

**PUBLIC HEALTH ACT 2016 (WA)**

**Sections 157(1)(k) and 190(1)(p)**

**VISITORS TO RESIDENTIAL AGED CARE FACILITIES  
DIRECTIONS (NO 3)**

The World Health Organization declared COVID-19 a pandemic on 11 March 2020.

On 23 March 2020, the Minister for Health declared a public health state of emergency with effect from 1.30 p.m. on 23 March 2020 in respect of COVID-19 pursuant to section 167 of the *Public Health Act 2016 (WA)* (Act). The public health state of emergency applies to the State of Western Australia.

I, Dr Paul Kenneth Armstrong, an emergency officer authorised by the Chief Health Officer under section 174(2) of the Act to exercise any of the emergency powers while the public health state of emergency declaration in respect of COVID-19 is in force, consider it reasonably necessary to give the following directions to all persons in Western Australia to prevent, control or abate the serious public health risk presented by COVID-19 pursuant to sections 157(1)(k) and 190(1)(p) of the Act.

**DIRECTIONS**

**Preamble**

1. The purpose of these directions is to prevent the introduction and limit the spread of COVID-19 in residential aged care facilities.

**Citation**

2. These directions may be referred to as the **Visitors to Residential Aged Care Facilities Directions (No 3)**.

**Commencement**

3. These directions come into effect at 11.59 p.m. on 8 July 2020.

**Revocation of Directions**

4. The Visitors to Residential Aged Care Facilities Directions (No 2) that I made on 25 April 2020 are revoked.

## Directions

5. A person must not enter, or remain on, the **premises** of a **residential aged care facility** in the State of Western Australia if, in the preceding 14 days:
  - (a) the person has returned from overseas; or
  - (b) the person has been **informed** that the person is a **close contact**.
6. A person must not enter, or remain on, the premises of a residential aged care facility in the State of Western Australia if the person has any symptoms that are associated with COVID-19, a temperature of 38 degrees or above or symptoms of acute respiratory infection.
7. A person must not enter, or remain on, the premises of a residential aged care facility in the State of Western Australia if the person has not had an up to date vaccination against influenza unless:
  - (a) the person's presence at the premises is required for the purposes of emergency management, law enforcement or otherwise responding to an emergency; or  
*Example: a police officer, fire fighter or ambulance officer responding to an emergency would all be persons referred to in paragraph 7(a)*
  - (b) a vaccination against influenza is not reasonably available to the person; or
  - (c) the person has a documented medical contraindication to the influenza vaccine.
8. A person must not enter, or remain on, the premises of a residential aged care facility in the State of Western Australia if the person is entering or remaining on the premises to provide a service to a resident of the facility (whether or not the service is to be provided for consideration) and it would be reasonably practicable for the service to be provided via telehealth or some other adaptive model of care or for the resident to attend an external facility to receive the service.  
*Note: for the avoidance of doubt, it is not reasonably practicable if it would not be in the best interests of the resident for the service to be provided via telehealth or some other adaptive model of care or for the resident to attend an external facility to receive the service.*
9. A person who enters or remains on the premises of a residential aged care facility in the State of Western Australia and is not a resident or staff member of the facility must comply with any instruction given to the person by the **supervisor** unless the person has a reasonable excuse for failing to comply with the instruction.

10. The **operator** of a residential aged care facility in the State of Western Australia must take all reasonable steps to ensure that a person does not enter or remain on the premises of the facility if the person is prohibited from doing so under paragraph 5, 6, 7 or 8.
11. Nothing in paragraph 5, 6, 7 or 8 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:

12. **Close contact** has the same meaning as in the Quarantine and Isolation (Undiagnosed) Directions made under the *Emergency Management Act 2005* (WA).
13. **Flexible care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth.
14. **Informed** has the same meaning as in the Quarantine and Isolation (Undiagnosed) Directions made under the *Emergency Management Act 2005* (WA).
15. **Operator** of a residential aged care facility means a person who owns, controls or operates the residential aged care facility.
16. **Premises** has the same meaning as in section 4(1) of the Act.
17. **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.
18. **Residential care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth.
19. **Supervisor** means the staff member at the residential aged care facility responsible for supervising the facility at that time.

### **PENALTIES**

It is an offence for a person to fail, without reasonable excuse, to comply with any of these directions, punishable by a fine of up to \$20,000 for individuals and \$100,000 for bodies corporate.

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**Dr Paul Kenneth Armstrong**  
Emergency Officer

08 July 2020 1744 hours