

South Australia

Emergency Management (Cross Border Travel No 24) (COVID-19) Direction 2020

under section 25 of the *Emergency Management Act 2004*

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.

Part 1—Preliminary

1—Citation

This direction may be cited as the *Emergency Management (Cross Border Travel No 24) (COVID-19) Direction 2020*.

2—Revocation of previous direction

- (1) This direction replaces the *Emergency Management (Cross Border Travel No 23) (COVID-19) Direction 2020*.
- (2) The *Emergency Management (Cross Border Travel No 23) (COVID-19) Direction 2020* is revoked.

Note—

See also clause 4.

3—Interpretation

- (1) In this direction—

COVID-19 test means a Polymerase Chain Reaction test to diagnose COVID-19 of a kind determined by the Chief Public Health Officer (or delegate);

essential traveller means a person referred to in Schedule 1;

high community transmission zone means a local government area or suburb in New South Wales that is designated as a high community transmission zone on a website published by SA Health;

low community transmission zone is comprised of the following:

- (a) the Australian Capital Territory;
- (b) New South Wales, excluding any high community transmission zone or prohibited location;
- (c) New Zealand;
- (d) the Northern Territory;
- (e) Queensland;
- (f) Tasmania;
- (g) Victoria;
- (h) Western Australia;

low community transmission zone arrival means a person—

- (a) who arrives in South Australia from the low community transmission zone; and
- (b) 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; and
- (c) who has not, at any time on or after 11 December 2020, been in a high community transmission zone or at a prohibited location in New South Wales;

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; and
- (b) a person who arrives at a port in South Australia on a ship that originated from a place outside Australia;

prohibited location means a site in New South Wales that is designated as a prohibited location on a website published by SA Health;

relevant date, in relation to a high community transmission zone or a prohibited location, means the date that is designated to correspond to that zone or location on a website published by SA Health;

screening officer means—

- (a) an authorised officer under the *Emergency Management Act 2004*; or
- (b) an employee of South Australia Police performing duties of screening persons arriving in South Australia for symptoms of COVID-19 or potential exposure to COVID-19.

- (2) For the purposes of this direction, a person who arrives in South Australia is taken not to be an *essential traveller* 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).

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) For the purposes of this direction, in determining a 14 day period commencing on the date of a person's arrival in South Australia, or in determining 14 days not counting the day of a person's arrival, the day of arrival is not to be counted.

Example—

A person arrives on 7 October 2020 and is required to quarantine. The 14 day period of quarantine ends at midnight on 21 October 2020.

Part 2—General provisions

4—Application etc

- (1) This direction applies to—
- (a) 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); and
 - (b) all persons who have been physically present in a high community transmission zone on or after the relevant date; and
 - (c) all persons who have been physically present in a prohibited location on or after the relevant date.
- (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.

5—General restriction on entry

- (1) Subject to this direction, a person is prohibited from entering South Australia.
- (2) This clause does not apply to—
- (a) a low community transmission zone arrival; or
 - (b) an overseas arrival; or
 - (c) a person who arrives in South Australia who has been physically present in a high community transmission zone on or after the relevant date; or
 - (d) an essential traveller.

6—Entry by persons who have attended a prohibited location is prohibited

- (1) Subject to this direction, a person who has been physically present at a prohibited location at any time on or after the relevant date is prohibited from entering South Australia.
- (2) Subclause (1) does not apply to—
 - (a) a person entering South Australia—
 - (i) for the purpose of escaping domestic violence or providing support to a family member who is experiencing domestic violence; or
 - (ii) where the entry is reasonably necessary for the purpose of dealing with circumstances arising out of domestic violence,
if the person resides and remains, quarantined and segregated from other persons, at a place determined by an authorised officer commencing on the date of their arrival in South Australia for 14 days not counting the day of arrival; or

Note—

Evidence for the purpose of entry under this paragraph (such as a copy of a recognised DVO) may be required.

- (b) a person entering South Australia who satisfies an authorised officer that—
 - (i) the entry is for the purpose of the person genuinely relocating to reside in South Australia; and
 - (ii) the person has not previously entered South Australia under this clause; and
if the person resides and remains, quarantined and segregated from other persons, at a place determined by an authorised officer commencing on the date of their arrival in South Australia for 14 days not counting the day of arrival.

Note—

A person may only enter South Australia for the purpose of genuine relocation under this clause once. Evidence to demonstrate genuine relocation will be required to be provided to an authorised officer.

7—Certain arrivals to remain in medi-hotel or other directed place of quarantine

- (1) Subject to this clause, all overseas arrivals and any person who has been physically present at a prohibited location on or after the relevant date must reside and remain, quarantined and segregated from other persons, at a place determined by an authorised officer commencing on the date of their arrival in South Australia for 14 days not counting the day of arrival.

Note—

A medi-hotel will generally be the place determined by an authorised officer for the purposes of this clause.

- (2) If an arrival referred to in subclause (1) 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).

Note—

If an unaccompanied minor arrives in another State or Territory on a flight originating outside of Australia, that jurisdiction will require a carer to quarantine with the minor in that State or Territory.

- (3) This clause does not apply to an overseas arrival who is a low community transmission zone arrival.

8—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 for the purpose of travelling on a connecting flight to another Australian State or Territory—
 - (i) the person has approval of—
 - (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 to arrive in South Australia for the purpose of taking the connecting flight; and
 - (B) the relevant authority in the other State or Territory to travel to that State or Territory; and
 - (ii) 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.

9—Special provisions for overseas arrivals by vessel

- (1) Clause 7 and clause 11 do not apply to a person who is a crew member or passenger of a vessel that has had no other person embarking the vessel (other than a person referred to in subclause (3)) within the preceding 14 days before disembarking who—
 - (a) remains on the vessel, for 14 days before disembarking (whether in South Australian, Australian or international waters); and
 - (b) submits to a COVID-19 test in the 48 hours before disembarking and furnishes a negative result; and
 - (c) is cleared to disembark by a Human Biosecurity Officer for South Australia appointed under the *Biosecurity Act 2015* (Cth) before disembarking in South Australia.

- (2) A crew member or a passenger of a vessel, other than a person referred to in subclause (1), must reside and remain, quarantined and segregated from other persons, at a place determined by an authorised officer commencing on the date of their arrival in South Australia for a period determined by an authorised officer, up to 14 days not counting the day of arrival.

Note—

An authorised officer may determine that a period of quarantine of less than 14 days is necessary if the person has remained quarantined on the vessel for a period of time. Such a person is subject to the testing requirements in clause 11.

- (3) No person may embark a vessel that has arrived in South Australia before it is cleared for embarking by a Human Biosecurity Officer for South Australia appointed under the *Biosecurity Act 2015* (Cth) without wearing personal protective equipment as approved by the Department of Health and Wellbeing.

10—Self-quarantine requirements for arrivals from high community transmission zones

- (1) Subject to this direction, a person who has been physically present in a high community transmission zone on or after the relevant date must comply with the self-quarantine requirements under Schedule 2.
- (2) Subclause (1) does not apply to—
 - (a) an essential traveller under Schedule 1; or
 - (b) a person who was travelling in a vehicle through a high community transmission zone who did not leave the vehicle while in the high community transmission zone and who (in the case of a person travelling by public transport) was wearing a face mask for the entirety of the journey.

Examples—

A person who travelled by car through a high community transmission zone and who did not stop and get out of the car at any point while within the zone; a person who travelled by train from Katoomba to Central Station, did not get out at Penrith Station and wore a face mask for the entirety of the journey.

11—Testing of certain arrivals

- (1) Subject to this clause, the following persons must submit to COVID-19 testing as prescribed by this clause—
 - (a) an overseas arrival (other than an arrival from New Zealand); and
 - (b) a person (including an essential traveller under Schedule 1, other than clauses 3 (health services) and 4 (medical etc treatment)) who has been physically present in a high community transmission zone on or after the relevant date; and
 - (c) a person (including an essential traveller under Schedule 1, other than clauses 3 (health services) and 4 (medical etc treatment)) who has been physically present in a prohibited location on or after the relevant date.
- (2) A person to whom subclause (1) applies must submit to a COVID-19 test—
 - (a) within 24 hours after their arrival in South Australia; and
 - (b) on the 5th day after their arrival in South Australia; and

- (c) on the 12th day after their arrival in South Australia.
- (3) A person required to submit to a COVID-19 test under this clause must not refuse or fail to comply with a reasonable requirement or direction of a person in relation to the conduct of the COVID-19 test.
- (4) Nothing in this clause requires a person to submit to a COVID-19 test after leaving South Australia.
- (5) If a person required to remain quarantined (whether at a place determined by an authorised officer or self-quarantined in accordance with Schedule 2) refuses to submit to a COVID-19 test in accordance with this clause—
- (a) the person; and
 - (b) any other person required to remain quarantined together with that person at the place (whether or not the other person or persons have submitted to testing under this clause),

must reside and remain at that place, quarantined and segregated from other persons, for an additional 10 day period commencing on the conclusion of the quarantine period that applied to the person on their arrival in South Australia.

- (6) This clause does not apply to an essential traveller under Schedule 1 clause 2 (Commercial transport and freight services) if the person produces to an authorised officer (on request) evidence of a COVID-19 test, or a COVID-19 test result, relating to a test undertaken by the person within the preceding 7 days.

12—Screening of arrivals

- (1) A screening officer may require any person arriving in South Australia to answer questions about whether they are suffering any symptoms of COVID-19 and their possible exposure to COVID-19.
- (2) Despite any preceding clause, a screening officer may require a person arriving in South Australia to—
- (a) submit to a COVID-19 test; or
 - (b) wear a surgical face mask (covering mouth and nose) in South Australia at any time that they come into contact with the public for up to 14 days; or
 - (c) quarantine at a place specified by the screening officer for up to 14 days.

13—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 direction.
- (2) A person asked a question by an authorised officer, a screening officer or a person responsible for assisting in the administration of this direction, in connection with this direction must not—
- (a) refuse or fail to answer the question; or
 - (b) give an answer that is false or misleading in a material particular.

14—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.

Part 3—Additional provisions relating to essential travellers

15—Face masks

- (1) Subject to this clause, an essential traveller must wear a surgical face mask (covering mouth and nose) in South Australia at any time that they come into contact with the public commencing on the date of their arrival in South Australia for 14 days not counting the day of arrival.
- (2) Subclause (1) does not apply to—
 - (a) an essential traveller under Schedule 1 clause 1 (National and State security and governance); or
 - (b) an essential traveller under Schedule 1 clause 2 (Commercial transport and freight services).

16—Cessation of essential travel

- (1) A person who, at the time of their arrival in South Australia, was an overseas arrival or had been in a prohibited location or a high community transmission zone on or after a relevant date and who ceases to be an essential traveller less than 14 days after their arrival in South Australia must, on so ceasing, comply with the directions set out in clauses 7 or 10, as applicable.
- (2) A person who, at the time of their arrival in South Australia, was an essential traveller for the purpose of performing duties, functions or activities specified in the 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 7 until such time as they are required to travel back to the airport to commence their next shift.

- (3) Despite a preceding subclause, maritime crew arriving in South Australia on an aircraft must comply with the direction set out in clause 7.

Note—

Quarantine and segregation at a place determined by an authorised officer under clause 7 does not permit travel to and from duties.

17—Essential travellers to keep records of close contacts

- (1) Subject to this clause, an essential traveller must keep and retain records in accordance with subclause (2) of close contacts commencing on the date of their arrival in South Australia for 14 days not counting the day of arrival (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.
- (3) Subclause (1) does not apply to an essential traveller under Schedule 1 clause 1 (National and State security and governance).

This direction operates from the 19th day of December 2020 at 1720 hours

SIGNED at ADELAIDE on this 19th day of December 2020
at 1720 hours


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GRANTLEY STEVENS
STATE CO-ORDINATOR

Schedule 1—Essential travellers

Note—

A person who is, or who claims to be, an essential traveller under a provision of this Schedule 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.

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 and who has the written approval of their manager (being of an executive level or higher) or an officer of a military or defence organisation.
- (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—
 - (a) whose organisation has undertaken risk mitigation strategies; and
 - (b) who have the written approval of their manager (being of an executive level or higher) or an officer of a military or defence organisation.

Note—

Evidence of an approval under this clause is required.

2—Commercial transport and freight services

- (1) 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) on a commercial basis and are required to be physically present in South Australia for such purposes.
- (2) A person referred to in subclause (1)—
 - (a) must minimise time spent and distance travelled in other jurisdictions; and
 - (b) must not, without 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, enter—
 - (i) a disability care, correctional or residential aged care facility; or
 - (ii) a health care facility.
- (3) Despite subclause (2)(b)(ii), a person referred to in subclause (1) may enter a health care facility for the purpose of seeking personal medical care.

3—Health services

Persons who are approved by the Chief Executive of the Department for Health and Wellbeing, the South Australian Chief Public Health Officer or a deputy Chief Public Health Officer to assist in the provision of health services (including aeromedical personnel).

Note—

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

4—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.

5—Foreign diplomatic or consular staff

Foreign diplomatic or consular staff (including Honorary consular staff) accredited by the Commonwealth Department of Foreign Affairs and Trade travelling to South Australia to perform official duties.

6—Specialist workers in essential sectors

- (1) Individual specialist workers required for the purposes of maintaining operations in an essential sector if their employer is applying risk mitigation strategies during periods of work in accordance with a risk mitigation plan relating to COVID-19 approved by the Department for Health and Wellbeing (SA) and—
 - (a) in relation to operations in South Australia—
 - (i) the service is time critical; and
 - (ii) the appropriate skills are not available in South Australia or the low community transmission zone; and
 - (iii) the provision of the service requires that the person be physically present in South Australia; or
 - (b) in relation to operations outside of South Australia—the service is time critical.

Note—

To avoid doubt, this clause does not apply to—

- (a) a person working in a health services, aged care or disability care facility (including medical practitioners (including specialists), nurses, other health or allied health practitioners or other persons performing work in such facilities) (for such persons, see clause 3 of this Schedule); or
 - (b) seasonal workers (such as forestry workers, fruit pickers or shearers) (for such persons, see subclause (2)).
- (2) Seasonal workers (such as forestry workers, fruit pickers or shearers) if—
- (a) they are—
 - (i) arriving in South Australia for seasonal work purposes as part of a group employed by an essential sector employer; or
 - (ii) returning to South Australia having travelled outside South Australia for seasonal work purposes as part of a group employed by an essential sector employer; and
 - (b) the essential sector employer applies on behalf of the group for authorisation of the group as essential travellers under this subclause; and
 - (c) the essential sector employer is applying risk mitigation strategies during periods of work in accordance with a risk mitigation plan relating to COVID-19 approved by the Department for Health and Wellbeing (SA).
- (3) In this clause—
- essential sector**—the following sectors are essential sectors:
- (a) mining, oil, gas, energy, water, agriculture or other primary industries;
 - (b) telecommunications;

essential sector employer means an employer operating in an essential sector (or an employer carrying on the business of supplying workers to employers in an essential sector).

6—Passing through

Persons entering South Australia who are passing through the State by the most direct and practical route and means, if the person has permission (if relevant) to enter the State or Territory that they are passing through South Australia to enter.

Note—

Evidence of a permission to enter another State or Territory under this clause is required.

7—Compassionate grounds

- (1) Persons who are entering South Australia for compassionate purposes if—
- (a) they have 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; and
 - (b) in the case of a person proposing to visit a health care, disability care or residential aged care facility—the relevant facility approves the proposed visit.

- (2) Persons (other than those referred to in subclause (1)) who are entering South Australia for compassionate purposes.
- (3) For the purposes of subclauses (1) and (2), the following are *compassionate purposes*:
- (a) the purpose of visiting a critically or terminally ill member of the person's immediate family; or
 - (b) the purposes of end of life support for a member of the person's immediate family who is a resident of a residential aged care facility for whom death is imminent (likely within 2 weeks).

- (4) 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.

Schedule 2—Self-quarantine requirements

For the purposes of this direction, a person complies with the self-quarantine requirements if the person:

- (a) identifies a suitable place and ensures arrangements are in place for them to reside and remain in that place commencing on the date of their arrival in South Australia for the following period—
 - (i) 14 days not counting the day of arrival; or
 - (ii) in the case of a person who was already present in South Australia on the date this direction commences operation, and who is subject to the self-quarantine requirements by reason of their presence in a high community transmission zone, the remainder of the 14-day period commencing on the last day on which the person was present in the zone; or
 - (iii) such lesser period approved by the Chief Public Health Officer or a Deputy Chief Public Health Officer in writing; and
- (b) having identified a suitable place, travels by the most direct practical route and means to the place; and
- (c) upon arrival at the place—
 - (i) in all cases—resides and remains in that place, self-quarantined and segregated from other persons, for the period referred to in paragraph (a); and
 - (ii) in the case of a person residing and remaining at short term accommodation—informs the owner or operator of the accommodation that they are self-quarantining in accordance with this Schedule; and
- (d) remains at the place, except—
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) for the purposes of complying with clause 14; or
 - (iii) in any other emergency situation; or
 - (iv) for any reason approved in advance by the State Co-ordinator or his delegate or an authorised officer; and
- (e) takes reasonable steps to ensure that no other person enters the place unless the other person—
 - (i) is an exempt person; or
 - (ii) is also complying with the requirements of this Schedule; or
 - (iii) is entering the place for medical or emergency purposes.

In this Schedule—

exempt person, in relation to a person self-quarantining (the *first person*) at a suitable place, means—

- (a) a person required to provide care and support to, or receive care and support from, the first person at the place; or
- (b) a person who usually resides at the place;

suitable place—a place is a suitable place if it is determined or approved by an authorised officer to be a suitable place.