

South Australia

Emergency Management (Education and Early Childhood Settings Vaccination) (COVID-19) Direction 2021

under section 25 of the *Emergency Management Act 2004*

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.

1—Short title

This direction may be cited as the *Emergency Management (Education and Early Childhood Settings Vaccination) (COVID-19) Direction 2021*.

2—Purpose

The purpose of this direction is to:

- (a) maintain the provision of education services operating in education and early childhood settings within 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 workers at education and early childhood settings;
- (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 workers at education and early childhood settings to vulnerable persons in the community.

3—Definitions

- (1) In this direction—

ATAGI means the Australian Technical Advisory Group on Immunisation;

education and early childhood setting means—

- (a) a government or non-government school at which primary or secondary education or both is provided;
- (b) a government or non-government kindergarten, early learning centre or preschool;
- (c) a Department for Education playgroup or play centre;
- (d) an education and care service premises as defined in the *Education and Care Services National Law (South Australia)*;

Note—

Education and care services to which the *Education and Care Services National Law (South Australia)* applies include long day care services, family day care services, outside school hours services and preschool programs including those delivered in schools, unless expressly excluded.

- (e) a government or non-government school boarding house;
- (f) any location where the Department for Education carries out any business or undertaking;
- (g) any location where any early childhood service as defined in section 4 of the *Education and Early Childhood Services (Registration and Standards) Act 2011* is provided, other than in-home care services;

Note—

In-home care services are defined in the *Education and Early Childhood Services (Registration and Standards) Regulations 2011* as a service comprising the provision of care to children in their own homes in the temporary absence of the children's parents or guardians other than services with certain exclusions.

- (h) any location where any early education and care service funded by the Commonwealth Government through the former Budget Based Funding Program is provided;

operator of an education and early childhood setting means an individual, body corporate, association, partnership, entity, governing or responsible authority that provides, or has management and control of an education and early childhood setting;

work includes work on a full-time, part-time, casual, contract or voluntary basis.

- (2) Where an education and early childhood setting is located within a premises used for another purpose or purposes, this direction only applies to the part of the premises being used as an education and early childhood setting.

Example—

This direction applies to persons performing work or duties at childcare centre located on the grounds of a university but not to persons performing work or duties at the university.

- (3) Where an education and early childhood setting is located within a residential premises, this direction only applies—
 - (a) to persons providing an education and care service within the meaning of the *Education and Care Services National Law (South Australia)* at that setting; and
 - (b) to persons providing an early childhood service as defined in section 4 of the *Education and Early Childhood Services (Registration and Standards) Act 2011* at that setting.

4—Vaccination requirements and compliance for education and early childhood settings and education workers

- (1) A person must not engage in work or perform duties at an education and early childhood setting, from 11 December 2021, unless—
 - (a) the person has received at least one dose of a Therapeutic Goods Administration (TGA) approved or recognised COVID-19 vaccine by 10 December 2021; and
 - (b) the person has received, or has evidence of a booking to receive, a second dose of a TGA approved or recognised COVID-19 vaccine within the interval after the first dose recommended by the ATAGI for that COVID-19 vaccine; or
 - (c) the person has completed a course (being 1 dose or 2 doses in accordance with the schedule recommended by ATAGI) of a Therapeutic Goods Administration (TGA) approved or recognised COVID-19 vaccine.

Notes—

- (1) This direction applies to all persons engaging in work or duties at an education and early childhood setting including teachers, student support officers, cleaners, administrative and executive staff and students undertaking placement, regardless of whether they work in person with children or students.
 - (2) This direction applies to all persons who attend an education and early childhood setting in the course of their work or duties, including if their attendance is incidental or occasional.
 - (3) This direction does not apply to parents attending at an education and early childhood setting attended by their children unless they are performing work or duties such as volunteering at the education and early childhood setting including as members of a committee or governing council.
 - (4) The ATAGI clinical guidance on COVID-19 vaccine is available at <https://www.health.gov.au/resources/publications/covid-19-vaccination-atagi-clinical-guidance-on-covid-19-vaccine-in-australia-in-2021>.
- (2) A person subject to the requirement in subclause (1) must provide the operator of the education and early childhood setting with proof of their vaccination status upon request.
 - (3) Despite subclause (1), a person may engage in work or perform duties at an education and early childhood setting if—
 - (a) the person has a medical certificate or letter from a legally qualified medical practitioner certifying that the person—
 - (i) has a medical exemption from receiving a TGA approved COVID-19 vaccine on either a permanent or temporary basis in accordance with the guidelines published from time to time by ATAGI; or
 - (ii) has a medical exemption on either a permanent or temporary basis from receiving the preferred vaccine as recommended by ATAGI for the person's age; or

- (iii) has an appointment to be assessed by a medical specialist or has commenced an assessment with a medical specialist to determine whether they have a medical exemption from receiving a COVID-19 vaccine on either a permanent or temporary basis in accordance with the guidelines published from time to time by ATAGI; or
- (iv) is currently taking part in a COVID-19 vaccine trial and receipt of a TGA approved vaccine would impact the validity of the trial; and
- (v) the certificate or letter specifies the nature of the exemption and the basis on which it applies; and
- (vi) the Chief Public Health Officer or her delegate has endorsed the exemption; and
- (vii) the person provides the operator of the education and early childhood setting with a copy of the endorsement provided under paragraph (vi).

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 current version of the clinical guidance on use of COVID-19 vaccine in Australia in 2021 is available at:

<https://www.health.gov.au/resources/publications/covid-19-vaccination-atagi-clinical-guidance-on-covid-19-vaccine-in-australia-in-2021>

- (b) the person is responding to an emergency or urgent maintenance task; or

Example—

Responding to a lift breakdown or a fire.

- (c) the person is delivering goods to or removing items (including rubbish) from the education and early childhood setting.

- (4) An operator of an education and early childhood setting must ensure that any person engaging in work or duties at the education and early childhood setting under subclause (3)—
 - (a) complies with the COVID Safe Plan for the education and early childhood setting; and
 - (b) in the case of person delivering goods or removing items in accordance with (3)(c), wears a mask while at the education and early childhood setting.

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 day of 2021 at..... hours

SIGNED at on this day of 2021
at.....hours

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GRANTLEY STEVENS
STATE CO-ORDINATOR