

Directions from Deputy Chief Health Officer (Communicable Disease) in accordance with emergency powers arising from declared state of emergency

Visitors to residential aged care facilities

Public Health and Wellbeing Act 2008 (Vic)

Section 200

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it reasonably necessary to protect public health to give the following directions pursuant to ss 200(1)(b) and (d) of the *Public Health and Wellbeing Act 2008 (Vic)*:

Preamble

1. The purpose of these directions is to make provision for restricted access to residential aged care facilities in order to limit the spread of Novel Coronavirus 2019 (2019-nCoV) within a particularly vulnerable population.

Citation

2. These directions may be referred to as the **Aged Care Facilities Directions**.

Directions

3. A person must not enter, or remain on, the premises of a **residential aged care facility** in the State of Victoria between 6pm on 21 March 2020 and midnight on 13 April 2020 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, whether the goods or services are provided for consideration or on a voluntary basis; or
 - c. the person's presence at the premises is for the purposes of providing health, medical or pharmaceutical goods or services to a resident of the residential aged care facility, whether the goods or services are provided for consideration or on a voluntary basis; 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, or the person is accompanying a prospective resident (provided there are no more than two persons accompanying the prospective resident).
4. Despite paragraph 3, a person referred to in paragraph 3(a), (b), (c), (d), (e), (f) or (g) must not enter or remain on the premises of a residential aged care facility in the State of Victoria between noon on 18 March 2020 and midnight on 13 April 2020 if:
- a. during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside 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 2019-nCov; or
 - c. the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
 - d. the person does not have an up to date vaccination against influenza, if such a vaccination is available to the person; or
 - e. 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.
5. The operator of a residential aged care facility in the State of Victoria 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 paragraph 3 or 4.
6. Nothing in paragraph 3, 4 or 5 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:

7. **Care and support visit**, in relation to a resident of a residential aged care facility, means a visit of no longer than 2 hours made to the resident by one person, or two persons together, for the purposes of providing care and support to the resident;
8. **Flexible care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth.
9. **Operator** of a residential aged care facility means a person who owns, controls or operates the residential aged care facility.
10. **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.
11. **Residential care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth.

PENALTIES

Section 203 of the *Public Health and Wellbeing Act 2008* (Vic) provides:

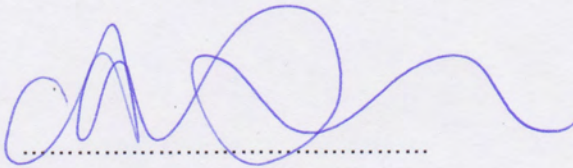
Compliance with direction or other requirement

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.

Penalty: In the case of a natural person, 120 penalty units.

In the case of a body corporate, 600 penalty units.

- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a dotted line.

Dr Annaliese van Diemen

Deputy Chief Health Officer (Communicable Disease), as authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the *Public Health and Wellbeing Act 2008* (Vic).

21 March 2020