

South Australia

Emergency Management (Non-Essential Business and Other Activities No 6) (COVID-19) Direction 2020

under section 25 of the *Emergency Management Act 2004*

Preamble

- 1 On 22 March 2020 I, Grantley Stevens, Commissioner of Police, being the State Co-ordinator for the State of South Australia pursuant to section 14 of the Emergency Management Act 2004 (the Act), declared pursuant to section 23 of the Act that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.
- 2 Now I, Grantley Stevens, being of the opinion that this is necessary to achieve the purposes of the Act, give the following directions pursuant to section 25 of the Act.

1—Short title

This direction may be cited as the *Emergency Management (Non-Essential Business and Other Activities No 6) (COVID-19) Direction 2020*.

2—Revocation of previous direction

- (1) This direction replaces the *Emergency Management (Non-Essential Business and Other Activities No 5) (COVID-19) Direction 2020*.
- (2) The *Emergency Management (Non-Essential Business and Other Activities No 5) (COVID-19) Direction 2020* is revoked.

3—Definitions

- (1) In this direction—

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, breweries and distilleries;
- (c) buildings used by social and sporting clubs;

- (d) outdoor sporting and recreational venues (such as golf courses, tennis courts and playing fields);
- (e) 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.

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

indoors, in relation to a restaurant or café, means an area, room, vehicle or place used by the restaurant or café that is substantially enclosed by a ceiling and walls, regardless of whether the ceiling or walls or any part of them are permanent or temporary or open or closed;

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;

outdoors, in relation to a restaurant or café, means an area used by the restaurant or café that is not indoors;

social distancing principles—see subclause (2);

substantially enclosed—an area, room, vehicle or place is substantially enclosed by a ceiling and walls if the combined area of the ceiling (includes plastic blinds, shade sails and umbrellas) and wall surface exceeds 70% of the total ceiling and wall area.

- (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) Subject to this clause, clause 4(1) and (2) do not apply to or in relation to—
- (a) general shopping where goods are to be taken away;
 - (b) 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 or on the grounds of 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;
- (d) the provision of accommodation services on defined premises to house guests, permanent residents and workers;
- (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—30 people; or
 - (ii) if held indoors—20 people;
- (g) performances of small groups being recorded for broadcast (whether live or otherwise);
- (h) subject to subclause (6), outdoor sporting and recreational venues if—
 - (i) the total number of persons participating in a particular activity at the venue does not exceed 10 people; and
 - (ii) no participant is accompanied by more than 1 caregiver who is not participating; and
 - (iii) activity at the venue is non-contact skills training or training where accidental contact might occur (but does not involve deliberate body contact drills);

Note—

This would mean that there may be multiple groups of up to 10 people participating in particular activities at the same venue (provided that the density requirement is complied with and an appropriate distance is maintained between groups).

- (i) public swimming pools if—
 - (i) no swimmer at the premises is accompanied by more than 1 caregiver who is not swimming; and

- (ii) in the case of a swimming pool divided into lanes (for the purpose of lap swimming), there is not more than 1 person per lane; and
- (iii) the total number of persons in any swimming pool at the premises does not exceed one person per 4 square metres, up to a maximum of 20 persons per pool (and provided that any groups must not exceed 10 people); and
- (iv) change and shower facilities are not permitted to be used (but toilet facilities may be made available);

Note—

Premises may have multiple pools, in which case each pool may have up to 20 persons, provided that the maximum density of one person per 4 square metres is not exceeded.

Pool activities are not restricted to swimming. All water activities are permitted provided the conditions of use outlined above are met.

- (j) boot camps or other personal training activities conducted outside and limited to no more than 10 people;
- (k) subject to subclause (6), 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;
- (l) the provision of essential voluntary or public services at a community, youth or recreation centre (such as a food bank or homeless service);
- (m) the following:
 - (i) wedding ceremonies;
 - (ii) religious ceremonies;
 - (iii) auctions of goods or services (including real estate auctions), or inspections by a prospective purchaser or tenant of premises being offered for sale or rental, other than residential premises occupied by a tenant;

Note—

A tenant of residential premises being offered for sale or rental must provide reasonable access to the premises to allow the production of material so that virtual inspections of the premises may be undertaken.

- (iv) activities at community, youth and recreation centres (such as community halls, clubs, RSLs) or local government non-essential facilities (including libraries),
if—
 - (v) the total number of persons attending does not exceed 10 people; and

- (vi) no food or beverages (other than food or beverages served (without the use of communal utensils) as part of a religious ceremony) are provided (whether for purchase or otherwise) for consumption on the defined premises;

Note—

Local government pools are exempted separately—see paragraph (i).

- (n) drive-in cinemas provided that any food or beverages provided (whether for purchase or otherwise) for consumption on the defined premises are only consumed by patrons while seated inside, or in the immediate vicinity of, their vehicles;
 - (o) the provision of food and beverages at a restaurant or café that holds a restaurant and catering licence under the *Liquor Licensing Act 1997*, or that does not hold a licence under that Act, if—
 - (i) all patrons are seated at tables; and
 - (ii) the number of patrons at the restaurant or café at any particular time does not exceed 20, with a maximum of 10 outdoors and a maximum of 10 indoors.
- (2) An exception under this clause only applies to defined premises or defined work or operations if the density requirement is complied with.
- (3) People employed or engaged to work, or undertaking official duties, at defined premises or for the purposes of a defined activity are not to be counted—
- (a) for the purposes of any provision of this clause that specifies a maximum number of persons who are permitted to attend the premises or participate in the activity; or
 - (b) for the purposes of applying the density requirement under subclause (2).

Note—

For example, this would allow—

- (a) 1 instructor and 10 participants in a boot camp conducted outside;
- (b) 1 celebrant and 10 members of a wedding party at a wedding ceremony.

People working or undertaking official duties must use their best endeavours to comply with the social distancing principles (having regard to the all the circumstances).

- (4) Where a provision of this clause specifies a maximum number of persons who are permitted to attend defined premises, or to attend defined premises for a particular purpose, the maximum number applies to the premises as a whole.

Note—

For example, if auctions are being conducted in different rooms within any premises, the maximum of 10 persons applies to the premises as a whole and not to each room in which an auction is being conducted.

- (5) A person who conducts any of the following must keep and retain records of the name and phone number or other contact details of each person attending and must provide a copy of the records to an authorised officer on request:
- (a) an auction, or an inspection by a prospective purchaser or tenant of premises being offered for sale or rental;

- (b) a wedding ceremony;
 - (c) a funeral.
- (6) The exceptions under subclause (1)(h) and (k) only apply if—
- (a) change and shower facilities are not permitted to be used (but toilet facilities may be made available); and
 - (b) the total number of persons in any clubrooms associated with the venue does not exceed 10 people; and
 - (c) no food or beverages are provided at the venue (whether for purchase or otherwise) for consumption on the grounds (including in any clubrooms) of the venue.
- (7) To avoid doubt, nothing in this clause permits indoor sporting activities (other than swimming in an indoor public swimming pool in accordance with subclause (1)(i)).

6—Powers of Authorised Officers


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

IMPORTANT—

FAILURE TO COMPLY WITH THIS DIRECTION IS AN OFFENCE.

This direction operates from the 22nd day of May 2020 at 0001 hours

SIGNED at ADELPHI on this 21st day of May 2020
at 1433 hours


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GRANTLEY STEVENS
STATE CO-ORDINATOR