



Queensland Health

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Aged Care Direction (No. 29)

Summary

Effective from: 1am AEST 26 May 2021

Posted: 26 May 2021

Direction from Chief Health Officer in accordance with emergency powers arising from the declared public health emergency

Public Health Act 2005 (Qld)
Section 362B

On 29 January 2020, under the *Public Health Act 2005*, the Minister for Health and Minister for Ambulance Services made an order declaring a public health emergency in relation to coronavirus disease (COVID-19). The public health emergency area specified in the order is for 'all of Queensland'. Its duration has been extended by regulation to 29 June 2021 and may be further extended.

Further to this declaration, I, Dr Jeannette Young, Chief Health Officer, reasonably believe it is necessary to give the following directions pursuant to s362B of the *Public Health Act 2005* to assist in containing, or to respond to, the spread of COVID-19 within the community.

Preamble

1. This Public Health Direction replaces the *Aged Care Direction (No. 28)* made on 28 April 2021.
2. The requirements set out in this Public Health Direction only apply while it is in force (until the end of the declared public health emergency, unless earlier revoked or replaced).
3. The Commonwealth is responsible for regulating and funding aged care under the *Aged Care Act 1997 (Cth)*. The requirements set out in this Public Health Direction are intended to operate in addition to any existing requirements under the *Aged Care Act 1997 (Cth)*, including related subordinate legislation.
4. To the extent of any inconsistency between this Public Health Direction and a requirement under the *Aged Care Act 1997 (Cth)*, the Act applies or prevails.

Citation

5. This Public Health Direction may be referred to as the *Aged Care Direction (No. 29)*.

Revocation

6. The *Aged Care Direction (No. 28)* made on 28 April 2021 is revoked from 1.00am on 26 May 2021.

Commencement

7. This Direction applies from 1.00am on 26 May 2021 until the end of the declared public health emergency, unless it is revoked or replaced.

PART 1 —REQUIREMENTS FOR ALL RESIDENTIAL AGED CARE FACILITIES

8. This part applies to all **residential aged care facilities** in the State of Queensland.
9. A person must not enter, or remain on, the premises of a residential aged care facility in the State of Queensland if:

- a. during the 14 days immediately preceding the entry, the person who is an **international arrival** arrived in **Australia** from a place outside **Australia**; or
- b. during the 14 days immediately preceding the entry, or since the start date identified for the **COVID-19 hotspot**, whichever is shorter, the person has been in a place which at the time of entry is a **COVID-19 hotspot**¹; or
- c. the person has been to an **interstate exposure venue**, unless 14 days have passed since the person was at the **interstate exposure venue**;

Note: a person who has been to an interstate exposure venue must quarantine as required by the Interstate Exposure Venues Direction (No. 2) or successor.

- d. during the 14 days immediately preceding the entry or since the start date identified for the **interstate area of concern**, whichever period is shorter, the person has been in a place which at the time of entry is an **interstate area of concern**².
- e. the person has been informed they are a **close contact** of a **diagnosed person**, unless their quarantine period has ended; or

*Note: Close contact with a person who has been diagnosed with COVID-19 under paragraph 9(e) **does not** include contact that occurs when a residential aged care worker or healthcare worker or practitioner providing health or medical care has been wearing appropriate PPE in accordance with Queensland Health's **Residential Aged Care Facility and Disability Accommodation PPE Guidance** and has followed recommended infection control precautions.*

- f. the person has a temperature equal to or higher than 37.5 degrees or **symptoms consistent with COVID-19**; or
- g. the person has been tested for COVID-19 and has not yet received the results of that test; or
- h. after 30 May 2021, the person does not have an up to date vaccination against influenza, if the vaccination is available to that person.

Note: the vaccination is not available to a person only if:

- *the person has a medical contraindication to the influenza vaccine; or*
- *the person is observing the recommended waiting period between receiving the COVID-19 vaccine and the influenza vaccine.*

Exception for a person waiting for a COVID-19 test result

10. Despite paragraph 9(g), a person may enter a residential aged care facility if the person is awaiting the result of a COVID-19 test taken in accordance with a **surveillance testing obligation** under a Public Health Direction or Protocol approved by the Chief Health Officer.

*Note: A person awaiting COVID-19 tests results as part of a **surveillance testing obligation** must still comply with the requirements in paragraphs 9(a) to (f), and 9(h). For example, a person*

*awaiting results of a routine COVID-19 test required under a protocol must not enter, or remain on, the premises of a residential aged care facility if they have **symptoms consistent with COVID-19**.*

Exception for emergency services by a person without an up to date influenza vaccination

11. Despite paragraph 9(h), a person (other than a person whose presence at the premises is for the purposes of providing health, medical, personal care, or pharmaceutical services to a resident of the residential aged care facility), may enter and remain on the premises for the period reasonably required to provide an emergency service that is necessary for the effective operation of the residential aged care facility or to protect the health and safety of staff and residents on the condition that the person must practise physical distancing wherever possible, including maintaining a distance of at least 1.5 metres.

Example – A plumber may make emergency repairs if an employee or contractor with an up to date vaccination against influenza is unable to attend.

Note – An ambulance officer, nurse, doctor or other health care worker, including a student, is not permitted to enter premises under this paragraph and must have an up to date influenza vaccination due to the health risks posed by close contact with aged care residents if the vaccination is available to the person.

Exception for people entering from interstate area of concern

12. Despite paragraph 9(d), the following persons may enter and remain on the premises of a residential aged care facility, if the person obtains a negative COVID-19 test result in Queensland after returning from an **interstate area of concern**:
- a. an employee, contractor or student of the residential aged care facility; or
 - b. a person providing goods or services that are necessary for the effective operation of the residential aged care facility, whether the goods are provided for consideration or on a voluntary basis; or
 - c. a person providing health, medical, personal care (such as hairdressing), pathology or pharmaceutical services to a resident of the residential aged care facility, whether the goods or services are provided for consideration or on a voluntary basis;
 - d. the person's presence is required for emergency management, law enforcement or the exercise of a power or function of a government agency or entity under a law; or
 - e. the person is a prospective resident of the residential aged care facility or a **support person** of a prospective resident; or
 - f. with the permission of the operator of the residential aged care facility, a person maintaining continuity of care for a resident that cannot be delivered by electronic or non-contact means; or
- Example for paragraph (f): A resident may require support from their primary care giver to eat their meals.*
- g. the person's presence at the premises is for the purposes of end of life visit for a resident of the residential aged care facility.

13. Despite paragraph 12, a person subject to a quarantine order issued by an **emergency officer (public health)** is not permitted to enter or remain on, the premises of a residential aged care facility in the State of Queensland.

Example – a person who has been in a public exposure site as listed by the Victorian Government

14. If paragraph 12 applies to a person proposing to enter a residential aged care facility, the operator of the facility may require the person to provide evidence of a negative COVID-19 test result obtained by the person in Queensland, after returning from **interstate area of concern**.

Obligation on operators

15. The **operator of a residential aged care facility** must take all reasonable steps to ensure that a person does not enter or remain on the premises of the residential aged care facility if the person is prohibited from doing so under this Direction.
16. Nothing in this Direction is to be taken to prevent a resident of a residential aged care facility from entering or remaining upon the premises of the residential aged care facility.

Workforce Management and Personal Protective Equipment

17. The operator of a residential aged care facility must develop a Workforce Management Plan that:
- a. requires employees, contractors, volunteers and **students** to notify a residential aged care facility of their additional place of employment, if relevant;
 - b. requires employees, contractors, volunteers and students if they become aware of a COVID-19 case identified at an additional place of employment, to notify the operator of a residential aged care facility;

Note: This is to assist with contact tracing when an identified case of COVID-19 is confirmed.

- c. identifies how workforce surge requirements will be met if there is a COVID-19 event at the facility, in accordance with relevant guidance provided by Queensland Health;
- d. provides that the operator must notify the local Health Emergency Operations Centre of a **critical workforce shortage** for notification purposes.

Note: The requirement for a residential aged care facility to notify the local Health Emergency Operations Centre will support Queensland Health's COVID-19 response.

18. It is recommended that the operator of a residential aged care facility ensure, to the extent possible, that employees, contractors, volunteers and students do not work across multiple care facilities.

Note: Care facilities include but are not limited to hospitals, retirement villages, residential aged care facilities and distinct sections of a facility providing multiple types of care such as a Multi-Purpose Health Service.

19. The operator of a residential aged care facility must ensure that where employees, contractors, volunteers and students do work across multiple care facilities, they must not enter, or remain on, the premises of the residential aged care facility without wearing appropriate personal protective equipment, in accordance with Queensland Health's **Residential Aged Care Facility and Disability Accommodation PPE Guidance**.

Note: A person who does not, or is unable to wear appropriate personal protective equipment, must not enter a residential aged care facility.

20. The operator of a residential aged care facility must take reasonable steps to ensure the following, in accordance with relevant guidance provided by Queensland Health:
- a. employees, contractors who have contact with residents, volunteers and students undertake face to face infection control and personal protective equipment training; and
 - b. ensure an adequate supply of personal protective equipment is available to respond to a confirmed case of COVID-19 within the residential aged care facility.

Contact information

21. The operator of a residential aged care facility must collect and keep contact information about all visitors, including volunteers and contractors, for contact tracing purposes for a period of not less than 30 days and not more than 56 days, unless otherwise specified. This information must include: name, phone number, email address, and the date and time of the visit. If requested, this information must be provided to public health officers within a stated time. The information should be securely stored, not used for any other purpose and deleted after not less than 30 days and not more than 56 days.

Residents

22. The operator of a residential aged care facility must take reasonable steps to develop and document appropriate processes to ensure residents and their unique needs can be immediately identified in a COVID-19 event.

Example: This may include requirements for residents to wear identification if appropriate, and to ensure residents' personal preferences and needs are documented appropriately, for example by keeping a hard copy of each resident's relevant records securely stored in the facility, including current medications list, personal care requirements and preferences, and their advance care planning documents and directions.

End of life visitors

23. Despite paragraphs 9(a), 9(b) and 9(c) a person may enter, or remain on, the premises of a residential aged care facility, with the permission of the operator of the facility, if:
- a. the person's presence at the premises is for the purpose of an **end of life visit** for a resident of the residential aged care facility; and
 - b. the person has been granted an exemption by the Chief Health Officer, Deputy Chief Health Officer or delegate for an **end of life visit** under a Public Health Direction.

Note: see paragraph 12 for when a person may also be permitted to make an end of life visit. For clarity, end of life visitors under paragraph 12 do not require an exemption.

24. A person who enters a facility under an exemption granted under paragraph 42 must comply with all conditions imposed by the Chief Health Officer, Deputy Chief Health Officer or delegate under the exemption.
25. If a person enters a facility under paragraph 23, the operator of the facility must take reasonable steps to manage the person's visit in accordance with the conditions imposed by the Chief Health Officer, Deputy Chief Health Officer or delegate under the exemption.

Example: An operator may need to ensure the resident being visited is in a single room, the visitor wears appropriate personal protective equipment, is escorted to and from the room, and avoids common areas and contact with other residents, visitors and staff.

PART 2 — MANAGING ACCESS TO NON-RESTRICTED RESIDENTIAL AGED CARE FACILITIES

26. The purpose of this Part is to manage contact between residents and non-residents of a **non-restricted residential aged care facility**.

Visitors

27. A person may enter a non-restricted residential aged care facility under this Part unless the person is prohibited from entering the residential aged care facility under paragraph 9.

Examples – A relative, friend, medical practitioner, hairdresser or attorney

28. There is no limit under this Public Health Direction on the number of visitors at a non-restricted residential aged care facility.

*Note – See paragraphs 32(d) and 33 for requirements for visitors to a **restricted residential aged care facility**.*

29. If a person is attending a non-restricted residential aged care facility to visit a resident, they must, to the extent reasonably practicable:
- a. practise **physical distancing**; and
 - b. limit their contact with other persons at the facility.

Residents

30. The operator of a non-restricted residential aged care facility may permit a resident to leave the facility for any purpose.

Note – Residents who form part of a familial group (for example, couples, siblings) or close friends should be permitted to leave the facility together. A resident who leaves a residential aged care facility must comply with other public health directions. For example, the Movement and Gathering Direction (No. 9) and its successors place restrictions on the number of people who may gather outdoors or at residences.

PART 3 — REQUIREMENTS FOR RESTRICTED RESIDENTIAL AGED CARE FACILITIES

31. The purpose of this Part is to provide requirements for **restricted residential aged care facilities**.

Person Permitted to Enter A Restricted Residential Aged Care Facility

32. A person must not enter, or remain on, the premises of a **restricted residential aged care facility** in the State of Queensland unless:
- a. the person is an employee, contractor or student of the restricted residential aged care facility; or
 - b. the person's presence at the premises is for the purposes of providing goods or services that are necessary for the effective operation of the restricted residential aged care facility, whether the goods are provided for consideration or on a voluntary basis; or
 - c. the person's presence at the premises is for the purposes of providing health, medical, personal care (such as hairdressing), pathology or pharmaceutical services to a resident of the restricted residential aged care facility, whether the goods or services are provided for consideration or on a voluntary basis;
 - d. the person's presence at the premises is for the purposes of end of life visit for a resident of the restricted residential aged care facility; or

Note – Paragraphs 23 to 25 require persons coming from overseas or COVID-19 hotspots to obtain an exemption before attending a residential aged care facility for an end of life visit.

- e. the person's presence at the premises is required for the purposes of emergency management, law enforcement or the exercise of a power or function of a government agency or entity under a law; or
- f. the person's presence at the premises is in the person's capacity as a prospective resident of the restricted residential aged care facility or as a **support person** of a prospective resident of the restricted residential aged care facility; or

- g. the operator of a residential aged care facility has granted permission for the person to enter a restricted residential aged care facility for the purposes of maintaining continuity of care for a resident that cannot be delivered by electronic or non-contact means.

Example: A resident may require support from their primary care giver to eat their meals.

33. A person may not visit a resident in a restricted residential aged care facility other than in accordance with paragraph 32(d) above.

Note – personal visits are not permitted in a restricted residential aged care facility.

34. Despite paragraph 33, a person must not enter, or remain on, the premises of a restricted residential aged care facility unless in accordance with Part 1 of this Direction.

Residents

35. The operator of a restricted residential aged care facility must not permit a resident, excluding an end of life resident, to leave the facility except:

- a. to receive or access health care; or
- b. to attend a funeral; or
- c. in the case of emergency or on any other compassionate grounds.

Wearing of Face Masks

36. Any person (other than a resident) must not enter, or remain on, the premises of a restricted residential aged care facility without wearing a single use surgical face mask.

Note – a person who does not, or is unable to wear a face mask, must not enter a restricted residential aged care facility.

37. Despite paragraph 36, a person may remove their single use surgical face mask if wearing one is not safe in all the circumstances.

Example – a person may temporarily remove their face mask if wearing one will cause severe distress to a resident.

38. A person who removes their single use surgical face mask under paragraph 37 must resume wearing the single use surgical face mask as soon as practicable after the circumstance ends.

Example – a person must resume wearing a face mask as soon as they leave the distressed resident's room.

39. A person may be required to wear additional personal protective equipment in certain circumstances in accordance with Queensland Health's Residential Aged Care Facility and Disability Accommodation PPE Guidance.

Workforce Management and Personal Protective Equipment

40. A person providing direct care to a resident, including providing health, medical, personal care, pathology or pharmaceutical services to residents in a restricted residential aged care facility, must wear appropriate personal protective equipment in accordance with Queensland Health's Residential Aged Care Facility and Disability Accommodation PPE Guidance.

41. The operator of a restricted residential aged care facility must take all reasonable steps to ensure the appropriate use of personal protective equipment, in paragraphs 36, 39 and 40, by persons at a residential aged care facility, in accordance with Queensland Health's **Residential Aged Care Facility and Disability Accommodation PPE Guidance**.

PART 4 — OTHER MATTERS

42. The Queensland Chief Health Officer, Deputy Chief Health Officer or delegate may grant an exemption:

- a. to allow a resident to leave the restricted residential aged care facility on compassionate grounds; or
- b. to facilitate an **end of life visit**.

43. An **emergency officer (public health)** can require the operator of a residential aged care facility to comply with additional directions if the emergency officer believes the direction is reasonably necessary to assist in containing, or to respond to, the spread of COVID-19 within the community.

PART 5 — PENALTIES

A person to whom the direction applies commits an offence if the person fails, without reasonable excuse, to comply with the direction.

Section 362D of the *Public Health Act 2005* provides:

Failure to comply with public health directions

A person to whom a public health direction applies must comply with the direction unless the person has a reasonable excuse.

Maximum penalty—100 penalty units or 6 months imprisonment.

Dr Jeannette Young

Chief Health Officer

25 May 2021

Published on the Queensland Health website at 1am AEST 26 May 2021

SCHEDULE 1 - Definitions

For the purposes of these directions:

Australia means the Commonwealth of Australia and includes the external territories of Norfolk Island, Christmas Island, Cocos (Keeling) Islands, Coral Sea Islands and Heard and McDonald Islands but excludes the Australian Antarctic Territory.

Close contact has the same meaning as in the *Management of Close Contacts Direction (No. 2)* or its successor.

COVID-19 hotspot means a particular area of Australia decided by the Chief Health Officer and published on the Queensland Government website <https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/declared-hotspots-direction>¹.

Critical workforce shortage means a sustained workforce shortage in a residential aged care facility that the operator of the residential aged care facility considers may impact resident care or the effective operation of the facility.

Example: A critical workforce shortage may be a shortage of more than 10 per cent of staff for a sustained period of 7 days or more, however this will depend on the size of the facility and baseline staffing levels (including consideration of skills mix and rostering).

Diagnosed person has the same meaning as in the *Management of Close Contacts Direction (No. 2)* or its successor.

Emergency officer (public health) means an emergency officer appointed under the *Public Health Act 2005*.

Note: Emergency officers appointed under the Public Health Act 2005 include public health officers and police.

End of life visit means a visit by a person for the purposes of end-of-life support for a resident.

International arrival means a person who arrives in Queensland on a flight that is not a **quarantine-free flight** or who, in the 14 days immediately before their arrival to Queensland-

- a. has been in a place outside **Australia**, other than a **safe travel zone country**; or
- b. arrived in **Australia** by sea; or
- c. arrived in **Australia** by air on a flight that is not a **quarantine-free flight**, regardless of whether the flight originated from a **safe travel zone country**; or
- d. has been in a place declared a **safe travel zone country hotspot**.

Interstate area of concern means a particular area of Australia decided by the Chief Health Officer and published on the Queensland Government website <https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/interstate-areas-of-concern>².

Interstate exposure venue has the same meaning as in the *Interstate Exposure Venues Direction (No. 2)* or its successor.

Non-restricted residential aged care facility means any residential area care facility in the State of Queensland, other than a restricted residential aged care facility.

Operator of a residential aged care facility means a person who owns, controls or operates a residential aged care facility, including a restricted residential aged care facility.

Personal Protective Equipment (PPE) means the relevant personal protective equipment referred to in **Queensland Health's Residential Aged Care Facility and Disability Accommodation PPE Guidance**.

Physical distancing includes remaining at least 1.5 metres away from other persons where possible.

Public health officer includes an emergency officer (general), a contact tracing officer or an authorised person under section 377 of the *Public Health Act 2005*.

Quarantine-free flight means a flight that only carries passengers who have declared that in the 14 days prior to the flight's departure they have only been in a **safe travel zone country** and have not been in a **safe travel zone country hotspot**.

*Note: Information about quarantine free flights is available from the Australian Department of Home Affairs: <https://covid19.homeaffairs.gov.au/new-zealand-safe-travel-zone>*³

Residential Aged Care Facility and Disability Accommodation PPE Guidance means the Queensland Health document *Pandemic Response Guidance: Personal protective equipment in Residential Aged Care and Disability accommodation services* https://www.health.qld.gov.au/_data/assets/pdf_file/0016/1003633/pandemic-response-guide-ppe-agedcare-disability-services.pdf⁴, or its successor.

Residential aged care facility means a 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, or funding is provided under the *National Aboriginal and Torres Strait Islander Flexible Aged Care Program*.

Resident of a residential aged care facility means a person who ordinarily resides at the facility.

Restricted area means a particular area of Queensland decided by the Chief Health Officer and published on the Queensland Government website <https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/queensland-covid-19-restricted-areas>⁵.

Restricted residential aged care facility means a residential aged care facility located in a **restricted area**.

Safe travel zone country has the same meaning as in the *Quarantine for International Arrivals Direction* (No. 9), or its successor.

Safe travel zone country hotspot has the same meaning as in the *Quarantine for International Arrivals Direction* (No. 9), or its successor.

Student means a student undertaking a placement at a residential aged care facility under the supervision of an employee or contractor.

Support person means a family member, friend or carer that is visiting the residential aged care facility on behalf of, or to support, a prospective resident of the facility.

Surveillance testing obligation means a requirement under a Public Health Direction or Protocol approved by the Chief Health Officer for a person to be routinely tested for COVID-19, who does not have **symptoms consistent with COVID-19** and is not required to self-isolate while awaiting a test result unless there is another lawful reason for them to isolate.

Symptoms consistent with COVID-19 means fever or history of fever, symptoms of acute respiratory infection (cough, shortness of breath, sore throat), loss of smell, loss of taste, runny nose, diarrhoea, nausea, vomiting or fatigue.

Last updated: 26 May 2021

Understanding this Direction

Information to help you understand what this Direction means for residents of aged care facilities, family members and visitors.

[Find out more](#)⁶

Pandemic Response Guidance on Personal Protective Equipment

The [Pandemic Response Guidance on Personal Protective Equipment \(PDF 331 kB\)](#)⁴ provides additional guidance about the recommended use of PPE in shared disability accommodation services depending on the risk of community transmission of COVID-19 that has been identified. This guidance should be used to keep residents, employees and other people entering shared disability accommodation services safe.

Links

1. <https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/declared-hotspots-direction>
2. <https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/interstate-areas-of-concern>
3. <https://covid19.homeaffairs.gov.au/new-zealand-safe-travel-zone>
4. https://www.health.qld.gov.au/__data/assets/pdf_file/0016/1003633/pandemic-response-guide-ppe-agedcare-disability-services.pdf
5. <https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/queensland-covid-19-restricted-areas>
6. <https://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19/current-status/public-health-directions/aged-care>

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Other languages (<https://www.qld.gov.au/languages/>).

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