

South Australia

Emergency Management (Activities—Associated Direction No 16) (COVID-19) Direction 2021

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.
- 3 This direction is to operate as an appendix to the *Emergency Management (Activities—General No 3) (COVID-19) Direction 2021* or to any direction that replaces that direction, and modifies that direction.

1—Citation

This direction may be cited as the *Emergency Management (Activities Associated Direction No 16) (COVID-19) Direction 2021*.

2—Revocation

The *Emergency Management (Activities—Associated Direction No 15) (COVID-19) Direction 2021* is revoked.

3—Restrictions prescribed

I declare the whole of the State to be a declared area that is subject to level 1 restrictions.

4—Modifications to General Direction

The following modifications to the *Emergency Management (Activities—General No 3) (COVID-19) Direction 2021* apply for the purpose of this direction:

- (a) Amendments to Clause 4 (*Terms used in this direction and associated direction*):
 - (i) The following subclause (a) is substituted for subclause (a) of the definition of *defined public activity* at Clause 4(1)—
 - (a) onsite purchase and consumption of food or beverages open to the public (whether occurring in an indoor or outdoor area and whether an admission fee is charged or not);

- (ii) The following definition of *private activity* is substituted for the definition appearing in Clause 4(1)—

private activity means an event, function or other gathering held at a place that does not constitute a defined public activity (but does not include a gathering at home or an event, function or gathering involving only members of the same household);

- (iii) the following definitions are inserted in Clause 4(1)—

gathering at home means persons attending residential premises (whether in a house or other enclosed place on those premises or outdoors) who do not ordinarily reside at those premises;

ongoing licensed premises means licensed premises under the *Liquor Licensing Act 1997* in respect of which an ongoing licence under Part 3, Division 2, Subdivision 2 of that Act is in force;

Note—

For the avoidance of doubt, a short term licence is not an ongoing licence.

private function means an invitation-only event or function where there is no access for members of the public not invited to the event or function—

- (a) at a relevant licensed premises or an ongoing licensed premises being used exclusively for that event; or
- (b) in a separate and designated room (if indoor) or a separate and designated area (if outdoor) of a relevant licenced premises or an ongoing licenced premises.
- (b) Schedule 2 clause 3 (*3/4 density requirement*) applies in relation to a defined public activity where the persons present are seated during their attendance for the activity;

Note—

Operators of cafés, restaurants or other premises providing both dine-in and takeaway food and beverages must use their best endeavours to separate persons attending to consume food or beverages while seated at the premises from persons attending merely to collect takeaway.

For example—

- (1) At indoor or outdoor venues where activities such as public entertainment are provided, the density requirement is 3 persons per 4 square metres if persons attending to view the activity are seated.
- (2) At relevant licensed premises or ongoing licensed premises where persons are consuming food or beverages while seated (whether indoors or outdoors), the density requirement is 3 persons per 4 square metres.
- (3) At a café, restaurant or other premises providing both dine-in and takeaway food and beverages, persons who attend merely to obtain food or beverages for consumption elsewhere (rather than consume them while seated at the premises) are not to be counted for the purposes of the 3/4 density requirement if the food or beverage collection area and the seated dining areas are separate. Persons who attend merely to obtain takeaway food or beverages are still required to wear masks.

- (c) Schedule 2 clause 4 (1/2 density requirement) applies in relation to a defined public activity where the persons present are not seated during their attendance for the activity;

Note—

Where a defined public activity is attended by persons who are seated and persons who are standing, and where it is not possible to separate the seated and non-seated persons in discrete areas, the density requirement is 1 person per 2 square metres.

For example—

At a venue (regardless whether indoors or outdoors) with limited seating, and where only some attendees are seated while others are standing while in attendance at the activity, the density requirement is 1 person per 2 square metres.

- (d) For the purpose of subclause (c), and despite clause 5 (unrestricted activities) of the *Emergency Management (Activities—General No 3) (COVID-19) Direction 2021*:

- (i) a defined public activity includes the retail sale or hire of goods or services for personal, household or business consumption where the sale or hire involves customers who are physically present; and
- (ii) operators of premises where such retail sale or hire occurs must use their best endeavours (having regard to all the circumstances, including the nature of the activity) to comply with the density requirement;

For example—

In premises such as supermarkets or department stores where persons are moving about while shopping, the density requirement is 1 person per 2 square metres.

- (e) instead of Schedule 2 clause 3 (*3/4 density requirement*), a relevant person for an indoor fitness facility must ensure that—
- (i) the total number of persons present at the place does not exceed 1 person per 4 square metres; and
 - (ii) the total number of persons present in any single room or enclosed area within the place (including where the place only consists of a single room or enclosed area) does not exceed 1 person per 4 square metres; and
 - (iii) the total number of persons present on any dancefloor or area designated for dancing within the place does not exceed 1 person per 4 square metres; and
 - (iv) persons present in the place remain separated at a reasonable distance from each other in the circumstances (reflecting, as far as is reasonably practicable, the required density of 1 person per 4 square metres);
 - (v) each person present in the place wear a face mask (covering mouth and nose) except while exercising (unless exempt under clause 14 of the *Emergency Management (Activities—General No 3) (COVID-19) Direction 2021*).

Notes—

- (1) Schedule 2 Part 2 clause 2(1)(b) provides that people employed or engaged to work, or undertaking official duties, for the purposes of the activity are not to be counted when applying a density requirement.

- (2) The lesser density requirements under clause 4 subclauses (b) and (c) of this Associated Direction do not apply to spectators at an indoor fitness facility. For the avoidance of doubt, the 1 person per 4 square metres density requirement applies to spectators at indoor fitness facilities even if they are seated in a separate spectator area.
- (f) For the purpose of subclause (e), *indoor fitness facility* means gymnasiums, health clubs, fitness centres, yoga, barre and spin facilities, dance and pilates studios and swimming pools (other than swimming pools being used for rehabilitation purposes authorised by a health or disability practitioner);
- (g) Schedule 2 clause 9 (*seated food and beverage consumption only*) applies to indoor areas, with the following modification—
 - (i) onsite consumption of food or beverages (including alcohol) at a place at which a defined public activity is conducted may occur where patrons are seated at a designated area of a bar or counter; if
 - (ii) the designated area of the bar or counter where such consumption occurs is physically separated from:
 - (a) any part of a bar or other area for taking orders or serving food or beverages for other patrons not seated at the bar; and
 - (b) any area where food preparation is conducted;

Note—

Schedule 2 clause 9 provides that food or beverage consumption may only occur while patrons are seated at tables. The modification under this Associated Direction expands this to allow consumption while seated at a bar or counter also, so long as the areas and patrons are kept separate.

For example—

In a pub, patrons may eat counter meals while seated on stools at the bar, so long as the area is physically separate from areas of the bar or counter where patrons seated elsewhere in the pub will place orders or be served.

- (h) Schedule 2 clause 11 (*CMP: events of more than 1000 people*) applies;
- (i) Schedule 2 clause 14 (*shisha ban*) applies;
- (j) Schedule 2 clause 15 (*private activity cap: 150*) applies;

Note—

A private invitation-only event (including a wedding or funeral) at a relevant licensed premises or an ongoing licenced premises is a private function for the purpose of this Associated Direction and is instead subject to the density requirements normally applying to that venue and the requirements in clause 7 of this Associated Direction.

- (k) Schedule 2 clause 18 (*masks for high risk settings*) applies;
- (l) Schedule 2 clause 19 (*masks for personal care services*) applies;
- (m) Schedule 2 clause 20 (*masks for health care services*) applies;
- (n) Schedule 2 clause 21 (*masks for passenger transport services*) applies;
- (o) Schedule 2 clause 22 (*masks for shared indoor public places*) applies, except—
 - (i) when the activity involves the provision of health services or personal care services, in which case the person receiving the service need not wear a mask if it would reasonably interfere with the provision of the service;

- (ii) the members of a bridal party do not need to wear masks during the ceremony;

Note—

The requirement for masks for shared indoor public places prevails over the lesser restriction in Schedule 2 clause 6 (indoor venue: 75% masks), so masks must be worn in indoor venues even where the 3 persons per 4 square metres density restriction is not exceeded.

- (p) Schedule 2 clause 24 (*restrictions on dancing and singing*) applies, including to private activities at which more than 50 people are present with the following modification—
 - (i) Dancing at a private function or a private activity is permitted provided that—
 - (A) no more than 50 people are dancing at any time; and
 - (B) Schedule 2 clause 4 (*1/2 density requirement*) applies (and in the case of a private activity, applies as if the activity was a defined public activity);
 - (q) despite Schedule 2 clause 24(3), a person may sing in enclosed premises that are non-residential if the person is wearing a mask (covering mouth and nose).

For example—

Attendees at indoor religious services may sing during worship and members of choirs or chorus groups may perform or rehearse indoors, if they wear masks while doing so.

Note—

Schedule 2 clause 24(3) imposes a general restriction on singing in enclosed non-residential premises, subject to certain exemptions. The modification in this Associated Direction permits singing in enclosed places more generally, subject to a requirement to wear a mask. The modification does not require mask-wearing by persons who were already exempted from the restriction under Schedule 2 clause 24(3).

5—Gathering at home cap

A person must not allow, organise or attend a gathering at home if more than 30 people (including people who reside at the premises) will be present at the premises at any time.

6—Special provisions for private activities

- (1) If a private activity involves the consumption of food or beverages while standing (whether occurring indoors or outdoors)—
 - (a) Schedule 2 clause 4 (*1/2 density requirement*); and
 - (b) clause 7 (*approved contact tracing system and records*);apply as if the private activity is a defined public activity.
- (2) Schedule 2 clause 3 (*3/4 density requirement*) applies to a private activity other than as described in (1) as if the private activity is a defined public activity.
- (3) Despite any other provision in this Associated Direction, masks are not required to be worn by a person attending a private activity in a place being used only for that private activity.

- (4) Despite any other provision in the *Emergency Management (Activities—General No 3) (COVID-19) Direction 2021* or this Associated Direction, the following requirements apply to a private activity at which more than 50 people will be present—
- (a) clause 7 (*approved contact tracing system and records*); and
 - (b) clause 10 (*COVID Marshal*); and
 - (c) a COVID Marshal must ensure they are independent and their faculties are not impaired in any way by alcohol or drugs while supervising the function.

Notes—

- (1) A private activity at which 51-150 people are present requires a COVID Marshal.
- (2) The approved contact tracing system and records requirements in clause 7 apply to all private activities other than seated activities with 50 or fewer attendees.

7—Special provisions for private functions

- (1) Despite any other provision in the *Emergency Management (Activities—General No 3) (COVID-19) Direction 2021* or this Associated Direction, a private function may involve the consumption of food or beverages while standing with the following requirements—
- (a) Schedule 2 clause 4 (*1/2 density requirement*);
 - (b) clause 7 (*approved contact tracing system and records*); and
 - (c) persons present at an indoor private function must not exceed 150 at any time.

Notes—

- (1) An approved contact tracing system for the purpose of a private function must be independent from the contact tracing system used by the relevant licensed premises.
- (2) All other requirements applicable to relevant licensed premises as a defined public activity (including limitations on singing and dancing as provided by this Associated Direction) apply to private functions.
- (3) A private function where persons present are seated is subject to the 3/4 density requirements and is not subject to a cap.

- (2) Despite any other provision in this Associated Direction, masks are not required to be worn by a person attending a private function.

Note—

Masks will be required to be worn while passing through an indoor licensed premises to attend the part of the licensed premises where the private function will be held (where there is no access for members of the public).


8—Quick reference table

Without derogating from this direction or the *Emergency Management (Activities—General No 3) (COVID-19) Direction 2021*, the following table summarises the restrictions imposed by this direction:

Level 1:	<ul style="list-style-type: none"> • 3/4 density (for seated activities) • No communal consumption facilities
Additional restrictions	<ul style="list-style-type: none"> • 1/2 density (for non-seated activities) • 1/4 density (indoor fitness facilities) • Seated food and beverage consumption only for indoor defined public activities • CMP: events of more than 1 000 people • Shisha ban • Gathering at home cap: 30 (gatherings at residential premises, including residents of residential premises) • Private activity cap: 150 (private activities at non-residential premises) • Masks for high risk settings • Masks for personal care services (except for the person receiving the service, if necessary for the provision of the personal care service) • Masks for health care services (except for the person receiving the service, if necessary for the provision of the health care service) • Masks for passenger transport services • Masks for indoor fitness facilities (except while exercising) • Masks for shared indoor public places (except bridal parties during ceremonies) • Restrictions on dancing and singing other than dancing at private functions and private activities & cap of 50 dancing • Private activities with food and beverage consumption whilst standing at 1/2 density and approved contact tracing system & cap of 150 • Private functions with food and beverage consumption while standing at 1/2 density with approved contact tracing system & (when indoors) cap of 150 (at relevant or ongoing licensed premises)

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

SIGNED at ADZLAIDE on this 19th day of November 2021 at 1021 hours



GRANTLEY STEVENS
STATE CO-ORDINATOR

