

South Australia

Emergency Management (Voting Arrangements)(COVID-19) Direction 2022

under section 25 of the *Emergency Management Act 2004*

Preamble

- 1 On 22 March 2020 I, Grantley Stevens, Commissioner of Police, being 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 direction pursuant to section 25 of the Act.
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1—Short title

This direction may be cited as the *Emergency Management (Voting Arrangements) (COVID-19) Direction 2022*.

2—Purpose

The purpose of this direction is to ensure that people subject to a direction to isolate or quarantine, or who are otherwise awaiting a PCR test result, and who have been unable to apply in writing for a postal vote, are able to vote in the State election in a way that manages the public health risks.

3—Relationship with other directions

This direction overrides any inconsistent provisions in any other direction given pursuant to section 25 of the Act before the commencement of this direction.

4—Interpretation

- (1) In this direction, unless the contrary intention appears—

ballot pack pick-up point means the place at which the person is directed to pick up their declaration voting papers;

close contact means—

- (a) a person who is a household member or an intimate partner of a COVID-19 case during their relevant period;
 - (b) a person who has had close personal interaction with a COVID-19 case during their relevant period; or
 - (c) a person who has been notified by SA Health that they are a close contact with a COVID-19 case; or
 - (d) a person who has been at an exposure site during the exposure period for that site.
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COVID-19 case means a person who has undertaken a COVID-19 PCR test or a COVID-19 Rapid Antigen test and has returned a positive result;

declaration voting papers has the meaning in the *Electoral Act 1985*;

person in COVID-19 isolation or quarantine means—

- (a) a COVID-19 case;
 - (b) a close contact;
 - (c) a person displaying symptoms of COVID-19 who is yet to obtain a COVID-19 PCR test or is awaiting the results of a COVID-19 PCR test;
- (2) For the purposes of this direction, **residential premises** does not include a medi-hotel, a COVID Accommodation Support Centre or a hospital.
- (3) For the purposes of this direction, the terms **close personal interaction**, **COVID-19 PCR Test**, **COVID-19 Rapid Antigen Test**, **exposure period**, **exposure site**, **household member** and **relevant period** have the meaning in the *Emergency Management (Exposure Sites, Contacts and Diagnosis Requirements No 6)(COVID-19) Direction 2022*.

5—Additional reasons to leave quarantine or isolation

- (1) Despite anything in any other direction, a person in COVID-19 isolation or quarantine in residential premises may leave their place of isolation or quarantine in order to collect a ballot pack under the following conditions—
- (a) unless the person does not have internet access, the person must register to collect a ballot pack at <https://cvs.ecsa.sa.gov.au>; or
 - (b) if the person does not have internet access, the person must register to collect a ballot pack by calling the ECSA call centre;
- and
- (c) the person must travel directly, without stopping, to the designated ballot pack pick-up point in accordance with the instructions provided by ECSA upon registration to collect a ballot pack; and
 - (d) the person must travel in a private car alone, or only with other persons who are isolating or quarantining at the same location as the person; and
 - (e) the person must present their SMS confirmation of their registration to collect a ballot pack or, in the case of a person without a mobile phone, provide the electoral officer their name, electoral roll number and enrolled district; and
 - (f) the person must not leave their vehicle while at the ballot pack pick-up point; and
 - (g) upon collecting their ballot pack, the person must return directly to their place of isolation or quarantine, unless—
 - (i) the person is posting their vote in accordance with subclause (2); or
 - (ii) the person is otherwise authorised to leave their place of quarantine or isolation under the *Emergency Management (Exposure Sites, Contacts and Diagnosis Requirements No 6)(COVID-19) Direction 2022*; and

(h) the person, and any person travelling with the person, must wear a mask all times.

Notes—

- (1) Voting papers in the ballot pack must be completed and returned to the ECSA in accordance with the *Electoral Act 1985*.
 - (2) Under the *Emergency Management (Exposure Sites, Contacts and Diagnosis Requirements No 6)(COVID-19) Direction 2022*, a person may leave their place of quarantine for limited reasons, for example in the case of a close contact undertaking quarantine, in order to obtain a COVID-19 PCR test or to obtain a COVID-19 Rapid Antigen Test as specified on the SA Health website.
- (2) Despite anything in any other direction, a person in COVID-19 isolation or quarantine in residential premises may leave their place of isolation or quarantine in order to post declaration voting papers under the following conditions—
- (a) the person must travel directly, without stopping, to a roadside Australia Post post box;
 - (b) After posting their declaration voting papers, the person must immediately return to their place of isolation or quarantine, without stopping, unless they are otherwise authorised to leave their place of quarantine or isolation under the *Emergency Management (Exposure Sites, Contacts and Diagnosis Requirements No 6)(COVID-19) Direction 2022*;
 - (c) the person must travel in a private car alone, or only with other persons who are isolating or quarantining at the same location as the person; and
 - (d) the person, and any person travelling with the person, must wear a mask all times.
- (3) Despite subclause (1), a person who is isolating outside of the electoral district and for whom it is impracticable to collect a ballot pack from their designated ballot pack pickup point, may register by calling the ECSA call centre to collect declaration voting papers from an alternative ballot pack pickup point as directed by ECSA under the following conditions—
- (a) the person must travel directly, without stopping, to the alternative ballot pack pickup point in accordance with the instructions provided by ECSA upon registration; and
 - (b) the person must travel in a private car alone, or only with other persons who are isolating or quarantining at the same location as the person; and
 - (c) the person must provide the electoral officer their name, electoral roll number and enrolled district;
 - (d) the person must not leave their vehicle; and
 - (e) upon casting their vote, the person must return directly to their place of isolation or quarantine, unless the person is otherwise authorised to leave their place of quarantine or isolation under the *Emergency Management (Exposure Sites, Contacts and Diagnosis Requirements No 6)(COVID-19) Direction 2022*; and
 - (f) the person, and any person travelling with the person, must wear a mask all times.

- (4) A person may not leave COVID-19 isolation or quarantine under this direction unless they will otherwise be unable to exercise a valid vote in the election.

Note—

Nothing in this direction permits a person required to quarantine or isolate in a medi-hotel, COVID Accommodation Support Centre or hospital from leaving their place of quarantine or isolation in order to vote. Only a person in quarantine or isolation in a residential premises is permitted to leave their place of isolation or quarantine under this direction.

Example—

A person whose period of isolation or quarantine will end on Sunday 20 March need not leave their place of isolation or quarantine in order to post their vote, as they can still do so after that date.

A person whose period of isolation will end on Friday 18 March may attend a polling booth on Saturday 19 March.

A person need not leave isolation in order to post their vote if another person is able to collect their declaration voting papers without entering the premises and post them on the elector's behalf.

A person whose ballot pack is delivered by an authorised individual need not leave the premises to collect a ballot paper.

- (5) No unauthorised person may enter the designated area within ballot pack pick-up point.
- (6) A person leaving their place of COVID-19 isolation or quarantine must take all reasonable care to comply with other directions that apply to them.

Note—

A person must take all reasonable steps to receive necessary assistance from a person who is isolating or quarantining at the same premises, or who can safely do so without entering the premises.

6—Voting arrangements for a person in COVID-19 isolation or quarantine in a medi-hotel or COVID Accommodation Support Centre

- (1) A person in COVID-19 isolation or quarantine in a medi-hotel or COVID Accommodation Support Centre on 17, 18 or 19 March 2022 may request to be issued declaration voting papers from the electoral officer at the medi-hotel or COVID Accommodation Support Centre to be provided to them on 19 March 2022.
- (2) A person referred to in subclause (1) may return their completed declaration voting papers sealed in the envelope provided to the electoral officer for the medi-hotel or COVID Accommodation Support Centre.

7—Deeming provisions

- (1) A person in COVID-19 isolation or quarantine is taken to be eligible to be registered as a declaration voter for the purposes of section 71 of the *Electoral Act 1985*.
- (2) A person in COVID-19 isolation or quarantine who votes in accordance with the arrangements set out in this direction is taken to have made an application in the prescribed manner for the purposes of section 73 of the *Electoral Act 1985*, and to have been issued their voting papers in accordance with section 74(2a) of that Act.
- (3) Despite section 82 of the *Electoral Act 1985* a vote by a person in COVID-19 isolation or quarantine in accordance with the arrangements set out in this direction —

- (a) is not required to be taken before an authorised witness if the person is not isolating or quarantining with a person who could be an authorised witness; and
- (b) in the case of declaration voting papers issued to the person in a medi-hotel, COVID Accommodation Support Centre or at an alternative ballot pack pickup point, is taken to have been taken before the officer issuing the declaration voting papers.

Notes—

- (1) The *Electoral Act 1985* defines **authorised witness** as a person (not being a candidate in an election) who is over, or apparently over, the age of 18 years;
- (2) Nothing in this direction authorises a person to leave their place of quarantine or isolation in order for their vote to be taken before an authorised witness or allow an authorised witness enter a person’s place of isolation or quarantine who is not also isolating or quarantining at the location.
- (4) A vote in accordance with the arrangements set out in this direction is taken to be acceptable for further scrutiny for the purpose of section 91(1)(b)(i)(A) of the *Electoral Act 1995*.

8—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 16th day of March..... 2022 at...1431..... hours.

SIGNED at ADELAIDE..... on this 16th..... day of March..... 2022
at...1431.....hours



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GRANTLEY STEVENS
STATE CO-ORDINATOR