

South Australia

Emergency Management (Quarantine and Testing of Certain Former Victorian Arrivals No 4) (COVID-19) Direction 2021

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—Citation

This direction may be cited as the *Emergency Management (Quarantine and Testing of Certain Former Victorian Arrivals No 4) (COVID-19) Direction 2021*.

1A—Purpose

The purpose of this direction is to ensure the quarantine and testing of certain people who arrived in South Australia before the commencement of this direction, and who arrived from Victoria or arrived from another location and who were present in certain locations in Victoria during specified periods.

1B—Revocation of previous direction

- (1) This direction replaces the *Emergency Management (Quarantine and Testing of Certain Former Victorian Arrivals No 3) (COVID-19) Direction 2021*.

- (2) The *Emergency Management (Quarantine and Testing of Certain Former Victorian Arrivals No 3) (COVID-19) Direction 2021* is revoked.
- (3) Despite subclause (2), the operation of a direction applying to a person who arrived in South Australia before the commencement of this direction is not affected by this direction except to the extent provided for in this direction.

Note—

For example, the *Emergency Management (Quarantine and Testing of Certain Former Victorian Arrivals) (COVID-19) Direction 2021* continues to require that persons who have arrived from Greater Melbourne without going through Melbourne Airport submit to COVID-19 testing and self-quarantine until receiving written advice of a negative results, and persons who have arrived from certain high risk sites self-quarantine for 14 days.

2—Interpretation

- (1) In this direction—

COVID-19 test means a Polymerase Chain Reaction test to diagnose COVID-19 of a kind determined by the Chief Public Health Officer (or delegate);

Cross Border Travel direction means the *Emergency Management (Cross Border Travel No 38) (COVID-19) Direction 2021* made under section 25 of the *Emergency Management Act 2004* or any subsequent direction made under that section that replaces that direction;

excluded transit, in relation to a person identified in paragraph (b) below, refers to transit through Greater Melbourne as described in para (a) of clause 3(2) of the Cross Border Travel direction;

Greater Melbourne means the following local government areas in Victoria: Banyule, Hume, Moreland, Bayside, Kingston, Mornington Peninsula, Boroondara, Knox, Nillumbik, Brimbank, Manningham, Port Phillip, Cardinia, Maribyrnong, Stonnington, Casey, Maroondah, Whitehorse, Darebin, Melbourne, Whittlesea, Frankston, Melton, Wyndham, Glen Eira, Monash, Yarra, Greater Dandenong, Moonee Valley, Yarra Ranges and Hobsons Bay, and is taken for the purposes of this direction to include the Shire of Mitchell;

high risk site means a site listed as at the commencement of this direction on the website "<https://www.dhhs.vic.gov.au/case-locations-and-outbreaks-covid-19>" (being a website maintained for the purposes of the Victorian response to the outbreak of the Human Disease named COVID-19);

low community transmission zone has the same meaning as in the Cross Border Travel Direction;

restricted former Victorian arrival means any of the following people—

- (a) a person who was physically present at a high risk site during the exposure period specified on the Victorian outbreaks website in relation to that site; or
- (b) a person who was physically present in Greater Melbourne at some time between 0001 hours on 28 January 2021 and the commencement of this direction, other than a person who was undertaking excluded transit to Melbourne Airport until 11.59pm on 6 February 2021 and who was in a low community transmission zone for the 14 days preceding the transit; or

- (c) a person who was physically present at Melbourne Airport (Tullamarine), other than Terminal 4, at some time between 12.01am on 7 February 2021 and 11.59pm on 13 February 2021; or
- (d) a person who was physically present at Terminal 4, Melbourne Airport (Tullamarine) at some time between 0001 hours on 9 February 2021 and the commencement of this direction,

who arrived before the commencement of this direction, regardless of when they arrived in South Australia and from where they arrived;

Victorian outbreaks website means the website "<https://www.dhhs.vic.gov.au/case-locations-and-outbreaks-covid-19>" (being a website maintained for the purposes of the Victorian response to the outbreak of the Human Disease named COVID-19).

- (2) For the purposes of this direction, a person is a *close contact* of a restricted former Victorian arrival if they were in the company of such a person—
 - (a) within an enclosed space for a period of 1 hour or longer; or
 - (b) within 1.5 metres of the other person at any time.

3—Testing of certain arrivals

- (1) Subject to this clause, all restricted former Victorian arrivals must submit to a COVID-19 test—
 - (a) within 24 hours after the commencement of this direction; and
 - (b) on the 5th day after that commencement; and
 - (c) on the 12th day after that commencement.
- (2) Nothing in this clause requires a person to submit to a COVID-19 test on a day occurring before the commencement of this direction or on a day on which the person is not present in South Australia.
- (3) A person required to submit to a COVID-19 test under this clause must not refuse or fail to comply with a reasonable requirement or direction of a person in relation to the conduct of the COVID-19 test.
- (4) If a restricted former Victorian arrival refuses to submit to a COVID-19 test in accordance with this clause—
 - (a) the person; and
 - (b) any other person required to remain quarantined together with that person at their place of quarantine (whether or not the other person or persons have submitted to testing under this clause),

must reside and remain at their place of quarantine, quarantined and segregated from other persons, for an additional 10 day period commencing on the conclusion of the quarantine period that applied to the person under this direction.

- (5) This clause does not apply to a person who is identified in paragraphs (a) or (b) of clause 2(1) and who—
 - (a) in the conduct of their duties, provide transport or freight services into, within and out of South Australia (including any crew on such transport or freight services) on a commercial basis; and

(b) and are required to be physically present in South Australia for such purposes, if the person produces to an authorised officer (on request) evidence of a COVID-19 test, or a COVID-19 test result, relating to a test undertaken by the person within the preceding 7 days.

4—Former high risk site arrivals—quarantine requirements

- (1) Subject to this direction, a person identified in paragraph (a) of clause 2(1) must—
- (a) as soon as is reasonably practicable after the commencement of this direction, identify and travel by the most direct practical route and means to a suitable place to quarantine and segregate from other persons; and
 - (b) on arrival at the place—
 - (i) in all cases—reside and remain in that place, self-quarantined and segregated from other persons, from the date on which this direction comes into operation for 14 days not counting the day of commencement, or such lesser period approved by the Chief Public Health Officer or a Deputy Chief Public Health Officer; and
 - (ii) in the case of a person residing and remaining at short term accommodation—inform the owner or operator of the accommodation that they are self-quarantining in accordance with this direction; and
 - (c) remain at the place, except—
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) for the purposes of complying with clause 3; or
 - (iii) in any other emergency situation; or
 - (iv) for any reason approved in advance by the State Co-ordinator or his delegate or an authorised officer; and
 - (d) take reasonable steps to ensure that no other person enters the place unless the other person—
 - (i) is an exempt person; or
 - (ii) is also complying with the requirements of this direction; or
 - (iii) is entering the place for medical or emergency purposes; and
 - (e) follow all reasonable directions from a treating medical practitioner.
- (2) In this clause—
- exempt person*, in relation to a person self-quarantining (the *first person*) at a suitable place, means—
- (a) a person required to provide care and support to, or receive care and support from, the first person at the place; or
 - (b) a person who usually resides at the place;
- suitable place*—a place is a suitable place if it is determined or approved by an authorised officer to be a suitable place.

5—Quarantine for certain former high risk site arrivals who are deemed essential travellers

- (1) A person identified in paragraph (a) of clause 2(1) who is a deemed essential traveller—
 - (a) in the case of a person who would have been treated as an essential traveller under Schedule 1 of a ceased Cross Border direction—is not required to comply with the self quarantine requirements applying under clause 5 (despite having been physically present at a high risk site during the exposure period specified on the Victorian outbreaks website in relation to that site); and
 - (b) in the case of a person who would have been treated as an essential traveller under Schedule 2 of a ceased Cross Border direction—is not required to comply with the self quarantine requirements applying under clause 5 (despite having been physically present at a high risk site during the exposure period specified on the Victorian outbreaks website in relation to that site) if the person complies with any self-quarantine requirements applying under Schedule 2 clause 11 of the *Emergency Management (Cross Border Travel No 34) (COVID-19) Direction 2021* (as if the person were an essential traveller under that direction); and
 - (c) in all cases—the person continues to comply with the testing requirements applying under clause 3.

- (2) In this clause—

ceased Cross Border Travel direction means any of the directions from *Emergency Management (Cross Border Travel No 30) (COVID-19) Direction 2021* to *Emergency Management (Cross Border Travel No 37) (COVID-19) Direction 2021* inclusive.

deemed essential traveller means a restricted former Victorian arrival who (on arrival in South Australia) would have been treated as an essential traveller under a ceased Cross Border Travel direction if they had arrived as a low community transmission zone arrival under the relevant direction.

6—Former Greater Melbourne arrival—quarantine requirements

- (1) Subject to this direction, a person identified in paragraph (b) of clause 2(1) must, as soon as is reasonably practicable after the commencement of this direction—
 - (a) identify and travel by the most direct practical route and means to a suitable place to quarantine and segregate from other persons; and
 - (b) on arrival at the place, reside and remain, quarantined and segregated from other persons, at the place until they have submitted to COVID-19 testing in accordance with clause 3 and received written confirmation of a negative result for a COVID-19 test; and
 - (c) in the case of a person residing and remaining at short term accommodation—inform the owner or operator of the accommodation that they are self-quarantining in accordance with this clause; and
 - (d) remain at the place, except—
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) for the purposes of submitting to COVID-19 testing in accordance with clause 3; or
 - (iii) in any other emergency situation; or

- (iv) for any reason approved in advance by the State Co-ordinator or their delegate or an authorised officer; and
 - (e) take reasonable steps to ensure that no other person enters the place unless the other person—
 - (i) is an exempt person; or
 - (ii) is also complying with the requirements of this direction; or
 - (iii) is entering the place for medical or emergency purposes; and
- (2) In this clause—

exempt person, in relation to a person self-quarantining (the *first person*) at a suitable place, means—

- (a) a person required to provide care and support to, or receive care and support from, the first person at the place; or
- (b) a person who usually resides at the place;

suitable place—a place is a suitable place if it is determined or approved by an authorised officer to be a suitable place.

7—Quarantine for certain former Greater Melbourne arrivals who are deemed essential travellers

- (1) A person who is identified in paragraph (b) of clause 2(1) who is a deemed essential traveller—
- (a) in the case of a person who would have been treated as an essential traveller under Schedule 1—is not required to comply with the self quarantine requirements applying under clause 7 (despite having been in Greater Melbourne at some time between 0001 hours on 28 January 2021 and their arrival); and
 - (b) in the case of a person who would have been treated as an essential traveller under Schedule 2—is not required to comply with the self quarantine requirements applying under clause 7 (despite having been in Greater Melbourne at some time between 0001 hours on 28 January 2021 and their arrival) if the person complies with any self-quarantine requirements applying under Schedule 2 clause 11 of the *Emergency Management (Cross Border Travel No 34) (COVID-19) Direction 2021* (as if the person were an essential traveller under that direction); and
 - (c) in all cases—the person continues to comply with the testing requirements applying under clause 3.

- (2) In this clause—

ceased Cross Border Travel direction means any of the directions from *Emergency Management (Cross Border Travel No 30) (COVID-19) Direction 2021* to *Emergency Management (Cross Border Travel No 37) (COVID-19) Direction 2021* inclusive.

deemed essential traveller means a person who (on arrival in South Australia) would have been treated as an essential traveller under Schedule 1 or 2 of a ceased Cross Border Travel direction if they had arrived as a low community transmission zone arrival under the relevant direction.

8— Certain former Terminal 4 arrivals—quarantine requirements

- (1) A person identified in paragraph (d) of clause 2(1) by reason of the fact that they were physically present at Terminal 4, Melbourne Airport (Tullamarine) at any time on 9 February 2021 must, as soon as is reasonably practicable after the commencement of this direction—
 - (a) identify and travel by the most direct practical route and means to a suitable place to quarantine and segregate from other persons; and
 - (b) on arrival at the place, reside and remain, quarantined and segregated from other persons from the date on which this direction comes into operation for 14 days not counting the day of commencement;
 - (c) in the case of a person residing and remaining at short term accommodation—inform the owner or operator of the accommodation that they are quarantining in accordance with this clause; and
 - (d) remain at the place, except—
 - (i) for the purposes of submitting to COVID-19 testing in accordance with clause 3; or
 - (iii) in any other emergency situation; and
 - (e) take reasonable steps to ensure that no other person enters the place unless the other person—
 - (i) is also complying with the requirements of this direction; or
 - (ii) is entering the place for medical or emergency purposes.
- (2) For the avoidance of doubt, this clause applies despite any previous direction that may have applied to a person to whom this clause applies on commencement of this direction.
- (3) In this clause—

suitable place—a place is a suitable place if it is determined or approved by an authorised officer to be a suitable place.

9— Certain former Terminal 4 arrivals—essential travellers

- (1) A person identified in paragraph (d) of clause 2(1) by reason of the fact that they were physically present at Terminal 4, Melbourne Airport (Tullamarine) at any time on 9 February 2021 who is an essential traveller under either Schedule 1 or 2 of the Cross Border direction or a ceased Cross Border direction for the purpose of performing duties, functions or activities as an essential traveller must comply with the quarantine requirements in clause 9 at all times during which the person is not:
 - (a) performing those duties, functions or activities; or
 - (b) travelling to or from the place at which they are performing those duties, functions or activities.

- (2) Despite subclause (1), a former Terminal 4 arrival who is an essential traveller under the Cross Border direction or a ceased Cross Border direction must continue to comply with the testing requirements applying under clause 3 while remaining in South Australia.

- (3) In this clause—

ceased Cross Border direction means any of the directions from *Emergency Management (Cross Border Travel No 35) (COVID-19) Direction 2021* onwards.

10— Certain former Melbourne Airport and Terminal 4 arrivals and household members —quarantine requirements

- (1) This clause applies to—

- (a) a person identified in paragraph (c) of clause 2(1); or
- (b) a person identified in paragraph (d) of clause 2(1) by reason of the fact that they were physically present at Terminal 4, Melbourne Airport (Tullamarine) at any time between 12.01am on 10 February 2021 and 11.59pm on 12 February 2021; or
- (c) a household member of such a person.

- (2) A person to whom this clause applies must, as soon as is reasonably practicable after the commencement of this direction—

- (a) identify and travel by the most direct practical route and means to a suitable place to quarantine and segregate from other persons; and
- (b) on arrival at the place, reside and remain, quarantined and segregated from other persons from the date on which this direction comes into operation until—
 - (i) in the case of a person identified in paragraph (a) or (b) of subclause (1) of this clause—they have submitted to COVID-19 testing in accordance with clause 3 and received written confirmation of a negative result for a COVID-19 test; and
 - (ii) in the case of a person identified in paragraph (c) of subclause (1)—the relevant restricted former Victorian arrival has submitted to COVID-19 testing in accordance with clause 3 and received written confirmation of a negative result for a COVID-19 test.
- (c) in the case of a person residing and remaining at short term accommodation—inform the owner or operator of the accommodation that they are quarantining in accordance with this clause; and
- (d) remain at the place, except—
 - (i) for the purposes of submitting to COVID-19 testing in accordance with clause 3; or
 - (iii) in any other emergency situation; and
- (e) take reasonable steps to ensure that no other person enters the place unless the other person—
 - (i) is also complying with the requirements of this direction; or
 - (ii) is entering the place for medical or emergency purposes.

(3) For the avoidance of doubt, this clause applies despite any previous direction that may have applied to a person to whom this clause applies on commencement of this direction.

(4) In this and the following clause—

household member—

(a) in relation to a person identified in paragraph (d) of clause 2(1), means a person who is a member of the former Terminal 4 arrival's household with whom a former Terminal 4 arrival has resided at any time since 9 February 2021; and

(b) in relation to a person identified in paragraph (c) of clause 2(1), means a person who is a member of the former Melbourne Airport arrival's household with whom a former Melbourne Airport arrival has resided at any time since 7 February 2021.

suitable place—a place is a suitable place if it is determined or approved by an authorised officer to be a suitable place.

11— Former Melbourne Airport arrivals and household members—essential travellers

(1) This clause applies to a person identified in paragraph (c) of clause 2(1) or a household member of a person identified in paragraph (c) or (d) of clause 2(1).

(2) A person to whom this clause applies who is ordinarily resident in Victoria—

(a) who is an essential traveller under the Cross Border direction or a ceased Cross Border direction for the purpose of performing duties, functions or activities as an essential traveller must comply with the quarantine requirements in clause 11 at all times during which the person is not:

(i) performing those duties, functions or activities; or

(ii) travelling to or from the place at which they are performing those duties, functions or activities; and

(b) in the case of a person identified in paragraph (c) of clause 2(1), must continue to comply with the testing requirements applying under clause 3.

Note

For example, a person to whom this subclause applies may leave their place of quarantine in order to perform duties as an essential traveller before receiving a negative test result.

- (3) Any person to whom this clause applies, other than a person ordinarily resident in Victoria, —
- (a) who is an essential traveller under Schedule 1 of the Cross Border direction or a ceased Cross Border direction—is not required to comply with the quarantine requirements applying under clause 11 (despite having been physically present at Melbourne Airport on or after 7 February 2021 or a household member of a former Terminal 4 member or a former Melbourne Airport arrival); and
 - (b) who is an essential traveller under Schedule 2 of the Cross Border direction or a ceased Cross Border direction—is not required to comply with the quarantine requirements applying under clause 11 (despite having been physically present at Melbourne Airport on or after 7 February 2021 or a household member of a former Terminal 4 member or a former Melbourne Airport arrival) if the person complies with any self-quarantine requirements applying under Schedule 2 clause 11 of the relevant Cross Border direction or ceased Cross Border direction; and
 - (c) in the case of a former Melbourne Airport arrival, must continue to comply with the testing requirements applying under clause 3.

- (4) In this clause—

ceased Cross Border direction means any of the directions from *Emergency Management (Cross Border Travel No 35) (COVID-19) Direction 2021* inclusive.

12—Provision of information etc

- (1) A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in furnishing information in connection with this direction.
- (2) A person asked a question by an authorised officer, a screening officer or a person responsible for assisting in the administration of this direction, in connection with this direction must not—
 - (a) refuse or fail to answer the question; or
 - (b) give an answer that is false or misleading in a material particular.


13—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 ^{15th} day of ^{February}..... 2021 at ²⁰³³... hours

SIGNED at ^{ADELAIDE}..... on this ^{15th}..... day of ^{February}... 2021
at ²⁰³³... hours


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GRANTLEY STEVENS
STATE CO-ORDINATOR