

South Australia

Emergency Management (Residential Aged Care Facilities) (COVID-19) Direction 2020

under section 25 of the *Emergency Management Act 2004*

Preamble

- 1 On 22 March 2020 I, Grantley Stevens, Commissioner of Police, being 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 notice may be cited as the *Emergency Management (Residential Aged Care Facilities) (COVID-19) Direction 2020*.

2—Definitions

In this direction—

care and support visit, in relation to a resident of a residential aged care facility, means a visit made to the resident by one person, or 2 persons together, for the purposes of providing care and support to the resident;

flexible care subsidy has the same meaning as the *Aged Care Act 1997* of the Commonwealth;

operator of a residential aged care facility means a person who owns, controls or operates the residential aged care facility;

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;

residential care subsidy has the same meaning as in the *Aged Care Act 1997* of the Commonwealth.

3—Directions

- (1) A person is prohibited 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; 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; 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.
- (2) Despite subclause (1), a person referred to in subclause (1)(a) to (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 South Australia from a place outside South 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 the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
 - (c) from 1 May 2020—the person has not been vaccinated against 2020 seasonal influenza; or
 - (d) 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.
- (3) 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 subclause (1) or (2).
- (4) A resident of a residential aged care facility who leaves the premises of the residential aged care facility for any reason not related to medical or dental treatment of the resident after this direction commences operation is prohibited from re-entering those premises.

4—Powers of authorised officers

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

IMPORTANT— IT IS AN OFFENCE TO BREACH THIS DIRECTION

This direction operates from the 28th day of March 2020 at 0001 hours

SIGNED at ADELAIDE on this 27th day of March 2020
at 1905 hours


.....

GRANTLEY STEVENS
STATE CO-ORDINATOR

