

South Australia

Emergency Management (Metropolitan Fire Service Workers Vaccination) (COVID-19) Direction 2022

under section 25 of the *Emergency Management Act 2004*

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.

1—Short title

This direction may be cited as the *Emergency Management (Metropolitan Fire Service Workers Vaccination) (COVID-19) Direction 2022*.

2—Purpose

The purpose of this direction is to—

- (a) maintain the provision of metropolitan fire services operating in the State of South Australia despite the presence of COVID-19 in the community;
- (b) minimise the disruption to those services due to the spread of COVID-19 amongst metropolitan fire service workers;
- (c) minimise the disruption to those services due to metropolitan fire service workers being furloughed following possible exposure to COVID-19; and
- (d) reduce the risk of the spread of COVID-19 by metropolitan fire service workers to vulnerable members of the community.

3—Definitions

- (1) In this direction—

ATAGI means the Australian Technical Advisory Group on Immunisation;

Metropolitan Fire Service worker means—

- (a) persons appointed under Division 3 of Part 3 of the *Fire and Emergency Services Act 2005*;

- (b) public sector employees of the Metropolitan Fire Service employed under the *Public Sector Act 2009* or any other Act;
- (c) contractors engaging in work or performing duties at a Metropolitan Fire Service setting;
- (d) volunteers engaging in work or performing duties at a Metropolitan Fire Service setting;

Metropolitan Fire Service setting means—

- (a) a South Australian Metropolitan or Regional fire station; and
- (b) a South Australian Metropolitan Fire Services training or servicing facility; and
- (c) any other premises controlled by the South Australia Metropolitan Fire Service (for example a premises owned or leased by or on behalf of the South Australian Metropolitan Fire Service);

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 the later; and
- (b) for any other person, within 4 months of their second dose of a TGA approved or recognised COVID-19 vaccine;

TGA means the Therapeutic Goods Administration.

4—Vaccination requirements and compliance for Metropolitan Fire Service workers

- (1) A Metropolitan Fire Service worker must not engage in work or perform duties of a Metropolitan Fire Service worker from 13 February 2022 unless—
 - (a) the Metropolitan Fire Service worker has received at least one dose of a TGA approved COVID-19 vaccine; and
 - (b) the Metropolitan Fire Service worker has received, or has evidence of a booking to receive, a second dose of a TGA approved 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 Metropolitan Fire Service worker 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 Metropolitan Fire Service worker subject to the requirement in subclause (1) must provide the Chief Officer of the Metropolitan Fire Service setting or their delegate with proof of their vaccination status and evidence of the applicable prescribed time for receiving a booster dose upon request.
- (3) Despite subclause (1), a Metropolitan Fire Service worker may engage in work or perform duties of a Metropolitan Fire Service 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 medical exemption, or the medical exemption under investigation, and the basis on which it applies; and
 - (v) the Chief Public Health Officer or her delegate has endorsed the certificate or letter specifying the nature of the exemption; and
 - (vi) the person provides the Chief Officer of the Metropolitan Fire Service setting or their delegate 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>

- (b) the person is a contractor engaging in work or performing duties at a Metropolitan Fire Service setting on a single occasion or on an infrequent and irregular basis.
- (4) An operator of a Metropolitan Fire Service setting must ensure that any person engaging in work or duties at the Metropolitan Fire Service setting under subclause (3)—
- (a) complies with the COVID Safe Plan for the Metropolitan Fire Service setting; and

- (b) wears appropriate personal protective equipment which they have been trained to use.

5— 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 13th day of February 2022 at 0001 hours

SIGNED at ADELAIDE on this 1st day of February 2022
at 1558 hours



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GRANTLEY STEVENS
STATE CO-ORDINATOR