

South Australia

South Australian Public Health (COVID-19 Directions) Notice 2022

under section 90C of the *South Australian Public Health Act 2011*

Part 1—Preliminary

1—Short title

This notice may be cited as the *South Australian Public Health (COVID-19 Directions) Notice 2022*.

2—Commencement

This notice comes into operation on the expiry of clause 13 of the *Emergency Management (COVID-19 Requirements) (Consolidated Measures) Direction 2022*.

3—Interpretation

(1) In this notice—

allied health service means a service provided by any of the following:

- (a) an art or creative therapist;
- (b) an audiologist;
- (c) a bowen therapist;
- (d) a chiropractor;
- (e) a counsellor;
- (f) a dietitian;
- (g) an exercise physiologist;
- (h) a genetic counsellor;
- (i) a music therapist;
- (j) an occupational therapist;
- (k) an optometrist;
- (l) an orthoptist;
- (m) an osteopath;
- (n) a physiotherapist;
- (o) a podiatrist;
- (p) a prosthetist/orthotist;
- (q) a psychologist;

- (r) a radiation therapist;
- (s) a radiographer;
- (t) a rehabilitation counsellor;
- (u) a social worker;
- (v) a sonographer;
- (w) a speech pathologist;

close contact means—

- (a) a person who is a household member of a COVID-19 case during the relevant period of the COVID-19 case; or
- (b) a person who is an intimate partner of a COVID-19 case during the relevant period of the COVID-19 case; or
- (c) a person who has had close personal interaction with a COVID-19 case for a cumulative period of 4 hours or more during the relevant period of the COVID-19 case; or
- (d) a person who has been at an exposure site during the exposure period for that site;

close personal interaction between a person and a COVID-19 case means interaction in close physical proximity occurring in an indoor setting where masks are not worn by the person and the COVID-19 case;

COVID-19 case means a person who has tested positive for COVID-19 (whether by COVID-19 PCR test or by COVID-19 Rapid Antigen Test);

COVID-19 PCR test means analysis of a combined oropharyngeal/nasal specimen taken by an appropriately trained and qualified health care worker to test for COVID-19 (also referred to as SARS-CoV-2) using Polymerase Chain Reaction;

COVID-19 Rapid Antigen test means a self-collected antigen based test (upper respiratory tract or oropharyngeal specimen test) to test for COVID-19;

defined close contact period, in relation to a close contact, means the period comprised of—

- (a) the day that is the close contact's exposure date; and
- (b) the period of 7 days immediately following the close contact's exposure date;

disability care facility means a facility at which accommodation, and personal care or nursing care or both, are provided to persons with disability;

exposure date, in relation to a close contact, means—

- (a) in relation to a close contact who is a household member of a COVID-19 case, the date the COVID-19 case first tested positive to COVID-19; or
- (b) in relation to a close contact who is an intimate partner of, or has had close personal interaction with, a COVID-19 case, the date on which the close contact last had contact with the COVID-19 case; or

- (c) in relation to a person who was present at an exposure site during an exposure period, the date on which they were last present at the site during the exposure period;

exposure site means a site listed on the SA Health website as an exposure site;

flexible care subsidy has the same meaning as the *Aged Care Act 1997* of the Commonwealth;

health care services includes the following:

- (a) a hospital;
- (b) a general practice;
- (c) a medical specialist service or practice;
- (d) a mental health service or practice (including a drug and alcohol service);
- (e) an allied health service;
- (f) a service provided by a social worker in a health care centre;
- (g) a complementary or alternative therapy service or practice (including Chinese medicine);
- (h) a community health service (including an Aboriginal Community Controlled Health Service);
- (i) a dental service;
- (j) a reproductive health service (including a termination of pregnancy service);
- (k) a sexual health service;
- (l) a radiology service (including a screening service);
- (m) a disability service;
- (n) a rehabilitation service;

household member, of a COVID-19 case, means a member of a household of the COVID-19 case (being a person regularly living in such a household);

nominated residential premises means a residential premises nominated by a close contact or a COVID-19 case to undertake a period of quarantine or isolation;

notified—see subclause (2);

private pathology laboratory means a non-government pathology laboratory conducting Polymerase Chain Reaction COVID-19 tests (including Clinpath and Australian Clinical Labs);

relevant period, in relation to a COVID-19 case, means the period commencing 2 days prior to the onset of symptoms or a positive COVID-19 test result (whichever is earlier) and ending 7 days after their first positive COVID-19 test result;

residential aged care facility means—

- (a) 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

- (b) the aged care portion of a Multi-purpose Service (MPS) in which accommodation, and personal care or nursing care (or both), are provided to aged care residents, in aged care beds that are funded through the Commonwealth Government Multi-purpose Service Program; or
- (c) that part of a regional hospital providing State funded residential aged care beds where accommodation, and personal care or nursing care (or both), are provided to a person in the same way as they would be if a residential care subsidy or a flexible care subsidy was payable under the *Aged Care Act 1997* of the Commonwealth;

residential care subsidy has the same meaning as in the *Aged Care Act 1997* of the Commonwealth;

SA Health website means <https://www.sahealth.sa.gov.au/>;

SoNG means the *Series of National Guidelines—Coronavirus Disease 2019 (COVID19) CDNA National Guidelines for Public Health Units* published by the Australian Commonwealth Government Department of Health;

symptoms of COVID-19 means any of the following symptoms:

- (a) cough;
- (b) sore throat;
- (c) shortness of breath;
- (d) runny nose;
- (e) fever or history of fever or chills;
- (f) acute loss of smell or taste;
- (g) headache;
- (h) muscle aches;
- (i) unexplained fatigue;
- (j) nausea;
- (k) vomiting;
- (l) diarrhoea;

Tier 1 sensitive setting means—

- (a) a residential aged care facility; or
- (b) a disability care facility; or
- (c) a residential prison or correctional facility, training centre or other place of residential custody (other than short-term holding facilities); or
- (d) a public or private hospital;

Tier 2 sensitive setting means—

- (a) a health care service (other than a health care service that is a Tier 1 sensitive setting);
- (b) a pharmacy;
- (c) a pathology collection centre.

- (2) For the purposes of this notice and without limiting the manner in which a person may be notified that they have tested positive for COVID-19 or are a close contact, a person is taken to have been *notified* that—
- (a) they are a COVID-19 case upon—
 - (i) returning a positive COVID-19 Rapid Antigen test result; or
 - (ii) receiving a notice in writing (including SMS) by SA Pathology of a positive COVID-19 PCR test result; or
 - (iii) receiving notice in writing (including SMS) by a private pathology laboratory of a positive COVID-19 PCR test result; or
 - (iv) receiving telephone contact by SA Health informing them of a positive COVID-19 PCR test result; or
 - (b) they are a close contact upon—
 - (i) receiving notice in writing (including by SMS) by SA Health that they are a close contact; or
 - (ii) the relevant exposure site being published on the SA Health website; or
 - (iii) receiving telephone contact by SA Health informing them that they are a close contact; or
 - (iv) otherwise becoming aware that they are a close contact of a COVID-19 case.

Part 2—Directions

4—Directions—COVID-19 cases and close contacts

- (1) A person who tests positive for COVID-19 must, on being first notified that they have tested positive to COVID-19, comply with the isolation, testing, reporting and other requirements specified in Schedule 1 clause 1.
- (2) A person who is a close contact of a COVID-19 case must, on being first notified that they are a close contact of a COVID-19 case, comply with the quarantine, testing, reporting and other requirements specified in Schedule 1 clauses 2, 3 and 4.
- (3) Subclauses (1) and (2) do not apply in relation to a person if—
 - (a) a protocol prescribing separate isolation, quarantine, testing, reporting and any other requirements for a specified workplace or industry has been made by the Chief Public Health Officer; and
 - (b) the relevant Chief Executive or person conducting a business or undertaking at the workplace or in the industry (as the case requires) implements the protocol and approves its application to the person.
- (4) The relevant Chief Executive or person conducting a business or undertaking must ensure that the protocol in subclause (3)(a) is only implemented when necessary for the purposes of this direction, and that the person to whom the protocol applies complies with it.

- (5) A person to whom a protocol referred to in subclause (3)(a) applies must, when not attending the specified workplace or industry or performing work or functions in relation to the specified workplace or industry, continue to comply with subclauses (1) and (2) as they may apply to the person.
- (6) For the avoidance of doubt, this clause applies in relation to each instance of—
 - (a) a person's infection and reinfection with COVID-19; and
 - (b) a person being a close contact of a COVID-19 case.

Schedule 1—Direction requirements—COVID-19 cases and close contacts

1—COVID-19 cases

- (1) Subject to this clause, a person who has tested positive for COVID-19 must isolate for a period of 7 days calculated to begin from the taking of the test.

Note—

For a person who returns a positive COVID-19 test result, having been tested on 10 July 2022, the 7 day period of isolation ends at 11:59pm on 17 July 2022 (see section 44(1) of the *Legislation Interpretation Act 2021*).

- (1a) Subclause (1) ceases to apply in relation to a person who is otherwise required to isolate for a period of 7 days under that subclause if, at the end of or after the 5th day for which the person is required to isolate, the person has no symptoms of COVID-19.
- (1b) A person in relation to whom subclause (1) ceases to apply in accordance with subclause (1a) must, for the remainder of the period during which the person would otherwise have been required to isolate under subclause (1), wear a single use surgical mask whenever the person is not at their usual place of residence, except—
 - (a) if the person has a relevant serious medical condition; or
 - (b) in circumstances where the ability to see the mouth is essential for communication, such as to enable communication by or with any patron who is deaf or hard of hearing; or
 - (c) in circumstances where removal of the mask is lawfully required for identification purposes; or
 - (d) when the person is eating or drinking; or
 - (e) if the person is a child under 12 years of age.
- (1c) A person in relation to whom subclause (1) ceases to apply in accordance with subclause (1a) must not, except for the purposes of obtaining medical care, attend a Tier 1 sensitive setting or a Tier 2 sensitive setting for the remainder of the period during which the person would otherwise have been required to isolate under subclause (1).
- (2) A person required to isolate must isolate at—
 - (a) the person's nominated premises; or
 - (b) if an emergency officer has determined that the person should isolate at a hospital—a hospital specified by an emergency officer.

- (3) A person who is to isolate at their nominated address must—
- (a) travel by the most direct practical route and means to the nominated residential premises, if not already at those premises; and
 - (b) reside at the premises for the period required under this clause; and
 - (c) remain at those premises for the period required under this clause, except—
 - (i) for the purposes of obtaining urgent medical care; or
 - (ii) in any other emergency situation; or
 - (iii) for any reason approved in advance by the Chief Public Health Officer or an emergency officer,during which times a mask must be worn at all times; and
 - (d) take reasonably practicable steps to remain isolated and segregated from other persons; and
 - (e) take reasonable steps to ensure that no other person enters the premises unless that other person—
 - (i) usually lives at the premises; or
 - (ii) is also complying with a direction to isolate or quarantine; or
 - (iii) is required to provide care and support to, or receive care and support from, the person to whom this direction applies at the place; or
 - (iv) is required for medical or emergency purposes; and
 - (f) follow all reasonable directions from a treating medical practitioner.
- (4) A person who is required to isolate in a hospital must—
- (a) remain in the hospital and follow all reasonable directions from a treating medical practitioner until a medical practitioner certifies that the person meets the criteria for discharge from a hospital in accordance with the SoNG; and
 - (b) on discharge, if the period for which the person was required to isolate has not elapsed, comply with the requirements of this clause as it applies to a person who is to reside at their nominated premises for the remainder of the period.
- (6) A COVID-19 case must notify any person who may reasonably be considered to be a close contact of the COVID-19 case of their positive test result as soon as reasonably practicable after receiving that result.
- (7) A person who has returned a positive result on a COVID-19 Rapid Antigen test must report their COVID-19 Rapid Antigen test result to the Chief Public Health Officer in a manner approved by the Chief Public Health Officer.

2—Close contacts—general

- (1) A person who is a close contact of a COVID-19 case must, during the defined close contact period for the person, wear a single use surgical mask whenever the person is not at their usual place of residence.

Example—

For a close contact whose exposure date is on 10 July, the period for which the person must wear a mask when not at their place of residence starts when the person is notified that they are a close contact and ends at 11:59 pm on 17 July 2022.

- (2) A person who is a close contact must undertake 5 COVID-19 Rapid Antigen tests during the person's defined close contact period where—
- (a) each test must be carried out at least 24 hours apart; and
 - (b) 1 test must be carried out on the 7th day after the close contact's exposure date.
- (4) A person who is a close contact must not attend a Tier 1 sensitive setting or a Tier 2 sensitive setting during the person's defined close contact period except—
- (a) for the purpose of obtaining medical care or medical supplies; or
 - (b) if the close contact is an emergency services worker and is responding to an emergency.
- (5) A close contact must notify their employer, school or early childcare setting that they are a close contact as soon as reasonably practicable after being notified that they are a close contact.
- (6) If a close contact develops any symptoms of COVID-19 during their defined close contact period, the close contact must—
- (a) immediately seek to obtain a COVID-19 PCR test; and
 - (b) quarantine until they receive the result of the test.
- (7) If the result of the COVID-19 PCR test referred in subclause (6) is negative, the close contact must continue to follow the requirements in this clause.
- (8) Despite subclause (1), a close contact is not required to wear a mask—
- (a) if they have a relevant serious medical condition; or
 - (b) in circumstances where the ability to see the mouth is essential for communication, such as to enable communication by or with any patron who is deaf or hard of hearing; or
 - (c) in circumstances where removal of the mask is lawfully required for identification purposes; or
 - (d) when the person is eating or drinking; or
 - (e) if the person is a child under 12 years of age.
- (9) For the purpose of subclause (8)(a), a person must produce evidence of a relevant medical condition on request by an authorised officer.

3—Close contacts—quarantine requirements for symptomatic close contacts

- (1) Subject to this clause, a close contact who develops symptoms of COVID-19 during their defined close contact period must—
 - (a) travel by the most direct practical route and means to a nominated residential premises, if not already at those premises; and
 - (b) reside and remain at the premises until receiving a negative COVID-19 PCR test result; and
 - (c) remain at those premises, except—
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) in any other emergency situation; or
 - (iii) for any reason approved in advance by the Chief Public Health Officer or an emergency officer; or
 - (iv) for the purpose of undergoing a COVID-19 PCR test, during which times a mask must be worn at all times and, in the case of a person leaving the premises to obtain a COVID-19 PCR test, the person must travel directly to the relevant site and inform the person performing the test of the reason for obtaining the test; and
 - (d) take reasonable steps to ensure that no other person enters the premises unless that other person—
 - (i) usually lives at the premises; or
 - (ii) is also complying with a direction to isolate; or
 - (iii) is required to provide care and support to, or receive care and support from, the person to whom this direction applies at the place; or
 - (iv) is required for medical or emergency purposes.
- (2) An emergency officer may, by notice in writing issued to a close contact who develops symptoms of COVID-19 during their defined close contact period, determine that the close contact must quarantine in a hospital specified in the notice.
- (3) A person who is given a notice under subclause (2) must comply with the requirement specified in the notice.

4—Close contacts—residents of residential aged care facilities, disability care facility, hospital setting or correctional facility

In addition to the requirements in clauses 2 and 3, a close contact who is a resident of a residential aged care facility, disability care facility, hospital setting or correctional facility must—

- (a) while remaining at those facilities, remain quarantined, isolated and segregated from other residents (to the extent possible), for the close contact's defined close contact period; and
- (b) not participate in group activities with other residents (to the extent possible) for the defined close contact period; and

- (c) undertake testing in accordance with the requirements of the facility outbreak plan.

Schedule 2—Transitional provisions

1—Transitional provisions

- (1) If a person has been notified before the commencement of this notice that they are a COVID-19 case or a close contact, on commencement of this notice an obligation applying to the person in relation to isolation, quarantine, testing, reporting or other requirements under a relevant provision of the *Emergency Management (COVID-19 Requirements) (Consolidated Measures) Direction 2022* will cease to apply and Schedule 1 of this notice will apply to the person instead (subject to clause 4(3)).
- (2) In this clause—
relevant provision, of the *Emergency Management (COVID-19 Requirements) (Consolidated Measures) Direction 2022*, means clause 13, 14 or 15, or a provision of Schedule 1 of that direction.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal notice and variations

New entries appear in bold.

	Reference	Commencement
s 90C	<i>Gazette 7.7.2022 p2121</i>	9.7.2022: cl 2
s 90C	<i>Gazette 8.9.2022 p5890</i>	9.9.2022: cl 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Sch 1		
cl 1		
cl 1(1)	amended by 8.9.2022 p5890 cl 3(1)	9.9.2022
cl 1(1a)—(1c)	inserted by 8.9.2022 p5890 cl 3(2)	9.9.2022
<i>cl 1(5)</i>	<i>deleted by 8.9.2022 p5890 cl 3(3)</i>	<i>9.9.2022</i>
cl 2		
<i>cl 2(3)</i>	<i>deleted by 8.9.2022 p5890 cl 3(4)</i>	<i>9.9.2022</i>
cl 2(4)	amended by 8.9.2022 p5890 cl 3(5), (6)	9.9.2022