

South Australia

## **Emergency Management (In-home and Community Aged Care and Disability Support Workers Vaccination No 4) (COVID-19) Direction 2022**

under section 25 of the *Emergency Management Act 2004*

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### **Preamble**

- 1 On 22 March 2020 Grantley Stevens, Commissioner of Police, being the State Co-ordinator for the State of South Australia pursuant to section 14 of the *Emergency Management Act 2004* (the *Act*), declared pursuant to section 23 of the Act that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.
- 2 Now I, Grantley Stevens, being of the opinion that this is necessary to achieve the purposes of the Act, give the following directions pursuant to section 25 of the Act.

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### **1—Short title**

This direction may be cited as the *Emergency Management (In-home and Community Aged Care and Disability Support Workers Vaccination No 4) (COVID-19) Direction 2022*.

### **2—Revocation of previous direction**

- (1) This direction replaces the *Emergency Management (In-home and Community Aged Care and Disability Support Workers Vaccination No 3) (COVID-19) Direction 2021*.
- (2) The *Emergency Management (In-home and Community Aged Care and Disability Support Workers Vaccination No 3) (COVID-19) Direction 2021* is revoked.

### **3—Purpose**

The purpose of this direction is to—

- (a) reduce the risk of transmission of COVID-19 to vulnerable members of the community by persons providing them in-home or community-based care;
- (b) maintain the provision of in-home and community aged care and disability support services despite the presence of COVID-19 in the community;
- (c) minimise the disruption to those services due to the spread of COVID-19 amongst in-home and community aged care and disability support service workers; and

- (d) minimise the disruption to those services due to in-home and community aged care and disability support service workers being furloughed following possible exposure to COVID-19.

#### 4—Definitions

- (1) In this direction—

*ATAGI* means the Australian Technical Advisory Group on Immunisation;

*disability support worker* means a person providing intensive disability support services to a person with disability for or on behalf of a responsible provider in person;

*intensive disability support services* in relation to a person with a disability means the following classes of support under the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018* (Cth)—

- (a) assistance with daily life tasks in a group or shared living arrangement;
- (b) group and centre based activities;
- (c) specialised supported employment;
- (d) assistance with daily personal activities;
- (e) community nursing care; and
- (f) therapeutic supports;

*in-home and community aged care worker* means a person who is providing in-home and community aged care services to another person in person for or on behalf of a responsible provider;

*in-home and community aged care services* means the following services under the *Aged Care Act 1997* (Cth) or the *Aged Care Quality and Safety Commission Act 2018* (Cth) and programs delivered by the Australian Government Department of Health—

- (a) Home Care Packages;
- (b) Commonwealth Home Support Program (CHSP);
- (c) National Aboriginal and Torres Strait Islander Flexible Aged Care Program home care services;
- (d) Short-Term Restorative Care;
- (e) Transition Care Program;
- (f) Multi-Purposes Services;

*prescribed time*, in relation to a third (booster) dose of a TGA approved vaccine, is—

- (a) for a person who has been infected with COVID-19, within 4 months of their first positive COVID-19 test, or within 4 months of their second dose of a TGA approved or recognised COVID-19 vaccine, whichever is later; and
- (b) for any other person, within 4 months of their second dose of a TGA approved or recognised COVID-19 vaccine;

*responsible provider* means—

- (a) an approved provider as defined under the *Aged Care Quality and Safety Commission Act 2018* (Cth); or a service provider of a Commonwealth-funded aged care service as defined under the *Aged Care Quality and Safety Commission Act 2018*, delivering services outside of a residential aged care setting;
- (b) any person or organisation (including State or Local Government agencies and statutory authorities) who is providing intensive disability support services to a person with a disability, whether registered as a NDIS provider or not;

*TGA* means the Therapeutic Goods Administration;

*worker* means—

- (a) a full-time, part-time and casual worker, sub-contractor or volunteer.

## **5—Vaccination requirements and compliance for in-home and community aged care and disability workers**

- (1) A person must not engage in work or perform duties of an in-home and community aged care worker or a disability support worker unless—
  - (a) the person has received at least one dose of a TGA approved or recognised COVID-19 vaccine; and
  - (b) the person has received, or has evidence of a booking to receive, a second dose of a TGA approved or recognised COVID-19 vaccine within the interval after the first dose recommended by the ATAGI for that COVID-19 vaccine; and
  - (c) within the prescribed time, the person receives, or has evidence of a booking to receive, a third dose (booster) of a TGA approved COVID-19 vaccine.

**Note—**

The ATAGI clinical guidance on the dosage intervals of COVID-19 vaccines is available at <https://www.health.gov.au/initiatives-and-programs/covid-19-vaccines/advice-for-providers/clinical-guidance>

- (2) A person subject to the requirement in subclause (1) must provide the responsible provider with evidence of their vaccination status and evidence of the applicable prescribed time for receiving a booster dose upon request.
- (3) Despite subclause (1), a person may engage in work or perform duties of an in-home and community aged care worker or a disability care worker if—
  - (a) the person has a medical certificate or letter from a legally qualified medical practitioner certifying that the person
    - (i) has a medical exemption from receiving a TGA approved COVID-19 vaccine on either a permanent or temporary basis in accordance with the guidelines published from time to time by ATAGI; or
    - (ii) has a medical exemption on either a permanent or temporary basis from receiving the preferred vaccine as recommended by ATAGI for the person's age; or

- (iii) has an appointment to be assessed by a medical specialist or has commenced an assessment with a medical specialist to determine whether they have a medical exemption from receiving a COVID-19 vaccine on either a permanent or temporary basis in accordance with the guidelines published from time to time by ATAGI; and
- (iv) the certificate or letter specifies the nature of the exemption and the basis on which it applies; and
- (v) the Chief Public Health Officer or her delegate has endorsed the exemption; and
- (vi) the person provides the responsible provider with a copy of the endorsement provided under paragraph (v).

**Notes—**

The ATAGI *expanded guidance on acute major medical conditions that warrant a temporary medical exemption relevant for COVID-19 vaccines* is available at: <https://www.health.gov.au/resources/publications/atagi-expanded-guidance-on-temporary-medical-exemptions-for-covid-19-vaccines>

The current version of the clinical guidance on use of COVID-19 vaccines is available at: <https://www.health.gov.au/initiatives-and-programs/covid-19-vaccines/advice-for-providers/clinical-guidance>

- (4) A responsible provider must—
  - (a) not permit a person to engage in work or perform duties of an in-home and community aged care worker or a disability support worker for or on behalf of the responsible provider unless the person complies with the vaccination requirements in subclause (1) or is exempt from those requirements under this direction or by an authorised officer; and
  - (b) keep records of the vaccination status of any person engaged to work or perform duties of an in-home and community aged care worker or disability support worker; and
  - (c) for the purpose of subclause (4)(b) verify the vaccination status of a person engaged in work or perform duties of an in-home and community aged care worker or a disability support worker by sighting evidence of their vaccination.

**6—Powers of authorised officers**

Nothing in this direction derogates from the powers of authorised officers to exercise powers pursuant to the Act.

**IMPORTANT—FAILURE TO COMPLY WITH THIS DIRECTION IS AN OFFENCE.**

This direction operates from the *29<sup>th</sup>* day of *January* 2022 at *0001* hours

SIGNED at *A DEVIQUE* on this *28<sup>th</sup>* day of *January* 2022  
at *1533* hours

  
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**GRANTLEY STEVENS**  
STATE CO-ORDINATOR

