

South Australia

Emergency Management (Passenger Transport Vaccination No 3) (COVID-19) Direction 2021

under section 25 of the *Emergency Management Act 2004*

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.

1—Short title

This direction may be cited as the *Emergency Management (Passenger Transport Vaccination No 3) (COVID-19) Direction 2021*.

2—Revocation

- (1) This direction replaces the *Emergency Management (Passenger Transport Vaccination No 2) (COVID-19) Direction 2021*.
- (2) The *Emergency Management (Passenger Transport Vaccination No 2) (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; and
 - (d) the certificate or letter specifies the nature of the exemption and the basis on which it applies; and
 - (e) the Chief Public Health Officer or her delegate has endorsed the exemption; and
 - (f) the passenger transport worker provides the operator of passenger transport service with a copy of the endorsement provided under paragraph (e).

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 8th day of December 2021 at 1254 hours

SIGNED at ADRIAN ME on this 8th day of December 2021 at 1254 hours


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GRANTLEY STEVENS
STATE CO-ORDINATOR