

Public Health Act 1997

DIRECTION UNDER SECTION 16

(Mandatory Vaccination of Certain Workers – No. 2)

I, MARK VEITCH, the Director of Public Health, in pursuance of section 16 of the *Public Health Act 1997* ("the Act"), in order to manage the threat to public health posed by the notifiable disease known as COVID-19 ("the disease"), direct that –

- (a) on and from 17 September 2021, a person is not permitted to enter, or remain on, the premises of a residential aged care facility unless the person is sufficiently vaccinated against the disease as specified in paragraph (d) if the person –
 - (i) is employed, or engaged, by or on behalf of the residential aged care facility, regardless of whether consideration is paid or payable for the employment or engagement; or
 - (ii) is undertaking a clinical placement, or work experience, at the residential aged care facility; or
 - (iii) is employed, or engaged, by or on behalf of the residential aged care facility, to provide services, other than maintenance services, in respect of the residential aged care facility or one or more residents of the residential aged care facility, regardless of whether consideration is paid or payable for the employment or engagement; and

- (b) on and from 17 September 2021, a person is not permitted to enter, or remain on, the premises of a quarantine site unless the person is sufficiently vaccinated against the disease as specified in paragraph (d) if the person –
 - (i) is employed, or engaged, by or on behalf of the quarantine site, regardless of whether consideration is paid or payable for the employment or engagement, other than persons who are only present on the site for as long as is necessary to deliver goods to, or collect goods from, the site; or

- (ii) is employed, or engaged, to provide services in respect of the quarantine site, or persons residing at the quarantine site, regardless of whether consideration is paid or payable for the employment or engagement, other than persons who are only present on the site for as long as is necessary to deliver goods to, or collect goods from, the site; and
- (c) on and from 17 September 2021, a person is not permitted to provide quarantine transport services unless the person is sufficiently vaccinated against the disease as specified in paragraph (d) if the person is employed, or engaged, by the Tasmanian Government, to transport affected travellers or other persons directed to isolate or quarantine in respect of the disease –
 - (i) from the location of the affected traveller's arrival into Tasmania, or the other person's location within Tasmania, to a quarantine site; or
 - (ii) from one quarantine site to another quarantine site; or
 - (iii) from a quarantine site to another location, as directed –
 - (A) by the Director of Public Health, or his or her delegate; or
 - (B) under the *Emergency Management Act 2006*; or
 - (iv) in relation to an affected traveller, from a quarantine site to another location from where the affected traveller intends to leave Tasmania; and
- (d) for the purposes of paragraphs (a), (b) and (c), a person is sufficiently vaccinated against the disease if –
 - (i) the person has received all of the doses of a vaccine for the disease that is necessary for the person to be issued with –
 - (A) a vaccination certificate in respect of the disease issued by the Australian Immunisation Register, operated by or on behalf of the Commonwealth Government; or
 - (B) an equivalent document from a jurisdiction outside of Australia that is recognised by the Commonwealth Government or the Director of Public Health; or

- (ii) the person has received at least one dose of a vaccine for the disease and has made a booking to receive, as soon as is reasonably possible, all other required doses of the vaccine that are necessary for the person to be issued with a document referred to in subparagraph (i) in respect of the disease; or
 - (iii) the person –
 - (A) has made a booking to receive the first dose of a vaccine for the disease as soon as is reasonably possible; and
 - (B) provides evidence of the booking to the relevant supervisor of the person; and
 - (C) as soon as is reasonably possible, receives all of the doses of a vaccine for the disease that are necessary for the person to be issued with a document referred to in subparagraph (i) in respect of the disease; and
- (e) a person to whom paragraph (a), (b) or (c) applies is not required to be sufficiently vaccinated against the disease if –
- (i) the person –
 - (A) is unable to be vaccinated against the disease due to a medical contraindication; and
 - (B) holds a medical certificate, or other documentation by a medical practitioner within the meaning of the *Acts Interpretation Act 1931* that certifies that the person has a medical contraindication that prevents the person from being vaccinated; and
 - (C) provides a copy of the document referred to in subparagraph (B) to the relevant supervisor for the person; or
 - (ii) the person –
 - (A) is ineligible, due to the person's age, to be vaccinated against the disease until a later phase of the vaccination program recognised by the Director of Public Health or his or her delegate; and
 - (B) provides to his or her relevant supervisor with evidence as to the age of the person; and

- (iii) the person is an emergency management worker, within the meaning of the *Emergency Management Act 2006*, who is only present on the premises of the relevant location for the purpose of responding to an emergency within the meaning of that Act; and
- (f) a person to whom paragraph (a), (b) or (c) applies, other than a person to whom paragraph (e) applies, must provide one or more of the following documents to his or her relevant supervisor:
 - (i) a copy of his or her Immunisation History Statement from the Australian Immunisation Register, operated by or on behalf of the Commonwealth Government;
 - (ii) an equivalent document from a jurisdiction outside of Australia that is recognised by the Commonwealth Government or the Director of Public Health; and
- (g) the relevant supervisor of a person referred to in paragraph (a), (b) or (c) must take all reasonable steps to –
 - (i) as soon as is practicable after this direction commences, notify the person that the person is required to be sufficiently vaccinated against the disease, as specified in paragraph (d), by 17 September 2021; and
 - (ii) on and after 17 September 2021, ensure that the person does not enter, or remain on, the relevant location for the person if the relevant supervisor is not satisfied that the person –
 - (A) is sufficiently vaccinated against the disease as specified in paragraph (d); or
 - (B) is not required, under paragraph (e), to be sufficiently vaccinated against the disease; and
- (h) the relevant supervisor of a person referred to in paragraph (a), (b) or (c) must ensure that –
 - (i) a copy of each of the following is kept and maintained by the relevant supervisor:

- (A) evidence of each piece of evidence provided to the relevant supervisor under paragraph (d)(iii)(B) in respect of a booking for a vaccination that is provided by the person;
 - (B) each document provided to the relevant supervisor under paragraph (e) by the person;
 - (C) each document provided to the relevant supervisor under paragraph (f) as evidence of the vaccination status of the person; and
 - (ii) if requested to do so by the Director of Public Health or his or her delegate, details of the information kept under subparagraph (i) are provided to the Director of Public Health or his or her delegate as soon as possible after the request has been made; and
- (i) in this direction –
- (i) **affected traveller** means a person who, on arriving into Tasmania, is required to isolate or quarantine under a direction made under the Act or the *Emergency Management Act 2006*, while that person is in isolation or quarantine as so required; and
 - (ii) **flexible care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth; and
 - (iii) **maintenance services** includes –
 - (A) prescribed work within the meaning of the *Occupational Licensing Act 2005*; and
 - (B) gardening and other maintenance services provided in respect of the premises of a residential aged care facility; and
 - (iv) **quarantine site** means the following premises:
 - (A) the premises situated at 156 Bathurst Street, Hobart, that is being operated under the name “Best Western Hobart”;
 - (B) the premises situated at 40 Brooker Highway, Hobart, that is being operated under the name “UTAS Fountainside Accommodation”;
 - (C) the premises situated at 1 Holyman Avenue, Cambridge, that is being operated under the name “Travelodge Hotel Hobart Airport”;

- (D) the premises situated at 167 Macquarie Street, Hobart, that is being operated under the name “Travelodge Hotel Hobart”;
 - (E) the premises situated at 173 Macquarie Street, Hobart, that is being operated under the name “Ibis Styles”;
 - (F) the premises situated at 140 North Fenton Street, Devonport, that is being operated under the name “Sunrise Motel”;
 - (G) the premises situated at 28 Seaport Boulevard, Launceston, that is being operated under the name “Peppers Seaport Launceston”;
 - (H) the premises situated at 4 Thomas Street, Devonport, that is being operated under the name “Edgewater Hotel”;
 - (I) a premises where the Director of Public Health, or his or her delegate, has directed that a person in isolation, or quarantine, is to receive medical treatment or medical services; and
- (v) **quarantine transport services** means the services provided to transport a person –
- (A) in accordance with each relevant direction made under the Act or the *Emergency Management Act 2006*; and
 - (B) in a manner that reduces the risk of transmission of the disease by the affected traveller; and
- (vi) **relevant location** means –
- (A) in the case of a person to whom paragraph (a) applies, the relevant residential aged care facility; and
 - (B) in the case of a person to whom paragraph (b) applies, the relevant quarantine site; and
 - (C) in the case of a person to whom paragraph (c) applies, the location where the quarantine transport services are provided; and
- (vii) **relevant supervisor** means –
- (A) in relation to a person to whom paragraph (a) applies, the operator of the relevant residential aged care facility; and
 - (B) in relation to a person to whom paragraph (b) applies, the person who employed, or engaged, the person in respect of the relevant quarantine site; and

- (C) in relation to a person to whom paragraph (c) applies, the person who employed, or engaged, the person to provide the relevant quarantine transport services; and
- (viii) **resident**, of a residential aged care facility, includes a resident for the purposes of respite at that facility; and
- (ix) **residential aged care facility** means a facility, other than a transitional care 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
- (x) **residential care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth; and
- (xi) **Therapeutic Goods Administration** means the regulatory body known as the Therapeutic Goods Administration (TGA) that is part of the Commonwealth Government Department responsible for the *Therapeutic Goods Act 1989* of the Commonwealth; and
- (xii) **transitional care facility** means the facility at 90 Davey Street, Hobart, and known as the Peacock Building, used to provide services under the Transitional Care Program established by the Commonwealth Government; and
- (xiii) **vaccine for the disease** means a vaccination that is registered, for use in respect of the disease, by the Therapeutic Goods Administration; and
- (j) the direction, made by me on 13 August and entitled *Mandatory Vaccination of Certain Workers – No. 1*, is revoked.

Dated: 3 September 2021

Signed: 

Director of Public Health