

South Australia

Emergency Management (Supervised Quarantine No 5) (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.

Part 1—Preliminary

1—Short title

This direction may be cited as the *Emergency Management (Supervised Quarantine No 5) (COVID-19) Direction 2021*.

2—Revocation

- (1) This direction replaces the *Emergency Management (Supervised Quarantine No 4) (COVID-19) Direction 2020*.
- (2) The *Emergency Management (Supervised Quarantine No 4) (COVID-19) Direction 2020* is revoked.

3—Interpretation

In this direction—

airport site means any part of the land on which an airport is situated within South Australia;

authorised officer means an authorised officer under the *Emergency Management Act 2004*;

COVID-19 test means a nasal swab COVID-19 test or a saliva COVID-19 test;

Department means the Department of Health and Wellbeing (SA);

designated green zone means a clean zone at a medi-hotel where PPE (other than a face mask) is not required;

designated orange zone means a zone at a medi-hotel determined (from time to time) to be a designated orange zone;

designated red zone means a zone at an airport site or medi-hotel site determined (from time to time) to be a designated red zone;

immediate family, of a person, means—

- (a) a spouse or domestic partner; or
- (b) a parent; or
- (c) a grandparent; or
- (d) a child (including an adult child); or
- (e) a grandchild (including an adult grandchild); or
- (f) a brother or sister,

and includes a person who is a member of the immediate family of the person's spouse or domestic partner;

medi-hotel means a hotel operating in South Australia that has contracted with the State Government to provide supervised quarantine accommodation;

medi-hotel site means any part of the land on which a medi-hotel is situated;

nasal swab COVID-19 test means a Polymerase Chain Reaction test to diagnose COVID-19 by means of a nasal pharyngeal swab;

overseas arrival means a person who arrives in South Australia from overseas by any means, including a person who arrives at an airport in South Australia on a flight that originated from a place outside Australia.

PPE means personal protective equipment;

prescribed authorised officer means the Chief Executive of the Department, the South Australian Chief Public Health Officer or a deputy Chief Public Health Officer;

quarantining immediate family member, in relation to a person undertaking supervised quarantine in a medi-hotel room, means a member of the person's immediate family who is also undertaking supervised quarantine at the medi-hotel;

saliva COVID-19 test means a Polymerase Chain Reaction test to diagnose COVID-19 by means of a saliva swab;

spouse—a person is the spouse of another if they are legally married;

supervised quarantine means quarantine by a person directed to enter, reside and remain at a supervised medi-hotel site by an authorised officer;

symptoms of COVID-19—a person has symptoms of COVID-19 if the person has any of the following symptoms:

- (a) cough;
- (b) sore throat;
- (c) shortness of breath;

- (d) runny nose;
- (e) fever or history of fever or chills;
- (f) acute loss of smell or taste;
- (g) headache;
- (h) muscle aches;
- (i) unexplained fatigue;
- (j) nausea;
- (k) vomiting;
- (l) diarrhoea.

Part 2—Testing requirements and compliance for employees and contractors

4—Application of Part

- (1) Subject to this clause, this Part applies to any person who:
 - (a) is physically present on a medi-hotel site for the purpose of performing work of any kind; or
 - (b) is physically present in a designated red zone at an airport site for the purpose of performing work associated with the processing of overseas arrivals or the processing and handling of the luggage of overseas arrivals; or
 - (c) is physically present in an airport site for the purpose of performing work:
 - (i) associated with the processing of overseas arrivals; or
 - (ii) the processing and handling of the luggage of overseas arrivals; or
 - (iii) otherwise occurring within a location to which overseas arrivals have access.

Note—

This includes all employees and contractors of SA Police, SA Health, Australian Border Force, Australian Defence Force, and all employees and contractors of the medi-hotel operator, airline or airport operator.

- (2) This Part does not apply to a person delivering goods to a medi-hotel site or an emergency services worker attending a medi-hotel site in the conduct of their duties if—
 - (a) they are only physically present in a designated green zone for less than 30 minutes; and
 - (b) they have no contact during that time with any person undertaking a period of supervised quarantine on site.

Example—

A delivery driver dropping off goods to the medi-hotel site.

- (3) To avoid doubt, this Part does not apply to a person directed to enter, reside and remain at a medi-hotel site in order to undertake a period of supervised quarantine.

5—Testing and symptoms of COVID-19

- (1) A person to whom this Part applies must submit to a nasal swab COVID-19 test at least once every 8 calendar days, during the period commencing when the person is first physically present on the medi-hotel site or designated red zone at an airport site and ending 14 days after the person is last physically present on the medi-hotel site or designated red zone at an airport site.

Example—

A person submits to a nasal swab COVID-19 test on 13 January 2021; they must submit to another nasal swab COVID-19 test by midnight on 20 January 2021; and then again by midnight on 27 January 2021 (even (for the avoidance of doubt) if they have not been on a medi-hotel site or designated red zone at an airport site in the 14 day period).

- (2) A person referred to in clause 4(1)(a) or 4(1)(b) of this direction must submit to a saliva COVID-19 test on every day on which the person is physically present on the medi-hotel site or in the designated red zone at the airport site.
- (3) A person does not need to submit to a saliva COVID-19 test under subclause (2) on a day when they submit to a nasal swab COVID-19 test under subclause (1).
- (4) 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.
- (5) A person required to submit to a COVID-19 test under this clause must, upon request by an authorised officer, produce evidence that they have complied with subclauses (1) and (2).
- (6) If a person to whom this Part applies displays symptoms of COVID-19, the person must immediately notify SA Health of those symptoms.
- (7) If a person to whom this Part applies displays symptoms of COVID-19 and is directed by SA Health to submit to a COVID-19 test, the person must reside and remain, quarantined and segregated from other persons, pending confirmation of a negative result from that test.

Note—

A person to whom this Part applies who is awaiting a COVID-19 test result but does not display symptoms of COVID-19 is not required to self-quarantine pending confirmation of a negative result from that test.

6—Operator of medi-hotel site—Testing Compliance Plan

- (1) The operator of a hotel that is a medi-hotel site must adopt a Testing Compliance Plan that requires employees and contractors of the operator to notify the operator of their undertaking of a COVID-19 test pursuant to clause 5.
- (2) The operator of a hotel that is a medi-hotel site must—
 - (a) keep records of information given to them under this clause; and
 - (b) provide such records to an authorised officer on request; and
 - (c) upon becoming aware of an instance of non-compliance with clause 5 of this direction, urgently advise an authorised officer of that non-compliance.

Note—

This requirement is to assist with contact tracing if an identified case of COVID-19 is confirmed.

7—PPE to be worn in certain zones

A person to whom this Part applies must, while in a designated red zone at a medi-hotel or airport site, or a designated orange zone at a medi-hotel, wear PPE in accordance with the policy of the Department relating to wearing PPE at medi-hotels or airports (as published by the Department from time to time).

Part 3—Prohibitions applying to employees and contractors of medi-hotels

8—Employees and contractors not to be employed in high risk settings or high risk locations

- (1) A person must not employ or engage another person (whether under a contract of employment or a contract for services) (**an employee**) to undertake work that will require the employee to be present at a high risk setting, if the employee has provided services to the operator of a medi-hotel (whether under a contract of employment or a contract for services) within the last 14 days.

Note—

Employees of SA Police, SA Health, Australian Border Force, and the Australian Defence Force do not provide services to the operator of a medi-hotel: see the definition of services in subclause (4).

- (2) A person employed or engaged to undertake work that will require them to be present at a high risk setting must inform the person who employs or engages them of any additional employment that they engage in, and whether that employment is in a medi-hotel.
- (3) A person must not undertake work that will require them to be present at a high risk setting (whether under a contract of employment or a contract for services) if that person has provided services to the operator of a medi-hotel (whether under a contract of employment or a contract for services) within the last 14 days.
- (4) In this clause—

high risk setting means—

- (a) a residential aged care facility as defined in the *Emergency Management (Residential Aged Care Facilities No 29) (COVID-19) Direction 2021* or any direction replacing that direction from time to time;
- (b) a prison, correctional facility, training centre or other place of custody;
- (c) a facility for the provision of health care services of a type referred to in Sch 2, paragraph (a) of the *Emergency Management (Public Activities No 18) (COVID-19) Direction 2021* or any direction replacing that direction from time to time;
- (d) a meatworks or meat processing facility; or
- (e) the land comprising an Aboriginal community described in Schedule 1;

services at a medi-hotel includes front of house, cleaning and security.

Part 4—Regulation of persons undertaking supervised quarantine

Note—

A direction under the *Emergency Management Act 2004* relating to cross border travel requires an overseas arrival to submit to COVID-19 testing within 24 hours of arrival and on the 5th and 12th day after arrival.

Another direction under the *Emergency Management Act 2004* requires a person to remain isolated and segregated from other persons on being diagnosed with COVID-19.

9—Requirement to remain isolated in medi-hotel room

- (1) A person undertaking supervised quarantine in a medi-hotel room—
 - (a) must not leave the room except in an emergency situation, which would include—
 - (i) a medical episode; or
 - (ii) a fire evacuation; or
 - (iii) as necessary for the purposes of maintenance to address a safety issue in the room; and
 - (b) must take reasonable steps to ensure that no other person enters the room unless that other person—
 - (i) is required for medical or emergency purposes; or
 - (ii) is a prescribed person.
- (2) Despite subclause (1), a person undertaking supervised quarantine in a medi-hotel room—
 - (a) may leave the room to enter a room of a quarantining immediate family member; and
 - (b) may allow a quarantining immediate family member to enter their room, only if the rooms are separated only by internally connecting doors.

Note—

The operator of a medi-hotel must ensure, as far as is reasonably practicable, that immediate family members undertake supervised quarantine in the same room or in rooms that are accessible internally.

- (3) Without limiting a preceding provision, a person undertaking supervised quarantine in a medi-hotel room must ensure that items are not shared with any other person undertaking supervised quarantine at the medi-hotel (other than a quarantining immediate family member).
- (4) In this clause—

prescribed person means—

 - (a) a person employed, engaged or otherwise authorised by the Department for the purposes of this paragraph; or

- (b) a police officer; or
- (c) a person employed or engaged by the medi-hotel to provide services at the hotel.

Note—

This includes front of house, cleaning and security.

10—Physical distancing principle applies

- (1) A person undertaking supervised quarantine in a medi-hotel room must use their best endeavours (having regard to the all the circumstances) to maintain a distance of at least 1.5 metres from other people.
- (2) This clause does not apply to persons who are quarantining immediate family members.

11—Masks

- (1) Subject to this clause, a person undertaking supervised quarantine in a medi-hotel room must wear a face mask (covering mouth and nose) at all times when in the physical presence of another person, other than a quarantining immediate family member occupying the same room or a room separated only by internally connecting doors.
- (2) If an item (such as food) is delivered to the room of a person undertaking supervised quarantine in a medi-hotel, the person must—
 - (a) wait for at least 3 minutes after the delivery occurs before opening the door to collect the item; and
 - (b) subject to this clause, wear a mask when collecting the item.
- (3) A prescribed authorised officer (or delegate) may exempt a person from the requirement to wear a mask under this clause—
 - (a) in the case of a person receiving a service from a service provider or carer who will be in the physical presence of the person—if satisfied that the wearing of a mask will hinder the provision of the relevant service or care or impact on the person's safety or wellbeing; or
 - (b) if the person has a relevant medical condition, including problems with their breathing, a serious condition of the face, a disability or a mental health condition; or
 - (c) in circumstances where the ability to see the mouth is essential for communication, such as to enable communication by or with any person who is deaf or hard of hearing; or
 - (d) if the person is under the age of 5 and reasonable efforts have been made to fit the person with a mask; or
 - (e) for the purposes of a COVID-19 test.
- (4) The operator of a medi-hotel must provide a person undertaking supervised quarantine in the medi-hotel with a sufficient number of masks to enable the person to comply with this direction.

12—Other requirements

- (1) A person undertaking supervised quarantine in a medi-hotel room must not throw or otherwise project an item from a balcony.
- (2) A person undertaking supervised quarantine in a medi-hotel room must not abuse, intimidate, threaten or harass a person providing services at the medi-hotel.

Part 5—Other matters

13—Exemptions

A prescribed authorised officer may, if satisfied that exceptional circumstances exist, exempt (conditionally or unconditionally) a person or class of persons from this direction or a provision of this direction.

14—Powers of authorised officers

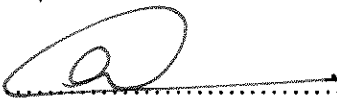
Nothing in this direction derogates from the powers of authorised officers to exercise powers pursuant to the Act.

Important—

FAILURE TO COMPLY WITH THIS DIRECTION IS AN OFFENCE.

This direction operates from the ^{26th} day of February 2021 at 0001 hours

SIGNED at ADELAIDE on this ^{25th} day of February 2021
at 19:18 hours


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GRANTLEY STEVENS
STATE CO-ORDINATOR

Schedule 1—Aboriginal communities

The land comprising the following Aboriginal communities is a high risk setting for the purposes of clause 8 of this direction:

- (a) the area described in Schedule 1 of the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* (SA) and known as the Anangu Pitjantjatjara Yankunytjatjara Lands;
- (b) the area on which the community known as the Davenport Community is located;
- (c) the area known as Nepabunna;
- (d) the area known as Iga Warta;
- (e) the area on which the community known as the Umoona Community is located;
- (f) the area known as Oodnadatta;
- (g) the area on which the community known as the Yalata Community is located;
- (h) the area known as Kooniba;
- (i) the area described in Schedule 1 of the *Maralinga Tjarutja Land Rights Act 1984* (SA) and known as the Maralinga Tjarutja Lands;
- (j) the area on which the community known as the Gerard Community is located;
- (k) the area known as Raukkan, which is also known as Narrung and previously known as Point McLeay;
- (k) the area on which the community known as the Point Pearce Aboriginal Community is located.