

South Australia

Emergency Management (COVID-19 Requirements) (Consolidated Measures) Direction 2022

under section 25 of the *Emergency Management Act 2004*

Contents

Preamble

Part 1—Preliminary

- 1—Citation
- 2—Purpose
- 3—Revocation
- 4—Terms used in this direction

Part 2—Activities

- 5—Purpose of this Part
- 7—Mask requirements
- 8—Approved contact tracing system and records
- 9—Provision of information etc

Part 3—COVID Cases and Close Contacts

- 16—COVID-19 Rapid Antigen testing requirements

Part 4—Arrivals

- 17—Purpose of this Part
- 18—Requirements for international arrivals
- 19—Transiting passengers etc

Preamble

- 1 On 22 March 2020 I, 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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Part 1—Preliminary

1—Citation

This direction may be cited as the *Emergency Management (COVID-19 Requirements) (Consolidated Measures) Direction 2022*.

2—Purpose

The purpose of this direction is to consolidate requirements prescribed in earlier directions.

3—Revocation

- (1) The following directions are revoked—
 - (a) *Emergency Management (Activities General No 3) (COVID-19) Direction 2021*;
 - (b) *Emergency Management (Activities—Associated Direction No 23) (COVID-19) Direction 2022*;
 - (c) *Emergency Management (Arrivals No 2) (COVID-19) Direction 2021*;
 - (d) *Emergency Management (Arrivals—Associated Direction No 20) (COVID-19) Direction 2022*;
 - (e) *Emergency Management (Exposure Sites, Contacts and Diagnosis Requirements No 7) (COVID-19) Direction 2022*;
- (2) This direction replaces the directions referred to in subclause (1).

4—Terms used in this direction

- (1) Except as otherwise provided, in this direction—

allied health services means services provided by a—

 - (a) art/creative art therapist
 - (b) audiologist;
 - (c) bowen therapist;
 - (d) chiropractor;
 - (e) counsellor;
 - (f) dietitian;
 - (g) exercise physiologist;
 - (h) genetic counsellor;
 - (i) music therapist;
 - (j) occupational therapist;
 - (k) optometrist;
 - (l) orthoptist;

- (m) osteopath;
- (n) physiotherapist;
- (o) podiatrist;
- (p) prosthetist / orthotist;
- (q) psychologist;
- (r) radiation therapist;
- (s) radiographer;
- (t) rehabilitation counsellor;
- (u) social worker;
- (v) sonographer; or
- (w) speech pathologist;

approved contact tracing system means COVIDSafeCheckIn approved by the State Co-ordinator for the purpose of capturing relevant contact details of a person entering a place, including (where applicable) the use of a dedicated code provided by the State Government;

close contact means—

- (a) a person who is a household member or an intimate partner of a COVID-19 case during their relevant period;
- (b) a person who has had close personal interaction with a COVID-19 case for a cumulative period of 4 hours or more during their relevant period; or
- (c) a person who has been notified by SA Health that they are a close contact with a 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—

- (a) where masks are not worn by the person and the COVID-19 case; and
- (b) in close physical proximity; and
- (c) occurring in an indoor setting;

contact tracing means the process of identifying, assessing and managing persons who have been, or may have been, in contact with a person who has, or who may have, COVID-19, and includes—

- (a) notifying a person that they have been in contact with a person who has, or who may have, COVID-19;
- (b) notifying a person who is a parent, guardian or carer of another person that the other person has been in contact with a person who has, or who may have, COVID-19;
- (c) notifying a person that they have been in a place where they may have been exposed to a person who has, or who may have, COVID-19;

- (d) notifying a parent, guardian or carer of another person that the other person has been in a place where they may have been exposed to a person who has, or who may have, COVID-19;
- (e) determining locations where a person who has, or who may have, COVID-19 has visited and undertaking a risk assessment of those locations;
- (f) providing information and advice to a person referred to in a preceding paragraph;

COVID-19 case means a person who has undertaken a COVID-19 PCR test or a COVID-19 Rapid Antigen test and has returned a positive result;

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;

domestic violence arrival means a person who enters South Australia—

- (a) for the purpose of escaping domestic violence or providing support to a family member who is experiencing domestic violence; or
- (b) where the entry is reasonably necessary for the purpose of dealing with circumstances arising out of domestic violence;

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) the date the close contact last had with a COVID-19 case; or
- (b) 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
- (c) in relation to a person who was present at an exposure site during an exposure period, means the date on which they were last present at the site;

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

Note—

Exposure sites are settings where there has been significant transmission of COVID-19 or are high risk settings where a COVID-19 case has been present.

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

health care services includes the following—

- (a) private and public hospitals;
- (b) general practice;
- (c) private and public medical specialist services and practices;
- (d) private and public mental health services and practices including drug and alcohol services;
- (e) private and public allied health services;

- (f) services provided by social workers in a public or private health care centre;
- (g) private complementary and alternative therapy services and practices including Chinese medicine practitioners;
- (h) community health services including Aboriginal Community Controlled Health Services;
- (i) private and public dental services;
- (j) private and public reproductive services and sexual health services including termination of pregnancy;
- (k) private and public radiology services including screening services;
- (l) private and public disability and rehabilitation services;

household member of a COVID-19 case means any member of the household of a COVID-19 case, being a person regularly living in the household (or households if they live in more than one) of the COVID-19 case;

international arrival means a person arriving in South Australia who has been in a location outside of Australia during the period of 48 hours before that arrival;

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 clause 12;

passenger transport service means a service consisting of the carriage of passengers for a fare or other consideration (including under a hire or charter arrangement or for consideration provided by a third party)—

- (a) by motor vehicle; or
- (b) by train or tram; or
- (c) by means of an automated, or semi-automated, vehicular system; or
- (d) by a vehicle drawn by an animal along a public street or road;

prescribed officer means—

- (a) an authorised officer; and
- (b) a person appointed to be a State or local authorised officer under Part 3 Division 5 of the *South Australian Public Health Act 2022*; and
- (c) an authorised person appointed under the *Local Government Act 1999*;

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

rapid antigen test pick-up point means a site designated on the SA Health website for persons required to undertake COVID-19 Rapid Antigen tests to pick up test kits;

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;

relevant person for a place means—

- (a) the occupier of the place; or
- (b) a person who conducts the activity at the place;

residential aged care facility or **RACF** 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;

SoNG means the *Series of National Guidelines—Coronavirus Disease 2019 (COVID-19) CDNA National Guidelines for Public Health Units* published by the Australian Government Department of Health;

symptoms of COVID-19—a person has symptoms of COVID-19 if the person has 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;

TGA means the Therapeutic Goods Administration.

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

Tier 1 sensitive setting means—

- (a) a residential aged care facility;

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

Tier 2 sensitive setting means—

- (a) health care services other than those provided in Tier 1 sensitive settings;
- (b) pharmacies;
- (c) pathology collection centres.

Part 2—Activities

5—Purpose of this Part

The purpose of this part is to put in place a range of basic control measures that will apply to public activities and gatherings.

7—Mask requirements

- (1) A person must not enter or remain in any of the following premises unless the person is wearing a face mask (covering mouth and nose)—
 - (a) a disability care facility;
 - (b) a residential prison or correctional facility, training centre or other place of residential custody (other than short-term holding facilities);
 - (c) a public or private hospital;
 - (d) a premises used for the purpose of any health care services;
 - (e) a pathology collection centre;
 - (f) a pharmacy.
- (2) A person must not board or remain in a vehicle used for a passenger transport service, unless the person is wearing a face mask (covering mouth and nose).
- (4) Subclause (1) does not apply to a person who is—
 - (a) an in-patient at a public or private hospital;
 - (b) a resident of a disability care facility;
 - (c) receiving a healthcare service if it would reasonably interfere with the provision of the service.
- (5) A requirement that a person wear a face mask in this Part requires the person to wear a face mask covering the person's mouth and nose.
- (6) A requirement that a person wear a face mask in this Part does not apply to a person—
 - (a) if they have a relevant medical condition, including problems with their breathing, a serious condition of the face, a disability or a mental health condition; or

Note—

Evidence of a relevant medical condition must be produced on request.

- (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; or
 - (f) if the person is carrying out work or duties and it is not possible to properly carry out that work or those duties with a mask on.
- (1) For the purpose of subclause (6), a person must produce evidence of a relevant medical condition upon request by a prescribed officer.

8—Approved contact tracing system and records

- (4) A person required under this clause to make and retain contact tracing records for people entering a prescribed place—
- (a) must include the relevant contact details of each person entering and those records—
 - (i) must be produced for inspection at the request of a prescribed officer; and
 - (ii) may only be used for the purpose of contact tracing in relation to COVID-19 and must not be used for any other purpose; and
 - (iii) must be kept in a manner that reduces the risk of them being copied, photographed, taken or used by another person (other than a prescribed officer); and
 - (iv) must not be copied, photographed, taken or used by any other person (other than a prescribed officer); and
 - (b) must take reasonable steps to ensure that the contact tracing records collected by or provided at the place other than those captured by the approved contact tracing system are destroyed within the prescribed period.
- (5) For the purposes of this clause, a person required under this direction to make and retain contact tracing records will be taken to receive relevant contact details—
- (a) in the case of relevant contact details contained in a contact tracing record relating to a single day—at the point at which a person entering a place completes the contact tracing record; or
 - (b) in the case of relevant contact details contained in a contact tracing record relating to more than 1 day—at the point at which the last person entering a place and completing the contact tracing record does so.

- (6) The relevant contact details captured by the approved contact tracing system under this or any other direction made under the *Emergency Management Act 2004* may only be used for the purpose of contact tracing in relation to COVID-19 or for managing the COVID-19 pandemic.
- (7) Relevant contact details extracted from the prescribed database and provided to SA Health for contact tracing purposes is taken to be information obtained in connection with the operation of the *Health Care Act 2008* and is protected under that Act.
- (8) All reasonable steps must be taken to destroy the relevant contact details captured by an approved contact tracing system under this or any other direction made under the *Emergency Management Act 2004* and stored on a prescribed database within the prescribed period.
- (9) A person must not interfere with the enabling of an approved contact tracing system at a place or the uploading, capturing or other collection of relevant personal details for contact tracing purposes as required by this clause.

Example—

The unauthorised removal of signs containing a dedicated code provided by the State Government or the posting of signs with an alternative QR code purporting to be a dedicated code or otherwise designed to mislead a person into uploading their details to something other than the approved contact tracing system when complying with the requirement under subclause (2).

- (10) In this clause—

prescribed database means the database operated by or on behalf of the Department of the Premier and Cabinet on which relevant contact details captured or provided in the course of using an approved contact tracing system are received and stored;

prescribed period, in relation to relevant contact details captured by an approved contact tracing system, means the period of 7 days commencing 28 days after the day on which the relevant contact details are received;

prescribed place means—

- (a) a disability care facility; and
- (b) a public or private hospital; and
- (c) a RACF.

relevant contact details, in relation to a person, means the person's name, telephone number and the day on which and time at which the person entered the place (in order to assist in contact tracing of the person).

9—Provision of information etc

- (1) A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in furnishing information in connection with this Part.
- (2) A person asked a question by a prescribed officer or a person responsible for assisting in the administration of this direction in connection with this Part must not—
 - (a) refuse or fail to answer the question; or
 - (b) give an answer that is false or misleading in a material particular.

Part 3—COVID-19 Cases and Close Contacts

16— COVID-19 Rapid Antigen testing requirements

- (1) A person must not attend at a rapid antigen test pick-up point for the purpose of collecting a COVID-19 Rapid Antigen test kit unless they have been required by this direction to undertake a COVID-19 Rapid Antigen test.
- (2) A person who is required by this direction to undertake a COVID-19 Rapid Antigen test, and has collected a COVID-19 Rapid Antigen test kit from a rapid antigen test pick-up point must—
 - (a) only collect the amount of COVID-19 Rapid Antigen test kits necessary for compliance with the COVID-19 Rapid Antigen testing requirement; and
 - (b) use the COVID-19 Rapid Antigen test kit for the specified purpose prescribed on the SA Health website.

Note—

- (1) The process for collecting an approved COVID-19 Rapid Antigen test kit is provided on the SA Health website.
- (2) For the avoidance of doubt, a person who is required by this direction to undertake a COVID-19 Rapid Antigen test may do so using a TGA-approved COVID-19 rapid antigen test kit not collected from a rapid antigen test pick-up point.

Part 4—Arrivals

17—Purpose of this Part

The purpose of this part is to impose requirements in relation to persons arriving or intending to arrive in the State.

18—Requirements for international arrivals

- (1) An international arrival must—
 - (a) submit to a COVID-19 Rapid Antigen test or COVID-19 PCR test immediately on their arrival in South Australia; and
 - (b) quarantine until they have submitted to the COVID-19 Rapid Antigen Test or COVID-19 PCR test.
- (2) An international arrival required under subclause (1) to quarantine 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 submitting to a COVID-19 Rapid Antigen test or COVID-19 PCR test;
 - (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 State Co-ordinator or his delegate or an authorised 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 international arrival who returns a positive result to a COVID-19 Rapid Antigen test under this direction must—
 - (a) immediately travel directly to a COVID-19 PCR testing site and submit to a COVID-19 PCR test;
 - (b) inform the person performing the test of the reason for obtaining the test;
 - (c) wear a mask at all times during their travel to and from and during their attendance at the COVID-19 PCR testing site except when directed to remove it for the purpose of submitting to the test.

Note—

A person who returns a positive result to a COVID-19 Rapid Antigen test is subject to isolation and other requirements under this direction and is required to report their result.

19—Transiting passengers etc

- (1) A person arriving in South Australia on any aircraft or vessel is taken not to arrive in South Australia for the purposes of this direction if—
 - (a) in the case of an arrival on an aircraft for the purpose of travelling on a connecting flight to another Australian State or Territory—the person does not leave the airport terminal in South Australia; or
 - (b) in the case of an arrival on a vessel—the person does not disembark from the vessel in South Australia.

This direction operates from the day of 2022 at..... hours

SIGNED at on this day of 2022

at.....hours

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GRANTLEY STEVENS
STATE CO-ORDINATOR

