

South Australia

Emergency Management (Healthcare Setting Workers Vaccination No 4) (COVID-19) Direction 2021

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 (Healthcare Settings Workers Vaccination No 4) (COVID-19) Direction 2021*.

2—Revocation of previous direction

- (1) This direction replaces the *Emergency Management (Healthcare Setting Workers Vaccination No 3) (COVID-19) Direction 2021*.
- (2) The *Emergency Management (Healthcare Setting Workers Vaccination No 3) Direction 2021* is revoked.

3—Purpose

The purpose of this direction is to:

- (a) maintain the provision of healthcare 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 healthcare setting workers;
- (c) minimise the disruption to those services due to workers being furloughed following possible exposure to COVID-19; and
- (d) reduce the risk of the spread of COVID-19 by healthcare setting workers to patients.

4—Definitions

(1) In this direction—

ATAGI means the Australian Technical Advisory Group on Immunisation;

Phase 1 healthcare setting means—

- (a) a public hospital; or
- (b) a private hospital; or
- (c) an ambulance service (including an ambulance service for transporting patients);

Phase 2 healthcare setting means—

- (a) primary community healthcare facilities;
- (b) pharmacies;
- (c) specialist outpatient facilities;
- (d) private pathology centres;
- (e) private radiology centres (including breast screening centre);
- (f) defence health settings (including Garrison health centres, deployed and exercise health support and clinical health training);
- (g) facilities for the collection, manufacture and distribution of blood and biological products;
- (h) Aboriginal community controlled health services;
- (i) any location where the Department for Health and Wellbeing, the Commission on Excellence and Innovation in Health and Wellbeing SA carries out any business or undertaking;

Phase 3 healthcare setting means any setting where the following services are provided by allied and scientific professionals in person to another person—

- (a) chiropractic therapy;
- (b) osteopathy;

primary community healthcare facility means—

- (a) general practice clinics;
- (b) dental clinics;
- (c) private nurse offices;

private hospital means a private hospital under Part 10 of the *Health Care Act 2008* (including a private day procedure centre);

public hospital means an incorporated hospital under Part 5 of the *Health Care Act 2008*, including all services provided by a hospital (Local Health Network);

specialist outpatient facilities means consulting suites of private medical specialists (including reproductive services) and any setting where the following services are provided by allied and scientific professionals in person to another person—

- (a) art or music therapy;
- (b) audiology;
- (c) dental therapy;
- (d) epidemiology;
- (e) exercise physiology;

- (f) genetic counselling;
- (g) nuclear medicine technology;
- (h) nutrition and dietetics;
- (i) occupational therapy;
- (j) optometry;
- (k) orthoptics;
- (l) orthotics and prosthetics;
- (m) perfusion;
- (n) physiotherapy;
- (o) podiatry;
- (p) psychology;
- (q) radiation therapy;
- (r) radiography;
- (s) social work provided at a public or private hospital or primary community healthcare facility;
- (t) sonography;
- (u) speech pathology;

Note—

The definition of specialist outpatient facilities includes settings where a combination of services are provided and some of those services are provided by allied and scientific professionals in person to another person for example, clinical trial facilities and community mental health services.

TGA means the Therapeutic Goods Administration.

- (2) Where the setting at which services are provided by allied and scientific professionals is predominantly used for another purpose or purposes (e.g. a home, school, sports centre), the requirements of this direction are limited to the individual allied and scientific professional.

Example—

A sports club is not healthcare setting for the purposes of this direction despite a physiotherapist providing physiotherapy to players of the club. Persons performing work or duties as a coach or administrative staff etc are not required to be vaccinated under this direction however the physiotherapist providing physiotherapy services to the players is required to be vaccinated.

5—Vaccination requirements and compliance for healthcare workers

- (1) A person must not engage in work or perform duties in a Phase 1 healthcare setting from 1 November 2021 or a Phase 2 healthcare setting from 8 November 2021 or a Phase 3 healthcare setting from 6 December 2021 unless—
 - (a) the person has received at least one dose of a Therapeutic Goods Administration 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.

Notes—

- (1) This direction applies to all persons engaging in work or duties at a healthcare setting including clinicians, ambulance workers, allied health workers, cleaners, administrative and executive staff and students undertaking placement, regardless of whether they work in a patient or a non-patient area.
 - (2) This direction applies to all persons who attend a healthcare setting in the course of their work or duties, including if their attendance is incidental such as delivery drivers or suppliers.
 - (3) The ATAGI clinical guidance on COVID-19 vaccine is available at <https://www.health.gov.au/resources/publications/covid-19-vaccination-atagi-clinical-guidance-on-covid-19-vaccine-in-australia-in-2021>.
- (2) A person subject to the requirement in subclause (1) must provide the operator of the healthcare setting with proof of their vaccination status upon request.
 - (3) Despite subclause (1), a person may engage in work or perform duties at a healthcare setting 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 operator of the healthcare setting with a copy of the endorsement provided under paragraph (v).

Notes—

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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 vaccine in Australia in 2021 is available at:

<https://www.health.gov.au/resources/publications/covid-19-vaccination-atagi-clinical-guidance-on-covid-19-vaccine-in-australia-in-2021>

The above conditions for a vaccination exemption prevail over the conditions for exemption specified in the *Emergency Management (Residential Aged Care Facilities No 41)(COVID-19) Direction 2021* in the case of a person who is subject to a vaccination requirement under both directions.

- (b) the person is responding to a non-medical emergency or urgent maintenance task.

Example—

Responding to a lift breakdown or a fire.

- (4) An operator of a healthcare setting must ensure that any person engaging in work or duties at the healthcare setting under subclause (3)—
 - (a) complies with the COVID Safe Plan for the healthcare setting; and
 - (b) wears appropriate personal protective equipment which they have been trained how to use.

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 8th day of December 2021 at 1253 hours

SIGNED at ADELAIDE on this 8th day of December 2021 at 1253 hours


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GRANTLEY STEVENS
STATE CO-ORDINATOR

