

Disability Accommodation Services Direction (No.10)

Summary

Effective from: 6.00pm AEST 11 January 2021

Posted: 11 January 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 31 March 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 the powers under s 362B of the *Public Health Act 2005* to assist in containing, or to respond to, the spread of COVID-19 within the community.

Guidance

For the purpose of this Direction, **operators of shared disability accommodation services** should ensure physical distancing and risk mitigation measures are in place at a service to the extent practicable, including:

- a. providing appropriate signage that clearly states physical distancing and appropriate hygiene requirements must be followed in a service;
- b. ensuring cleaning and sanitising of all surfaces, doors and high traffic areas in shared disability accommodation services;
- c. structuring staff rosters in a way which minimises staff movements between multiple care facilities wherever possible;
- d. where staff movements can't be avoided, require staff to use personal protective equipment (PPE) in accordance with current health advice;
- e. providing additional hand sanitising stations for residents, employees, contractors and visitors to encourage use;
- f. putting in place procedures to closely monitor the health of all employees, with at least daily reporting or check-ins by supervisors;
- g. ensuring tables and seating in common areas of shared disability accommodation services should be managed to provide appropriate physical distancing;
- h. ensure staff are trained and procedures in place to keep family and support people informed where a resident becomes unwell or there is a case identified in the service;
- i. encouraging any person entering the service to have an up-to-date vaccination against influenza, if the vaccination is available to the person;
- j. encouraging residents to continue essential community access but exercise appropriate caution when accessing the community, particularly in restricted areas. For example, considering if there are other ways to achieve access to services, maintain physical distancing or wearing a mask where physical distancing is not able to be observed.

Citation

1. This Public Health Direction may be referred to as the *Disability Accommodation Services Direction (No. 10)*.

Revocation

2. The *Disability Accommodation Services Direction (No. 9)* given on 8 January 2021 is revoked from 6:00pm on 11 January 2021.

Commencement

3. This direction applies from from 6:00pm on 11 January 2021 until the end of the declared public health emergency, unless it is revoked or replaced.

PART 1 — REQUIREMENTS FOR ALL SHARED DISABILITY ACCOMMODATION SERVICES

4. This part applies to all **shared disability accommodation services** in the State of Queensland.
5. A person must not enter or remain on the premises of a shared disability accommodation service in the State of Queensland from the time of publication until the end of the declared public health emergency 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**; or
 - c. during the 14 days immediately preceding the entry, the person had known contact with a person who has a confirmed case of COVID-19; or
 - d. the person has a temperature equal to or higher than 37.5 degrees or **symptoms consistent with COVID-19**; or
 - e. the person has been tested for COVID-19 and has not yet received the results of that test.
6. Despite paragraph 5(e), a person may enter a shared disability accommodation service 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 5(a) to (d) and (f). 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 shared disability accommodation service if they have **symptoms consistent with COVID-19**.*

Persons who have been in Victoria on or after 21 December 2020 in the past 14 days

7. A person must not enter or remain on the premises of a shared disability accommodation service in the State of Queensland if the person has been in Victoria on or after 21 December 2020, unless 14 days have passed since the person was in Victoria.
8. Despite paragraph 7, the following persons may enter and remain on the premises of a shared disability accommodation service, if the person obtains a negative COVID-19 test in Queensland after returning from Victoria:
 - a. an employee, contractor or **student** of the shared disability accommodation service; or
 - b. a person providing goods or services that are necessary for the effective operation of the shared disability accommodation service, whether the goods are provided for consideration or on a voluntary basis; or
 - c. a person providing health, medical, therapeutic, social work, **essential disability support** or pharmaceutical services to a resident of the shared disability accommodation service, 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

Example for paragraph (d) – A community visitor exercising a function under the Public Guardian Act 2014

- e. the person's presence is necessary to comply with or give effect to an order of any court or tribunal of Australia;
- f. the person is a prospective resident of the shared disability accommodation service; or
- g. the operator of a shared disability accommodation service or person with responsibility or authority to control access to the service has granted permission for a person to enter a shared disability accommodation service to provide behavioural, emotional or social support to a resident or prospective resident that cannot be delivered by electronic or non-contact means, including advocacy services.

Example for paragraph (g) – A person may require support from an advocate or person who has provided long-term informal support to assist the person with disability and which could include behavioural support.

9. If paragraph 7 applies to a person proposing to enter a shared disability accommodation service, the operator of the service may require the person to provide evidence of a negative COVID-19 test obtained by the person in Queensland, after returning from Victoria.

Persons who have been in Greater Brisbane on or after 2 January 2021

10. A person must not enter or remain on the premises of a shared disability accommodation service in the State of Queensland if the person has been in **Greater Brisbane** on or after 2 January 2021, unless 14 days have passed since the person was in Greater Brisbane.
11. Despite paragraph 10, the following persons may enter and remain on the premises of a shared disability accommodation service:
 - a. an employee, contractor or **student** of the shared disability accommodation service; or
 - b. a person providing goods or services that are necessary for the effective operation of the shared disability accommodation service, whether the goods are provided for consideration or on a voluntary basis; or
 - c. a person providing health, medical, therapeutic, social work, **essential disability support** or pharmaceutical services to a resident of the shared disability accommodation service, 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

Example for paragraph (d) – A community visitor exercising a function under the Public Guardian Act 2014

- e. the person's presence is necessary to comply with or give effect to an order of any court or tribunal of Australia;
- f. the person is a prospective resident of the shared disability accommodation service; or
- g. the operator of a shared disability accommodation service or person with responsibility or authority to control access to the service has granted permission for a person to enter a shared disability accommodation service to provide behavioural, emotional or social support to a resident or prospective resident that cannot be delivered by electronic or non-contact means, including advocacy services.

Example for paragraph (g) – A person may require support from an advocate or person who has provided long-term informal support to assist the person with disability and which could include behavioural support.

Note: A person who enters, or remains at, a residential aged care facility under paragraph 11 must comply with the mask and PPE requirements in paragraphs 17, 18 and 19 of this Direction.

12. The **operator of a shared disability accommodation service** in the State of Queensland must take all reasonable steps to ensure that a person does not enter or remain on the premises of a shared disability accommodation service if the person is prohibited from doing so under this Direction.
13. The operator of a shared disability accommodation service in the State of Queensland must take all reasonable steps to ensure that a resident of a shared disability accommodation service who has been given a quarantine notice by an **emergency officer (public health)** abides by the notice.
14. Despite paragraphs 5, 7 and 10, the operator of a shared disability accommodation service may allow a person to enter and remain on the premises in accordance with paragraph 15.
15. Nothing in this Direction is to be taken to prevent a resident of a shared disability accommodation service from entering or remaining upon the premises of the shared disability accommodation service. Residents may continue to access any areas of the shared disability accommodation service to which they normally have access, subject to a direction to self-quarantine or self-isolate in accordance with a public health direction.
16. Nothing in this Direction should be taken as limiting the right of people living in shared disability accommodation services from leaving the service. Subject to any general public health direction limiting movement and gatherings by members of the public, operators should ensure essential community access can continue, with appropriate physical distancing and good hygiene practices observed.

Personal Protective Equipment

17. A person who enters, or remains on, a shared disability accommodation service under paragraph 11 must wear a single use surgical face mask in accordance with **RACF and Disability Accommodation PPE Guidance**.
18. A person who enters, or remains on, a shared disability accommodation service under paragraph 11 may use a face shield instead of a single use surgical mask in order to:
 - a. communicate with a resident where visibility of the mouth is essential for communication, or
 - b. provide services to a resident with disability if it is reasonably anticipated there is a risk of the person with disability becoming distressed because the person is wearing a mask.

*Note: Refer to the **RACF and Disability Accommodation PPE Guidance** for guidance about face shields.*
19. A person who enters, or remains at, a shared disability accommodation service under paragraph 11 and provides direct care to a resident, including providing health, medical, personal care or pharmaceutical services, must also wear appropriate personal protective equipment in accordance with **RACF and Disability Accommodation PPE Guidance**.
20. The operator of a shared disability accommodation service must take all reasonable steps to ensure the appropriate use of personal protective equipment in paragraphs 17, 18 and 19 by persons entering or remaining at a shared disability accommodation service.

End of life visitors

21. Despite paragraphs 5(a), 5(b), 7 and 10, a person may enter, or remain on, the premises of a shared disability accommodation service, with the permission of the operator of the service, if:
 - a. the person's presence at the premises is for the purpose of an **end of life visit** for a resident of the shared disability accommodation service; 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.
22. A person who enters premises under an exemption granted under paragraph 21(b) must comply with all conditions imposed by the Chief Health Officer, Deputy Chief Health Officer or delegate under the exemption.
23. If a person enters premises under paragraph 21, the operator of the premises 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.

Contact information

24. The operator of a shared disability accommodation service 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.

PART 2 — MANAGING ACCESS TO NON-RESTRICTED SHARED DISABILITY ACCOMMODATION SERVICES

25. Any person may enter a non-restricted shared disability accommodation service under this Part and in accordance with paragraphs 5, 7 and 10 above.

Example – A medical practitioner, hairdresser or attorney.

PART 3 — REQUIREMENTS FOR RESTRICTED SHARED DISABILITY ACCOMMODATION SERVICES

26. The purpose of this Part is to provide requirements for **restricted shared disability accommodation services**.

Person Permitted to Enter A Restricted Shared Disability Accommodation Service

27. A person must not enter, or remain on, the premises of a **restricted shared disability accommodation service** in the State of Queensland from the time of publication of this direction until the end of the declared public health emergency unless:
- the person is an employee, contractor or **student** at the restricted shared disability accommodation service; or
 - 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 shared disability accommodation service, whether the goods or services are provided for consideration or on a voluntary basis; or
 - the person's presence at the premises is for the purposes of providing health, medical, therapeutic, social work, **essential disability support** or pharmaceutical services to a resident of the restricted shared disability accommodation service, whether the goods or services are provided for consideration or on a voluntary basis; or
 - the person's presence at the premises is for the purposes of end of life support for a resident of the restricted shared disability accommodation service; or
 - 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
- Example – A community visitor exercising a function under the Public Guardian Act 2014*
- the person's presence at the premises is necessary to comply with or give effect to orders of any court or tribunal of Australia; or
 - the person's presence at the premises is in the person's capacity as a prospective resident of the restricted shared disability accommodation service; or
 - an operator of a restricted shared disability accommodation service or person with responsibility or authority to control access to the service has granted permission for a person to enter a restricted shared disability accommodation service for the purposes of

providing behavioural, emotional or social support to a resident or prospective resident that cannot be delivered by electronic or non-contact means, including advocacy services.

Example: A person may require support from an advocate or person who has provided long-term informal support to assist the person with disability and which could include behavioural support.

Visitors

28. A person may not visit a resident in a restricted shared disability accommodation service other than in accordance with paragraphs 27(d) or (h) above.

Note – personal visits are not permitted in a restricted disability accommodation service.

29. Any person attending a restricted shared disability accommodation service must, to the extent reasonably practicable:

- a. practise physical distancing; and
- b. limit their contact with other persons at the facility.

Wearing of Face Masks

30. Any person (other than a resident) must not enter, or remain on, the premises of a restricted shared disability accommodation service without wearing a single use surgical face mask. This includes employees, contractors, students and volunteers.

*Note: Refer to the **RACF and Disability Accommodation PPE Guidance** for guidance about the use of masks.*

31. A person who is required to wear a mask under paragraph 30 may use a face shield instead of a single use surgical mask in order to:

- a. communicate with a resident where visibility of the mouth is essential for communication, or
- b. provide services to a resident with disability if it is reasonably anticipated there is a risk of the person with disability becoming distressed because the person is wearing a mask.

*Note: Refer to the **RACF and Disability Accommodation PPE Guidance** for guidance about face shields.*

Workforce Management and Personal Protective Equipment

32. The operator of a restricted shared disability accommodation service must ensure, to the extent reasonably practicable, that employees, contractors, students and volunteers do not work across multiple care facilities.

Note – Care facilities include but are not limited to hospitals, retirement villages and residential aged care facilities.

33. The operator of a restricted shared disability accommodation service must ensure that employees, contractors and volunteers who do work across multiple care facilities:

- a. wear appropriate personal protective equipment, in line with the **Australian Guidelines**, when working at a restricted disability accommodation service; and
- b. use new personal protective equipment when entering a different restricted disability accommodation service. The doffing and donning of personal protective equipment should be done in accordance with the Australian Guidelines.

Note: This paragraph is in addition to the requirement to wear masks as outlined in paragraph 30.

34. The operator of restricted shared disability accommodation services must take all reasonable steps to ensure:

- a. the appropriate use of personal protective equipment in paragraphs 30 and 33 by persons at a restricted disability accommodation service; and

- b. adequate supply and stock management of personal protective equipment.

PART 4 — OTHER MATTERS

35. The Chief Health Officer may grant a person an exemption from all or part of these directions on the basis of exceptional circumstances.
36. An **emergency officer (public health)** can require the operator of a shared disability accommodation service 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.

Definitions

For the purposes of this Public Health Direction:

37. **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.
38. **Australian Guidelines** means the *Australian Guidelines for the Prevention and Control of Infection in Healthcare 2019*, or its successor.
39. **COVID-19 hotspot** means particular areas of Australia decided by the Chief Health Officer and published on the Queensland Health website <https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/declared-hotspots-direction>.
40. **Essential community access** means leaving the facility for essential activities, including to receive or access health care, disability services, attend employment, obtain food or other essential goods or services or access outdoor physical or recreational activity related to a person's physical or mental wellbeing, including to assist with providing behavioral support.
41. **Essential disability support** means essential care and support provided to a person with disability, including but not limited to: bladder and bowel management, medication management, behavior management, respiratory management, Percutaneous Endoscopic Gastromy (PEG) Changes, pressure relief/turning and wound care, assistance with feeding and hydration, and assistance with basic personal hygiene.
42. **Greater Brisbane** means the following Local Government Areas:
 - a. City of Brisbane
 - b. City of Ipswich
 - c. Logan City
 - d. Moreton Bay Region
 - e. Redland City.
43. **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**.
44. **Non-restricted shared disability accommodation service** means a shared disability accommodation service in the State of Queensland, other than a restricted shared disability accommodation service.
45. **Operator of a disability accommodation service** means a person who owns, controls or operates the disability accommodation service.

46. **Physical distancing** includes remaining at least 1.5 metres away from other persons where possible.
47. **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*.
48. **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>.*
49. **RACF 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.pdf, or its successor.
50. **Resident** of a shared disability accommodation service means a person who is ordinarily or temporarily resident at the facility.
51. **Restricted area** means a particular area of Queensland decided by the Chief Health Officer and published on the Queensland Health 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>.
52. **Restricted shared disability accommodation service** means a shared disability accommodation service located in a **restricted area**.
53. **Safe travel zone country** has the same meaning as in the *Quarantine for International Arrivals Direction (No. 2)*, or its successor.
54. **Safe travel zone country hotspot** has the same meaning as in the *Quarantine for International Arrivals Direction (No. 2)*, or its successor.
55. **Shared disability accommodation service** means a service, including the forensic disability service under the *Forensic Disability Act 2011*, where:
- four or more people with disability reside with people who are not members of their family; and
 - the residents share enclosed common living areas within the facility whether inside or outside, and
 - the residents are provided with disability supports within the facility.
56. **Student** means a student under the supervision of an employee or contractor of the restricted shared disability accommodation service.
57. **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.
58. **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.

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