

South Australia

## Emergency Management (Cross Border Travel No 6) (COVID-19) Direction 2020

under section 25 of the *Emergency Management Act 2004*

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### 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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### 1—Citation

This direction may be cited as the *Emergency Management (Cross Border Travel No 6) (COVID-19) Direction 2020*.

### 2—Revocation of previous direction

- (1) This direction replaces the *Emergency Management (Cross Border Travel No 5) (COVID-19) Direction 2020*.
- (2) The *Emergency Management (Cross Border Travel No 5) (COVID-19) Direction 2020* is revoked.

Note—

See also clause 4.

### 3—Interpretation

- (1) In this direction—  
*low community transmission zone* is comprised of the following:
  - (a) the Northern Territory;
  - (b) Tasmania;
  - (c) Western Australia;

***low community transmission zone arrival*** means a person who arrives in South Australia from the low community transmission zone and who has not, at any time during the period of 14 days immediately before their arrival in South Australia, been in a place other than South Australia or the low community transmission zone;

**Note—**

A person who arrives in South Australia via a place other than the low community transmission zone is not a low community transmission zone arrival (on the basis that the person has been in a place other than South Australia or the low community transmission zone during the period of 14 days immediately before their arrival in South Australia).

***overseas arrival*** means a person who arrives in South Australia from overseas by any means, including—

- (a) a person who arrives at an airport in South Australia on a flight that originated from a place outside Australia, or on a connecting flight from a flight that originated from a place outside Australia; and
  - (b) a person who arrives at a port in South Australia on a cruise ship.
- (2) For the purposes of this direction, a person who arrives in South Australia is taken not to be an ***essential traveller under Schedule 1 or Schedule 2*** if the person's departure from South Australia was for a purpose unrelated to their work or duties (such as a departure for personal or recreational purposes), regardless of whether on their return the person falls within the ambit of a provision of Schedule 1 or Schedule 2.

**Note—**

A departure by an essential traveller who travels to their usual place of residence as part of a rostered break from work is not a departure for a purpose unrelated to their work or duties.

- (3) Subclause (2) does not apply to an essential traveller under Schedule 1 clause 5 or Schedule 2 clauses 3 to 5 (inclusive).

#### **4—Application etc**

- (1) This direction—
  - (a) applies to all persons who arrive in South Australia from a place outside of South Australia on or after the commencement of this direction (to the exclusion of all previous directions relating to overseas or cross border travel); but
  - (b) does not apply to a person who arrives as a low community transmission zone arrival.
- (2) For the avoidance of doubt—
  - (a) this direction applies to all persons who arrive in South Australia, irrespective of where that person resides, including residents of South Australia; and
  - (b) the operation of a direction applying to a person who arrived in South Australia before the commencement of this direction is not affected by this direction.
- (3) However, a direction applying under subclause (2)(b) to a person who—
  - (a) arrived in South Australia from the low community transmission zone before 12:01am on 17 June 2020; and

- (b) was not, at any time during the period of 14 days immediately before their arrival in South Australia, in a place other than South Australia or the low community transmission zone,

does not apply to the person.

**Note—**

This means that a person who satisfies subclause (3)(a) and (b) is not required to self-quarantine.

## **5—Arrivals generally**

- (1) Subject to this direction, I direct all persons who arrive in South Australia from a place outside of South Australia to—
  - (a) identify a suitable place and ensure arrangements are in place for them to reside and remain in that place for a 14 day period commencing on the date of their arrival in South Australia;
  - (b) having identified a suitable place, travel by the most direct practical route and means to the place;
  - (c) upon arrival at the place, reside and remain in that place, self-quarantined and segregated from other persons (excluding persons who usually live at the place), for the period beginning on the day of arrival and ending at midnight on the fourteenth day after arrival into the State;
  - (d) remain at the place, 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; and
  - (e) take reasonable steps to ensure that no other person enters the place unless that other person usually lives at the place, or the other person is also complying with self-quarantine requirements, or for medical or emergency purposes.
- (2) Subclause (1) does not apply to an essential traveller under Schedule 1.
- (3) A person who arrives in South Australia and is an essential traveller under Schedule 2 for the purpose of performing duties, functions or activities specified in that Schedule is not required to comply with subclause (1) during any period during which the person is—
  - (a) performing those duties, functions or activities; or
  - (b) travelling to or from the place at which they are performing those duties, functions or activities,

but the person must comply with subclause (1) at all other times.

**Note—**

A person who is, or who claims to be, an essential traveller under a provision of Schedule 1 or Schedule 2 must not bring another person into South Australia with them, unless—

- (a) the other person is, or claims to be, an essential traveller; and

- (b) they stop and declare the other person at a check point on entering South Australia.

## 6—Overseas arrivals

- (1) Subject to this clause, I direct all overseas arrivals to reside and remain, quarantined and segregated from other persons, at a place determined by an authorised officer for a 14 day period commencing on the date of their arrival in South Australia.
- (2) If an overseas arrival is an unaccompanied minor—
  - (a) the minor must comply with subclause (1); and
  - (b) a carer must remain present with the minor and quarantined for the 14 day period referred to in subclause (1).

## 7—Exemption for certain arrivals

- (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—the person does not leave the airport 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.
- (2) However—
  - (a) if a crew member or a passenger of a vessel that has arrived in South Australia remains on the vessel in South Australia, self-quarantined and segregated from other persons, for not less than the period beginning on the day of arrival in South Australia and ending at midnight on the fourteenth day after that arrival, the crew member or passenger will be taken to have complied with the requirements of this direction; and
  - (b) if the vessel has been determined to be clear of COVID-19 by the Australian Border Force or Quarantine officials (or in another manner determined by the State Co-ordinator), any international maritime crew arriving on the vessel may count a period at sea occurring immediately before the day of arrival in South Australia as if it were a period within South Australia for the purposes of paragraph (a).

### Note—

Crew signing off commercial vessels that have spent greater than 14 days at sea, with no known illness on-board, will not need to self-isolate on arrival (provided paragraph (b) is complied with).

- (3) In addition, a person arriving in South Australia who intends to immediately enter a designated area is taken not to arrive in South Australia for the purposes of this direction if the person has completed sufficient quarantine in another jurisdiction such that the relevant decision maker for the designated area is satisfied that the person is not required to comply with this direction.
- (4) In this clause—  
*relevant decision maker* and *designated area* have the same respective meanings as they have in the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Determination 2020* of the Commonwealth.

## 8—Essential travellers who are overseas arrivals

- (1) A person who, at the time of their arrival in South Australia, was an overseas arrival and who ceases to be an essential traveller under Schedule 1 or Schedule 2 less than 14 days after their arrival in South Australia must, on so ceasing, comply with the direction set out in clause 6.
- (2) A person who, at the time of their arrival in South Australia, was—
  - (a) an overseas arrival; and
  - (b) an essential traveller under Schedule 1 or Schedule 2 for the purpose of performing duties, functions or activities specified in the relevant Schedule, is taken to cease to be an essential traveller for the purposes of this clause during any period during which the person is not—
    - (c) performing those duties, functions or activities; or
    - (d) travelling to or from the place at which they are performing those duties, functions or activities.

### Note—

This means, for example, that air crew who have arrived from overseas and who leave the airport between shifts will have to comply with the direction in clause 6 until such time as they are required to travel back to the airport to commence their next shift.

- (3) Nothing in clause 9 limits the operation of this clause.

## 9—Essential travellers to keep records of close contacts

- (1) An essential traveller under Schedule 1 clause 3 or Schedule 2 must keep and retain records of close contacts in accordance with subclause (2) for a 14 day period commencing on the date of their arrival in South Australia (or, if they remain in South Australia for a period of less than 14 days, for that period).
- (2) For the purposes of subclause (1)—
  - (a) a person is a *close contact* of another person if they are in the company of the other person—
    - (i) within an enclosed space for a period of 2 hours or longer; or
    - (ii) within 1.5 metres of the other person for a period of 15 minutes or longer; and
  - (b) the records that are required to be kept in relation to a close contact are—
    - (i) the name and phone number or other contact details of the close contact and the location at which the close contact occurred; or
    - (ii) if the details under subparagraph (i) are not known and it is not reasonably practicable to obtain those details—the time during which and location at which the close contact occurred; and
  - (c) the records must—
    - (i) be retained for a period of 28 days from the end of the period for which the records must be kept under subclause (1); and
    - (ii) be provided to an authorised officer on request.

**10—Powers of Authorised Officers**

Nothing in this direction derogates from the powers of authorised officers to exercise powers pursuant to the Act.

**IMPORTANT— IT IS AN OFFENCE TO BREACH THIS DIRECTION**

This direction operates from the 19<sup>th</sup> day of June 2020 at 0001 hours

SIGNED at ADELPHI on this 18<sup>th</sup> day of June 2020 at 0805 hours

  
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**GRANTLEY STEVENS**  
STATE CO-ORDINATOR

## Schedule 1—Essential travellers

### 1—National and State security and governance

- (1) Any person who, in the conduct of their role in relation to the protection of Australia or South Australia from threats such as terrorism, war, espionage, or acts of foreign interference is required to be physically present in South Australia for that purpose.
- (2) Active military and Defence Department personnel (including civilian staff and private contractors) and personnel required to support time-critical national security and defence activities, who are required to be physically present in South Australia in the conduct of their duties and who have undergone risk mitigation strategies.
- (3) A South Australian member of the Parliament of the Commonwealth, or a member of their staff, returning to South Australia directly after travelling to the Australian Capital Territory for work purposes.
- (4) In this clause—

*South Australian member of the Parliament of the Commonwealth* means—

- (a) a member of the House of Representatives of the Parliament of the Commonwealth for an electoral division of South Australia; or
- (b) a South Australian Senator of the Senate of the Parliament of the Commonwealth.

### 2—Emergency services workers

Emergency services workers (including fire fighters, paramedics, ambulance officers and police officers) who are required to be physically present in South Australia in the conduct of their duties.

### 3—Transport and freight services

Persons who, in the conduct of their duties, provide transport or freight services into, within and out of South Australia (including any crew on such transport or freight services) and are required to be physically present in South Australia for such purposes.

### 4—Remote or isolated workers

- (1) Persons who travel for work purposes to locations that are remote or geographically isolated for regular periods according to established work schedules.

Note—

A fly-in fly-out (FIFO) or drive-in drive-out (DIDO) worker (being an essential traveller under subclause (1)) is not required to self-quarantine on return to South Australia, provided that their employer is applying risk mitigation strategies during periods of work.

- (2) Persons who travel for work purposes to locations that are remote or geographically isolated where—
  - (a) their employer is applying risk mitigation strategies during periods of work, and

- (b) the person is a specialist required for industry or business continuity and maintenance of competitive operations, or maintenance or repair of critical infrastructure in the mining, oil, gas and energy sectors.

## **5—Cross border community members**

Persons who are ordinarily resident at, or near, a South Australian border and who, in the ordinary course of their occupation, education or daily life, have reasonable cause to travel across that border.

### **Note—**

To avoid doubt—

- (a) this clause does not permit travel across a border for sport purposes, other than when undertaken as part of a class provided by a school or other educational institution; and
- (b) this clause applies to people residing in the location recognised as the Ngaanyatjarra Pitjantatjara Yankunytjatjara region.

## **Schedule 2—Essential travellers (restricted)**

### **1—Health services**

Persons who are approved by—

- (a) the Chief Executive of the Department for Health and Wellbeing, the South Australian Chief Public Health Officer or a deputy Chief Public Health Officer; or
- (b) the Secretary of the Commonwealth Department of Health, or the Secretary's delegate,

to assist in the provision of health services in South Australia and who are required to be physically present in South Australia in the conduct of those duties.

### **Note—**

Evidence of an approval to assist in the provision of health services in South Australia under this clause is required.

### **2—Essential skills (industries and businesses)**

- (1) Specialists required for industry or business continuity and maintenance of competitive operations where the appropriate skills are not available in South Australia, where the service is time critical and where the provision of the service requires that the person be physically present in South Australia.
- (2) Persons who, in the conduct of their duties, are responsible for maintenance or repair of infrastructure critical to South Australia and are required to be physically present in South Australia for such purposes.



### 3—Urgent medical, dental or health treatment

- (1) Persons who travel to South Australia for the receipt of urgent medical, dental or other health treatment with the approval of the Chief Executive of the Department for Health and Wellbeing, the South Australian Chief Public Health Officer or a deputy Chief Public Health Officer.

Note—

Evidence of an approval under this clause is required.

- (2) A person who accompanies the person referred to in subclause (1) for the purpose of providing care and support.
- (3) Nothing in this clause is intended to prevent a person from accessing treatment in the case of an emergency.

### 4—Passing through

Persons who pass through the State by the most direct and practical route and means.

### 5—Compassionate grounds

- (1) Persons who travel to South Australia—
  - (a) to visit a critically or terminally ill member of the person's immediate family; or
  - (b) to attend the funeral of a member of the person's immediate family.

- (2) In this clause—

*domestic partner* means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

*immediate family*, of a person, means—

- (a) a spouse or domestic partner; or
- (b) a parent; or
- (c) a grandparent; or
- (d) a child (including an adult child); or
- (e) a grandchild (including an adult grandchild); or
- (f) a brother or sister,

and includes a person who is a member of the immediate family of the person's spouse or domestic partner;

*spouse*—a person is the spouse of another if they are legally married.

Note—

Persons who claim to be essential travellers under this clause may be required to provide evidence that they fall within the scope of this clause.

### 6—Consular employees

Consular employees as defined in the *Consular Privileges and Immunities Act 1972* of the Commonwealth travelling to South Australia to perform official duties.