

Public Health (Residential Aged Care Facilities) Emergency Direction 2021 (No 3)

Notifiable Instrument NI2021–265

made under the

Public Health Act 1997, s 120 (Emergency actions and directions)

1. Name of instrument

This instrument is the *Public Health (Residential Aged Care Facilities) Emergency Direction 2021 (No 3)*.

2. Commencement

This instrument commences at 1:00pm on 17 May 2021.

3. Public Health Emergency Direction

I, Dr Kerryn Coleman, Chief Health Officer, consider it necessary or desirable to alleviate the emergency declared under the *Public Health (Emergency) Declaration 2020 (No 1)* [NI2020-153] (the **declared emergency**) on 16 March 2020, to give the directions as set out in the schedule.

4. Duration

This Direction is in force for the period ending on the day the declared emergency (as extended or further extended) ends, unless it is earlier revoked.

5. Revocation

This instrument revokes and replaces the *Public Health (Residential Aged Care Facilities) Emergency Direction 2021 (No 2)* [NI2021-56].

Dr Kerryn Coleman
Chief Health Officer

17 May 2021

Public Health Emergency Direction

Public Health Act 1997

*Made under the Public Health Act 1997,
section 120 (Emergency actions and directions)*

I, Dr Kerry Coleman, Chief Health Officer, consider it necessary or desirable to alleviate the emergency declared under the *Public Health (Emergency) Declaration 2020 (No 1)* [NI2020-153] (the **declared emergency**) on 16 March 2020, to give the directions as set out below. In order to limit the spread of coronavirus disease 2019 (**COVID-19**), caused by the novel coronavirus SARS-CoV-2, the purpose of this Direction is to make provision for restricted access to residential aged care facilities in order to limit the spread of COVID-19 within a particularly vulnerable population.

In making this Direction, I have had regard to relevant human rights and I am satisfied that the limitations imposed as a result of this Direction are both demonstrably justifiable in a free and democratic society and necessary to protect the ACT community from the serious public health risk posed by COVID-19.

PART 1 — RESTRICTED ACCESS TO RESIDENTIAL AGED CARE FACILITIES

Directions

1. A person must not enter or remain on the premises of a **residential aged care facility** in the Australian Capital Territory 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 COVID-19; or
 - c. the person has any symptoms that are associated with COVID-19, a temperature higher than 37.5 degrees celsius, or symptoms of acute respiratory infection.
2. The **operator** of a **residential aged care facility** in the Australian Capital Territory 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 1.



PART 2 – MATTERS RELEVANT TO THIS DIRECTION

Definitions

For the purposes of this Direction:

3. **Operator**, of a **residential aged care facility**, means a person who owns, controls or operates the **residential aged care facility**.
4. **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* (Cwlth).
5. **Residential care subsidy** has the same meaning as in the *Aged Care Act 1997* (Cwlth).

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Dr Kerryn Coleman

Chief Health Officer

17 May 2021

PENALTIES

Section 120 (4) of the *Public Health Act 1997* provides:

A person must not, without reasonable excuse, fail to comply with a direction under this section.

Maximum Penalty:

In the case of a natural person, \$8,000 (50 penalty units).

In the case of a body corporate, \$40,500 (50 penalty units).

In the case of a utility that is a body corporate, \$1,620,000 (2000 penalty units).

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