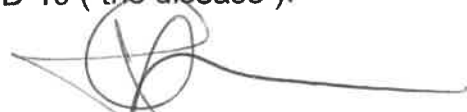


Public Health Act 1997

ORDER UNDER SECTION 53
(Management of Cases No.2)

I, JULIE GRAHAM, the Deputy Director of Public Health, make this order under section 53 of the *Public Health Act 1997* ("the Act"), in order to stop, limit or prevent the spread of the notifiable disease known as COVID-19 ("the disease").



Deputy Director of Public Health

Dated: 8/9/22

1. Commencement

This order takes effect on 9 September 2022.

2. Interpretation

(a) In this order –

Act means the *Public Health Act 1997*; and

Department means the Department of Health; and

diagnosed with the disease, in relation to a person, means the person has received a positive result from a test for the disease; and

fitted face covering means a covering, other than a shield, that fits securely around the face and is designed, or made, to be worn

over the nose and mouth to provide protection against infection; and

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

operator, of a high-risk residential facility, means a person who owns, controls or operates the high-risk residential facility; and

PCR test means a nucleic acid detection test, for the genetic material of SARS-CoV-2, conducted by a laboratory with the relevant accreditation, for such a test, by the National Association of Testing Authorities; and

Rapid Antigen Test means a test, to detect the presence of viral protein from SARS Cov-2, that –

- (i) is intended for use primarily outside a laboratory; and
- (ii) is not based on nucleic acid detection methods such as a polymerase chain reaction; and
- (iii) is approved by the Therapeutic Goods Administration for use in Australia; and

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; and

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

suitable place, in relation to a person diagnosed with the disease, means –

- (i) if the person requires medical treatment, the hospital, or another place, for medical treatment; or
- (ii) if the person intends to isolate at his or her primary residence, the primary residence of the person; or
- (iii) if the person does not intend, or is unable, to isolate at his or her primary residence, those other premises where the person intends to isolate; and

test for the disease means a PCR test or a Rapid Antigen Test; and

high-risk residential facility means –

- (i) a residential aged care facility; or
- (ii) a public hospital or a private hospital within the meaning of the *Health Service Establishment Act 2006*; or
- (iii) a residential facility operated by a disability services provider within the meaning of the *Disability Services Act 2011* or a registered provider of supports within the meaning of the *National Disability Insurance Scheme Act 2013*; and

(b) the *Acts Interpretation Act 1931* applies to the interpretation of this direction as if it were regulations made under the Act.

3. Persons diagnosed with COVID-19

(a) Each person diagnosed with the disease must, on being diagnosed with the disease –

- (i) travel directly to, or remain at, a suitable place in respect of the person; and
- (ii) remain, subject to paragraph (b), at that place until the person is released from isolation in accordance with paragraph (d); and
- (iii) If the person is diagnosed with the disease by receiving a positive result on a Rapid Antigen Test, the person must notify the Department by registering his or her result in an

approved form on the website operated by, or on behalf of, the Tasmanian Government in respect of the disease; and

(b) a person diagnosed with the disease must remain at a suitable place unless –

- (i) the person is travelling directly to, or from, another suitable place; or
- (ii) there is an emergency that requires the person to leave the suitable place to protect his or her personal safety, or the safety of another, and the person immediately returns to a suitable place as soon as the emergency has passed; or
- (iii) the person has an exemption from the Director of Public Health, or his or her delegate, to leave the suitable place of the person; and

(c) a person who leaves a suitable place before he or she is released from isolation must wear a fitted face covering –

- (i) unless –
 - (I) the person has left the suitable place due to an emergency in accordance with paragraph (b)(ii); and
 - (II) it is not practicable in the circumstances for the person to obtain, or wear, the fitted face covering; or
- (ii) unless the person holds an exemption, or is a person within a class of persons specified in an exemption, from the requirements of this paragraph that is given by the Director of Public Health or his or her delegate; and

(d) unless otherwise directed by the Director of Public Health, or his or her delegate, a person diagnosed with the disease is released from isolation if –

- (i) the person has been notified, by the Director of Public Health, or his or her delegate, that the person is released from isolation; or
- (ii) the person meets the criteria for the release from isolation, as approved by the Director of Public Health, or his or her delegate, and published on the website operated by, or on

behalf of, the Tasmanian Government in respect of the disease; and

(e) a person who is released from isolation, in accordance with paragraph (d), must for seven days after being diagnosed with the disease –

- (i) wear a fitted face covering when the person leaves his or her primary residence of the person unless the person –
 - (I) is a child who has not attained the age of 12 years and it is not practicable, due to age or otherwise, for the child to wear a fitted face covering; or
 - (II) is undertaking primary education, whether at a school or as part of home education, within the meaning of the *Education Act 2016*; and
- (ii) not enter or remain on the premises of a high-risk residential facility; and

(f) paragraph (e)(ii) does not apply in respect of a person if –

- (i) the person is a permanent, or temporary, resident of a high-risk residential facility; or
- (ii) the person is seeking, or receiving, care or treatment at the facility; or
- (iii) the person is present on the premises of the high-risk residential facility for the purposes of providing emergency medical treatment (including transport), emergency management or law enforcement services; and

(g) paragraph (e)(ii) does not apply in respect of a person if –

- (i) the operator of a high-risk residential facility is satisfied that the person is entering, or remaining on, the premises of the high-risk residential facility for the purpose of providing end of life support for a resident or a patient; and
- (ii) the operator of the high-risk residential facility has authorised the person to enter, or remain on, those premises for those purposes; and

(iii) the person complies with any additional requirements imposed on the person by the operator of the high-risk residential facility to ensure the safety of the person, the staff of the facility and the residents and patients at the high-risk residential facility.

4. When a person can temporarily remove a fitted face covering

- (a) A person is not required to wear a fitted face covering under this order in the following circumstances, if the person wears a fitted face covering as soon as is practicable after the relevant circumstances end –
- (i) the person removes the fitted face covering to communicate with a person who is deaf, or has impaired hearing, and visibility of the mouth is essential for the communication;
 - (ii) the wearing of the fitted face covering would create a risk to the health or safety of the person;
 - (iii) the person removes the fitted face covering to enable clear enunciation, or visibility of the mouth, as part of his or her employment or training;
 - (iv) the person is orally consuming food, drink or medicine;
 - (v) the person is undergoing medical care, or treatment, that is unable to be provided while the person wears a fitted face covering;
 - (vi) the person is requested to remove the fitted face covering, by a person in authority, to ascertain or confirm the identity of the person;
 - (vii) the person may lawfully remove, or is lawfully required to remove, the fitted face covering;
 - (viii) an emergency where it is not practicable or safe to wear the fitted face covering;
 - (ix) such other circumstances that are specified in an exemption, from the requirement to wear a fitted face covering, that is given by the Director of Public Health or his or her delegate; and

(b) a person who is required to wear a fitted face covering under this order, other than a person to whom paragraphs 3(c)(i) or 3(c)(ii) or paragraphs 3(e)(i)(I) or 3(e)(i)(II) applies, must carry a fitted face covering while he or she is away from his or her primary residence.

5. Revocation

The Order, made by the Director of Public Health on 30 June 2022 and entitled *Management of Cases*, is revoked.