

Public Health Act 1997

DIRECTION UNDER SECTION 16

(Vaccination requirements for Certain Workers – No. 9)

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 (h) 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 (h) 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 (h) 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 persons 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) from a quarantine site to another location from where the affected traveller intends to leave Tasmania; and

- (d) on and from 31 October 2021, a person is not permitted to enter, or remain on, the premises of a medical or health facility, unless the person is sufficiently vaccinated against the disease as specified in paragraph (h) 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
- (e) on and from 31 October 2021 –
 - (i) a person is not permitted to provide health and medical services or treatments unless the person is sufficiently vaccinated against the disease as specified in paragraph (h); and
 - (ii) each State Service employee or State Service officer, within the meaning of the *Acts Interpretation Act 1931* –
 - (A) who, as part of his or her employment, is working for or on behalf of the Department of Health must be sufficiently vaccinated against the disease as specified in paragraph (h); and
 - (B) while the person is providing services, or goods, as part of that employment for that Department; and
- (f) on and from 21 November 2021, a person, who is employed or engaged to provide high intensity supports to an NDIS participant, must not provide those supports to such a participant unless the person is sufficiently vaccinated against the disease as specified in paragraph (h); and

- (g) on and from 30 November 2021, an in-home care provider is not permitted to provide in-home and community aged care services unless the in-home care provider is sufficiently vaccinated against the disease as specified in paragraph (h); and
- (h) for the purposes of paragraphs (a), (b), (c), (d), (e), (f) and (g), 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 –
 - (A) has received at least one dose of a vaccine for the disease; and
 - (B) 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 to be issued with a document referred to in subparagraph (i) in respect of the disease; and
 - (C) as soon as practicable after being issued with a document referred to in subparagraph (i) in respect of the disease, has provided the document to his or her relevant supervisor as required under paragraph (l); 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
- (D) as soon as practicable after being issued with a document referred to in subparagraph (i) in respect of the disease, has provided the document to his or her relevant supervisor as required under paragraph (I); and
- (i) a person to whom paragraph (a), (b), (c), (d), (e), (f) or (g) 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) 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 his or her relevant supervisor 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 be sufficiently vaccinated; and
 - (B) provides a legible copy of the exemption to his or her relevant supervisor; or
- (iv) 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
- (j) an exemption referred to in paragraph (i)(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 such conditions that the Director of Public Health, or his or her delegate, considers appropriate in the circumstances; and
- (k) a person to whom paragraph (d) or (e) 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
- (l) a person to whom paragraph (a), (b), (c), (d), (e), (f) or (g) applies, other than a person to whom paragraph (i) or (k) applies, must provide one or more of the following documents to his or her relevant supervisor:

- (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
- (m) a person to whom paragraph (i)(i), (ii) or (iii), or paragraph (k), applies must wear a fitted face covering while he or she is present on the premises of the relevant location for the person; and
- (n) paragraph (m) 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 (m) 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

- (o) paragraph (m) 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 (m), that is given by the Director of Public Health or his or her delegate; and
- (p) a person required to wear a fitted face covering under paragraph (m), other than a person to whom paragraph (n) applies, must carry a fitted face covering while he or she remains on the premises of the relevant location for the person; and
- (q) 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 (h), 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 (h); or
 - (B) is not required, under paragraph (h), to be sufficiently vaccinated against the disease; and

- (r) the relevant supervisor of a person referred to in paragraph (d) or (e) 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 (h), by 31 October 2021; and
 - (ii) on and after 31 October 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 (h); or
 - (B) is not required, under paragraph (h), to be sufficiently vaccinated against the disease; and

- (s) the relevant supervisor of a person referred to in paragraph (f) 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 (h), by 21 November 2021; and
 - (ii) on and after 21 November 2021, ensure that the person, as part of his or her employment or engagement, does not provide high intensity supports to an NDIS participant if the relevant supervisor is not satisfied that the person –

- (A) is sufficiently vaccinated against the disease as specified in paragraph (h); or
 - (B) is not required, under paragraph (h), to be sufficiently vaccinated against the disease; and
- (t) the relevant supervisor of a person referred to in paragraph (g) 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 (h), by 30 November 2021; and
 - (ii) on and after 30 November 2021, ensure that the person does not provide in-home and community aged care services, as part of his or her employment or engagement as an in-home care provider, if the relevant supervisor is not satisfied that the person –
 - (A) is sufficiently vaccinated against the disease as specified in paragraph (h); or
 - (B) is not required, under paragraph (h), to be sufficiently vaccinated against the disease; and
- (u) the relevant supervisor of a person referred to in paragraph (a), (b), (c), (d), (e), (f) or (g) must ensure that –
 - (i) a copy, or written record, 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 (h)(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 (h) by the person;
 - (C) each document provided to the relevant supervisor under paragraph (l) 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

- (v) 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

- (w) 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) **Commonwealth funded service provider** means one of the following providers:
 - (A) an approved provider within the meaning of the meaning of the *Aged Care Quality and Safety Commission Act 2018* of the Commonwealth;
 - (B) a service provider within the meaning of the meaning of the *Aged Care Quality and Safety Commission Act 2018* of the Commonwealth; and
 - (iii) **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
 - (iv) **flexible care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth; and
 - (v) **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
- (vi) **high intensity support** means –
 - (A) one of the following supports that, if provided as part of the NDIS, requires certification under the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018*:
 - (I) assistance with daily life tasks in a group or shared living arrangement;
 - (II) group and centre-based activities;
 - (III) specialised supported employment;
 - (IV) assistance with daily personal activities;
 - (B) one of the following supports that, if provided as part of the NDIS, requires verification under the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018*:
 - (I) community nursing care;
 - (II) therapeutic supports;
- (vii) **in-home care provider** means a person who is employed, or engaged, by a Commonwealth funded service provider to provide in-home and community aged care services; and
- (viii) **in-home and community aged care services** means the following care or services provided by, or on behalf of, a Commonwealth funded service provider:
 - (A) Commonwealth-funded aged care services, within the meaning of the *Aged Care Quality and Safety Commission Act 2018* of the Commonwealth;
 - (B) flexible care, within the meaning of the *Aged Care Act 1997* of the Commonwealth;
 - (C) home care, within the meaning of the *Aged Care Act 1997* of the Commonwealth; and
- (ix) **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
- (x) **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
- (xi) **NDIS** means the National Disability Insurance Scheme, established by the *National Disability Insurance Scheme Act 2013* of the Commonwealth;
- (xii) **NDIS participant** means a participant within the meaning of the *National Disability Insurance Scheme Act 2013* of the Commonwealth;
- (xiii) **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
- (xiv) **quarantine site** means the following premises:
 - (A) the premises situated at 393 Argyle Street, North Hobart, that is being operated under the name “Rydges Hobart”;
 - (B) the premises situated at 156 Bathurst Street, Hobart, that is being operated under the name “Best Western Hobart”;

- (C) the premises situated at 40 Brooker Highway, Hobart, that is being operated under the name “UTAS Fountainside Accommodation”;
 - (D) the premises situated at 1 Holyman Avenue, Cambridge, that is being operated under the name “Travelodge Hotel Hobart Airport”;
 - (E) the premises situated at 167 Macquarie Street, Hobart, that is being operated under the name “Travelodge Hotel Hobart”;
 - (F) the premises situated at 173 Macquarie Street, Hobart, that is being operated under the name “Ibis Styles”;
 - (G) the premises situated at 140 North Fenton Street, Devonport, that is being operated under the name “Sunrise Motel”;
 - (H) the premises situated at 28 Seaport Boulevard, Launceston, that is being operated under the name “Peppers Seaport Launceston”;
 - (I) the premises situated at 4 Thomas Street, Devonport, that is being operated under the name “Edgewater Hotel”;
 - (J) 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
- (xv) **quarantine transport services** means the services provided to transport an affected traveller from the location of the affected traveller’s arrival into Tasmania to a quarantine site –
- (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
- (xvi) **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 by the person; and
- (D) in the case of a person to whom paragraph (d) applies, the relevant medical or health facility; and
- (E) in the case of a person to whom paragraph (e) applies, the location where the health and medical services or treatment are provided by the person; and
- (F) in the case of a person to whom paragraph (f) applies, the location where the high intensity supports are provided by the person; and
- (G) in the case of a person to whom paragraph (g) applies, the location where the in-home and community aged care services are provided by the person; and

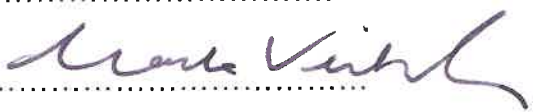
(xvii) **relevant supervisor** means –

- (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
- (D) in relation to a person to whom paragraph (d) applies –
 - (I) if paragraph (d) 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
- (E) in relation to a person to whom paragraph (e)(i) applies, the person who employed, or engaged, the person to provide the relevant health and medical services or treatments; and

- (F) in relation to a person to whom paragraph (e)(ii) applies, the Secretary of the Department of Health, or his or her delegate; and
 - (G) in relation to a person to whom paragraph (f) applies, the employer of the person; and
 - (H) in relation to a person to whom paragraph (g) applies, the employer of the person; and
- (xviii) **resident**, of a residential aged care facility, includes a resident for the purposes of respite at that facility; and
- (xix) **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
- (xx) **residential care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth; and
- (xxi) **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
- (xxii) **transitional care facility** means a facility that only provides short-term accommodation, and personal care or nursing care or both, to a person –
- (A) 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
 - (B) for a period not exceeding 12 weeks at any one time; and
- (xxiii) **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

(x) the direction, made by me on 3 November 2021 and entitled *Mandatory Vaccination of Certain Workers – No. 8*, is revoked.

Dated:..... *11 November 2021*

Signed:..... 

Director of Public Health