

South Australia

Emergency Management (Public Activities No 23) (COVID-19) Direction 2021

under section 25 of the *Emergency Management Act 2004*

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Preamble

- 1 On 22 March 2020 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, Linda Williams, Deputy Commissioner of Police and delegate of the State Co-ordinator for the State of South Australia, 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 23) (COVID-19) Direction 2021*.

2—Revocation of previous directions

- (1) This direction replaces the *Emergency Management (Public Activities No 22) (COVID-19) Direction 2020*.
- (2) The *Emergency Management (Public Activities No 22) (COVID-19) Direction 2020* is revoked.

3—Purpose

The purpose of this direction is to impose principles and rules relating to

- (a) the conduct of certain activities involving members of the public;
- (b) the management of places in which the said activities occur;
- (c) the management of contact tracing records;

in relation to the Major Emergency in respect of the outbreak 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 Schedule 3;
approving authority means the Department;
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;
contact tracing records—see Schedule 3 clause 1(5);

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) 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;
- (o) the onsite purchase and consumption of shisha;

Note—

A gathering of up to 1 000 persons occurring as part of a defined public activity is a permitted gathering but an approved COVID Management Plan is required for more than 1 000 persons.

density requirement—see clause 8;

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);

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 that are open to, or accessible by, the public; or

Note—

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

- (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;

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;

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);

prescribed operation—see clause 16;

private gathering means an invitation-only event or function—

- (a) held at a place (whether indoor or outdoor) that is not residential premises;
and
- (b) where persons not invited to the event or function are not permitted to attend;

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 of more than 200 people; or
- (b) in relation to any other place—
 - (i) a private gathering of more than 200 people; or
 - (ii) any other gathering at a place (whether indoor or outdoor) of more than 200 people,

but does not include a permitted gathering;

Note—

A gathering at a public place would include persons attending a family function at a park together.

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

Note—

A person organising a public assembly may be required to give notice under the *Public Assemblies Act 1972*.

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;

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

- (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—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—Defined public activities

- (1) A person may only allow a defined public activity to be conducted at a place occupied by the person in accordance with any applicable requirements in this direction.
- (2) A person may only conduct a defined public activity in accordance with any applicable requirements in this direction
- (3) A consumer or member of the public may only participate in a defined public activity in accordance with any applicable requirements in this direction.

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) A person must not—
 - (a) allow a gathering of 51-200 people to occur at residential premises occupied by the person; or
 - (b) organise a gathering of 51-200 people at residential premises; or

(c) attend a gathering of 51-200 people at residential premises.

unless a COVID Safe Plan in respect of the gathering has been obtained prior to the commencement of the gathering.

- (4) 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 addition, the occupier of a place at which a private gathering is held, and any person who conducts a private gathering at a place, must ensure that the density requirement is complied with in relation to that place.
- (3) 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.
- (4) 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.
- (5) To avoid doubt, infants and children of any age are to be counted for the purposes of this clause.
- (6) 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.
- (7) In this clause—

density requirement means—

- (a) except if paragraph (b) or (c) applies, the requirement that—
- (i) the total number of persons present at a place must not exceed 3 persons 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 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) must not exceed 3 persons per 4 square metres; or
- (b) at a cinema or a live theatre or performance venue where patrons are in fixed seating—
 - (i) the requirement that patrons wear masks when more than 75% of the seats are occupied;
- (c) at a place of worship—
 - (i) where worshippers are in fixed seating—the requirement that worshippers wear masks when more than 75% of the seats are occupied;
 - (ii) where worshippers are not in fixed seating—the requirement that worshippers wear masks if the total number of persons present at the place exceeds 3 persons per 4 square metres.
- (8) The following exceptions apply for the purposes of paragraphs (b) or (c) of the definition of *density requirement*:
 - (a) an *attendee* (patron or worshipper) is not required to wear a mask if they have a relevant medical condition, including problems with their breathing, a serious condition of the face, a disability or a mental health condition;

Note—

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

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

Note—

The requirement to wear a mask does not apply when an attendee is eating or drinking.

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

- (1) A person must not conduct, or be involved in the conduct of:

- (a) a defined public activity; or
 - (b) a gathering of between 51-200 people at residential premises,
unless they 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 or in such other manner as the State Co-ordinator thinks fit) in relation to the activity.
- (2) 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 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 or in such other manner as the State Co-ordinator thinks fit) in relation to the place.
 - (3) A COVID Safe Plan in relation to a gathering of 51-200 people at residential premises must include provision for the approved contact tracing system required for defined public activities.
 - (4) 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.
 - (5) In this clause—

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*.

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.

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.

12—Requirements relating to consumption of food or beverages (including alcohol)

- (1) Onsite purchase and consumption of food or beverages (including alcohol) is permitted at a place if—
 - (a) there is no food preparation conducted at or adjacent to patrons at a bar area; and
 - (b) there are no communal food or beverage service areas (such as buffets or salad bars).
- (2) 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 if—
 - (a) there is no food preparation conducted at or adjacent to patrons at a bar 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).
- (3) 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.

12A—Requirements relating to the operation of shisha, smoking or vaping

The following provisions apply in respect of a defined public activity that consists of the onsite purchase and consumption of shisha, smoking or vaping:

- (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. More than one person may not share the same shisha pot during a session..

13—*Clauses 13-14 are not currently operational.*

15—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 if more than 1 000 persons are reasonably expected to be present at or participating in the activity;

Note—

This would include 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.

- (b) the operation of a nightclub, other than in the circumstances prescribed by clause 15A;
- (c) the operation of relevant licensed premises, other than in the circumstances prescribed by clause 15A.

15A—Dancing permitted on certain licensed premises

Dancing is permitted in nightclubs and relevant licensed premises without the need for an approved COVID Management Plan, provided that—

- (a) the total number of patrons present is fewer than 1000; and
- (b) the density requirement in clause 8 is met in the premises; and
- (c) the density requirement in clause 8 is met on the dancefloor (as if were a separate place for the purposes of the density requirement in clause 8).

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.

16—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 16 years of age or more.—

Note—

A person under the age of 18 must have the approval of the person conducting the prescribed operations to be a COVID Marshal.

- (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 ensure the compliance of both those conducting the operations and patrons of the operations with the approved contact tracing system (if applicable);
 - (f) 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.

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Special compliance rules for prescribed operations—Part 5

- (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) gatherings of 51-200 people at residential premises;
- (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) public assemblies;
- (g) any operations specified as prescribed operations for the purposes of this definition by the State Co-ordinator.

IMPORTANT—FAILURE TO COMPLY WITH THIS DIRECTION IS AN OFFENCE

This direction operates from the 14th day of April 2021 at 1246 hours

SIGNED at Adelaide on this 14th day of April 2021
at 1246 hours

.....
LINDA WILLIAMS
DELEGATE OF THE 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, 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 Bowen therapist;
 - (vi) social workers working in health care services;
 - (vii) private complementary and alternative therapy services and practices including Chinese medicine practitioners;
 - (viii) community health services including Aboriginal Community Controlled Health Services;
 - (ix) private and public dental services;
 - (x) private and public reproductive services and sexual health services including termination of pregnancy;
 - (xi) private and public radiology services including screening services;
 - (xii) 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;
- (d) in-home aged care services;
- (e) supported independent living services.

Schedule 3—Approved contact tracing system and records

1—Approved contact tracing system and records

- (1) Subject to this clause, a responsible person for a place to which this clause applies 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—

- (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.
- (2) Subject to this clause, a person entering a place to which this clause applies 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 responsible person for a place to which this clause applies 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 responsible 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 responsible 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 responsible person for the place.
- (4) A person required under this direction to make and retain contact tracing records for people entering a place to which this clause applies must include the relevant contact details of each person entering and those records—
- (a) must be produced for inspection at the request of an authorised officer; and
 - (b) 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
 - (c) must be kept in such a manner so as to reduce the risk of them being copied, photographed, taken or used by another person (other than an authorised officer);
 - (d) must not be copied, photographed, taken or used by any other person (other than an authorised officer).

Note—

These records may be kept electronically.

- (e) 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) 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.
- (7) 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.

- (8) 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.

- (9) In this clause—

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;

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 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*;

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; or
- (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; or
- (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; or
- (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; or
- (e) determining locations where a person who has, or who may have, COVID-19 has visited and undertaking a risk assessment of those locations; or
- (f) providing information and advice to a person referred to in a preceding paragraph.

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.

place to which this clause applies means—

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

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, means the period of 7 days commencing 28 days after the day on which the relevant contact details are received;

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

responsible person for a place to which this clause applies means—

- (a) in the case of a place at which a defined public activity is conducted—a person who is required under clause 10 to complete a COVID Safe plan in respect of the place; or
 - (b) in the case of general industry retail premises—the owner of, or the person with care, control and management of the premises.
- (10) 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.
- (11) Subclause (1)(a) and (b) and subclause (2) do not apply in respect of a defined public activity that consists of the provision of in-home health services.