

South Australia

# **Emergency Management (Public Activities No 15) (COVID-19) Direction 2020**

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—Short title

This direction may be cited as the *Emergency Management (Public Activities No 15) (COVID-19) Direction 2020*.

### 2—Revocation of previous directions

- (1) This direction replaces the *Emergency Management (Public Activities No 14) (COVID-19) Direction 2020*.
- (2) The *Emergency Management (Public Activities No 14) (COVID-19) Direction 2020* is revoked.

### 3—Purpose

The purpose of this direction is to impose principles and rules relating to the conduct of certain activities involving members of the public, and the management of places in which the activities occur, for the purpose of minimising the spread of SARS-CoV-2 the cause of the Human Disease named COVID-19 within South Australia.

### 4—Interpretation

- (1) In this direction, unless the contrary intention appears—
  - Act* means the *Emergency Management Act 2004*;
  - approved contact tracing system*—see clause 10(7);
  - approving authority* means the Department for Health and Wellbeing (SA);
  - auction* includes any auction of property or goods (other than a purely on-line auction) and any pre-auction inspection of property or goods;
  - ceremonies* means religious or faith based ceremonies (other than wedding ceremonies or funeral services);
  - contact tracing records*—see clause 10(6);
  - COVID Management Plan*—see clause 11;
  - COVID Safe Plan*—see clause 10;

***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) private functions;
- (f) weddings (including wedding ceremonies and receptions);
- (g) funeral services (excluding wakes);
- (h) provision of personal care services;
- (i) provision of public entertainment;
- (j) provision of recreational transport;
- (k) the operation of a nightclub;
- (l) the operation of relevant licensed premises;
- (m) the operation of a casino or gaming area (within the meaning of the *Gaming Machines Act 1992*);
- (n) auctions and inspections of premises for the purpose of sale or rental of any property;
- (o) driver instruction;
- (p) the provision of health care, residential care, disability support or aged care services;

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

***density requirement***—see subclause (2);

***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);

***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);

***health care, residential care, disability support or aged care services***—see Schedule 2;

**holiday accommodation** means—

- (a) caravan parks; or
- (b) camping grounds; or
- (c) houseboats; or
- (d) short term rental accommodation,

excluding accommodation used as residential premises;

**hospitality premises** means—

- (a) premises that are used primarily for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises (excluding food courts); or
- (b) licensed premises under the *Liquor Licensing Act 1997* authorised to sell liquor by retail for consumption on the premises;

**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 and consumption—

- (a) of food and beverages which are taken away from the premises; or
- (b) of food and beverages from a single serve food or beverage automated dispensing machine (whether the payment for the food or beverage involves the insertion of money into the machine or payment over a counter or payment terminal); or
- (c) of snack or hand-held food and non-alcoholic beverages by people while attending sport (including sports training), fitness or recreation activities; or
- (d) of alcoholic beverages by spectators at a sporting event, provided that, if the event is in an indoor place, alcoholic beverages are consumed while seated;

**permitted gathering** means—

- (a) a gathering described in Schedule 1; or
- (b) a gathering occurring as part of a defined public activity;

**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 gathering*** means a gathering (other than a permitted gathering) of more than 1 000 people at any place (other than residential premises or holiday accommodation);

***prescribed operation***—see clause 15;

***private function*** means an invitation-only event or function on a part of relevant licensed premises where there is no access for members of the public (not invited to the event or function);

***private place*** means any place that is not a public place or residential premises;

***prohibited gathering*** means—

- (a) in relation to residential premises—a gathering (other than a permitted gathering) of more than 10 people; or
- (b) in relation to a private place (whether indoor or outdoor) other than residential premises or holiday accommodation—a gathering (other than a permitted gathering) of more than 150 people; or
- (c) in relation to holiday accommodation, other than a caravan park or camping ground, a gathering (other than a permitted gathering) of people of more than the total of the maximum number of patrons ordinarily permitted to sleep at the accommodation per night under the usual terms set by the provider of the accommodation;
- (d) in relation to holiday accommodation that is a caravan park or camping ground, a gathering (other than a permitted gathering) of more than 6 patrons, plus 6 other people (not including children under the age of 16 years) at a single caravan or camping site;

***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;

**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;

**restricted premises** means any of the following:

- (a) indoor play centres;
- (b) amusement parks and arcades;

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

- (2) The following provisions apply for the purposes of the density requirement relating to defined public activities in certain places:
  - (a) except if paragraph (b) applies, at an indoor place, the **density requirement** is—
    - (i) the requirement that the total number of persons present at the place must not exceed 1 person per 4 square metres; and
    - (ii) in relation to a defined public activity at a place, the requirement that—
      - (A) the total number of persons present for the purposes of the defined public activity at the place (as a whole) must 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) must not exceed 1 person per 4 square metres;
  - (b) at an indoor place at hospitality premises or at which a private function is being held, the **density requirement** is—
    - (i) the requirement that the total number of persons present at the place must not exceed 1 person per 2 square metres; and
    - (ii) in relation to a defined public activity at a place, the requirement that—

- (A) the total number of persons present for the purposes of the defined public activity at the place (as a whole) must 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) must not exceed 1 person per 2 square metres;
- (c) at an indoor place that is a cinema, theatre or other place at which the activity involves patrons in fixed seating, the *density requirement* is—
- (i) the requirement that the number of patrons does not exceed 50% of the place’s normal occupancy; and
  - (ii) the requirement that the seating occupancy be in a checkerboard arrangement for the duration of the activity;
- (d) at an outdoor place, the *density requirement* is—
- (i) the requirement that the total number of persons present at the place must not exceed 1 person per 2 square metres; and
  - (ii) in relation to a defined public activity at the place, the requirement that the total number of persons present for the purposes of the defined public activity at the place (as a whole) must not exceed 1 person per 2 square metres.
- (3) An area or place will be taken to be an indoor place, a *room* or an *enclosed area* for the purposes of the density requirement if it is *enclosed* within the meaning of the *Tobacco and E-Cigarette Products Act 1997* (see section 4(3) and (4) of that Act); and an outdoor place has a corresponding meaning.
- (4) 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—Powers of Authorised Officers

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

## Part 2—General prohibitions

### 6—General prohibition on defined public activities

Except as provided in Part 3 and Part 4—

- (a) a person must not allow a defined public activity to be conducted at a place occupied by the person; and
- (b) a person must not conduct a defined public activity; and
- (c) a consumer or member of the public must not participate in a defined public activity.

## 7—Gatherings

- (1) A person must not—
  - (a) allow a prohibited gathering to occur at a place occupied by the person; or
  - (b) organise a prohibited gathering at a place; or
  - (c) attend a prohibited gathering at a place.
- (2) A person must not—
  - (a) allow a prescribed gathering to occur at a place occupied by the person; or
  - (b) organise a prescribed gathering at a place; or
  - (c) attend a prescribed gathering at a place,unless the approving authority has approved a COVID Management Plan in respect of the prescribed gathering, and that Plan has not been suspended or revoked.
- (3) Despite paragraph (g) in Schedule 1, a person who is present in a court or tribunal building must comply with a reasonable direction of a sheriff's officer given for the purposes of implementing the density requirement and the physical distancing principle.

## Part 3—General compliance principles

### Note—

The requirements of this Part apply to all defined public activities in addition to any special requirements that may apply under Part 4.

## 8—Density requirement

- (1) Subject to this clause, the occupier of a place at which a defined public activity is conducted, and any person who conducts a defined public activity at a place, must ensure that the density requirement is complied with in relation to that place.
- (2) In determining the size of a place for the purposes of applying the density requirement, only those parts of the place that are used by members of the public for the purposes of the activity are to be included.
- (3) People employed or engaged to work, or undertaking official duties, for the purposes of a defined public activity are not to be counted for the purposes of this clause.
- (4) To avoid doubt, infants and children of any age are to be counted for the purposes of this clause.
- (5) A person who provides recreational transport in a vehicle or other movable place is not required to ensure that the density requirement is complied with in relation to that place.

## 9—Physical distancing principle

- (1) A person who is present at a place at which a defined public activity is conducted or at which any gathering of people is occurring (whether or not a prohibited or prescribed gathering) 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) The occupier of a place at which a defined public activity is conducted and any person who conducts a defined public activity at a place 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 persons who live in the same household, or who are friends, family members or people who otherwise regularly associate with each other, or in circumstances specified under a provision of Part 4.

## **10—COVID Safe Plan and approved contact tracing system and records**

- (1) Subject to subclause (8), a person must not conduct, or be involved in the conduct of, a defined public activity unless they—
  - (a) have completed a COVID Safe Plan (in a form made available by the State Co-ordinator on the website [www.covid-19.sa.gov.au](http://www.covid-19.sa.gov.au) or in such other manner as the State Co-ordinator thinks fit) in relation to the activity; and
  - (b) ensure, to the extent possible in the circumstances, that an approved contact tracing system is enabled at the place so as to capture the relevant contact details of persons entering the place at which the activity is conducted; and
  - (c) ensure, to the extent possible in the circumstances, that all persons entering the place upload their relevant contact details to the approved contact tracing system.
- (2) Subject to subclause (8), if a place is used for defined public activities conducted by different people, the owner of the place, or the person with care, control and management of the place, must—
  - (a) have completed a COVID Safe Plan (in a form made available by the State Co-ordinator on the website [www.covid-19.sa.gov.au](http://www.covid-19.sa.gov.au) or in such other manner as the State Co-ordinator thinks fit) in relation to the place; and
  - (b) ensure, to the extent possible in the circumstances, that an approved contact tracing system is enabled at the place so as to capture the relevant contact details of persons entering the place at which the activity is conducted; and
  - (c) ensure, to the extent possible in the circumstances, that all persons entering the place upload their relevant contact details to the approved contact tracing system.

### **Examples—**

- (1) 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.
  - (2) 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.
- (3) A COVID Safe Plan completed under this clause 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 defined public activity, during any period during which the defined public 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 defined public activities conducted at the place, during any period during which a defined public activity is occurring at the place.
- (4) A person attending a place to participate in a defined public activity must use every endeavour in all of the circumstances to ensure that their relevant contact details are captured by the electronic platform enabled pursuant to subclause (1) or (2).
- (5) The following provisions apply in relation to the requirement in paragraph (c) of subclause (1) or (2):
- (a) a person who is subject to the requirement who 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 or failure relating to the equipment or the connection required to enable the system or upload the details must make and retain contact tracing records;

**Note—**

Circumstances in which it might not be possible for the person attending the activity to provide their contact details include when a person is unable to communicate that information to the venue in written or verbal form. The person who is subject to the requirement in paragraph (c) of subclause (1) or (2) or a companion of the person attending may record or provide the relevant contact details on behalf of the person attending.

- (b) a person attending the activity 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 person conducting the activity or managing the place for that purpose.
- (6) Where a provision of this Part or Part 4 requires a person to make and retain contact tracing records for people attending an activity, those records—
- (a) must include the relevant contact details of each person attending; and
- (b) must be produced for inspection at the request of an authorised officer; and
- (c) may only be used for the purpose of contact tracing in relation to COVID-19 and must not be used for any other purpose.

**Note—**

These records may be kept electronically.

- (7) In this clause—

***approved contact tracing system*** means COVIDSafeCheckIn, ScanTek or any other electronic platform approved by the State Co-ordinator for the purpose of capturing relevant contact details of a person entering the place, including (where applicable) the use of a dedicated code provided by the State Government;

**Note—**

The use of privately sourced or alternative electronic platforms or systems for capturing relevant contact details will not satisfy the requirement in subclause (1) or (2).

*authorised officer* means an authorised officer appointed under the *Emergency Management Act 2004*, an authorised officer appointed under the *South Australian Public Health Act 2011* or an authorised person appointed under the *Local Government Act 1999*;

*relevant contact details* mean the person's name, telephone number and the time at which the person entered the place, in order to assist in contact tracing of the person.

- (8) Paragraphs (b) and (c) of subclause (1) and subclauses (2) and (4) do not apply in respect of a defined public activity that consists of the provision of in-home health services.

## 11—COVID Management Plan

- (1) If a provision of this direction requires the approval of a COVID Management Plan in respect of a defined public activity, meeting or prescribed gathering the person conducting, or who organised, the activity, meeting or prescribed gathering (as the case requires) must submit a COVID Management Plan to the approving authority (in such manner and form as is determined by the approving authority) in relation to the defined public activity, meeting or prescribed gathering.
- (2) If a place is used for defined public activities, meetings or prescribed gatherings conducted by different people, the owner of the place, or the person with care, control and management of the place, must submit a COVID Management Plan to the approving authority (in such manner and form as is determined by the approving authority) in relation to the place.
- (3) The approving authority may approve a COVID Management Plan submitted under this clause.

**Note—**

The approving authority may require the Plan to include provision for the approved contact tracing system required for defined public activities (see clause 10).

- (4) A COVID Management Plan approved under this clause may be suspended, varied or revoked by the approving authority.
- (5) A COVID Management Plan approved under this clause may be published by the approving authority.
- (6) A COVID Management Plan approved under this clause 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 defined public activity, meeting or prescribed gathering (as the case may be), during any period during which it is occurring; or
  - (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 defined public activities, meetings or prescribed gatherings conducted at the place, during any period during which a defined public activity, meeting or prescribed gathering is occurring at the place.
- (7) In this clause—
- authorised officer* has the same meaning as in clause 10.

## 12—Restricted premises

Nothing in this direction authorises any activity at any restricted premises and—

- (a) a person who owns, controls or operates restricted premises must close those premises and keep those premises closed in so far as it is necessary to prohibit access to consumers or members of the public; and
- (b) a consumer or member of the public must not enter into restricted premises

## Part 4—Special compliance rules for particular defined public activities

Note—

Any applicable requirements of this Part apply in addition to the general compliance principles under Part 3.

## 13—Defined public activities permitted if certain requirements complied with

- (1) The following defined public activities are permitted if the person who provides or conducts the activity complies with clause 14 (if relevant):
  - (a) outdoor sport (including sports training) activities, fitness or recreation activities;
  - (b) indoor sport (including sports training) activities and indoor fitness or recreation activities;
  - (c) swimming or other activities at swimming pools used by the public, as long as the density requirement is complied with, up to a cap of 50 people in a swimming pool at any one time;
  - (d) public entertainment;
  - (e) the operation of a nightclub;
  - (f) the operation of relevant licensed premises;
  - (g) indoor fitness classes;
  - (h) indoor public meetings;
  - (i) ceremonies (other than wedding ceremonies or funeral services);
  - (j) the operation of a casino or gaming area (within the meaning of the *Gaming Machines Act 1992*).
- (2) Onsite purchase and consumption of food or beverages is permitted at a place if—
  - (a) subject to subclause (4), food and beverages (including alcohol) are only consumed by patrons at an indoor place while seated, and if seated at a table or a bar, there is no food preparation conducted at or adjacent to that area; and
  - (b) there are no communal food or beverage service areas (such as buffets or salad bars); and

- (c) re-usable equipment such as ‘hookah’ or other pipes, tubes, heads or any other equipment associated with the operation of shisha, smoking or vaping at the place, including where any such equipment is supplied for use away from the place (for example, equipment that is hired or lent out), is not permitted to be used.
- (3) If the primary purpose of the place is to provide recreational facilities (eg mini-golf, pool tables, tenpin bowling), food and beverages may be consumed by patrons while at the place provided that—
- (a) food and beverages are only consumed by patrons while seated, and, if seated at a table or a bar, there is no food preparation conducted at or adjacent to that area; and
  - (b) there are no communal food or beverage service areas (such as buffets or salad bars); and
  - (c) shared equipment (such as golf clubs, pool cues or bowling balls) and frequently touched surfaces are cleaned between use by different individuals or groups (as the case may be).
- (4) The following rules apply in respect of a defined public activity that consists of a private function, wedding or funeral:
- (a) a maximum of the same 150 attendees (including children and infants) applies for the duration of the event;
  - (b) the activity may only take place in a separate and designated area (whether indoor or outdoor) of relevant licensed premises with—
    - (i) separate bathroom facilities (where available), but if not available, with a higher frequency of cleaning of bathroom facilities; and
    - (ii) no public access;
  - (c) food and beverages (including alcohol) may be consumed by patrons while standing at relevant licensed premises provided that—
    - (i) the consumption occurs by patrons who are attending as invitees; and
- Example—**
- A wedding reception held at a function room in a hotel.
- (ii) the patrons attending the activity use their best endeavours to remain segregated from other general patrons of the premises;
  - (d) the service of any food or beverages or provision of a liquid or edible items must ensure that no shared utensils are used for that purpose;
  - (e) dancing is permitted.
- (5) The physical distancing principle does not apply to people who attend as a group at a place that provides onsite purchase and consumption of food or beverages while those people are seated at the same table together.

**Note—**

Tables in the place should be separated as much as possible.

- (6) A defined public activity that consists of personal care services is permitted if the person who provides or conducts the activity wears appropriate personal protective equipment while providing or conducting that activity.
- (7) Defined public activities that consist of health care, residential care, disability support or aged care services are permitted, subject to the following requirements:
- (a) all care providers, patients, clients, administrative and other staff, employees, visitors, students, contractors and any other person on the premises at which the service is provided must wear a face mask (covering mouth and nose) at all times when in the physical presence of other persons on the premises, subject to the following exceptions:
- (i) a patient or client and/or a person providing care is not required to wear a mask if, in the provider or carer's professional opinion, or in the opinion of the service organisation providing the service, the wearing of a mask will hinder the provision of the relevant care and/or impact patient or client safety;

**Note—**

Hospital inpatients are generally not expected to wear masks except when being transported through public spaces.

A person receiving individual care in their own home is not expected to wear a mask.

A person will be considered to be in the physical presence of another person if they are in the same room as that other person.

- (ii) a person is not required to wear a mask if they have a relevant medical condition, including problems with their breathing, a serious condition of the face, a disability or a mental health condition;
- (iii) a mask is not required to be worn in circumstances where the ability to see the mouth is essential for communication, such as to enable communication by or with any person who is deaf or hard of hearing;
- (iv) a patient or client under the age of 12 is not required to wear a mask;
- (v) a resident or live-in staff member of a residential care facility is not required to wear a mask, including in circumstances in which it is not possible to comply with the physical distancing principle.

#### **14—COVID Management Plans required for certain defined public activities**

An approved COVID Management Plan (under clause 11) is required in respect of each of the following:

- (a) a defined public activity referred to in clause 13(1) if more than 1 000 persons are reasonably expected to be present at or participating in the activity;
- (b) the onsite purchase and consumption of food or beverages at a place where the total number of persons present at the place for the purpose of the purchase and consumption of food or beverages is reasonably expected to exceed 1 000 people;
- (c) the operation of a nightclub;
- (d) the operation of relevant licensed premises.

## Part 5—Special compliance rules for prescribed operations

### Note—

Any applicable requirements of this Part apply in addition to the general compliance principles under Part 3 and special compliance rules under Part 4.

### 15—COVID Marshal

- (1) A person conducting prescribed operations must ensure that the prescribed operations are supervised by a COVID Marshal in accordance with this clause.
- (2) If a place is used for prescribed operations conducted by different people, the owner of the place, or the person with care, control and management of the place, must ensure that the prescribed operations 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 is 18 years of age or more.
- (4) A person required under this clause to ensure that prescribed operations are 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 prescribed operations include—
  - (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 participating in the operations (whether as patrons, employees or contractors);
  - (b) to promote, and take such practical steps as necessary to ensure persons participating in the operations are behaving in compliance with the density requirement and physical distancing principle, and any other applicable obligations pursuant to a direction issued under the Act;
  - (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 take reasonable steps to visually identify him or herself as a COVID Marshal to the public and any authorised officer.

### Note—

For example, this could be achieved by wearing particular clothing such as a uniform.

- (6) A person undertaking the role of COVID Marshal is required to be present supervising prescribed operations at a place at all times.

**Note—**

With respect to 24 hour sites 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 or participating in prescribed operations, a COVID Marshal supervising the prescribed operations must not have any other duties in respect of the prescribed operations.

**Note—**

Nothing in this Part prevents the appointment of more than one COVID Marshal.

- (8) In this clause—

*prescribed operations* 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) private functions;
- (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;
- (f) any operations specified as prescribed operations for the purposes of this definition by the State Co-ordinator.

**IMPORTANT— IT IS AN OFFENCE TO BREACH THIS DIRECTION**

This direction operates from the ...<sup>4<sup>th</sup></sup> day of December 2020 at ...17.50 hours

SIGNED at ...ADELAIDE on this ...<sup>4<sup>th</sup></sup> day of December 2020 at ...17.50 hours

  
.....

**GRANTLEY STEVENS**  
STATE CO-ORDINATOR



## Schedule 1—Exclusions from prohibited gatherings and prescribed gatherings definitions

- (a) a gathering at an airport that is necessary for the normal business of the airport;
- (b) a gathering for the purposes of or related to public transportation, including in vehicles or at public transportation facilities such as stations, platforms and stops;
- (c) a gathering at a medical or health service facility that is necessary for the normal business of the facilities;
- (d) a gathering for the purposes of emergency services;
- (e) a gathering 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 is necessary for the normal business of the facility;
- (f) a gathering at a prison, correctional facility, training centre or other place of custody;
- (g) a gathering at a court or tribunal;
- (h) a gathering at Parliament or Government House for the purpose of its normal operations;
- (i) a gathering 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;

**Note—**

Members of the public attending such a meeting would still be subject to the limitations imposed under clause 7.

- (j) a gathering at a food market, supermarket, grocery store, retail store or shopping centre that is necessary for the normal business of those premises;
- (k) a gathering 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 is necessary for the normal operation of those premises;
- (l) a gathering on land or a vessel used in the production or treatment of primary produce (within the meaning of the *Primary Produce (Food Safety Schemes) Act 2004*) that is necessary for normal operations on the land or vessel;
- (m) a gathering 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 is necessary for the normal business of the institution or facility;
- (n) a gathering at a hotel, motel or other accommodation facility that is necessary for the normal operation of accommodation services;
- (o) a gathering at a place where persons are present for the purposes of transiting through the place;

**Example—**

Rundle Mall

- (p) a gathering specified as exempt from this direction by the State Co-ordinator (or authorised officer) in writing.

## Schedule 2—Meaning of health care, residential care, disability support or aged care services

The following services are *health care, residential care, disability support or aged care services* for the purposes of the definition of *defined public activity*:

- (a) health care services, including the following:
- (i) private and public hospitals;
  - (ii) general practice;
  - (iii) private and public medical specialist services and practices;
  - (iv) private and public mental health services and practices including drug and alcohol services;
  - (v) 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, pharmacist, music therapist, osteopath, orthoptist, optometrist, occupational therapist, genetic counsellor, exercise physiologist, dietitian, counsellor, chiropractor, audiologist, art/creative art therapist, or bowen therapist;
  - (vi) private complementary and alternative therapy services and practices including Chinese medicine practitioners;
  - (vii) community health services including Aboriginal Community Controlled Health Services;
  - (viii) private and public dental services;
  - (ix) private and public reproductive services and sexual health services including termination of pregnancy;
  - (x) private and public radiology services including screening services;
  - (xi) private and public disability and rehabilitation services;
- (b) residential care services, including the following:
- (i) residential disability services;
  - (ii) supported residential facilities;
  - (iii) residential care facilities established under the *Family and Community Services Act 1972* or licensed under the *Children and Young People (Safety) Act 2017*;
- Note—
- This does not include a residential aged care facility as defined in the direction under section 25 of the Act applying generally throughout the State to residential aged care facilities.
- (c) disability support services, including in-home disability support services;

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- (d) in-home aged care services;
- (e) supported independent living services.