

South Australia

## **Emergency Management (Cross Border Travel No 40) (COVID-19) Direction 2021**

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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### **Part 1—Preliminary**

#### **1—Citation**

This direction may be cited as the *Emergency Management (Cross Border Travel No 40) (COVID-19) Direction 2021*.

#### **2—Revocation of previous direction**

- (1) This direction replaces the *Emergency Management (Cross Border Travel No 39) (COVID-19) Direction 2021*.
- (2) The *Emergency Management (Cross Border Travel No 39) (COVID-19) Direction 2021* is revoked.

Note—

See also clause 4.

#### **2A—Purpose of direction**

The purpose of this direction is to—

- (1) continue to impose restrictions and requirements on people who are entering South Australia from overseas (including New Zealand).

#### **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 2;

*low community transmission zone* is comprised of the following:

- (a) the Australian Capital Territory;
- (b) New South Wales;
- (c) the Northern Territory;
- (d) Queensland;
- (e) Tasmania;
- (f) Victoria
- (g) 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;

*overseas arrival* means a person who arrives in South Australia from overseas by any means and includes—

- (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;

and (for the avoidance of doubt) includes a person arriving from New Zealand;

*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 February 2021 and is required to quarantine. The 14 day period of quarantine ends at midnight on 21 February 2021.

## **Part 2—General provisions**

### **4—Application etc**

- (1) This direction 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).
- (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.

**Note—**

For the avoidance of doubt, the *Emergency Management (Quarantine and Testing of Certain Former Victorian Arrivals No 5) (COVID-19) Direction 2021* continues to apply in respect of certain persons who have previously arrived in South Australia.

### **5—Low community transmission zone arrivals exempt**

Except as otherwise provided in this direction, this direction does not apply to a person who arrives as a low community transmission zone arrival.

**Note—**

For the avoidance of doubt, this direction does not apply to a low community transmission zone arrival who has previously been granted an essential traveller permit.

### **6—Face masks in airports etc**

- (1) A person (including crew of commercial transport and freight services) may not—
- (a) enter South Australia by airplane unless the person wore a face mask (covering mouth and nose) at all times while the person was on the airplane or present at any airport during the journey; or
  - (b) be present inside the terminal at Adelaide Airport unless the person is wearing a face mask (covering mouth and nose).

**Note—**

The terminal at Adelaide Airport is taken to include the arrivals and departures areas, and any other publically accessible areas in the terminal.

The requirements in this clause must be read in conjunction with the *Emergency Management (Supervised Quarantine No 4) (COVID-19) Direction 2021* or any successor direction.

- (2) Despite subclause (1)—
- (a) a person is not required to wear a mask 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;

Note—

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

- (b) a mask is not required to be worn in circumstances where the ability to see the mouth is essential for communication, such as to enable communication by or with any person who is deaf or hard of hearing;
- (c) a mask is not required to be worn when a person is eating or drinking;
- (d) a child under the age of 12 is not required to wear a mask.

### **7—Overseas arrivals to remain in medi-hotel or other directed place of quarantine**

- (1) Subject to this clause, all overseas arrivals 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.

### **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—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) This clause does not apply to an overseas arrival.

## 9—Special provisions for overseas arrivals by vessel

- (1) Clause 7 does 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 10.

- (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—Testing of certain arrivals

- (1) Subject to this clause, the following persons must submit to COVID-19 testing in accordance with Schedule 5:
  - (a) an overseas arrival.
- (2) 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.
- (3) Nothing in this clause requires a person to submit to a COVID-19 test after leaving South Australia.
- (4) If a person required to remain quarantined (whether at a place determined by an authorised officer or self-quarantined in accordance with Schedule 4) 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.

- (5) Any airline crew who are overseas arrivals will only be taken to have complied with Schedule 5 clause 1(1)(a) if they submit to a COVID-19 test—
- (a) at the airport on arrival in South Australia; or
  - (b) on their arrival at a supervised quarantine location.

### **11—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.

### **12—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.

### **13—Powers of Authorised Officers**

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

## **Part 3—Additional provisions relating to essential travellers**

### **14—Face masks**

- (1) Subject to this clause, any person who is 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 2 clause 1 (National and State security and governance); or
  - (b) an essential traveller under Schedule 2 clause 2 (Commercial transport and freight services).

## 15—Cessation of essential travel

- (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 less than 14 days after their arrival in South Australia must, on so ceasing, comply with clause 7.
- (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—
  - (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.

**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.

## 16—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 1 hour or longer; or
    - (ii) within 1.5 metres of the other person at any time; 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.

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(3) Subclause (1) does not apply to—


- (a) an essential traveller under Schedule 2 clause 1 (National and State security and governance).

**IMPORTANT—**

FAILURE TO COMPLY WITH THIS DIRECTION IS AN OFFENCE.

This direction operates from the 26<sup>th</sup> day of February 2021 at 0001 hours

SIGNED at ADELAIDE on this 25<sup>th</sup> day of February 2021  
at 1920 hours

  
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**GRANTLEY STEVENS**  
STATE CO-ORDINATOR



## Schedule 1

[Schedule 1 is not currently operational]

## Schedule 2—Essential travellers

### 1—National and State security and governance

- (1) Any person who—
  - (a) 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
  - (b) 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—
  - (a) who are required to be physically present in South Australia in the conduct of their duties; and
  - (b) whose organisation has undergone risk mitigation strategies; and
  - (c) 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

Persons who—

- (a) 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
- (b) are required to be physically present in South Australia for such purposes.

### 3—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.

#### **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.

#### **Schedule 3—**

*[Schedule 3 is not currently operational]*

#### **Schedule 4—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 14 days not counting the day of arrival, or such lesser period approved by the Chief Public Health Officer or a Deputy Chief Public Health Officer; 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 10; 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.

## **Schedule 5—COVID-19 testing requirements**

### **1—Testing requirements**

- (1) A person required to submit to COVID-19 testing in accordance with this Schedule 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.
- (2) 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.
- (3) Nothing in this clause requires a person to submit to a COVID-19 test on a day occurring before the commencement of this direction or at a time when they are not in South Australia.
- (4) If a person required to remain quarantined (whether at a place determined by an authorised officer or self-quarantined in accordance with Schedule 4) 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.