staff member at the residential aged care facility responsible for supervising the facility at that time.
25. **Symptoms** means 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 loss of 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.



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Dr Andrew Robertson
Emergency Officer

23 March 2022 *13:12* hours