

*Public Health Act 1997*

**DIRECTION UNDER SECTION 16**

*(Vaccination requirements for Certain Workers – No. 12)*

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, commencing on 23 April 2022 –

- (a) a person is not permitted to enter, or remain on, the premises of a medical or health facility, unless the person is sufficiently vaccinated in respect of the disease if –
  - (i) where health and medical services or treatments are provided at the medical or health facility, the person is –
    - (A) employed or engaged by or on behalf of the medical or health facility, regardless of whether consideration is paid or payable for the employment or engagement; or
    - (B) employed or engaged to provide health and medical services or treatments at a medical or health facility, regardless of whether consideration is paid or payable for the employment or engagement; or
    - (C) employed or engaged by, or on behalf of, the Department of Health, regardless of whether consideration is paid, or payable, for the employment or engagement; or
    - (D) undertaking a clinical placement, or work experience, at the medical or health facility; and
  - (ii) where health and medical services or treatments are not provided at the medical or health facility, the person is employed or engaged by, or employed or engaged to work on behalf of, the Department of Health, regardless of whether consideration is paid or payable for the employment or engagement; and
  - (iii) the person is entering the premises for the purposes of –
    - (A) that employment or engagement; or

- (B) that placement or work experience; and
- (b) a person is not permitted to provide health and medical services or treatments unless the person is sufficiently vaccinated against the disease; and
- (c) each State Service employee or State Service officer, within the meaning of the *Acts Interpretation Act 1931* must be sufficiently vaccinated against the disease if the person –
  - (i) is, as a State Service employee or State Service officer, working for or on behalf of the Department of Health; and
  - (ii) is providing services or goods, for that Department, as part of his or her employment as a State Service employee or State Service officer; and
- (d) for the purposes of paragraphs (a), (b) and (c), a person is sufficiently vaccinated against the disease if the person –
  - (i) has received all of the doses of a vaccine for the disease required to complete the primary course, or primary series or schedule, of vaccination for the vaccine, as recognised by the Therapeutic Goods Administration for that vaccine; and
  - (ii) has been 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; and
- (e) a person to whom this direction 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 –
    - (I) a document, in a form approved by the Director of Public Health or his or her delegate, 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; or
    - (II) a medical exemption, that applies to the vaccinations for the disease, that is recorded in respect of the person on the Australian Immunisation Register, operated by or on behalf of the Commonwealth Government; and
  - (C) provides a copy of the document or exemption, referred to in sub-subparagraph (B), to the relevant supervisor for the person; or
  - (ii) the person –
    - (A) holds an exemption or is a member of a class of persons specified in an exemption, from the requirement to be sufficiently vaccinated; and
    - (B) provides a legible copy of the exemption to his or her relevant supervisor; or
  - (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) an exemption referred to in paragraph (e)(ii) –
- (i) may only be given by the Director of Public Health, or his or her delegate, if the Director, or delegate, is satisfied that the exemption is necessary for the protection of the health and well-being of persons; and
  - (ii) may be subject to such conditions that the Director of Public Health, or his or her delegate, considers appropriate in the circumstances; and

- (g) a person to whom paragraph (a) or (b) applies is not required to be sufficiently vaccinated against the disease if the paragraph only applies to the person due to the person –
  - (i) providing health and medical services or treatments, in an emergency circumstance, other than as part of his or her employment or engagement; or
  - (ii) being engaged to provide services at a medical or health facility, other than health and medical services or treatments, in response to an emergency at the facility; and
  
- (h) a person to whom this direction applies, other than a person to whom paragraph (e) or (g) applies, must provide one or more of the following documents to his or her relevant supervisor if requested to do so by the relevant supervisor, or as soon as practicable after receiving a dose of a vaccine for the disease that results in the person being sufficiently vaccinated:
  - (i) a copy, or evidence, of his or her Immunisation History Statement from the Australian Immunisation Register, operated by or on behalf of the Commonwealth Government;
  - (ii) electronic evidence, that the person has been immunised in respect of the disease, that has been issued by or on behalf of the Commonwealth Government or the Tasmanian Government;
  - (iii) an equivalent document, or electronic evidence, from a jurisdiction outside of Australia that is recognised by the Commonwealth Government or the Director of Public Health; and
  
- (i) a person to whom paragraph (e)(i) or (ii), or paragraph (g), applies must wear a fitted face covering while he or she is present on the premises of the relevant location for the person; and
  
- (j) paragraph (i) does not apply in respect of the following persons:
  - (i) a child who has not attained the age of 12 years;
  - (ii) a person who –

- (A) 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 physical, or mental health, illness, condition or disability that makes the wearing of a fitted face covering unsuitable; and
  - (B) produces a legible copy of the medical certificate, or other documentation, if requested to do so by his or her relevant supervisor or by a person in authority at the relevant location for the person; or
- (iii) a person who –
  - (A) holds an exemption, or is a person within a class of persons specified in an exemption, from the requirements of paragraph (i) that is given by the Director of Public Health or his or her delegate; and
  - (B) produces a legible copy of the exemption if requested to do so by the relevant supervisor of the person or by a person in authority at the relevant location for the person; and
- (k) paragraph (i) does not apply to a person 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 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 requirements of paragraph (i), that is given by the Director of Public Health or his or her delegate; and
- (l) a person required to wear a fitted face covering under paragraph (i), other than a person to whom paragraph (j) applies, must carry a fitted face covering while he or she remains on the premises of the relevant location for the person; and
- (m) the relevant supervisor of a person to whom this direction applies must take all reasonable steps to –
  - (i) if this direction is applying to the person for the first time, notify the person that he or she is required to be sufficiently vaccinated against the disease before the person may enter, or remain, on the relevant location for the person; and
  - (ii) 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 required under this direction; or
    - (B) is not required under this direction to be sufficiently vaccinated against the disease; and
- (n) the relevant supervisor of a person to whom this direction applies must ensure that –
  - (i) a copy, or written record, of each of the following is kept and maintained by the relevant supervisor:
    - (A) each document provided to the relevant supervisor under paragraph (h) as evidence of the vaccination status of the person;

- (B) each document provided to the relevant supervisor under paragraph (e) as evidence that a person is not required to be sufficiently vaccinated in respect of the disease; 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
- (o) the operator of a relevant location may refuse to allow a person to enter, or remain on, the premises of the relevant location if –
  - (i) the person is required, under this direction, to be sufficiently vaccinated in respect of the disease before entering, or remaining on, the premises of the relevant location; and
  - (ii) the operator is not satisfied, on reasonable grounds, that the person is sufficiently vaccinated in respect of the disease as required under this direction; and
- (p) in this direction –
  - (i) **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
  - (ii) **health and medical services or treatments** means services or treatments provided by –
    - (A) a person who –
      - (I) is registered in the medical profession under the Health Practitioner Regulation National Law (Tasmania); and
      - (II) is providing the services or treatments under the authority of that registration; or
    - (B) a person who –
      - (I) is registered under the Health Practitioner Regulation National Law (Tasmania) to practise a health profession; and
      - (II) is providing the services or treatments under the authority of that registration; or

(C) a person who is one of the following allied health professionals:

- (I) art therapist;
- (II) audiologist;
- (III) chiropractor;
- (IV) counsellor holding a Master of Counselling, or equivalent, from a tertiary institution;
- (V) dietician;
- (VI) exercise physiologist;
- (VII) genetic counsellor;
- (VIII) music therapist;
- (IX) occupational therapist;
- (X) optometrist;
- (XI) orthoptist;
- (XII) orthotist;
- (XIII) osteopath;
- (XIV) perfusionist;
- (XV) pharmacist;
- (XVI) physiotherapist;
- (XVII) podiatrist;
- (XVIII) prosthetist;
- (XIX) psychologist;
- (XX) rehabilitation counsellor;
- (XXI) social worker;
- (XXII) sonographer;
- (XXIII) speech pathologist; or

(D) a person providing ambulance services, or non-emergency patient transport services, within the meaning of the *Ambulance Service Act 1982*; and

(iii) **medical or health facility** includes –

- (A) an establishment within the meaning of the *Health Services Establishments Act 2006*; and
- (B) premises owned, or operated by or on behalf of, the Department of Health; and



- (C) commercial premises where health and medical services or treatments are provided on a regular basis; and
  - (D) pharmacies; and
  - (E) blood donation centres; and
  - (F) pathology collection centres; and
- (iv) **person in authority**, in relation to a relevant location, includes –
- (A) an authorised officer within the meaning of the Act; and
  - (B) an authorised officer within the meaning of the *Emergency Management Act 2006*; and
  - (C) a person employed or engaged by the relevant location for the purpose of monitoring safety and security at the relevant location; and
- (v) **relevant location** means –
- (A) in the case of a person to whom paragraph (a) applies, the relevant medical or health facility; and
  - (B) in the case of a person to whom paragraph (b) applies, the location where the health and medical services or treatment are provided by the person; and
  - (C) in the case of a person to whom paragraph (c) applies, the location where the services or goods, provided for the Department of Health, are provided by the person; and
- (vi) **relevant supervisor** means –
- (A) in relation to a person to whom paragraph (a) applies –
    - (I) if paragraph (a) applies due to the person undertaking a clinical placement or work experience, the head of the course, or unit, in respect of which the clinical placement or work experience is undertaken; or
    - (II) in any other case, the employer of the person; and
  - (B) in relation to a person to whom paragraph (b) applies, the person who employed, or engaged, the person to provide the relevant health and medical services or treatments; and
  - (C) in relation to a person to whom paragraph (c) applies, the Secretary of the Department of Health, or his or her delegate; and

- (vii) **sufficiently vaccinated**, in respect of a person, means the person is sufficiently vaccinated in respect of the disease in accordance with paragraph (d); and
- (viii) **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
- (ix) **vaccine for the disease** includes –
  - (A) a vaccine that is registered, for use in respect of the disease, by the Therapeutic Goods Administration; and
  - (B) a vaccine that, in advice issued by the Therapeutic Goods Administration, the Therapeutic Goods Administration considers to be a “recognised vaccine” in respect of the disease; and
  
- (q) the *Acts Interpretation Act 1931* applies to the interpretation of this direction as if it were regulations made under the Act; and
  
- (r) at 12.01 am on 23 April 2022, the direction, made by me on 25 February 2022 and entitled *Vaccination requirements for Certain Workers – No. 11*, is revoked.

Dated: 14 April 2022

Signed: 

Director of Public Health