

South Australia

Emergency Management (Arrivals) (COVID-19) Direction 2021

under section 25 of the *Emergency Management Act 2004*

Contents

Preamble

Part 1—Preliminary

- 1 Citation
- 2 Revocation
- 3 Purpose
- 4 Terms used in this direction
- 5 Interpretative provision for counting days

Part 2—Requirements under associated directions—general

- 6 Requirements declared under associated directions—general

Part 3—Specific requirements

Division 1—COVID-19 testing

- 7 Ongoing testing requirement
- 8 Test on arrival and quarantine until negative test result requirement
- 9 Test on arrival and quarantine until test
- 10 Pre-arrival negative test result requirement
- 11 Pre-arrival testing requirement
- 12 COVID-19 testing—production of evidence
- 13 COVID-19 testing—compliance

Division 2—Symptom checking

- 14 Symptom checking requirement

Division 3—Quarantine

- 15 Quarantine as directed requirement
- 16 Unaccompanied minors required to quarantine

Division 4—Masks

- 17 Mask requirement

Division 5—High risk settings

- 18 High risk settings until negative test requirement
- 19 High risk settings requirement
- 20 High risk settings—exceptions

Division 6—CMP events

- 21 No entry to CMP events until negative test requirement
- 22 No entry to CMP events

Part 4—General

- 23 Arrival approval and airport etc check-in
- 24 Symptom checking information
- 25 Screening of arrivals
- 26 Production of certain material
- 27 Provision of information etc
- 28 Powers of Authorised Officers

Schedule 1—Aboriginal communities

Schedule 2—Returning South Australian residents

- 1 Returning South Australian residents

Schedule 3—Domestic violence arrivals

- 1 Domestic violence arrivals
-

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 (Arrivals) (COVID-19) Direction 2021*.

2—Revocation

- (1) The *Emergency Management (Cross Border Travel—General No 2) (COVID-19) Direction 2021* is revoked.
 - (2) The *Emergency Management (Cross Border Travel—Associated Direction No 64) (COVID-19) Direction 2021* is revoked.
 - (3) If a person is subject to any requirements under a direction or associated direction revoked under this clause, those requirements will continue to apply to the person despite the revocation, unless the person is directed otherwise by an authorised officer.
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3—Purpose

The purpose of this direction is to define certain terms and concepts, and put in place other supporting provisions, for the purposes of associated directions which may be made from time to time and will impose requirements in relation to persons arriving or intending to arrive in the State.

Note—

An individual may apply for an exemption from requirements under this direction, or an associated direction, if they need to travel—

- to assist in the provision of health services;
- for urgent medical, dental or health treatment;
- on compassionate grounds.

4—Terms used in this direction

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

approved arrivals system means an app, a combination of apps or any other electronic platform approved by the State Co-ordinator for the purposes of capturing relevant information relating to arrivals to South Australia (including information relating to their entry, quarantine and symptoms of COVID-19);

approved contact tracing system means COVIDSAfeCheckIn or any other electronic platform 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;

associated direction means a direction made under section 25 of the *Emergency Management Act 2004* that specifies (either in the direction or in a preamble to the direction) that it is to operate as an appendix to this direction;

COVID-19 test means—

- (a) 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; or
- (b) any other test for COVID-19 approved by the Chief Public Health Officer;

COVID-19 vaccine means a COVID-19 vaccine approved or recognised by the Therapeutic Goods Administration;

Note—

Details of COVID-19 vaccines recognised by the Therapeutic Goods Administration (from time to time) are available at <https://www.tga.gov.au/covid-19-vaccines-not-registered-australia-current-international-use-tga-advice-recognition>.

cross border community member, in relation to a cross border corridor, means a person who is ordinarily resident in the cross border corridor;

cross border corridor means an area near the border of South Australia and another State specified as a cross border corridor under an associated direction;

Department means the Department for Health and Wellbeing (SA);

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

domestic violence arrival means a person described in Schedule 3;

essential traveller means a person described as an essential traveller under an associated direction (provided that 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 that was not related to their work or duties);

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

high risk setting means each of the following:

- (a) a residential aged care facility;
- (b) a disability care facility;
- (c) a prison, correctional facility, training centre or other place of custody;
- (d) any of the following areas within a public or private hospital:
 - (i) an emergency department;
 - (ii) an intensive care unit;
 - (iii) a respiratory ward;
 - (iv) an oncology ward;
- (e) health care services provided in any of the Aboriginal communities listed in Schedule 1 or any other Aboriginal community controlled health service;

level 1 arrival means a (vaccinated) person arriving in South Australia who is not a level 2, 3 or 5 arrival;

level 2 arrival means a (vaccinated) person arriving in South Australia whose primary interstate location is in a level 2 restricted zone;

level 3 arrival means a (vaccinated) person arriving in South Australia whose primary interstate location is in a level 3 restricted zone;

level 5 arrival means a (vaccinated) person arriving in South Australia who has been in a level 5 restricted zone during the period of 7 days before that arrival;

level 2 restricted zone means an area identified as a level 2 restricted zone on the website <https://www.covid-19.sa.gov.au>;

level 3 restricted zone means an area identified as a level 3 restricted zone on the website <https://www.covid-19.sa.gov.au>;

level 5 restricted zone means an area identified as a level 5 restricted zone on the website <https://www.covid-19.sa.gov.au>;

medical exemption certificate means a certificate signed by a legally qualified medical practitioner that—

- (a) certifies that the person has a medical exemption from receiving any COVID-19 vaccine on either a permanent or temporary basis in accordance with the guidelines published from time to time by Australian Technical Advisory Group on Immunisation (ATAGI); and

- (b) specifies the nature of the exemption and the basis on which it applies;

primary interstate location—the primary interstate location of a person arriving in the State is the location outside of the State they have primarily been in during the period of 14 days before that arrival;

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

residential aged care facility means—

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

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

returning South Australian resident means a person described in Schedule 2;

screening officer means—

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

vaccinated—see subclause (2).

- (2) For the purposes of this direction or an associated direction—

- (a) a person is **vaccinated** if the person has completed the full course of a COVID-19 vaccine in accordance with a schedule recommended by ATAGI; and
- (b) a person will be treated as if the person were **vaccinated** if the person—
 - (i) has a medical exemption certificate; or
 - (ii) is less than 12 years and 2 months of age.

5—Interpretative provision for counting days

For the purposes of this direction or an associated direction, if a person is required to do, or not to do, any specified act for a specified period of days after their arrival in South Australia, the day of arrival is not counted for the purpose of determining when the period expires but the person must comply with the requirement from the time of their arrival in South Australia.

Note—

For a person who arrives on 10 January 2022 and is required to quarantine for 14 days, the 14 day period of quarantine ends at 11:59 p.m. on 24 January 2022.

This provision would also apply, for example, to a requirement to not enter a high risk setting for a period of 14 days after arrival.

Part 2—Requirements under associated directions—general

6—Requirements declared under associated directions—general

- (1) An associated direction may declare that arrivals or a class of arrivals, or arrivals from a specified location, or a class of arrivals from a specified location, are subject to requirements of a kind specified in this direction, in which case, those arrivals, or that class of arrivals, must comply with the requirements to which they are subject.
- (2) If a person becomes subject to any requirements by virtue of an associated direction, those requirements will continue to apply to the person despite the revocation of the associated direction, unless the person is directed otherwise by an authorised officer.
- (3) Nothing prevents an associated direction from making provision in relation to particular arrivals, classes of arrivals or circumstances specified in the associated direction (including imposing any additional requirements or modifying or displacing a provision of this direction).
- (4) Nothing in this direction or an associated direction requires a person to continue complying with this direction, or with the associated direction, at a time when they are not in South Australia.

Part 3—Specific requirements

Division 1—COVID-19 testing

7—Ongoing testing requirement

- (1) The *ongoing testing* requirement under an associated direction is the requirement that a person submit to a COVID-19 test at the time or times specified in the associated direction.
- (2) If a person who is subject to an ongoing testing requirement that involves submitting to a COVID-19 test within 24 hours of arrival in South Australia (a *first ongoing test*) is also subject to a separate requirement to test on arrival, the COVID-19 test submitted to on arrival will be taken to satisfy the requirement to submit to the first ongoing test.

8—Test on arrival and quarantine until negative test result requirement

The *test on arrival and quarantine until negative test result* requirement under an associated direction is the requirement that a person quarantine in accordance with the requirements notified to the person by the approved arrivals system until they get a negative COVID-19 test result.

9—Test on arrival and quarantine until test

The *test on arrival and quarantine until test* requirement under an associated direction is the requirement that a person submit to a COVID-19 test immediately on their arrival in South Australia and quarantine in accordance with the requirements notified to the person by the approved arrivals system until they have submitted to the test.

10—Pre-arrival negative test result requirement

The *pre-arrival negative test result* requirement under an associated direction is the requirement that a person get a negative COVID-19 test result within a period before their arrival in South Australia specified in the associated direction.

11—Pre-arrival testing requirement

The *pre-arrival testing* requirement under an associated direction is the requirement that a person submit to a COVID-19 test within a period before their arrival in South Australia in accordance with the associated direction.

12—COVID-19 testing—production of evidence

A person subject to a requirement of a kind referred to in this Division under an associated direction must, on request, produce to an authorised officer evidence of a COVID-19 test, or a negative COVID-19 test result.

13—COVID-19 testing—compliance

- (1) A person required to submit to a COVID-19 test under an associated direction 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.
- (2) If a person subject to a quarantine requirement of a kind referred to in Division 3 under an associated direction refuses to submit to a COVID-19 test—
 - (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),must reside and remain at that place, quarantined and segregated from other persons, for an additional period determined by an authorised officer commencing on the conclusion of the quarantine period that applied to the person on their arrival in South Australia.
- (3) For the purposes of this direction or an associated direction—
 - (a) if a person is required to submit to a COVID-19 test within a specified period after a person's arrival in South Australia, the specified period commences at the time of the person's arrival in the State; and

- (b) if COVID-19 testing is to occur on a specified day after a person's arrival in South Australia (such as the 6th day), the day of arrival is not to be counted.

Division 2—Symptom checking

14—Symptom checking requirement

The *symptom checking* requirement under an associated direction is the requirement that a person monitor themselves for symptoms of COVID-19 and—

- (a) ensure, so far as is reasonably practicable using every endeavour in all of the circumstances, that information required by the approved arrivals system is captured by that system; or
- (b) if it is not possible for the person to comply with paragraph (a)—provide the information required by the approved arrivals system to an authorised officer or to an employee of the Department,

for a period and at the times specified in the associated direction.

Division 3—Quarantine

15—Quarantine as directed requirement

A *quarantine as directed* requirement under an associated direction is the requirement that, for a period specified in the associated direction, a person—

- (a) unless paragraph (b) applies, reside and remain, quarantined and segregated from other persons in accordance with the requirements notified to the person by the approved arrivals system; or
- (b) if directed to do so by an authorised officer or an employee of the Department, reside and remain, quarantined and segregated from other persons, at a place, or a place of a class, determined by the an authorised officer or employee (as the case may be).

16—Unaccompanied minors required to quarantine

If an arrival who is required to quarantine for a period is an unaccompanied minor, a carer of or above the age of 18 years must remain present with the minor and quarantined for that period.

Division 4—Masks

17—Mask requirement

- (1) A *mask* requirement under an associated direction is the requirement that a person wear a face mask covering the person's mouth and nose in accordance with the associated direction.
- (2) A mask requirement (under an associated direction) 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 person 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 functions as an essential worker and it is not possible to properly carry out those functions with a mask on.

Division 5—High risk settings

18—High risk settings until negative test requirement

A *high risk settings until negative test* requirement under an associated direction is the requirement that a person not enter or remain in a high risk setting until they get a negative COVID-19 test result.

19—High risk settings requirement

A *high risk settings* requirement under an associated direction is the requirement that a person not enter or remain in a high risk setting for a period specified in the associated direction.

20—High risk settings—exceptions

A high risk settings requirement (under an associated direction) does not apply if—

- (a) the high risk setting is a facility for the provision of health care services and the person is entering for the purpose of medical treatment; or
- (b) the high risk setting is a residential aged care facility and the person—
 - (i) is entering for the purposes of end of life support for a resident of the facility for whom death is imminent (likely within 2 weeks); and
 - (ii) wears appropriate personal protective equipment while on the premises of the facility.

Division 6—CMP events

21—No entry to CMP events until negative test requirement

A *no entry to CMP events until negative test* requirement under an associated direction is the requirement that a person not attend an event in South Australia with an approved COVID Management Plan or at which more than 1000 people are present until they get a negative COVID-19 test result.

22—No entry to CMP events

A *no entry to CMP events* requirement under an associated direction is the requirement that a person not attend an event in South Australia with an approved COVID Management Plan or at which more than 1000 people are present for a period specified in the associated direction.

Part 4—General

23—Arrival approval and airport etc check-in

- (1) A person must, before arriving in South Australia or at the time of arriving in South Australia, complete and lodge an Arrival Registration electronically via the approved arrivals system in accordance with any requirements specified by the system.
- (2) A person arriving in South Australia at Adelaide Airport, or at any other airport, aerodrome, bus or rail terminal in the State, must—
 - (a) use every endeavour in all of the circumstances to ensure that their relevant contact details are captured by the approved contact tracing system at the airport or terminal immediately after their arrival (and in accordance with any instructions displayed or given to the person); or

Examples—

Circumstances in which it might not be possible for the person to comply with paragraph (a) include when electricity or internet connection do not allow proper use of the approved contact tracing system or when the person does not have a smartphone.

- (b) if it is not possible for the person to comply with paragraph (a)—provide their relevant contact details to a person authorised or required to collect such contact details under any other direction under section 25 of the *Emergency Management Act 2004*.

Note—

Another direction under section 25 of the *Emergency Management Act 2004* relating to the regulation of places in the State contains rules relating to the management of contact tracing records.

24—Symptom checking information

Information captured by the approved arrivals system for monitoring symptoms of COVID-19 is taken to be information obtained in connection with the operation of the *Health Care Act 2008* and is protected under that Act.

25—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 other provision of this or an associated direction, a screening officer may require a person arriving in South Australia to comply with any requirement of a kind specified in this or an associated direction.

26—Production of certain material

- (1) A screening officer or a person responsible for assisting in the administration of this direction or an associated direction may require a person to produce evidence of having completed the full course of a COVID-19 vaccine.
- (2) A screening officer may require a person who claims to ordinarily reside in a cross border corridor to produce evidence of their residential address.

27—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 or an associated 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 or an associated direction, in connection with this direction or an associated 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.

28—Powers of Authorised Officers

- (1) Nothing in this direction or an associated direction derogates from the powers of authorised officers to exercise powers pursuant to the Act.
- (2) Notwithstanding any requirements imposed on a person under this direction, an associated direction or any other direction in relation to quarantine periods or COVID-19 testing—
 - (a) a person may, by direction given to the person by an authorised officer, be required to submit to a lesser or greater period of quarantine, or more or fewer tests; and
 - (b) if approved by the Chief Public Health Officer or a Deputy Chief Public Health Officer, a direction may be given by an authorised officer to a class of persons that requires them to submit to a lesser period of quarantine, or fewer tests.

IMPORTANT—FAILURE TO COMPLY WITH THIS DIRECTION OR AN ASSOCIATED DIRECTION IS AN OFFENCE.

This direction operates from the 23rd day of November 2021 at 0001 hours

SIGNED at ADELPHI on this 22nd day of November 2021
at 1328 hours


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GRANTLEY STEVENS
STATE CO-ORDINATOR

Schedule 1—Aboriginal communities

- (a) the area described in Schedule 1 of the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* and known as the Anangu Pitjantjatjara Yankunytjatjara Lands;
- (b) the area on which the community known as the Davenport Community is located;
- (c) the area known as Nepabunna;
- (d) the area known as Iga Warta;
- (e) the area on which the community known as the Umoona Community is located;
- (f) the area known as Oodnadatta;
- (g) the area on which the community known as the Yalata Community is located;
- (h) the area known as Kooniba;
- (i) the area described in Schedule 1 of the *Maralinga Tjarutja Land Rights Act 1984* and known as the Maralinga Tjarutja Lands;
- (j) the area on which the community known as the Gerard Community is located;
- (k) the area known as Raukkan, which is also known as Narrung and previously known as Point McLeay;
- (l) the area on which the community known as the Point Pearce Aboriginal Community is located.

Schedule 2—Returning South Australian residents

1—Returning South Australian residents

A person who satisfies an authorised officer that—

- (a) the person ordinarily resides in South Australia; and
- (b) the entry is for the purpose of the person returning to their place of ordinary residence in South Australia.

Schedule 3—Domestic violence arrivals

1—Domestic violence arrivals

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.

Note—

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

Note—

Arrivals under this Schedule may be required to quarantine at a place determined by an authorised officer.

