

South Australia

Emergency Management (Activities—General No 3) (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 (Activities—General No 3) (COVID-19) Direction 2021*.

2—Revocation of previous direction

The *Emergency Management (Activities—General No 2) (COVID-19) Direction 2021* is revoked.

3—Purpose

The purpose of this direction is—

- to put in place a range of basic control measures that will apply generally to public activities and gatherings while the Major Emergency declaration remains in force; and
- to allow for other levels of control measures to be put in place, from time to time, by associated directions (as and when necessary).

The associated directions may apply generally or within specified areas within the State and the requirements imposed by an associated direction will apply instead of any lesser requirements imposed under the terms of this direction.

4—Terms used in this direction and associated directions

(1) In this direction and in every associated direction—

approved contact tracing system means COVIDSafeCheckIn 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;

auction includes any auction of property or goods (other than a purely on-line auction) and any pre-auction inspection of property or goods;

authorised officer includes an authorised officer appointed under the *South Australian Public Health Act 2011* or an authorised person appointed under the *Local Government Act 1999*;

ceremonies means religious or faith based ceremonies (other than wedding ceremonies or funeral services);

contact tracing means the process of identifying, assessing and managing persons who have been, or may have been, in contact with a person who has, or who may have, COVID-19, and includes—

- (a) notifying a person that they have been in contact with a person who has, or who may have, COVID-19;
- (b) notifying a person who is a parent, guardian or carer of another person that the other person has been in contact with a person who has, or who may have, COVID-19;
- (c) notifying a person that they have been in a place where they may have been exposed to a person who has, or who may have, COVID-19;
- (d) notifying a parent, guardian or carer of another person that the other person has been in a place where they may have been exposed to a person who has, or who may have, COVID-19;
- (e) determining locations where a person who has, or who may have, COVID-19 has visited and undertaking a risk assessment of those locations;
- (f) providing information and advice to a person referred to in a preceding paragraph;

COVID Management Plan—see clause 9;

COVID Safe Plan—see clause 8;

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);

declared area—see clause 13(1);

defined public activity means any of the following:

- (a) onsite purchase and consumption of food or beverages (whether occurring in an indoor or outdoor area);
- (b) sport (including sports training), fitness or recreation activities;
- (c) indoor public meetings;
- (d) ceremonies;
- (e) public assemblies;
- (f) provision of personal care services;
- (g) provision of public entertainment;
- (h) provision of recreational transport;
- (i) the operation of a nightclub;
- (j) the operation of relevant licensed premises;
- (k) the operation of a casino or gaming area (within the meaning of the *Gaming Machines Act 1992*);
- (l) auctions and inspections of premises for the purpose of sale or rental of any property;
- (m) driver instruction;
- (n) the provision of health care, residential care, disability support or aged care services, but not including the provision of services at a residential aged care facility;
- (o) the onsite purchase and consumption of shisha;

Note—

An approved COVID Management Plan is required if more than 1000 people will be attending a defined public activity

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

driver instruction means the provision of driver training and testing by a motor driving instructor or an authorised examiner (within the meaning of the *Motor Vehicles Act 1959*) conducted inside a vehicle (other than inside a light rigid, medium rigid, heavy rigid, heavy combination or multi combination heavy vehicle);

enclosed has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997* (see section 4(3) and (4) of that Act);

essential retail service means an essential retail service listed in Schedule 4;

fitness or recreation activities means—

- (a) any classes or activities at gymnasiums, health clubs, fitness centres, yoga, barre and spin facilities and dance and pilates studios; or
- (b) swimming or other activities at swimming pools used by the public; or
- (c) boot camps or other personal training activities (whether conducted indoors or outdoors); or

- (d) any other group fitness or physical recreation activity open to members of the public (whether on payment of money or otherwise);

Note—

For the avoidance of doubt gyms etc in a strata title and community title premises and other locations to which the public does not have access are not captured by this definition.

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

health care services includes the following:

- (a) private and public hospitals;
- (b) general practice;
- (c) private and public medical specialist services and practices;
- (d) private and public mental health services and practices including drug and alcohol services;
- (e) private and public allied health services, including those provided by a counsellor, speech pathologist, sonographer, social worker, rehabilitation counsellor, radiation therapist, radiographer, psychologist, prosthetist / orthotist, podiatrist, physiotherapist, music therapist, osteopath, orthoptist, optometrist, occupational therapist, genetic counsellor, exercise physiologist, dietitian, counsellor, chiropractor, audiologist, art/creative art therapist, or bower therapist;
- (f) services provided by social workers in a public or private health care centre;
- (g) private complementary and alternative therapy services and practices including Chinese medicine practitioners;
- (h) community health services including Aboriginal Community Controlled Health Services;
- (i) private and public dental services;
- (j) private and public reproductive services and sexual health services including termination of pregnancy;
- (k) private and public radiology services including screening services;
- (l) private and public disability and rehabilitation services;

home means suitable premises or another place (such as a hotel or short stay accommodation) at which a person is able to reside;

indoor venue means—

- (a) a place of worship that is enclosed; or
- (b) an enclosed sporting venue; or
- (c) a cinema, theatre, concert hall or other auditorium where people gather in an enclosed area for the purpose of viewing an entertainment or listening to a speaker or lecturer (but not including an indoor public meeting),

but does not include any place being used for the conduct of an activity in accordance with an approved COVID Management Plan;

member of the public includes the members of any club or association that undertakes a defined public activity;

nightclub includes (but is not limited to) licensed premises under the *Liquor Licensing Act 1997* where the principal purpose of, or predominant activity at, the premises is the consumption of liquor, the playing of loud, amplified music and dancing;

onsite, in relation to the purchase and consumption of food and beverages, does not include purchase of food and beverages which are taken away from the premises for consumption;

passenger transport service means a service consisting of the carriage of passengers for a fare or other consideration (including under a hire or charter arrangement or for consideration provided by a third party)—

- (a) by motor vehicle; or
- (b) by train or tram; or
- (c) by means of an automated, or semi-automated, vehicular system; or
- (d) by a vehicle drawn by an animal along a public street or road;

personal care services means—

- (a) services at hairdressers, barbershops and other premises at which hairdressing and barber services are provided; or
- (b) services at beauty salons, nail salons and tattoo parlours and other premises at which beauty therapy and tanning, waxing, piercing or body modification services are provided; or
- (c) wellness centres, day spas and massage parlours; or
- (d) saunas and bathhouses (including thermal or spa bathing);

physical distancing principle—a person complies with the physical distancing principle if they maintain a distance of at least 1.5 metres from other people;

place includes any premises, land, building, vehicle or other place including (to avoid doubt)—

- (a) indoor or outdoor places; and
- (b) residential or non-residential places; and
- (c) public places; and
- (d) movable places;

prescribed activity means any of the following:

- (a) onsite purchase and consumption of food or beverages (whether occurring in an indoor or outdoor area);
- (b) ceremonies;
- (c) a private activity involving more than 100 people;
- (d) operations at—
 - (i) supermarkets;
 - (ii) hardware stores;

- (iii) distribution centres, including associated transport operations;
- (iv) gymnasiums and fitness centres;
- (v) swimming pools used by the public;
- (vi) sporting clubs;
- (e) any defined public activity in respect of which a COVID Management Plan is required under this direction or an associated direction;
- (f) public assemblies;

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 an event, function or gathering involving only members of the same household);

Note—

For the avoidance of doubt, a private function held at relevant licensed premises is a defined public activity and subject to the requirements applicable to relevant licensed premises generally

public assembly means any convention, procession, parade or commemorative event in a public place;

public entertainment means—

- (a) any concert, live theatre or other live performance; or
- (b) cinema; or
- (c) galleries, museums and other public institutions; or
- (d) publicly accessible historic sites; or
- (e) zoos and other wildlife or animal parks; or
- (f) any other place of entertainment that is open to members of the public;

public meeting means a meeting, lecture or presentation that is open to members of the public;

public place means a place to which the public has access (whether an admission fee is charged or not);

recreational transport means a defined public activity in a vehicle or other movable place available for hire by members of the public for the purposes of tours or other recreational purposes;

regulated activity means—

- (a) a defined public activity; or
- (b) a private activity with 100 or more people attending;

relevant licensed premises means licensed premises (other than a nightclub) under the *Liquor Licensing Act 1997*—

- (a) at which more than 1 000 persons are reasonably expected to be present; or
- (b) at which dancing and any consumption of liquor is facilitated; or

- (c) where any part of the premises is used for the purpose of the consumption of liquor, playing loud, amplified music and dancing (in the manner of a nightclub); or
- (d) where entertainment of a sexually explicit nature (being entertainment within the meaning of paragraph (a) of the definition of *prescribed entertainment* in section 105(6) of the *Liquor Licensing Act 1997*) may be provided under a condition of the relevant licence;

relevant person for a place at which an activity is conducted means—

- (a) the occupier of the place; or
- (b) a person who conducts the activity at the place; or
- (c) in the case of a passenger transport service—the operator of the passenger transport service;

residential aged care facility or **RACF** 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 services includes the following (but does not include a residential aged care facility):

- (a) residential disability services;
- (b) supported residential facilities;
- (c) residential care facilities established under the *Family and Community Services Act 1972* or licensed under the *Children and Young People (Safety) Act 2017*;
- (d) disability support services, including in-home disability support services;
- (e) in-home aged care services;
- (f) supported independent living services;

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

sport includes any form of sport or racing (including motor sports and any form of horse or greyhound racing);

unrestricted activity means an activity listed in Schedule 1.

- (2) For the purposes of this direction, dancing and any consumption of liquor will be taken to be *facilitated* at licensed premises if the licensee does not take all reasonable steps to prevent dancing and any consumption of liquor at the premises.

5—Unrestricted activities

- (1) Except as provided in this clause, the conduct of unrestricted activities are not affected by provisions of this direction or an associated direction.
- (2) Clause 7 (Approved contact tracing system and records) has effect in accordance with its terms.
- (3) Persons participating in certain unrestricted activities may be required to wear a mask under an associated direction.

Note—

See clause 13(1) and Schedule 2 Part 8

- (4) The activities referred to in Schedule 1 clause 1(j) are taken not to be unrestricted activities when undertaken in an area that is declared to be subject to level 4 requirements under an associated direction (and the closure of non-essential retail services under the associated direction has effect in accordance with its terms).
- (5) If an associated direction declares that the whole of the State, or a specified area within the State, is subject to level 5 requirements, that direction has effect in accordance with its terms and Schedule 1 does not apply.

Note—

Under level 5 requirements, community activities, including business, professional, educational, academic and government activities, must cease operations, unless the activity may be carried out in accordance with Schedule 3 or the associated direction imposing the level 5 requirement.

Part 2—Basic COVID Safe requirements

6—Physical distancing principle

- (1) A person who is present at a place at which a defined public activity or a private activity is conducted must use their best endeavours (having regard to the all the circumstances, including the nature of the activity) to comply with the physical distancing principle.
- (2) A relevant person for a place at which a defined public activity is conducted must take reasonable steps to ensure that facilities provided at the place allow for compliance with the physical distancing principle during the conduct of the activity.
- (3) The physical distancing principle does not apply to—
 - (a) people who live in the same household, or who are friends, family members or people who otherwise regularly associate with each other; or
 - (b) people who attend as a group at a place that provides onsite purchase and consumption of food or beverages.

7—Approved contact tracing system and records

- (1) Subject to this clause, a relevant person for a prescribed place must ensure, to the extent possible in the circumstances, that—
 - (a) an approved contact tracing system is enabled at the place so as to capture the relevant contact details of persons entering the place; and
 - (b) all persons entering the place upload their relevant contact details to the approved contact tracing system on entry or as soon as reasonably practicable after entry.

Examples—

Circumstances in which it might not be possible for the person to enable the approved contact tracing system include when electricity or internet connection prevents its proper use.

Circumstances in which it might not be possible for a person's relevant contact details to be captured by the approved contact tracing system include when the person does not have a smartphone.

- (2) Subject to this clause, a person entering a prescribed place must use every endeavour in all of the circumstances to ensure that their relevant contact details are captured by the electronic platform enabled in accordance with this clause.
- (3) However—
 - (a) if the relevant person for a prescribed place has been unable, after all reasonable attempts, to ensure that all persons entering the place upload their relevant contact details to the approved contact tracing system because of a lack of, or failure relating to, the equipment, or the connection required to enable the system or upload the details, the relevant person must make and retain contact tracing records; and

Note—

Circumstances in which it might not be possible for the person entering a place to provide their contact details include when a person is unable to communicate that information to the venue in written or verbal form. The relevant person or a companion of the person entering may record or provide the relevant contact details on behalf of the person entering.

- (b) a person entering such a place who has not uploaded their relevant contact details after all reasonable attempts for the same reason is required to provide their relevant contact details to the relevant person for the place.
- (4) A person required under this clause to make and retain contact tracing records for people entering a prescribed place—
 - (a) must include the relevant contact details of each person entering and those records—
 - (i) must be produced for inspection at the request of an authorised officer; and
 - (ii) may only be used for the purpose of contact tracing in relation to COVID-19 and must not be used for any other purpose; and

- (iii) must be kept in a manner that reduces the risk of them being copied, photographed, taken or used by another person (other than an authorised officer);
 - (iv) must not be copied, photographed, taken or used by any other person (other than an authorised officer); and
 - (b) must take reasonable steps to ensure that the contact tracing records collected by or provided at the place other than those captured by the approved contact tracing system are destroyed within the prescribed period.
- (5) For the purposes of this clause, a person required under this direction to make and retain contact tracing records will be taken to receive relevant contact details—
 - (a) in the case of relevant contact details contained in a contact tracing record relating to a single day—at the point at which a person entering a place completes the contact tracing record; or
 - (b) in the case of relevant contact details contained in a contact tracing record relating to more than 1 day—at the point at which the last person entering a place and completing the contact tracing record does so.
- (6) A relevant person for a passenger transport service must ensure, to the extent possible in the circumstances, that—
 - (a) an approved contact tracing system is enabled (as soon as practicable after the commencement of this direction) in relation to each vehicle used for the passenger transport service so as to capture the relevant contact details of persons using the passenger transport service; and
 - (b) all persons entering a vehicle used for the passenger transport service upload their relevant contact details to the approved contact tracing system on entry or as soon as reasonably practicable after entry.
- (7) A person using a passenger transport service must use every endeavour in all of the circumstances to ensure that their relevant contact details are captured by the electronic platform enabled in accordance with this clause.

Note—

Passenger transport services are required to use the approved contact tracing system but are not required to also make and retain paper records.

- (8) The relevant contact details captured by the approved contact tracing system under this or any other direction made under the *Emergency Management Act 2004* may only be used for the purpose of contact tracing in relation to COVID-19 or for managing the COVID-19 pandemic
- (9) Relevant contact details extracted from the prescribed database and provided to SA Health for contact tracing purposes is taken to be information obtained in connection with the operation of the *Health Care Act 2008* and is protected under that Act.
- (10) All reasonable steps must be taken to destroy the relevant contact details captured by an approved contact tracing system under this or any other direction made under the *Emergency Management Act 2004* and stored on a prescribed database within the prescribed period.

- (11) A person must not interfere with the enabling of an approved contact tracing system at a place or the uploading, capturing or other collection of relevant personal details for contact tracing purposes as required by this clause.

Example—

The unauthorised removal of signs containing a dedicated code provided by the State Government or the posting of signs with an alternative QR code purporting to be a dedicated code or otherwise designed to mislead a person into uploading their details to something other than the approved contact tracing system when complying with the requirement under subclause (2).

- (12) In this clause—

general retail industry premises means premises in which the retail sale or hire of goods or services for personal, household or business consumption occurs and where the sale or hire involves customers who are physically present;

Note—

This includes premises where the preparation and retail sale of food or drink for immediate consumption on or off the premises occurs

prescribed database means the database operated by or on behalf of the Department of the Premier and Cabinet on which relevant contact details captured or provided in the course of using an approved contact tracing system are received and stored;

prescribed period, in relation to relevant contact details captured by an approved contact tracing system, means the period of 7 days commencing 28 days after the day on which the relevant contact details are received;

prescribed place means—

- (a) a place at which a defined public activity is conducted; or
- (b) general retail industry premises;

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

- (13) A reference in this clause to a person ***entering a place*** includes a reference to a person attending at the place for the purposes of a defined public activity.
- (14) This clause does not apply in respect of a defined public activity that consists of the provision of in-home health services.

8—COVID Safe Plans

- (1) A—

- (a) defined public activity; or
- (b) private activity with more than 100 people attending,

must not be conducted at a place unless a relevant person for the place has completed a COVID Safe Plan (in a form made available on the website www.covid-19.sa.gov.au or in another manner determined by the State-Coordinator) in relation to the activity.

- (2) If a place is used for activities to which subclause (1) applies that are conducted by different people, the owner of the place, or the person with care, control and management of the place, must have completed a COVID Safe Plan (in a form made available on a website determined by the State Co-ordinator) in relation to the place.
- (3) A COVID Safe Plan required in relation to a private activity must include provision for the approved contact tracing system.
- (4) A COVID Safe Plan must be kept available—
 - (a) in relation to a plan under subclause (1)—for inspection by authorised officers, and any members of the public involved in the activity, during any period during which the activity is occurring; and
 - (b) in relation to a plan under subclause (2)—for inspection by authorised officers, and any members of the public involved in any of the activities to which subclause (1) applies that are conducted at the place, during any period during which such activity is occurring at the place.

9—COVID Management Plans

- (1) An approved COVID Management Plan is required in respect of each of the following:
 - (a) a regulated activity if more than 3 000 persons are reasonably expected to be present at or participating in the activity;
 - (b) the operation of—
 - (i) a nightclub; or
 - (ii) relevant licensed premises.
- (2) If an approved COVID Management Plan is required in respect of an activity, the activity must not be conducted at a place unless a relevant person for the place ensures that a COVID Management Plan has been approved by the Department in relation to the activity.
- (3) If a place is used for different activities that require a COVID Management Plan, the owner of the place, or the person with care, control and management of the place, must ensure that a COVID Management Plan has been approved by the Department in relation to the place.
- (4) A COVID Management Plan must—
 - (a) be in a form determined by the Department; and
 - (b) be submitted in a manner determined by the Department.
- (5) A COVID Management Plan approved under this clause may be suspended, varied or revoked by the Department.
- (6) A COVID Management Plan approved under this clause may be published by the Department.
- (7) A COVID Management Plan approved under this clause must be kept available—
 - (a) in relation to a plan under subclause (2)—for inspection by authorised officers and any members of the public attending the activity; or

- (b) in relation to a plan under subclause (3)—for inspection by authorised officers and any members of the public attending any of the activities.

10—COVID Marshal

- (1) If—
 - (a) a person is conducting a prescribed activity at a place; or
 - (b) under this direction or an associated direction, an approved COVID Management Plan is required in respect of an activity conducted at a place,
a relevant person for the place must ensure that the activity is supervised by a COVID Marshal in accordance with this clause.
- (2) If a place is used for activities conducted by different people that are required to be supervised by a COVID Marshal, the owner of the place, or the person with care, control and management of the place, must ensure that the activities at the place are supervised by a COVID Marshal in accordance with this clause.
- (3) A person is not eligible to be a COVID Marshal unless—
 - (a) the person has completed training of a kind determined by the Department; and
 - (b) the person—
 - (i) is 18 years of age or more; or
 - (ii) is 16 or 17 years of age and has the approval of the person conducting the activity.
- (4) A person required under this clause to ensure that an activity is supervised by a COVID Marshal must—
 - (a) keep records of completion of COVID-19 training by persons referred to in subclause (3); and
 - (b) provide such records to an authorised officer on request.
- (5) The functions and duties of a COVID Marshal with respect to the supervision of an activity include the following:
 - (a) to promote, and take such practical steps as necessary to ensure the observance of, appropriate infection control practices (for example, frequent handwashing) by all persons attending the activity (whether as patrons, employees or contractors);
 - (b) to promote, and take such practical steps as necessary to ensure persons attending the activity are behaving in compliance with, the physical distancing principle, any applicable density requirement and any other applicable obligations under this direction or an associated direction;
 - (c) to ensure that plans (including COVID Safe Plans and COVID Management Plans (as relevant)) or specific policies or protocols related to the prevention of coronavirus infection are effectively implemented and monitored;
 - (d) to ensure that the environment is appropriately established and there are sufficient seating, hand washing facilities and cleaning regimes in place to enable compliance;

- (e) to ensure the compliance of both those conducting the activity and persons attending the activity with the approved contact tracing system (if applicable);
 - (f) to take reasonable steps to visually identify themselves as a COVID Marshal to the public and any authorised officer (for example, by wearing particular clothing such as a uniform).
- (6) A person undertaking the role of COVID Marshal is required to be present supervising the activity at all times.

Note—

At places that operate over a 24 hour period where staff are not always present, at all times of high patronage.

- (7) If more than 200 persons are reasonably expected to be present at an activity, a COVID Marshal supervising the activity must not have any other duties in respect of the activity.
- (8) Nothing in this clause prevents the appointment of more than one COVID Marshal.

11—Requirements relating to the operation of shisha, smoking or vaping

A relevant person for a place at which a defined public activity that consists of the onsite purchase and consumption of shisha, smoking or vaping occurs must ensure that the following requirements are complied with:

- (a) re-usable equipment such as ‘hookah’ or other pipes, tubes, heads, mouthpieces or any other equipment associated with the operation of shisha, smoking or vaping at the place is not permitted to be used;
- (b) despite paragraph (a), shisha pots may be re-used but must be thoroughly sanitised (inside and out) after use by each customer;
- (c) for the avoidance of doubt, patrons must be provided a disposable mouthpiece and disposable hose for smoking shisha, each of which may be used only once;
- (d) more than 1 person may not share the same shisha pot during a session.

12—Compliance with requirements of relevant person

A person attending any place at which an unrestricted activity, a defined public activity or a private activity is conducted must comply with any reasonable requirements of a relevant person for the place that are issued for the purpose of ensuring compliance with this direction, an associated direction or a COVID Management Plan.

Part 3—Additional requirements under associated directions (levels)

13—Requirements declared under associated directions (levels)

- (1) An associated direction may declare that a specified area of the State (a *declared area*), is subject to level 1, level 2, level 3, level 4 or level 5 requirements, in which case persons within the declared area must comply with the requirements set out in the second column of the table in Schedule 2 Part 1 in relation to that level in accordance with the provisions of this direction (including the other Parts of Schedule 2).

- (2) Requirements applying to a person under an associated direction are in addition to requirements applying under this direction but if it is not possible for a person to comply with both this direction and the requirements under an associated direction, the requirement under the associated direction will apply.
- (3) Nothing prevents an associated direction from making provision in relation to particular circumstances specified in the associated direction (including provision modifying or displacing a provision of this direction).
- (4) To avoid doubt (and without limiting subclause (1)), an associated direction may—
 - (a) declare the whole of the State to be a declared area that is subject to a specified level of requirements;
 - (b) declare any part or parts of the State to be a declared area that is subject to a specified level of requirements;
 - (c) declare different parts of the State to be declared areas that are subject to different specified levels of requirements.

Part 4—Miscellaneous

14—Mask requirements

A requirement that a person wear a face mask (whether under this direction, an associated direction or a COVID Management Plan) 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 patron 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 authorised worker and it is not possible to properly carry out those functions with a mask on.

15—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 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.

16—Powers of Authorised Officers

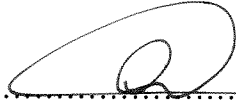
Nothing in this direction or an associated direction derogates from the powers of authorised officers to exercise powers pursuant to the Act.

IMPORTANT—

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

This direction operates from the 21st day of July 2021 at 1916 hours

SIGNED at ADELAIDE on this 21st day of July 2021
at 1916 hours


.....

GRANTLEY STEVENS
STATE CO-ORDINATOR

Schedule 1—Unrestricted activities

1—Definition of unrestricted activities

In this direction—

unrestricted activities means—

- (a) activities at an airport that are necessary for the normal business of the airport;
- (b) public transportation and the operation of public transportation facilities such as stations, platforms and stops;
- (c) activities at medical or health service facilities that are necessary for the normal business of the facilities;
- (d) emergency services;
- (e) activities at a disability, aged care or residential care facility (including a supported residential facility or a child protection facility), or in a vehicle used for the purposes of such a facility, that are necessary for the normal business of the facility;
- (f) activities at a prison, correctional facility, training centre or other place of custody;
- (g) activities at a court or tribunal;
- (h) activities at Parliament or Government House for the purpose of its normal operations;
- (i) activities of members or office bearers of a council, council committee, or subsidiary of a council (all within the meaning of the *Local Government Act 1999*), and other persons working or otherwise engaged in official duties, at an ordinary or special meeting of the council, council committee or subsidiary;
- (j) activities at a food market, supermarket, grocery store, retail store, shopping centre, butcher, bakery, fruit and vegetable store or fishmonger that are necessary for the normal business of those premises, including delivery services associated with such stores;
- (k) activities at an office building, factory, laboratory or testing facility, repair or maintenance premises (such as a vehicle mechanic workshop), mining or construction site or waste disposal or processing facility that are necessary for the normal operation of those premises;
- (l) the production or treatment of primary produce (within the meaning of the *Primary Produce (Food Safety Schemes) Act 2004*);
- (m) government regulation required to prevent harm to human safety, health or environment;
- (n) activities at a school, university or other educational institution or a childcare facility, or in a vehicle used for the purposes of any such institution or facility, that are necessary for the normal business of the institution or facility;

(o) activities at a hotel, motel or other accommodation facility that are necessary for the normal operation of accommodation services;

(p) activities consisting only of transiting through a place for a lawful purpose;

Example—

people walking through Rundle Mall

(q) activities specified as unrestricted, in writing, by the State Co-ordinator;

(r) a particular activity determined to be an unrestricted activity, in writing, by an authorised officer.

Schedule 2—Associated directions—levels

Part 1—Table of requirements to be declared under associated directions (levels)

1—Table of requirements to be declared under associated directions (levels)

The table below applies in connection with clause 13 of this direction:

Level	Requirements
Level 1: Watch and assess	<ul style="list-style-type: none"> • 3/4 density • Indoor venues: masks if more than 3/4 density • No communal consumption facilities
Level 2: Low restrictions	<ul style="list-style-type: none"> • 1/2 density • Indoor venues: masks if more than 1/2 density • No communal consumption facilities • CMP: events of more than 1000 people • Shisha ban • Private activity cap: 150 • Masks for high risk settings • Masks for personal care services • Restrictions on dancing and singing
Level 3: Medium restrictions	<ul style="list-style-type: none"> • 1/4 density • No communal consumption facilities • Seated food and beverage consumption only • CMP: events of more than 1 000 people and outdoors only • Shisha ban • Private activity cap: 50 • Masks for high risk settings • Masks for personal care services • Masks for health care services • Masks for passenger transport services • Restrictions on dancing and singing • Sports spectator restrictions
Level 4: High restrictions	<ul style="list-style-type: none"> • 1/4 density • Outdoor dining only • No communal consumption facilities • Seated food and beverage consumption only • No CMP events • Shisha ban

Level	Requirements
	<ul style="list-style-type: none"> • Private activity cap: 10 • Masks for high risk settings • Masks for health care services • Masks for passenger transport services • Masks for shared indoor public places • Restrictions on dancing and singing • Sports spectator restrictions • Indoor fitness facilities closed • No team, club or competitive sport • Personal care services closed • Public entertainment closed • Operation of casino and gaming areas prohibited • Non-essential retail services closed
Level 5: Stay at home	<ul style="list-style-type: none"> • Stay at home requirement • Closure of community activities • Masks for high risk settings • Masks for health care services • Masks for passenger transport services • Masks for public places

Part 2—Density requirements

2—Density requirements—general provisions

- (1) In determining the size of a place at which an activity is conducted for the purposes of applying a density requirement, the following provisions apply:
 - (a) only those parts of the place that are used by members of the public for the purposes of the activity are to be included;

Note—

Restrooms, change rooms or similar areas are not to be regarded as a part of a place used by the public for the purposes of an activity.
 - (b) people employed or engaged to work, or undertaking official duties, for the purposes of the activity are not to be counted;
 - (c) infants and children of any age are to be counted.
- (2) A person who provides recreational transport in a vehicle or other movable place is not required to ensure that a density requirement is complied with in relation to that place.

3—3/4 density requirement

Subject to Part 3, a relevant person for a place at which a defined public activity is conducted must ensure that—

- (a) the total number of persons present at the place does not exceed 3 persons per 4 square metres; and
- (b) 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 3 persons per 4 square metres; and
- (c) the total number of persons present on any dancefloor or area designated for dancing within the place does not exceed 3 persons per 4 square metres; and
- (d) 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 3 persons per 4 square metres).

4—1/2 density requirement

Subject to Part 3, a relevant person for a place at which a defined public activity is conducted must ensure that—

- (a) the total number of persons present at the place does not exceed 1 person per 2 square metres; and
- (b) 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 2 square metres; and
- (c) the total number of persons present on any dancefloor or area designated for dancing within the place does not exceed 1 person per 2 square metres; and
- (d) 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 2 square metres).

5—1/4 density requirement

A relevant person for a place at which a defined public activity is conducted must ensure that—

- (a) the total number of persons present at the place does not exceed 1 person per 4 square metres; and
- (b) 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
- (c) 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
- (d) 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).

Part 3—Indoor venue mask requirements

6—Indoor venue: 75% masks

A relevant person for an indoor venue where persons attending the venue remain in a fixed location (for example, a seat) for an extended period of time must ensure that those persons wear masks when the number of persons in the venue exceeds the 3/4 density requirement under Part 2.

7—Indoor venue: 50% masks

A relevant person for an indoor venue where persons attending the venue remain in a fixed location (for example, a seat) for an extended period of time must ensure that those persons wear masks when the number of persons in the venue exceeds the 1/2 density requirement under Part 2.

Note—

The requirement to wear a mask applies to the patrons who remain in a fixed location (such as, for example, a seat or prayer mat) for an extended period of time at the premises. It does not, for example, apply to people actively participating in a sport at the premises or performing on stage at the premises.

Part 4—Food and beverage consumption requirements

8—No communal consumption facilities

If onsite purchase and consumption of any food or beverages (including alcohol) occurs at a place at which a defined public activity is conducted, the relevant person for the place must ensure that there are no communal food or beverage service areas (such as buffets or salad bars).

9—Seated food and beverage consumption only

If onsite purchase and consumption of any food or beverages (including alcohol) occurs at a place at which a defined public activity is conducted, the relevant person for the place must ensure that such consumption only occurs while patrons are seated at tables that are physically separate from any bar or other area for taking orders.

10—Outdoor dining only

- (1) The relevant person for a place at which a defined public activity is conducted must ensure that onsite purchase and consumption of food or beverages (including alcohol) only occurs in outdoor areas.

Note—

Take away purchases of food or beverages are not affected by this clause.

- (2) In this clause—

outdoor area means an area that is not enclosed .

Part 5—COVID Management Plan events

11—CMP: events of more than 1000 people

If more than 1 000 persons are reasonably expected to be present at or participating in a regulated activity, a COVID Management Plan is required in respect of the regulated activity (in accordance with the requirements of clause 9 of this direction as if it were a regulated activity referred to in that clause).

12—CMP: events of more than 1000 people and outdoors only

If more than 1 000 persons are reasonably expected to be present at or participating in a regulated activity—

- (a) the activity may only be held outdoors; and
- (b) a COVID Management Plan is required in respect of the activity (in accordance with the requirements of clause 9 of this direction as if it were a regulated activity referred to in that clause).

13—No CMP events

A person must not—

- (a) allow a defined public activity with more than 1 000 people attending to occur at a place occupied by the person; or
- (b) organise or attend a defined public activity with more than 1 000 people attending.

Part 6—Shisha

14—Shisha ban

A defined public activity that consists of the onsite purchase and consumption of shisha, smoking or vaping is prohibited.

Part 7—Private activity caps

15—Private activity cap: 150

A person must not—

- (a) allow a private activity with more than 150 people attending to occur at a place occupied by the person; or
- (b) organise or attend a private activity with more than 150 people attending.

16—Private activity cap: 50

A person must not—

- (a) allow a private activity with more than 50 people attending to occur at a place occupied by the person; or
- (b) organise or attend a private activity with more than 50 people attending.

17—Private activity cap: 10

- (1) A person must not—
 - (a) allow a private activity with more than 10 people attending to occur at a place occupied by the person; or
 - (b) organise or attend a private activity with more than 10 people attending.
- (2) It is not a contravention of subclause (1) for a person to allow, organise or attend a private activity at residential premises involving no more than 10 people attending in addition to the persons who reside at the premises.

Part 8—Masks

18—Masks for high risk settings

- (1) A person must not enter or remain in a high risk setting unless the person is wearing a face mask (covering mouth and nose).
- (2) In this clause—

high risk setting has the same meaning as in the *Emergency Management (Cross Border Travel—General No 2) (COVID-19) Direction 2021* (or a direction made in substitution for that direction).

19—Masks for personal care services

A person must not provide a personal care service unless the person is wearing a face mask (covering mouth and nose).

20—Masks for health care services

- (1) Subject to subclause (2), a person must not enter or remain in premises used for the purposes of any health care service unless the person is wearing a face mask (covering mouth and nose).
- (2) Subclause (1) does not apply to a person who is an in-patient at a health care service.

21—Masks for passenger transport services

A person must not board or remain in a vehicle used for a passenger transport service, unless the person is wearing a face mask (covering mouth and nose).

22—Masks for shared indoor public places

- (1) Subject to this clause, a person must not enter or remain in an enclosed public place unless the person is wearing a face mask (covering mouth and nose).
- (2) Subclause (1) does not apply at a primary or secondary school (including in relation to staff at the school).
- (3) People participating in any proceedings in a court or tribunal (whether as parties, advocates, witnesses, judicial or tribunal officers or staff of the court or tribunal) must remove their mask as directed by court or tribunal.

Note—

For the avoidance of doubt, subclause (1) does not apply to a person working at an office building, unless the person's work involves face-to-face interaction with members of the public.

See also clause 14 in Part 4 of this direction.

23—Masks for public places

- (1) Subject to this clause, a person must not enter or remain in a public place unless the person is wearing a face mask (covering mouth and nose).
- (2) Subclause (1) does not apply at a primary or secondary school (including in relation to staff at the school).
- (3) People participating in any proceedings in a court or tribunal (whether as parties, advocates, witnesses, judicial or tribunal officers or staff of the court or tribunal) must remove their mask as directed by court or tribunal.
- (4) A mask is not required to be worn outdoors if the physical distancing principle is complied with.

Note—

For the avoidance of doubt, subclause (1) does not apply to a person working at an office building, unless the person's work involves face-to-face interaction with members of the public.

See also clause 14 in Part 4 of this direction.

Part 9—Sports, entertainment and activities restrictions and closures

24—Restrictions on dancing and singing

- (1) Subject to subclause (2)—
 - (a) the relevant person for a nightclub or relevant licensed premises must ensure that dancing does not occur at the premises; and
 - (b) a person attending such premises must not engage in dancing at the premises.
- (2) Dancing is however permitted in premises to which subclause (1) applies in the following circumstances:
 - (a) members of the bridal party are permitted to dance at a wedding ceremony or reception held in such premises; and
 - (b) dancing is permitted at a dance studio conducted in such premises if no service of alcohol takes place in the premises at the time (and provided that the dance studio is not required to remain closed under other requirements in the associated direction).

Note—

Dance studios are a fitness facility under clause 26 so under level 4 requirements dance studios are required to remain closed

- (3) A person must not sing in enclosed premises that are non-residential unless—
 - (a) the person is performing individually (not including a karaoke performer); or
 - (b) the person is a member of a group of performers performing or rehearsing in the premises (not including karaoke performers or persons performing or rehearsing as part of a choir or chorus); or
 - (c) the premises are an educational establishment; or
 - (d) the person is undertaking or providing an individual lesson.

25—Sports spectator restrictions

A person must not attend a sporting event or sports or fitness training as a spectator unless the person needs to be present as a caregiver for a participant in the event or training (and only 1 caregiver per participant is permitted).

Note—

Staff and trainers at a sporting facility are not taken to be spectators.

26—Indoor fitness facilities closed

- (1) Enclosed fitness facilities must remain closed to patrons.
- (2) A person must not engage in any fitness activity in an enclosed fitness facility.
- (3) In this clause—

fitness facilities 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).

27—No team, club or competitive sport

A person must not organise or participate in any form of team, club or competitive sport or training (whether indoors or outdoors).

Note—

For the avoidance of doubt, sport as part of the school curriculum is permitted provided it does not involve interschool activity.

28—Personal care services closed

- (1) Premises at which personal care services are normally provided must remain closed to patrons.
- (2) A person must not provide personal care services.

29—Public entertainment closed

- (1) Premises at which public entertainment are normally provided must remain closed to patrons.
- (2) A person must not provide public entertainment.

30—Operation of casino and gaming areas prohibited

A defined public activity that consists of the operation of a casino or gaming area (within the meaning of the *Gaming Machines Act 1992*) is prohibited.

Note—

Premises (such as licensed premises) that include a gaming area must ensure that the gaming area is closed to the public.

Part 10—Non-essential retail services restrictions

31—Non-essential retail services closed

Premises at which retail services, other than essential retail services, are normally provided must remain closed to patrons.

Part 11—Stay at home restrictions

32—Stay at home requirement

- (1) A person whose home is in the declared area must stay at home unless they have a reason to leave home under Schedule 3.

Note—

Home is defined as suitable premises or another place (such as a hotel or short stay accommodation) at which a person is able to reside.

- (2) On the commencement of the associated direction imposing the requirement to stay at home, a person referred to in subclause (1) must, as soon as practicable but in any event within 24 hours of that commencement, travel by the most direct practical route and means to home (if not already at home).

Note—

Nothing in this clause requires a person whose usual place of residence is in the declared area and who is residing at suitable premises (whether within the declared area or otherwise) to return to their usual place of residence during a period in which a stay at home requirement is in effect in respect of the declared area.

- (3) Subclauses (1) and (2) do not apply to a person at any time during which the person—
 - (a) does not have suitable premises to reside at; or
 - (b) has suitable premises to reside at, but those premises are temporarily unavailable or are unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises).

Part 12—Closure of community activities

33—Closure of community activities

- (1) Community activities (including business, professional, educational, academic and government activities) must not be undertaken in the declared area, unless the activity may be carried out in accordance with subclause (2) or the associated direction, or does not involve leaving home.
- (2) A person who is an authorised worker (within the meaning of Schedule 3) may continue to undertake duties as an authorised worker in the declared area.

Schedule 3—Reasons to leave home when stay at home restrictions in force

1—Interpretation

(1) In this Schedule—

authorised worker means a person who performs work that is essential for the continued operation of any of the following:

- (a) a grocery store, supermarket, butcher, bakery, fruit and vegetable store or fishmonger, including delivery services associated with such stores;
- (b) an indoor or outdoor market, but only for the purpose of the sale of groceries or fresh food and not for the purposes of the sale or supply of food or beverages prepared on site (whether for consumption on site or take away);
- (c) a restaurant, café, bar, hotel, club, winery or premises commonly known as a takeaway shop but only for the purposes of the provision of—
 - (i) takeaway food or beverages; or
 - (ii) a meal delivery service;
- (d) a bottle shop;
- (e) a tobacconist shop or vape store;
- (f) a financial institution;
- (g) a post office;
- (h) a newsagent;
- (i) a pharmacy;
- (j) a hardware store;
- (k) a petrol station;
- (l) a distribution centre;
- (m) online or phone ordering and collection or delivery of orders for any retail goods;
- (n) a pet store;
- (o) a veterinary clinic and related services (such as on farm visits and animal care services), where a genuine animal welfare issue exists or for the purpose of artificial insemination of an animal;
- (p) an abattoir, meat, seafood or poultry processing plant;
- (q) the following emergency services:
 - (i) fire fighting services;
 - (ii) paramedical services;
 - (iii) ambulance services;
 - (iv) medical retrieval services (including Royal Flying Doctor Services);

- (v) services provided by South Australia Police, protective security and Sherriff's officers;
- (vi) State Emergency Services;
- (vii) military and defence services deployed for activities in South Australia;
- (viii) State and national security services;
- (r) essential infrastructure (within the meaning of the *Planning, Development and Infrastructure Act 2016*) and essential services (within the meaning of the *Essential Services Act 1981*) and other services required to maintain and protect human health, safety and wellbeing;

Note—

This would include:

- (a) electricity, gas, water, sewerage, drainage and liquid fuels and refinery operations; and
 - (b) waste and recycling services (including collection, treatment and disposal services and transfer stations), but only those services that are provided to commercial contractors; and
 - (c) construction, maintenance and repair of schools, roads and other essential infrastructure.
- (s) critical repairs or works to any facility, site or premises where required for emergency or safety or to maintain and ensure the integrity of critical plant, equipment or assets, including partially completed works, that would otherwise deteriorate (and including any associated matter such as any necessary assessment for insurance purposes, or engineering or other expert assessment or inspection);
 - (t) maintenance and security of food and beverage facilities and supplies at any business premises or sporting facility;
 - (u) greenkeeper services that are essential to maintain a playing surface at any sporting facility;
 - (v) services necessary for the security of any premises;
 - (w) mining activity or services including coal mining, oil and gas extraction, metallic and ore mining, non-metallic mineral mining, and quarrying, petroleum production, remote and isolated exploration, and including any processing, refining and furnace operations;
 - (x) locksmith services;
 - (y) vehicle towing, repair and mechanical services;
 - (z) roadside assistance services;
 - (za) assessments for motor vehicle insurance claims;
 - (zb) National Heavy Vehicle Regulator and National Rail Safety Regulator compliance activities;
 - (zc) the provision of carparks for the purpose of—
 - (i) persons undertaking duties as authorised workers; and

- (ii) supporting operations referred to in this definition;
- (zd) Parliament and Parliamentary services (including members of Parliament and persons necessary for the continued operation of Parliament of South Australia or the Commonwealth);
- (ze) activities of members or office bearers of a council, council committee, or subsidiary of a council (all within the meaning of the *Local Government Act 1999*), and other persons working or otherwise engaged in official duties, at an ordinary or special meeting of the council, council committee or subsidiary;
- (zf) government or local government services (whether provided by government, local government or outsourced) determined to be essential by the relevant Chief Executive;
- (zg) activities at an office building that are necessary for the use of the premises by authorised workers in accordance with this Schedule;
- (zh) activities at a university that are necessary for the use of the premises by authorised workers in accordance with this Schedule;
- (zi) a person who is critical to, and involved in, the State's COVID-19 response (including hotel quarantine, testing and vaccination services);
- (zj) court or tribunal services or services provided by similar bodies (such as a commission);
- (zk) services related to the administration of justice, including functions carried out by the sheriff (and sheriff's officers), prison transfers and other services at any prison, training centre or other place of custody;
- (zl) essential legal services that are not able to be provided remotely or electronically, including urgent legal matters such as executing a will in person;
- (zm) consular and diplomatic services;
- (zn) Australian Border Force and Commonwealth law enforcement and intelligence agency services;
- (zo) Defence manufacturing;
- (zp) journalist and media services;
- (zq) specialist services at telecommunications stores to support telecommunications as a critical service during the COVID-19 pandemic;
- (zr) funeral directors and forensic conveyancing services;
- (zs) faith leaders broadcasting services or ceremonies at places of worship;
- (zt) a factory or facility that is not able to be shut down without causing damage or loss to plant and equipment or that is involved in the production of food, beverages, vehicle or other essential parts, supplies or substances or any plant, equipment or parts necessary for the purposes of any other authorised worker to undertake their duties;
- (zu) urgent services necessary for the health and safety of any person, animal or premises;

Examples—

The performance of emergency plumbing services.

Centrelink services. Food banks.

- (zv) public transport, including taxis, rideshare and other public passenger services;
- (zw) horse or greyhound racing (including riders, veterinary and other support staff but not spectators);
- (zx) air transport (including the operation of airports);
- (zy) maritime services (including the operation of ports);
- (zz) freight services (including postal and courier services);
- (zza) essential health services;
- (zzb) a blood bank or other bank services for the collection, storage and provision of donated biological material;
- (zzc) laboratory testing services;
- (zzd) COVID-19 vaccination services;
- (zze) essential research activities for—
 - (i) the management and care of critical living resources and the equipment and materials they depend upon (eg. feeding, husbandry, hydrating, routine care and checks of animals, plants, microbes and cell lines in controlled environment); or
 - (ii) the storage and management of existing samples and data research infrastructure that are temperature and environmentally sensitive (e.g. biobank); or
 - (iii) long-term experiments or studies that otherwise would be prohibitive to restart (e.g. commenced clinical trials); or
 - (iv) research addressing the impact of COVID-19 and research in support of the hospital and broader health system;
- (zzf) other immunisation and vaccination services, including providers of pharmacy immunisations and Aboriginal healthcare services;
- (zzg) care services for people with particular needs because of homelessness, age, infirmity, disability, illness, a chronic health condition or other essential support services (such as family violence and sexual assault services) (in accordance with the *Emergency Management (Residential Aged Care Facilities No 36) (COVID-19) Direction 2021* (if applicable), or a direction that substitutes for that direction);
- (zzh) childcare, early childhood education and primary and secondary schooling services, but only if those services are provided in accordance with this Schedule;

Note—

This includes early learning centres, kindergartens, preschools and family day care providers.

- (zzi) maternal and child health workers providing essential care to newborns or at-risk babies and children;
- (zzj) essential child protection services;
- (zzk) activities at a hotel, motel or other accommodation facility that are necessary for the normal operation of accommodation services;
- (zzl) truckstops and roadhouses for the provision of food for seated consumption at, or take away from, a truckstop or roadhouse by a truck driver;
- (zzm) production and distribution of—
 - (i) food and groceries for sale by a grocery store, supermarket, butcher, bakery, fruit and vegetable store or fishmonger (but not an indoor or outdoor market); or
 - (ii) liquor for sale wholesale or online or by telephone or at premises commonly known as a bottle shop; or
 - (iii) medical and pharmaceutical products; or
 - (iv) disability and health equipment, mobility devices (including products for health patients); or
 - (v) commercial operations that supply goods or services necessary to support any business activity that may be carried out in accordance with this direction or an associated direction to support the export of goods and services from South Australia for the implementation of measures to limit the spread of COVID-19;

Examples—

Manufacturing of personal protective equipment or hand sanitiser;
dry cleaning services.

- (zzn) primary industries but only time critical tasks where delay would jeopardise the present or future availability of food or other essential goods or services;

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;

essential health services are—

- (a) non-discretionary surgery and procedures can continue within a hospital, provided that testing performed pre-operatively by private hospitals on low risk and/or asymptomatic individuals should not impact public swabbing resources and capacity;
- (b) subject to paragraph (a)—health services provided in a hospital;

Note—

Health services provided in a hospital that constitute surgery are subject to the conditions set out in paragraph (a).

Procedures may, for example, include endoscopy, bronchoscopy, interventional radiology and cardiology.

- (c) any health services provided by a general practitioner or specialist medical practitioner;

- (d) any health services provided at a hospital radiology service (other than routine screening services);
- (e) procedures and surgical treatments undertaken by dentists in private and public health care centres (consistent with Level 4 COVID-19 Dental Service Restrictions published by the Australian Dental Association);
- (f) procedures to complete—
 - (i) any cycle of IVF treatment that a patient has commenced before the commencement of this direction; or
 - (ii) any procedure required for the preservation of eggs for future IVF where required health treatment will render eggs non-viable;
- (g) termination of pregnancy;
- (h) drug and alcohol services;
- (i) the following allied health services:
 - (i) allied health services provided by allied health professionals working as authorised workers in hospitals providing critical clinical care or as directed by the hospital;
 - (ii) allied health services provided by allied health professionals working in private practice providing care through telehealth and other virtual care options;
 - (iii) students, medical/nursing/midwifery/allied health on placement providing essential care in hospitals or through telehealth;
 - (iv) allied health services in the aged care or disability sector;
 - (v) allied health services for relief of pain;
- (j) the following mental health services:
 - (i) hospital emergency or inpatient psychiatric services;
 - (ii) allied health professionals providing mental health services in hospital
 - (iii) private consultant psychiatry practice by telehealth or by face-to-face (but only in the instance of emergency clinical care for potentially life-threatening situations where telehealth is not clinically appropriate);
 - (iv) allied health professionals providing mental health services in community settings by telehealth or by face-to-face (but only in the instance of emergency clinical care for potentially life-threatening situations where telehealth is not clinically appropriate).

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.

- (2) To avoid doubt, nothing in this Schedule is to be taken to allow the performance of cosmetic surgery, or other procedures not addressing significant medical conditions, or elective surgery.

2—Leaving home to obtain essential goods or services

- (1) A person may leave home for the purposes of attending any of the following to obtain essential goods or services:
 - (a) a grocery store, supermarket, butcher, bakery, fruit and vegetable store or fishmonger;
 - (b) an indoor or outdoor market (but only to obtain groceries or fresh food and not for the purposes of the purchase or consumption of food or beverages prepared on site);
 - (c) a restaurant, café, bar, hotel, club, winery or premises commonly known as a takeaway shop but only for the purposes of obtaining takeaway food or beverages;
 - (d) premises commonly known as a bottle shop, tobacconist or vape store;
 - (e) a financial institution;
 - (f) consular and diplomatic services;
 - (g) a post office;
 - (h) a newsagency;
 - (i) a pharmacy;
 - (j) a hardware store;
 - (k) a petrol station;
 - (l) vehicle and mechanical repair services;
 - (m) a distribution centre;
 - (n) a pet store or veterinary clinic;
 - (o) urgent services necessary for the health and safety of any person, animal or premises;
 - (p) premises to collect online or phone retail orders.
- (2) A person may leave home for the purposes of—
 - (a) obtaining essential health services; or
 - (b) obtaining a COVID-19 vaccination; or
 - (c) undergoing a COVID-19 test; or

- (d) accessing childcare services, or primary or secondary education for a child if—
 - (i) the child is a child of an authorised worker; or
 - (ii) the child resides in the care of the State; or
 - (iii) there are circumstances of vulnerability as determined by a government agency, school, funded family or family violence service or early childhood education and care provider where education or care outside the family home is considered necessary.
- (3) Subject to subclause (4), only 1 person per household per day may leave the premises for purposes specified under subclause (1).
- (4) Despite subclause (3), a person may be accompanied by a dependant or a person for whom they provide care if it is not practicable for such dependant or person to remain at home.
- (5) Despite any provision of the *Shop Trading Hours Act 1977*, a shop (within the meaning of that Act) may open and close at any time for the purposes of the provision of essential goods or services under this clause.
- (6) Despite any condition of an authorisation under the law relating to planning, goods may be loaded and unloaded at any time for the purposes of the provision of essential goods under this clause.
- (7) A person may leave home to arrange collection and unloading of freight en route at the time of the commencement of this direction.

3—Leaving home for care and other compassionate reasons

- (1) A person may leave home—
 - (a) for the purposes of shared parenting arrangements, whether the arrangements are under a court order or otherwise; or
 - (b) to provide care and support to a relative or other person—
 - (i) who has particular needs because of homelessness, age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
 - (c) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at home; or
 - (d) to provide end-of-life support to a member of the person's immediate family; or
 - (e) to provide child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian of a child can leave their own home—
 - (i) for 1 of the purposes specified in this Schedule; or
 - (ii) for the purpose of undertaking duties as an authorised worker; or
 - (f) to ensure adequate supply of food to, and care and exercise of, animals that are situated away from home if no other person is available at that place to provide the food, care or exercise; or

- (g) in accordance with the single person arrangements set out in subclause (2).
- (2) The following single person arrangements are permitted:
- (a) a single person may have visitation rights with one other person (the *other person*) in accordance with this subclause;
 - (b) the other person may be someone who the single person is in a relationship with or be a friend, relative or other support person;
 - (c) the other person may visit the single person at the single person's home if—
 - (i) the single person is the only person present in their home at the time of the visit; or
 - (ii) the single person is a sole parent and the only additional people present in the single person's home at the time of the visit are the single person's children; or
 - (iii) the single person and the other person are in a relationship (being a relationship that existed before the commencement of the level 5 requirements);
 - (d) the single person may visit the other person at the other person's home if—
 - (i) the other person is the only person present in their home at the time of the visit; or
 - (ii) the other person is a sole parent and the only additional people present in the other person's home at the time of the visit are the other person's children; or
 - (iii) the single person and the other person are in a relationship (being a relationship that existed before the commencement of the level 5 requirements);
 - (e) if the single person or the other person is a sole parent who lives with their children, the children may accompany their parent in any visits occurring under this subclause.

- (3) In this clause—

single person means a person of or over the age of 16 who does not cohabit with a spouse or other partner.

4—Leaving home—authorised workers

A person may leave home for the purpose of undertaking duties as an authorised worker.

Note—

A person who can undertake their duties as an authorised worker by working from home is not permitted to leave home under this clause.

5—Leaving home for exercise etc

- (1) A person may leave home for exercise (including to walk a pet animal), provided that the exercise—
- (a) is for no longer than 90 minutes per day; and

- (b) is within 2.5 km of the person's home; and
 - (c) is not with a person who is not residing at the person's home.
- (2) An authorised worker may exercise immediately before or after, or during, their shift, provided that the exercise—
- (a) is for no longer than 90 minutes; and
 - (b) is within 2.5 km of the workplace at which the shift is undertaken; and
 - (c) is not with a person who is not an authorised worker at that workplace.

6—Leaving home for other reasons

A person may leave home in the following circumstances:

- (a) in an emergency;
- (b) on a day on which the fire rating is severe or higher, to take preparatory steps for the purpose of moving, and to move by the most direct and practicable means to another suitable premises;
- (c) to comply with a legal requirement that must be fulfilled during the defined period, including, but not limited to, attending—
 - (i) a police station; or
 - (ii) a court or other premises for purposes relating to the justice or law enforcement system;
- (d) to donate blood or other blood related products;
- (e) if the person is permitted to enter another State or Territory, for the purposes of entering that State or Territory;
- (f) if the person is permitted to leave Australia, for the purposes of leaving Australia.

7—Regulation of persons leaving home

- (1) A person may use public transport for any purpose permitted by this Schedule.
- (2) A person leaving home in accordance with this Schedule must travel by the most direct and practicable means possible to their destination and return to their home by the most direct and practicable means.

Schedule 4—Essential retail services

1—Definition of essential retail services

In this direction—

essential retail services means the following:

- (a) retail and wholesale sale of food, beverages, newspapers and stationery in non-specialised and specialised stores, including takeaway food or beverages;
- (b) retail sale of household consumer products necessary to maintain the safety and sanitation of residences and businesses;
- (c) pharmacies, chemists and retailers providing pharmaceuticals, or pharmaceutical or dispensing services;
- (d) services provided by opticians and optometrists;
- (e) retail sale of medical, orthopaedic or other therapeutic goods or hearing aids or personal sound amplifiers in specialised stores;
- (f) retail fuel stations and heating fuel providers;
- (g) retailers involved in the sale or repair of motor vehicles, motorcycles or bicycle repair and related facilities (e.g. tyre sales and repairs);
- (h) retail sale of essential items for the health and welfare of animals, including animal feed and medicines, animal food, pet food and animal supplies including bedding;
- (i) laundries and drycleaners;
- (j) banks, post offices, courier services and credit unions;
- (k) retail sale of safety supply stores (for e.g. work clothes and personal protective equipment);
- (l) hardware stores, builders' and timber or steel merchants and stores that provide hardware, plumbing, electrical and garden products necessary for home and business construction, repair or maintenance, sanitation and farm equipment, supplies and tools essential for gardening/farming/agriculture;
- (m) retail sale of office products and services for individuals working from home and for businesses;
- (n) retailers providing electrical, IT and phone sales, repair and maintenance services for home;
- (o) retail online and phone ordering services and services for the collection or delivery of orders;
- (p) stores that primarily sell health, medical, maternity and infant supplies;
- (q) vehicle or equipment hire premises;
- (r) retail services specified as essential, in writing, by the State Co-ordinator.