

*Public Health Act 1997*

**DIRECTION UNDER SECTION 16**

*(Vaccination requirements in relation to Early Childhood Facilities – No. 1)*

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 8 January 2022 –

- (i) a person must not enter, or remain, on a non-residential early childhood facility; and
- (ii) a person who is an early childhood worker in relation to a residential early childhood facility must not enter, or remain on, the facility –

unless he or she has received at least one dose of a vaccine for the disease; and

(b) on and from 5 February 2022 –

- (i) a person must not enter, or remain on, a non-residential early childhood facility; and
- (ii) a person who is an early childhood worker in relation to a residential early childhood facility must not enter, or remain on, the facility –

unless he or she has received all of the doses of a vaccine for the disease that is necessary for the person to be issued with –

- (iii) a vaccination certificate, in respect of the disease, issued by the Australian Immunisation Register operated by or on behalf of the Commonwealth Government; or
- (iv) an equivalent document, from a jurisdiction outside of Australia, that is recognised by the Commonwealth Government or the Director of Public Health; and

- (c) paragraphs (a) and (b) do not apply to a person, in relation to an early childhood facility, if –
  - (i) the person is a child who has not attained the age of 12 years and 2 months or is receiving a service at the facility; or
  - (ii) the person only enters the facility, and remains on the facility for so long as is necessary, to drop off a child at the facility or to collect the child from the facility; or
  - (iii) the person is at the facility for the purpose of providing maintenance services at the facility; or
  - (iv) the person is at the facility for the purpose of supplying goods; or
  - (v) the person is a person in relation to whom the facility is the primary residence and the person is not an early childhood worker in relation to the facility; and
  
- (d) paragraphs (a) and (b) do not apply to a person in relation to an early childhood facility if –
  - (i) the person –
    - (A) is unable to receive a vaccine for 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 receiving a vaccine for the disease; or
      - (II) a medical exemption, that applies to 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 in relation to the early childhood facility; or
  - (ii) the person –

- (A) is ineligible, due to the person's age, to receive a vaccine for 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 the relevant supervisor in relation to the early childhood facility with evidence as to the age of the person; or
  - (iii) the person –
    - (A) holds an exemption, or is a member of a class of persons specified in an exemption, from the requirement to receive a vaccine for the disease; and
    - (B) provides a legible copy of the exemption to the relevant supervisor in relation to the early childhood facility; or
  - (iv) the person is an emergency management worker, within the meaning of the *Emergency Management Act 2006*, who is only present at the early childhood facility for the purpose of responding to an emergency within the meaning of that Act; and
- (e) an exemption referred to in paragraph (d)(iii) –
  - (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 the conditions that the Director of Public Health, or his or her delegate, considers appropriate in the circumstances; and
- (f) a person to whom paragraph (c) or (d) applies must wear a fitted face covering while he or she is at an early childhood facility; and
- (g) paragraph (f) does not apply, in relation to an early childhood facility, in respect of the following persons:
  - (i) a child who has not attained the age of 12 years;
  - (ii) a person in relation to whom the facility is a primary residence and who –
    - (A) is not an early childhood worker in relation to the facility; or

- (B) if the person is an early childhood worker in relation to the facility, is not on duty as an early childhood worker in relation to the facility;
  - (iii) 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 the relevant supervisor in relation to the facility or by a person in authority at the facility;
  - (iv) 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 (f), 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 in relation to the facility or by a person in authority at the facility; and
- (h) paragraph (f) 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, engagement on a contract of services 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) other circumstances that are specified in an exemption, from the requirements of paragraph (f), that is given by the Director of Public Health or his or her delegate; and
- (i) a person required to wear a fitted face covering under paragraph (f), other than a person to whom paragraph (g) applies, must carry a fitted face covering while he or she –
- (i) is at a non-residential early childhood facility; or
  - (ii) is at a residential early childhood facility and, in the case of an early childhood worker in relation to the facility, is on duty at the facility; and
- (j) a person to whom paragraph (a) or (b) applies in relation to an early childhood facility, other than a person to whom paragraph (c) or (d) applies in relation to the facility, must provide one or more of the following documents to the relevant supervisor in relation to the facility:
- (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

- (k) the relevant supervisor in relation to an early childhood facility must –
  - (i) as soon as is practicable after this direction commences and before 8 January 2022, take all reasonable steps to notify each person, to whom paragraph (a) or (b) applies and to whom paragraph (c)(i) does not apply, in relation to the facility, of the requirements of this direction that apply on and from that date; and
  - (ii) on and after 8 January 2022, take all reasonable steps to ensure that a person does not enter, or remain on, the facility if the relevant supervisor is not satisfied that –
    - (A) the person has received the number of doses of a vaccine for the disease that the person is required by this direction to have received; or
    - (B) paragraph (c) or (d) applies to the person in relation to the facility; and
  - (iii) on and from 8 January 2022, take all reasonable steps to ensure that a person, to whom paragraph (f) applies and to whom paragraph (g) does not apply, does not enter, or remain on, the facility unless the person complies with paragraph (f); and
- (l) the relevant supervisor in relation to an early childhood facility 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 by a person under paragraph (d);
    - (B) each document provided to the relevant supervisor by a person under paragraph (j); 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
- (m) In this direction –

- (i) **child care service** has the same meaning as in the *Child Care Act 2001*; and
- (ii) **early childhood facility** means –
  - (A) premises that are education and care service premises, within the meaning of the *Education and Care Service National Law Act 2010*; and
  - (B) premises at which a child care service is provided; and
- (iii) **early childhood worker**, in relation to an early childhood facility, means a person who –
  - (A) is employed, or engaged, to provide services at the early childhood facility; or
  - (B) attends the early childhood facility as a volunteer or as part of work experience; and
- (iv) **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
- (v) **home-based child care** has the same meaning as in the *Child Care Act 2001*; and
- (vi) **maintenance services** includes –
  - (A) prescribed work within the meaning of the *Occupational Licensing Act 2005*; and
  - (B) gardening and other maintenance services; and
- (vii) **non-residential early childhood facility** means an early childhood facility that is not a primary residence of a person who is an early childhood worker in relation to the facility; and
- (viii) **person in authority**, in relation to an early childhood facility, 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 to provide services at the facility for the purpose of monitoring safety and security at the facility; and
- (ix) **primary residence of a person** means –

- (A) if the person is not a permanent resident in Tasmania, or resides in Tasmania for a fixed period, the location in Tasmania where the person intends to lawfully reside while in Tasmania; or
  - (B) in any other case, the location in Tasmania where the person intends to reside while this direction is in force; and
- (x) **relevant supervisor**, in relation to an early childhood facility, means –
- (A) if the facility is not used to provide home-based child care – the person responsible for the day to day management of the facility; or
  - (B) if the facility is used to provide home-based child care – the person who employs or engages an early education worker in relation to the facility; and
- (xi) **residential early childhood facility** means –
- (A) an early childhood facility that is situated in a primary residence of a person who is an early childhood worker in relation to the facility; or
  - (B) a primary residence, of a person who is a child, at which a child care service is delivered to the person; and
- (xii) **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

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

Dated: 23 December 2021

Signed: Mark Vitzg

Director of Public Health