

South Australia

## **Emergency Management (Non-Essential Business and Other Activities No 3) (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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### **1—Short title**

This notice may be cited as the *Emergency Management (Non-Essential Business and Other Activities No 3) (COVID-19) Direction 2020*.

### **2—Revocation of previous direction**

- (1) This direction replaces the *Emergency Management (Non-Essential Business and Other Activities No 2) (COVID-19) Direction 2020*.
- (2) The *Emergency Management (Non-Essential Business and Other Activities No 2) (COVID-19) Direction 2020* is revoked.

### **3—Definitions**

- (1) In this direction—

*commercial freight transporter* means a person or body that delivers items for fee or reward;

*defined premises* means any of the following:

- (a) licensed hotels, bars and clubs (including nightclubs), including any premises operated under the following categories under the *Liquor Licensing Act 1997*:
  - (i) general and hotel licences;
  - (ii) on premises licences;
  - (iii) club licences;
  - (iv) liquor production and sales licences;
- (b) wineries;

- (c) buildings used by social and sporting clubs;
- (d) facilities used primarily for indoor physical recreation;

**Note—**

Examples of indoor physical recreation facilities include gymnasiums, health clubs, fitness centres, yoga, barre and spin facilities, and dance and pilates studios.

- (e) indoor premises at which boot camps and other personal training are offered;
- (f) indoor sporting venues;
- (g) indoor play centres;
- (h) public swimming pools;
- (i) motor sport facilities and other racetracks (including for any form of horse or greyhound racing);
- (j) community, youth and recreation centres (such as community halls, clubs, RSLs, PCYCs);
- (k) a cinema, function centre or entertainment venue of any kind;
- (l) theatres, concert venues, arenas, auditoriums, stadiums and other places where live performances occur;
- (m) galleries, museums, libraries (other than libraries in educational institutions), public institutions and historic sites;
- (n) local government non-essential facilities (such as libraries and pools);
- (o) casinos and other gaming and gambling venues;
- (p) retail gambling outlets;
- (q) restaurants and cafés;
- (r) food courts within shopping centres or shopping or business precincts;
- (s) auction houses;
- (t) premises at which a real estate auction or an inspection by a prospective purchaser or tenant of the premises (other than a private inspection by appointment) is conducted;
- (u) outdoor and indoor markets;
- (v) beauty salons, nail salons and tattoo parlours and other premises at which beauty therapy and tanning, waxing, piercing or body modification services are provided;
- (w) saunas, bathhouses, wellness centres, spas and massage parlours;
- (x) amusement parks and arcades;
- (y) places of worship;
- (z) any venue to the extent that it hosts weddings or conducts funerals;
- (za) outdoor spaces associated with the above venues;

*defined work or operations* means any of the following:

- (a) boot camps or other personal training activities conducted outside;
- (b) the provision of prepared food or drink to the homeless in an outdoor location;
- (c) the provision of re-usable equipment such as ‘hookah’ or other pipes, tubes, heads or any other equipment associated with the operation of shisha, smoking or vaping business operations, including any such equipment supplied for use away from business premises (for example, equipment that is hired or lent out);
- (d) social sporting-based activities;
- (e) the provision of take away meals by wineries;
- (f) 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;

*density requirement* is the requirement that the total number of persons present at premises must not exceed one person per 4 square metres;

*member of the public* includes the members of any club or association that owns, controls or operates defined premises or undertakes defined work or operations;

*social distancing principles*—see subclause (2).

- (2) The *social distancing principles* require a person to attempt to maintain a space of at least 1.5 metres between themselves and each other person present in the same premises.

#### **4—Direction**

- (1) Subject to the exceptions set out in clause 5—
  - (a) a person who owns, controls or operates a defined 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 defined premises.
- (2) Subject to the exceptions set out in clause 5—
  - (a) a person must not conduct defined work or operations; and
  - (b) a consumer or member of the public must not participate in defined work or operations.
- (3) A person who, pursuant to the exceptions set out in clause 5, is present at defined premises or who participates in defined work or operations must use their best endeavours to comply with the social distancing principles (having regard to the all the circumstances).

#### **5—Exceptions**

- (1) Clause 4 does not apply to or in relation to—
  - (a) subject to subclause (2), general shopping where goods are to be taken away;

- (b) subject to subclause (2), the provision of take away food and beverages to be consumed away from the defined premises, whether the food or beverage is collected by a home delivery service or the purchaser;

Note—

This would mean that any tasting of food or beverages in defined premises would not be permitted.

- (c) the provision of food, beverages and facilities to persons who provide transport or freight services into, within and out of South Australia on premises commonly known as truck stops or roadhouses provided that the density requirement is complied with;
- (d) the provision of accommodation services on defined premises to house guests, permanent residents and workers provided that the density requirement is complied with;
- (e) the provision of room service to people being accommodated on defined premises;
- (f) funerals conducted where the total number of persons attending does not exceed—
  - (i) if held outdoors—15 people; or
  - (ii) if held indoors—10 people,provided that the density requirement is complied with;
- (g) weddings conducted where the total number of persons attending does not exceed 5 people provided that the density requirement is complied with;
- (h) performances of small groups being recorded for broadcast (whether live or otherwise) provided that the density requirement is complied with;
- (i) outdoor sporting and recreational venues, such as golf courses, tennis courts and playing fields where the total number of persons participating in a particular activity does not exceed 10 people and provided that the density requirement is complied with;
- (j) public swimming pools used for non-recreational purposes;

Note—

This would allow supervised hydrotherapy or swimming squad training to occur in a public swimming pool.

- (k) boot camps or other personal training activities conducted outside and limited to no more than 10 people provided that the density requirement is complied with;
- (l) the conduct of motor sports or other forms of racing (including any form of horse or greyhound racing) if—
  - (i) no persons are present only as spectators; and
  - (ii) the total number of persons participating in the activity does not exceed 10 people; and
  - (iii) the density requirement is complied with;

- (m) the provision of essential voluntary or public services at a community or recreation centre (such as a food bank or homeless service).
- (2) The exceptions in subclause (1)(a) and (b) do not apply to a winery, and a winery—
  - (a) is not permitted to provide take away meals (by any means); but
  - (b) may provide speciality grocery items or beverages to be consumed away from the defined premises, provided that such items or beverages are not collected from the defined premises by the purchaser but are delivered to the purchaser by the winery or by a commercial freight transporter.

**Note—**

Consumers and members of the public are not allowed to enter a winery (or outdoor spaces associated with a winery) to buy goods and the sale of take away meals by wineries is prohibited. All goods purchased from wineries must be delivered by the winery or via a commercial freight transporter.

**6—Powers of Authorised Officers**

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

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

This direction operates from the 10<sup>th</sup> day of April 2020 at 0001 hours

SIGNED at ADDELMAID on this 9<sup>th</sup> day of April 2020  
at 2117 hours



**GRANTLEY STEVENS**  
STATE CO-ORDINATOR