

South Australia

# Emergency Management (Passenger Transport Vaccination No 2) (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, 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 direction may be cited as the *Emergency Management (Passenger Transport Vaccination No 2) (COVID-19) Direction 2021*.

## 2—Revocation

The *Emergency Management (Passenger Transport Vaccination) (COVID-19) Direction 2021* is revoked.

## 3—Purpose

The purpose of this direction is to—

- (a) protect passenger transport workers from contracting COVID-19 from passengers they transport or have contact with; and
- (b) reduce the risk of the spread of COVID-19 by passenger transport workers to vulnerable members of the community they transport.

## 4—Definitions

- (1) In this direction—  
*airport* means—

- (a) Adelaide Airport;
- (b) Mount Gambier Airport;
- (c) Parafield Airport; or
- (d) Port Lincoln Airport;

*ATAGI* means the Australian Technical Advisory Group on Immunisation;

*passenger transport driver* means a person driving a public passenger vehicle for the purpose of a passenger transport service;

*passenger transport service* has the same meaning as defined in the *Passenger Transport Act 1994*;

**Note—**

The *Passenger Transport Act 1994* defines a passenger transport service to include a service consisting of the carriage of passengers for a fare or other consideration by motor vehicle, train or tram, and other means but excluding services of a class excluded by the *Passenger Transport Regulations 2009*.

*passenger transport worker* means—

- (a) A point to point driver;
- (b) A passenger transport driver;
- (c) A person whose work or duties relates to the provision of a passenger transport service and in the course of those duties—
  - (i) has in-person contact with passengers of a passenger transport service (including conductors, compliance officers, security guards, booking and ticketing workers); or
  - (ii) has in-person contact with a passenger transport driver (including depot workers);

*point to point driver* means a person driving a public passenger vehicle from point to point (including a taxi, a rideshare vehicle or a chauffeured vehicle) for the purpose of a passenger transport service;

*public passenger vehicle* means a vehicle used to provide a passenger transport service.

## 5—Vaccination requirements and compliance for passenger transport workers

- (1) A point to point driver must not engage in work or perform duties involving the transport of passengers to or from an airport from 25 November 2021 unless—
  - (a) the point to point driver has received at least one dose of a Therapeutic Goods Administration (TGA) approved or recognised COVID-19 vaccine; and
  - (b) the point to point driver has received, or has evidence of a booking to receive, a second dose of a TGA approved or recognised COVID-19 vaccine within the interval after the first dose recommended by the ATAGI for that COVID-19 vaccine.

**Note—**

The ATAGI clinical guidance on COVID-19 vaccine is available at <https://www.health.gov.au/resources/publications/covid-19-vaccination-atagi-clinical-guidance-on-covid-19-vaccine-in-australia-in-2021>.

- (2) A passenger transport driver (other than a point to point driver) must not engage in work or perform duties involving the transport of passengers to or from an airport from 12 December 2021 unless—
  - (a) the passenger transport driver has received at least one dose of a Therapeutic Goods Administration (TGA) approved or recognised COVID-19 vaccine; and
  - (b) the passenger transport driver has received, or has evidence of a booking to receive, a second dose of a TGA approved or recognised COVID-19 vaccine within the interval after the first dose recommended by the ATAGI for that COVID-19 vaccine.

**Note—**

- (1) The ATAGI clinical guidance on COVID-19 vaccine is available at <https://www.health.gov.au/resources/publications/covid-19-vaccination-atagi-clinical-guidance-on-covid-19-vaccine-in-australia-in-2021>.
- (2) Point to point drivers engaged in work or duties involving the transport of passengers to or from an airport are dealt with in subclause (1).

- (3) A passenger transport worker (other than a passenger transport worker to whom subclause (1) or (2) applies) must not engage in work or perform duties from 20 December 2021 unless—
  - (a) the passenger transport worker has received at least one dose of a Therapeutic Goods Administration (TGA) approved COVID-19 vaccine; and
  - (b) the passenger transport worker has received, or has evidence of a booking to receive, a second dose of a TGA approved COVID-19 vaccine within the interval after the first dose recommended by the ATAGI for that COVID-19 vaccine.
- (4) A passenger transport worker subject to the requirement in subclause (1), (2) or (3) must provide the operator of the passenger transport service with proof of their vaccination status upon request.
- (5) Despite subclause (1), (2) or (3), a passenger transport worker may engage in work or perform duties if the passenger transport worker has a medical certificate or letter from a legally qualified medical practitioner certifying that the passenger transport worker—
  - (a) has a medical exemption from receiving a TGA approved COVID-19 vaccine on either a permanent or temporary basis in accordance with the guidelines published from time to time by ATAGI; or
  - (b) has a medical exemption on either a permanent or temporary basis from receiving the preferred vaccine as recommended by ATAGI for the person's age; or
  - (c) has an appointment to be assessed by a medical specialist or has commenced an assessment with a medical specialist to determine whether they have a medical exemption from receiving a COVID-19 vaccine on either a permanent or temporary basis in accordance with the guidelines published from time to time by ATAGI; or
  - (d) is currently taking part in a COVID-19 vaccine trial and receipt of a TGA approved vaccine would impact the validity of the trial; and
  - (e) the certificate or letter specifies the nature of the exemption and the basis on which it applies; and
  - (f) the Chief Public Health Officer or her delegate has endorsed the exemption; and
  - (g) the passenger transport worker provides the operator of passenger transport service with a copy of the endorsement provided under paragraph (f).

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**Notes—**

The *ATAGI expanded guidance on acute major medical conditions that warrant a temporary medical exemption relevant for COVID-19 vaccines* is available at: <https://www.health.gov.au/resources/publications/atagi-expanded-guidance-on-temporary-medical-exemptions-for-covid-19-vaccines>

The *current version of the clinical guidance on use of COVID-19 vaccine in Australia in 2021* is available at:

<https://www.health.gov.au/resources/publications/covid-19-vaccination-atagi-clinical-guidance-on-covid-19-vaccine-in-australia-in-2021>

**IMPORTANT—FAILURE TO COMPLY WITH THIS DIRECTION IS AN OFFENCE.**

This direction operates from the 25<sup>th</sup> day of November 2021 at 1748 hours

SIGNED at Adelaide on this 25<sup>th</sup> day of November 2021 at 1748 hours

  
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**GRANTLEY STEVENS**  
STATE CO-ORDINATOR

