

South Australia

# Emergency Management (Healthcare Setting Workers Vaccination) (COVID-19) Direction 2021

under section 25 of the *Emergency Management Act 2004*

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## Preamble

- 1 On 22 March 2020 Grantley Stevens, Commissioner of Police, being the State Co-ordinator for the State of South Australia pursuant to section 14 of the *Emergency Management Act 2004* (the *Act*), declared pursuant to section 23 of the Act that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.
- 2 Now I, Grantley Stevens, being of the opinion that this is necessary to achieve the purposes of the Act, give the following directions pursuant to section 25 of the Act.

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## 1—Short title

This direction may be cited as the *Emergency Management (Healthcare Settings Workers Vaccination) (COVID-19) Direction 2021*.

## 2—Purpose

The purpose of this direction is to:

- (a) maintain the provision of healthcare services operating in the State of South Australia despite the presence of COVID-19 in the community;
- (b) minimise the disruption to those services due to the spread of COVID-19 amongst healthcare setting workers;
- (c) minimise the disruption to those services due to workers being furloughed following possible exposure to COVID-19; and
- (d) reduce the risk of the spread of COVID-19 by healthcare setting workers to patients.

## 3—Definitions

- (1) In this direction—

*healthcare setting* means—

- (a) a public hospital; or
- (b) a private hospital; or
- (c) an ambulance service (including an ambulance service for transporting patients);

*private hospital* means a private hospital under Part 10 of the *Health Care Act 2008* (including a private day procedure centre);

*public hospital* means an incorporated hospital under Part 5 of the *Health Care Act 2008*, including all services provided by a hospital (Local Health Network);

#### 4—Vaccination requirements and compliance for healthcare workers

- (1) A person must not engage in work or perform duties in a healthcare setting from 1 November 2021 unless—
  - (a) the person has received at least one dose of a Therapeutic Goods Administration (TGA) approved COVID-19 vaccine; and
  - (b) the person has received, or has evidence of a booking to receive, a second dose of a TGA approved COVID-19 vaccine within one month of the first dose.

**Note—**

This direction applies to all persons engaging in work or duties at a healthcare setting including clinicians, ambulance workers, allied health workers, cleaners, administrative and executive staff and students undertaking placement, regardless of whether they work in a patient or a non-patient area.

- (2) A person subject to the requirement in subclause (1) must provide the operator of the healthcare setting with proof of their vaccination status upon request.
- (3) Despite subclause (1), a person may engage in work or perform duties at a healthcare setting if—
  - (a) —
    - (i) the person has a medical certificate from a legally qualified medical practitioner certifying that the person has a medical exemption from receiving the COVID-19 vaccine on either a permanent or temporary basis in accordance with the guidelines published from time to time by the Australian Technical Advisory Group on Immunisation (ATAGI); and
    - (ii) the certificate specifies the nature of the exemption and the basis on which it applies; and
    - (iii) the Chief Public Health Officer or her delegate has endorsed the exemption; and
    - (iv) the person provides the operator of the healthcare setting with a copy of the endorsement provided under paragraph (iii).

**Notes—**

The ATAGI expanded guidance on acute major medical conditions that warrant a temporary medical exemption relevant for COVID-19 vaccines is available at: <https://www.health.gov.au/resources/publications/atagi-expanded-guidance-on-temporary-medical-exemptions-for-covid-19-vaccines>

The above conditions for a vaccination exemption take precedence over the conditions for exemption specified in the *Emergency Management (Residential Aged Care Facilities No 41)(COVID-19) Direction 2021* in the case of a person who is subject to a vaccination requirement under both directions.

- (b) the person is responding to a non-medical emergency or urgent maintenance task.

**Example—**

Responding to a lift breakdown or a fire.

- (4) An operator of a healthcare setting must ensure that any person engaging in work or duties at the healthcare setting under subclause (3)—
  - (a) complies with the COVID Safe Plan for the healthcare setting; and
  - (b) wears appropriate personal protective equipment which they have been trained how to use.

**5—Powers of authorised officers**

Nothing in this direction derogates from the powers of authorised officers to exercise powers pursuant to the Act.

**IMPORTANT—FAILURE TO COMPLY WITH THIS DIRECTION IS AN OFFENCE.**

This direction operates from the ...7<sup>th</sup>... day of OCTOBER 2021 at...1700... hours

SIGNED at ...ADELAIDE... on this ...7<sup>th</sup>... day of ...OCTOBER... 2021 at...1700...hours



**GRANTLEY STEVENS**  
STATE CO-ORDINATOR

