

South Australia

Emergency Management (Residential Aged Care Facilities No 31) (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—Short title

This direction may be cited as the *Emergency Management (Residential Aged Care Facilities No 31) (COVID-19) Direction 2021*.

2—Revocation of previous direction

- (1) This direction replaces the *Emergency Management (Residential Aged Care Facilities No 30) (COVID-19) Direction 2020*.
- (2) The *Emergency Management (Residential Aged Care Facilities No 30) (COVID-19) Direction 2020* is revoked.

3—Definitions

- (1) In this direction—

care and support visit, in relation to a resident of a RACF, means a visit made to the resident by one or more persons for the purposes of providing care and support to the resident (and includes a visit by a family member or friend of the resident for the purposes of providing social support to the resident);

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;

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

Former Victorian Arrivals direction means the *Emergency Management (Quarantine and Testing of Certain Former Victorian Arrivals) (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;

flexible care subsidy has the same meaning as the *Aged Care Act 1997* of the Commonwealth;

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

low community transmission zone arrival means a person—

- (a) who arrives in South Australia from the low community transmission zone; and
- (b) who has not, at any time during the period of 14 days immediately before their arrival in South Australia, been in a place other than South Australia or the low community transmission zone;

operator of a RACF means a person who owns, controls or operates the RACF;

personal care worker means a person (whether as an employee or contractor) whose primary role is to support residents with their daily care needs, and may include persons employed in a role such as a personal care assistant or care worker;

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

prescribed quarantine period, in relation to a prescribed RACF, means a period beginning at the declaration by a prescribed authorised officer of an outbreak in relation to the prescribed RACF, and ending at the time declared by a prescribed authorised officer;

prescribed RACF means a RACF in relation to which a prescribed authorised officer has declared an outbreak, being a single confirmed case of COVID-19 in a resident, staff member or frequent attendee of a RACF;

prohibited arrival has the same meaning as in the Cross Border Travel Direction;

prospective resident visit means a visit to a RACF by one or more persons for the purpose of considering whether a person holding a valid Aged Care Assessment Team approval for residential aged care will become a resident at the facility;

residential aged care facility or **RACF** means—

- (a) a facility at which accommodation, and personal care or nursing care or both, are provided to a person in respect of whom a residential care subsidy or a flexible care subsidy is payable under the *Aged Care Act 1997* of the Commonwealth; or
- (b) the aged care portion of a Multi-purpose Service (MPS) in which accommodation, and personal care or nursing care (or both), are provided to aged care residents, in aged care beds that are funded through the Commonwealth Government Multi-purpose Service Program; or

- (c) that part of a regional hospital providing State funded residential aged care beds where accommodation, and personal care or nursing care (or both), are provided to a person in the same way as they would be if a residential care subsidy or a flexible care subsidy was payable under the *Aged Care Act 1997* of the Commonwealth;

residential care subsidy has the same meaning as in the *Aged Care Act 1997* of the Commonwealth.

- (2) A prescribed authorised officer may make a verbal declaration for the purpose of the definition of *prescribed quarantine period* in subclause (1), but must confirm a verbal declaration in writing within 48 hours after making the declaration (although a failure to do so will not affect the validity of the declaration).

4—Prohibition on entry and exceptions

Subject to this direction, a person is prohibited from entering, or remaining on, the premises of a RACF in South Australia unless—

- (a) the person is a resident of the RACF; or
- (b) the person is an employee, contractor, student or volunteer of the RACF; or
- (c) the person's presence at the premises is for the purposes of conducting a prospective resident visit; or
- (d) the person's presence at the premises is for the purposes of providing—
 - (i) goods or services that are necessary for the effective operation of the RACF; or
 - (ii) other professional services at the facility; or
- (e) the person's presence at the premises is for the purposes of providing health, medical or pharmaceutical services to a resident of the RACF; or
- (f) the person's presence at the premises is for the purposes of a care and support visit to a resident of the RACF; or
- (g) the person's presence at the premises is for the purposes of end of life support for a resident of the RACF for whom death is imminent (likely within 2 weeks); or
- (h) the person's presence at the premises is required for the purposes of emergency management or law enforcement; or
- (i) the person's presence at the premises is required for the purposes of regulatory functions or duties, including inspections; or
- (j) the person is a legal practitioner and their presence at the premises is for the purposes of the provision of legal advice or services.

Example—

A legal practitioner entering the premises of a RACF to take instructions from a client who is a resident of the facility or for the purposes of the execution of a will or other testamentary instrument by a client who is a resident of the facility.

5—General limitations relating to persons who may enter RACF

- (1) Despite clause 4, a person referred to in clause 4(b) to (j) must not enter or remain on the premises of a RACF in South Australia if—
 - (a) during the 14 days immediately preceding the entry, the person arrived in South Australia from a place outside South Australia and—
 - (i) was not a low community transmission zone arrival; or
 - (ii) is not ordinarily resident in the cross border corridor between South Australia and another State or Territory applying for the purposes of the Cross Border Travel Direction; or
 - (b) the person is a restricted former Victorian arrival under a Former Victorian Arrivals Direction; or
 - (c) —
 - (i) during the 14 days immediately preceding the entry, the person had known contact, other than contact during which the person wore appropriate personal protective equipment, with a person who has a confirmed case of COVID-19; or
 - (ii) the person has a temperature higher than 38 degrees Celsius, or has a history of fever or chills in the preceding 72 hours, or symptoms of acute respiratory infection or loss of taste and smell; or
 - (d) the person has not been vaccinated against the seasonal influenza; or
 - (e) the person has undertaken a COVID-19 test and is awaiting the test result, unless the person submitted to the COVID-19 test in accordance with routine surveillance testing of asymptomatic persons.
- (2) Subclause (1) does not apply to prevent a person employed or engaged in the provision of emergency services from entering or remaining on the premises of a RACF in the event of an emergency.
- (3) Despite subclause (1)(a) to (b)—
 - (a) a person who arrives from a restricted location (within the meaning of the Cross Border direction); or
 - (b) a former Greater Melbourne arrival under the Former Victorian Arrivals direction, including a person identified in paragraph (b) of clause 2(1) of *Emergency Management (Quarantine and Testing of Certain Former Victorian Arrivals No 4) (COVID-19) Direction 2021*;is not prevented from entering or remaining on the premises of a RACF after receiving written confirmation of a negative COVID-19 test in accordance with that direction.
- (4) Despite subclause (1)(a), a person referred to in that paragraph may enter and remain on the premises of a RACF under clause 4(g), provided that the person—
 - (a) wears appropriate personal protective equipment while on the premises of the RACF; and
 - (b) quarantines during any period during which they are not on the premises of the RACF.

- (5) Subclause (1)(e) does not apply—
- (a) to a person who has a medical contraindication to the influenza vaccine (such as a person who has a history of anaphylaxis, or has had Guillain-Barré Syndrome, following vaccination, or who is taking checkpoint inhibitor medication for cancer treatment); or
 - (b) to a person to whom the vaccination against influenza is not reasonably available; or
 - (c) to a person referred to in clause 4(g) who is not able to access the influenza vaccine before their visit to the RACF and who takes all reasonable steps to access the influenza vaccine as soon as practicable after their initial visit; or
 - (d) to a child aged 6 months or less.

6—Additional limitations and requirements relating to certain persons

- (1) Despite clause 4 but without limiting clause 5, the following provisions apply in relation to RACFs in South Australia:
- (a) to the extent reasonably possible, a personal care worker who provides personal care to a resident (whether as an employee or contractor) at a RACF must not also provide personal care to a resident at another RACF;
 - (b) a person who provides personal care or nursing care to a resident (whether as an employee or contractor) at a RACF must not enter or remain on the premises of a RACF, unless the person has completed COVID-19 infection control training of a kind, frequency and by a date determined by the Department;
 - (c) the operator of a RACF must—
 - (i) keep records of completion of COVID-19 infection control training by persons referred to in paragraph (b) employed or engaged by the RACF; and
 - (ii) provide such records to an authorised officer on request.
- (2) All employees, contractors and volunteers of an RACF must notify the operator of the RACF (as soon as possible) of—
- (a) any additional place of employment; and
 - (b) any COVID-19 case identified at any additional place of employment.
- (3) In this clause—
- authorised officer** means—
- (a) an authorised officer appointed under the *Emergency Management Act 2004*; or
 - (b) an authorised officer appointed under the *South Australian Public Health Act 2011*.

7—Operator of RACF—Workforce Management Plan

- (1) The operator of a RACF in South Australia must adopt a Workforce Management Plan that—
 - (a) requires employees, contractors and volunteers of the RACF to notify the operator of the RACF of their additional place of employment (if relevant); and
 - (b) requires employees, contractors and volunteers of the RACF to notify the operator of the RACF if they become aware of a COVID-19 case identified at their additional place of employment.

Note—

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

- (2) The operator of a RACF must—
 - (a) keep records of notifications given under this clause; and
 - (b) provide such records to an authorised officer (within the meaning of clause 6) on request.

8—Operator of RACF—COVID-19 Infection Control Plan

- (1) The operator of a RACF in South Australia must ensure that a COVID-19 Infection Control Plan relating to all communal areas at the RACF is approved in accordance with this clause.
- (2) For the purposes of subclause (1), the operator of a RACF must, on or before 27 August 2020, submit a COVID-19 Infection Control Plan to the Department (in such manner and form as is determined by the Department).
- (3) The Department may approve a COVID-19 Infection Control Plan submitted under this clause.
- (4) A COVID-19 Infection Control Plan approved under this clause may be published by the Department.
- (5) The operator of a RACF must ensure that a COVID-19 Infection Control Plan approved under this clause is kept available for inspection by authorised officers and any persons entering the RACF.
- (6) In this clause—

authorised officer means an authorised officer appointed under the *Emergency Management Act 2004* or an authorised officer appointed under the *South Australian Public Health Act 2011*.

communal area includes any area at an RACF where multiple persons (including, for example, employees, contractors and visitors) may come into contact with each other (including, for example, meal areas and locker rooms).

9—Operator of RACF—other requirements etc

- (1) The operator of a RACF in South Australia must take all reasonable steps to ensure that a person does not enter or remain on the premises of the RACF if the person is prohibited from doing so under this direction.

- (2) The operator of a RACF must ensure that a resident of the RACF who has undertaken a COVID-19 test remains isolated and segregated from other persons in accordance with the directions of an authorised officer until the result of the test is known.

Note—

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.

- (3) The operator of a RACF must ensure that any person providing care to a resident at a RACF who is awaiting a COVID-19 test result wears appropriate personal protective equipment when providing care to that resident until the result of the test is known.
- (4) The operator of a RACF must—
- (a) maintain a register at point of entry in which all visitors, volunteers, visiting healthcare professionals and contractors record their name, telephone number, date and time of the visit and departure, and resident/area of the RACF visited; and
 - (b) keep accurate staff records, including telephone numbers and email addresses (if relevant).

Note—

These requirements are to assist with contact tracing if an identified case of COVID-19 is confirmed.

These requirements could be satisfied by the use of the *approved contact tracing system*, being the COVIDSAfeCheckIn, ScanTek or any other electronic platform approved by the State Co-ordinator for the purpose of capturing relevant contact details, including (where applicable) the use of a dedicated code provided by the State Government.

- (5) The register and records kept under subclause (4) must be made immediately available for inspection (on request) for contact tracing purposes.
- (6) Nothing in this direction is to be taken to prevent a RACF from accommodating new residents (whether on a permanent basis or for respite care).

10—Quarantine for residents of a prescribed RACF and certain carers

- (1) Despite any other clause of this direction, a resident of a prescribed RACF must not leave the premises of the RACF during a prescribed quarantine period.
- (2) Subclause (1) does not apply to a resident who leaves the premises of a prescribed RACF—
- (a) for urgent medical or dental treatment; or
 - (b) for transfer to hospital; or
 - (c) for transfer to another RACF determined to be suitable by an authorised officer; or
 - (d) in order to quarantine at another location, including a family home, approved by an authorised officer.

Note—

Nothing in subclause (2) authorises the provision of treatment to a person that is contrary to an Advance Care Directive applying to that person.

- (3) A resident of a prescribed RACF to whom subclause (2)(d) applies must reside and remain at the approved location during the prescribed quarantine period, quarantined and segregated from other persons, except—
 - (a) to obtain or receive urgent medical or dental treatment; or
 - (b) for transfer to hospital; or
 - (c) for transfer to a RACF determined to be suitable by an authorised officer; or
 - (d) to the extent that close contact with a family member residing in the same premises is necessary in order to provide food and essential care to the person.
- (4) A person who has close contact with a resident for the purpose identified in subclause (3)(d), or with another person identified in this subclause, must also reside and remain at the approved location during the prescribed quarantine period, quarantined and segregated from other persons, subject to the exceptions in subclause (3).
- (5) For the purposes of subclause (4), *close contact* with another person occurs if they are in the company of the other 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.

Note—

Subclause (4) means that another person living at the same location must also quarantine at that location if they do not have close contact with the resident during the prescribed quarantine period but have close contact with the person providing care to the resident.

- (6) A person working at a prescribed RACF (whether as an employee, contractor or student) during a prescribed quarantine period (during a declared outbreak) must not attend any other place of employment during the prescribed quarantine period.
- (7) Subclause (6) does not apply to a person who attends a prescribed RACF for the purpose of emergency management or law enforcement in the case of an emergency.

11—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.

12—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 *February* 2021 at *16.57* hours

SIGNED at *ADELAIDE* on this *16th* day of *February* 2021
at *16.57* hours



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GRANTLEY STEVENS
STATE CO-ORDINATOR

South Australia

Emergency Management (Public Activities No 19) (COVID-19) Direction 2021

under section 25 of the *Emergency Management Act 2004*

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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.
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Part 1—Preliminary

1—Short title

This direction may be cited as the *Emergency Management (Public Activities No 19) (COVID-19) Direction 2021*.

2—Revocation of previous directions

- (1) This direction replaces the *Emergency Management (Public Activities No 18) (COVID-19) Direction 2020*.
- (2) The *Emergency Management (Public Activities No 18) (COVID-19) Direction 2020* is revoked.

3—Purpose

The purpose of this direction is to impose principles and rules relating to the conduct of certain activities involving members of the public, and the management of places in which the activities occur, for the purpose of minimising the spread of SARS-CoV-2 the cause of the Human Disease named COVID-19 within South Australia.

4—Interpretation

- (1) In this direction, unless the contrary intention appears—
Act means the *Emergency Management Act 2004*;
approved contact tracing system—see Schedule 3;
approving authority means the Department;
auction includes any auction of property or goods (other than a purely on-line auction) and any pre-auction inspection of property or goods;
ceremonies means religious or faith based ceremonies (other than wedding ceremonies or funeral services);
contact tracing records—see Schedule 3 clause 1(5);
COVID Management Plan—see clause 11;
COVID Safe Plan—see clause 10;

defined public activity means any of the following:

- (a) onsite purchase and consumption of food or beverages (whether occurring in an indoor or outdoor area);
- (b) sport (including sports training), fitness or recreation activities;
- (c) indoor public meetings;
- (d) ceremonies;
- (e) private functions;
- (f) provision of personal care services;
- (g) provision of public entertainment;
- (h) provision of recreational transport;
- (i) the operation of a nightclub;
- (j) the operation of relevant licensed premises;
- (k) the operation of a casino or gaming area (within the meaning of the *Gaming Machines Act 1992*);
- (l) auctions and inspections of premises for the purpose of sale or rental of any property;
- (m) driver instruction;
- (n) the provision of health care, residential care, disability support or aged care services;

Note—

A gathering of up to 1 000 persons occurring as part of a defined public activity is a permitted gathering but an approved COVID Management Plan is required for more than 1 000 persons.

density requirement—see clause 8;

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

driver instruction means the provision of driver training and testing by a motor driving instructor or an authorised examiner (within the meaning of the *Motor Vehicles Act 1959*) conducted inside a vehicle (other than inside a light rigid, medium rigid, heavy rigid, heavy combination or multi combination heavy vehicle);

fitness or recreation activities means—

- (a) any classes or activities at gymnasiums, health clubs, fitness centres, yoga, barre and spin facilities and dance and pilates studios that are open to, or accessible by, the public; or

Note—

For the avoidance of doubt, gyms etc in strata title and community title premises and other locations to which the public does not have access are not captured by the above definition.

- (b) swimming or other activities at swimming pools used by the public; or
- (c) boot camps or other personal training activities (whether conducted indoors or outdoors); or

- (d) any other group fitness or physical recreation activity open to members of the public (whether on payment of money or otherwise);

health care, residential care, disability support or aged care services—see Schedule 2;

member of the public includes the members of any club or association that undertakes a defined public activity;

nightclub includes (but is not limited to) licensed premises under the *Liquor Licensing Act 1997* where the principal purpose of, or predominant activity at, the premises is the consumption of liquor, the playing of loud, amplified music and dancing;

onsite, in relation to the purchase and consumption of food and beverages, does not include purchase of food and beverages which are taken away from the premises for consumption;

permitted gathering means—

- (a) a gathering described in Schedule 1; or
(b) a gathering occurring as part of a defined public activity;

personal care services means—

- (a) services at hairdressers, barbershops and other premises at which hairdressing and barber services are provided; or
(b) services at beauty salons, nail salons and tattoo parlours and other premises at which beauty therapy and tanning, waxing, piercing or body modification services are provided; or
(c) wellness centres, day spas and massage parlours; or
(d) saunas and bathhouses (including thermal or spa bathing);

physical distancing principle—a person complies with the physical distancing principle if they maintain a distance of at least 1.5 metres from other people;

place includes any premises, land, building, vehicle or other place including (to avoid doubt)—

- (a) indoor or outdoor places; and
(b) residential or non-residential places; and
(c) public places; and
(d) movable places;

prescribed gathering means a gathering (other than a permitted gathering) of more than 1 000 people at any place (other than residential premises);

prescribed operation—see clause 16;

private function means an invitation-only event or function on a part of licensed premises under the *Liquor Licensing Act 1997* where there is no public access (for persons not invited to the event or function);

private gathering means an invitation-only event or function (other than a private function)—

- (a) held at a place (whether indoor or outdoor) that is not residential premises; and
- (b) where persons not invited to the event or function are not permitted to attend;

private place means any place that is not a public place or residential premises;

prohibited gathering means—

- (a) in relation to residential premises—a gathering of more than 200 people; or
- (b) in relation to any other place—
 - (i) a private gathering of more than 200 people; or
 - (ii) any other gathering at a place (whether indoor or outdoor) of more than 200 people,

but does not include a permitted gathering;

Note—

A gathering at a public place would include persons attending a family function at a park together.

public entertainment means—

- (a) any concert, live theatre or other live performance; or
- (b) cinema; or
- (c) galleries, museums and other public institutions; or
- (d) publicly accessible historic sites; or
- (e) zoos and other wildlife or animal parks; or
- (f) any other place of entertainment that is open to members of the public;

public meeting means a meeting, lecture or presentation that is open to members of the public;

public place means a place to which the public has access (whether an admission fee is charged or not);

recreational transport means a defined public activity in a vehicle or other movable place available for hire by members of the public for the purposes of tours or other recreational purposes;

relevant licensed premises means licensed premises (other than a nightclub) under the *Liquor Licensing Act 1997*—

- (a) at which more than 1 000 persons are reasonably expected to be present; or
- (b) at which dancing and any consumption of liquor is facilitated; or
- (c) where any part of the premises is used for the purpose of the consumption of liquor, playing loud, amplified music and dancing (in the manner of a nightclub); or

- (d) where entertainment of a sexually explicit nature (being entertainment within the meaning of paragraph (a) of the definition of *prescribed entertainment* in section 105(6) of the *Liquor Licensing Act 1997*) may be provided under a condition of the relevant licence;

sport includes any form of sport or racing (including motor sports and any form of horse or greyhound racing).

- (2) For the purposes of this direction, dancing and any consumption of liquor will be taken to be *facilitated* at licensed premises if the licensee does not take all reasonable steps to prevent dancing and any consumption of liquor at the premises.

5—Powers of Authorised Officers

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

Part 2—General prohibitions

6—Defined public activities

- (1) A person may only allow a defined public activity to be conducted at a place occupied by the person in accordance with any applicable requirements in this direction.
- (2) A person may only conduct a defined public activity in accordance with any applicable requirements in this direction.
- (3) A consumer or member of the public may only participate in a defined public activity in accordance with any applicable requirements in this direction.

7—Gatherings

- (1) A person must not—
- (a) allow a prohibited gathering to occur at a place occupied by the person; or
 - (b) organise a prohibited gathering at a place; or
 - (c) attend a prohibited gathering at a place.
- (2) A person must not—
- (a) allow a prescribed gathering to occur at a place occupied by the person; or
 - (b) organise a prescribed gathering at a place; or
 - (c) attend a prescribed gathering at a place,

unless the approving authority has approved a COVID Management Plan in respect of the prescribed gathering, and that Plan has not been suspended or revoked.

- (3) A person must not—
- (a) allow a gathering of 51-200 people to occur at residential premises occupied by the person; or
 - (b) organise a gathering of 51-200 people at residential premises; or
 - (c) attend a gathering of 51-200 people at residential premises.

unless a COVID Safe Plan in respect of the gathering has been obtained prior to the commencement of the gathering.

- (4) Despite paragraph (g) in Schedule 1, a person who is present in a court or tribunal building must comply with a reasonable direction of a sheriff's officer given for the purposes of implementing the density requirement and the physical distancing principle.

Part 3—General compliance principles

Note—

The requirements of this Part apply to all defined public activities in addition to any special requirements that may apply under Part 4.

8—Density requirement

- (1) Subject to this clause, the occupier of a place at which a defined public activity is conducted, and any person who conducts a defined public activity at a place, must ensure that the density requirement is complied with in relation to that place.
- (2) In addition, the occupier of a place at which a private gathering is held, and any person who conducts a private gathering at a place, must ensure that the density requirement is complied with in relation to that place.
- (3) In determining the size of a place for the purposes of applying the density requirement, only those parts of the place that are used by members of the public for the purposes of the activity are to be included.
- (4) People employed or engaged to work, or undertaking official duties, for the purposes of a defined public activity are not to be counted for the purposes of this clause.
- (5) To avoid doubt, infants and children of any age are to be counted for the purposes of this clause.
- (6) A person who provides recreational transport in a vehicle or other movable place is not required to ensure that the density requirement is complied with in relation to that place.
- (7) In this clause—

density requirement means—

- (a) except if paragraph (b) applies, the requirement that—
 - (i) the total number of persons present at a place must not exceed 1 person per 2 square metres; and
 - (ii) in relation to a defined public activity at a place, the requirement that—
 - (A) the total number of persons present for the purposes of the defined public activity at the place (as a whole) must not exceed 1 person per 2 square metres; and
 - (B) the total number of persons present in any single room or enclosed area within the place (including where the place only consists of a single room or enclosed area) must not exceed 1 person per 2 square metres; or
- (b) at a cinema or a live theatre or performance venue where patrons are in fixed seating—

- (i) if patrons wear masks for the duration of the activity (subject to the exceptions in subclause (8))—the requirement that the total number of patrons does not exceed 75% of the place’s normal occupancy; or
 - (ii) in any other case—the requirement that the total number of patrons does not exceed 50% of the place’s normal occupancy.
- (8) The following exceptions apply for the purposes of paragraph (b)(i) of the definition of *density requirement*:

- (a) a patron is not required to wear a mask if they have a relevant medical condition, including problems with their breathing, a serious condition of the face, a disability or a mental health condition;

Note—

Evidence of a relevant medical condition must be produced on request.

- (b) a mask is not required to be worn in circumstances where the ability to see the mouth is essential for communication, such as to enable communication by or with any patron who is deaf or hard of hearing;
- (c) a patron under the age of 12 is not required to wear a mask.

Note—

The requirement to wear a mask does not apply when a patron is eating or drinking.

9—Physical distancing principle

- (1) A person who is present at a place at which a defined public activity is conducted or at which any gathering of people is occurring (whether or not a prohibited or prescribed gathering) must use their best endeavours (having regard to the all the circumstances, including the nature of the activity) to comply with the physical distancing principle.
- (2) The occupier of a place at which a defined public activity is conducted and any person who conducts a defined public activity at a place must take reasonable steps to ensure that facilities provided at the place allow for compliance with the physical distancing principle during the conduct of the activity.
- (3) The physical distancing principle does not apply to persons who live in the same household, or who are friends, family members or people who otherwise regularly associate with each other, or in circumstances specified under a provision of Part 4.

10—COVID Safe Plan

- (1) A person must not conduct, or be involved in the conduct of:
 - (a) a defined public activity; or
 - (b) a gathering of between 51-200 people at residential premises,unless they have completed a COVID Safe Plan (in a form made available by the State Co-ordinator on the website www.covid-19.sa.gov.au or in such other manner as the State Co-ordinator thinks fit) in relation to the activity.
- (2) If a place is used for defined public activities conducted by different people, the owner of the place, or the person with care, control and management of the place, must have completed a COVID Safe Plan (in a form made available by the State Co-ordinator on the website www.covid-19.sa.gov.au or in such other manner as the State Co-ordinator thinks fit) in relation to the place.

- (3) A COVID Safe Plan in relation to a gathering of 51-200 people at residential premises must include provision for the approved contact tracing system required for defined public activities.
- (4) A COVID Safe Plan completed under this clause must be kept available—
 - (a) in relation to a plan under subclause (1)—for inspection by authorised officers, and any members of the public involved in the defined public activity, during any period during which the defined public activity is occurring; and
 - (b) in relation to a plan under subclause (2)—for inspection by authorised officers, and any members of the public involved in any of the defined public activities conducted at the place, during any period during which a defined public activity is occurring at the place.
- (5) In this clause—

authorised officer means an authorised officer appointed under the *Emergency Management Act 2004*, an authorised officer appointed under the *South Australian Public Health Act 2011* or an authorised person appointed under the *Local Government Act 1999*.

11—COVID Management Plan

- (1) If a provision of this direction requires the approval of a COVID Management Plan in respect of a defined public activity, meeting or prescribed gathering the person conducting, or who organised, the activity, meeting or prescribed gathering (as the case requires) must submit a COVID Management Plan to the approving authority (in such manner and form as is determined by the approving authority) in relation to the defined public activity, meeting or prescribed gathering.
- (2) If a place is used for defined public activities, meetings or prescribed gatherings conducted by different people, the owner of the place, or the person with care, control and management of the place, must submit a COVID Management Plan to the approving authority (in such manner and form as is determined by the approving authority) in relation to the place.
- (3) The approving authority may approve a COVID Management Plan submitted under this clause.

Note—

The approving authority may require the Plan to include provision for the approved contact tracing system required for defined public activities (see clause 10).

- (4) A COVID Management Plan approved under this clause may be suspended, varied or revoked by the approving authority.
- (5) A COVID Management Plan approved under this clause may be published by the approving authority
- (6) A COVID Management Plan approved under this clause must be kept available—
 - (a) in relation to a plan under subclause (1)—for inspection by authorised officers, and any members of the public involved in the defined public activity, meeting or prescribed gathering (as the case may be), during any period during which it is occurring; or

- (b) in relation to a plan under subclause (2)—for inspection by authorised officers, and any members of the public involved in any of the defined public activities, meetings or prescribed gatherings conducted at the place, during any period during which a defined public activity, meeting or prescribed gathering is occurring at the place.
- (7) In this clause—
authorised officer has the same meaning as in clause 10.

Part 4—Special compliance rules for particular defined public activities

Note—

Any applicable requirements of this Part apply in addition to the general compliance principles under Part 3.

12—Requirements relating to consumption of food or beverages (including alcohol)

- (1) Onsite purchase and consumption of food or beverages (including alcohol) is permitted at a place if—
 - (a) there is no food preparation conducted at or adjacent to patrons at a bar area; and
 - (b) there are no communal food or beverage service areas (such as buffets or salad bars); and
 - (c) re-usable equipment such as ‘hookah’ or other pipes, tubes, heads or any other equipment associated with the operation of shisha, smoking or vaping at the place, including where any such equipment is supplied for use away from the place (for example, equipment that is hired or lent out), is not permitted to be used.
- (2) If the primary purpose of the place is to provide recreational facilities (eg mini-golf, pool tables, tenpin bowling), food and beverages may be consumed by patrons while at the place if—
 - (a) there is no food preparation conducted at or adjacent to patrons at a bar area; and
 - (b) there are no communal food or beverage service areas (such as buffets or salad bars); and
 - (c) shared equipment (such as golf clubs, pool cues or bowling balls) and frequently touched surfaces are cleaned between use by different individuals or groups (as the case may be).
- (3) The physical distancing principle does not apply to people who attend as a group at a place that provides onsite purchase and consumption of food or beverages.

13—Special provision for private functions

The following provisions apply in respect of a defined public activity that consists of a private function (at licensed premises):

- (a) a maximum of the same 200 attendees (including children and infants) applies for the duration of the event;
- (b) the activity may only take place in a separate and designated area (whether indoor or outdoor) of the premises with—
 - (i) separate bathroom facilities (where available), but if not available, with a higher frequency of cleaning of bathroom facilities; and
 - (ii) no public access;
- (c) the service of any food or beverages or provision of a liquid or edible items must ensure that no shared utensils are used for that purpose;
- (d) patrons attending the activity must use their best endeavours to remain segregated from other general patrons of the premises;
- (e) dancing is permitted;
- (f) the person who conducts the private function must, on the request of an authorised officer, make available a hardcopy list containing the full name of any person invited to the function.

14—Masks and protective equipment—health and related services

- (1) A defined public activity that consists of the provision of personal care services is permitted if, until 23 December 2020, the person who provides the personal care services wears appropriate personal protective equipment while providing those services.
- (2) Defined public activities that consist of health care, residential care, disability support or aged care services are permitted if, until 23 December 2020, all prescribed persons wear a face mask (covering mouth and nose) at all times when in the physical presence of other persons on the premises, subject to the following exceptions:
 - (a) a patient or client and/or a person providing care is not required to wear a mask if, in the provider or carer's professional opinion, or in the opinion of the service organisation providing the service, the wearing of a mask will hinder the provision of the relevant care and/or impact patient or client safety;

Note—

Hospital inpatients are generally not expected to wear masks except when being transported through public spaces.

A person receiving individual care in their own home is not expected to wear a mask.

A person will be considered to be in the physical presence of another person if they are in the same room as that other person.

- (b) a person is not required to wear a mask if they have a relevant medical condition, including problems with their breathing, a serious condition of the face, a disability or a mental health condition;

- (c) a mask is not required to be worn 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;
- (d) a patient or client under the age of 12 is not required to wear a mask;
- (e) a resident or live-in staff member of a residential care facility is not required to wear a mask, including in circumstances in which it is not possible to comply with the physical distancing principle.

(3) In this clause—

prescribed persons, in relation to health care, residential care, disability support or aged care services, means care providers, patients, clients, administrative and other staff, employees, visitors, students, contractors and any other person on the premises at which the service is provided.

15—COVID Management Plans required for certain defined public activities

An approved COVID Management Plan (under clause 11) is required in respect of each of the following:

- (a) a defined public activity if more than 1 000 persons are reasonably expected to be present at or participating in the activity;

Note—

This would include the onsite purchase and consumption of food or beverages at a place where the total number of persons present at the place for the purpose of the purchase and consumption of food or beverages is reasonably expected to exceed 1 000 people.

- (b) the operation of a nightclub;
- (c) the operation of relevant licensed premises.

Part 5—Special compliance rules for prescribed operations

Note—

Any applicable requirements of this Part apply in addition to the general compliance principles under Part 3 and special compliance rules under Part 4.

16—COVID Marshal

- (1) A person conducting prescribed operations must ensure that the prescribed operations are supervised by a COVID Marshal in accordance with this clause.
- (2) If a place is used for prescribed operations conducted by different people, the owner of the place, or the person with care, control and management of the place, must ensure that the prescribed operations at the place are supervised by a COVID Marshal in accordance with this clause.
- (3) A person is not eligible to be a COVID Marshal unless—
 - (a) the person has completed training of a kind determined by the Department; and
 - (b) the person is 16 years of age or more.—

Note—

A person under the age of 18 must have the approval of the person conducting the prescribed operations to be a COVID Marshal.

- (4) A person required under this clause to ensure that prescribed operations are supervised by a COVID Marshal must—
- (a) keep records of completion of COVID-19 training by persons referred to in subclause (3); and
 - (b) provide such records to an authorised officer on request.
- (5) The functions and duties of a COVID Marshal with respect to the supervision of prescribed operations include—
- (a) to promote and take such practical steps as necessary to ensure the observance of appropriate infection control practices (for example, frequent handwashing) by all persons participating in the operations (whether as patrons, employees or contractors);
 - (b) to promote, and take such practical steps as necessary to ensure persons participating in the operations are behaving in compliance with the density requirement and physical distancing principle, and any other applicable obligations pursuant to a direction issued under the Act;
 - (c) to ensure that plans (including COVID Safe Plans and COVID Management Plans (as relevant)) or specific policies or protocols related to the prevention of coronavirus infection are effectively implemented and monitored;
 - (d) to ensure that the environment is appropriately established and there are sufficient seating, hand washing facilities and cleaning regimes in place to enable compliance;
 - (e) to ensure the compliance of both those conducting the operations and patrons of the operations with the approved contact tracing system (if applicable);
 - (f) to take reasonable steps to visually identify him or herself as a COVID Marshal to the public and any authorised officer.

Note—

For example, this could be achieved by wearing particular clothing such as a uniform.

- (6) A person undertaking the role of COVID Marshal is required to be present supervising prescribed operations at a place at all times.

Note—

With respect to 24 hour sites where staff are not always present, at all times of high patronage.

- (7) If more than 200 persons are reasonably expected to be present at or participating in prescribed operations, a COVID Marshal supervising the prescribed operations must not have any other duties in respect of the prescribed operations.

Note—

Nothing in this Part prevents the appointment of more than one COVID Marshal.

(8) In this clause—


prescribed operations means any of the following:

- (a) onsite purchase and consumption of food or beverages (whether occurring in an indoor or outdoor area);
- (b) ceremonies;
- (c) private functions;
- (d) gatherings of 51-200 people at residential premises;
- (d) operations at—
 - (i) supermarkets;
 - (ii) hardware stores;
 - (iii) distribution centres, including associated transport operations;
 - (iv) gymnasiums and fitness centres;
 - (v) swimming pools used by the public;
 - (vi) sporting clubs;
- (e) any defined public activity in respect of which a COVID Management Plan is required under this direction;
- (f) any operations specified as prescribed operations for the purposes of this definition by the State Co-ordinator.

IMPORTANT—FAILURE TO COMPLY WITH THIS DIRECTION IS AN OFFENCE

This direction operates from the 17th day of February 2021 at 0001 hours

SIGNED at ADELAIDE on this 16th day of February 2021
at 1653 hours


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GRANTLEY STEVENS
STATE CO-ORDINATOR

Schedule 1—Exclusions from prohibited gatherings and prescribed gatherings definitions

- (a) a gathering at an airport that is necessary for the normal business of the airport;
- (b) a gathering for the purposes of or related to public transportation, including in vehicles or at public transportation facilities such as stations, platforms and stops;
- (c) a gathering at a medical or health service facility that is necessary for the normal business of the facilities;
- (d) a gathering for the purposes of emergency services;
- (e) a gathering at a disability, aged care or residential care facility (including a supported residential facility or a child protection facility), or in a vehicle used for the purposes of such a facility, that is necessary for the normal business of the facility;
- (f) a gathering at a prison, correctional facility, training centre or other place of custody;
- (g) a gathering at a court or tribunal;
- (h) a gathering at Parliament or Government House for the purpose of its normal operations;
- (i) a gathering of members or office bearers of a council, council committee, or subsidiary of a council (all within the meaning of the *Local Government Act 1999*), and other persons working or otherwise engaged in official duties, at an ordinary or special meeting of the council, council committee or subsidiary;

Note—

Members of the public attending such a meeting would still be subject to the limitations imposed under clause 7.

- (j) a gathering at a food market, supermarket, grocery store, retail store or shopping centre that is necessary for the normal business of those premises;
- (k) a gathering at an office building, factory, laboratory or testing facility, repair or maintenance premises (such as a vehicle mechanic workshop), mining or construction site or waste disposal or processing facility that is necessary for the normal operation of those premises;
- (l) a gathering on land or a vessel used in the production or treatment of primary produce (within the meaning of the *Primary Produce (Food Safety Schemes) Act 2004*) that is necessary for normal operations on the land or vessel;
- (m) a gathering at a school, university or other educational institution or a childcare facility, or in a vehicle used for the purposes of any such institution or facility, that is necessary for the normal business of the institution or facility;
- (n) a gathering at a hotel, motel or other accommodation facility that is necessary for the normal operation of accommodation services;
- (o) a gathering at a place where persons are present for the purposes of transiting through the place;

Example—

Rundle Mall

- (p) a gathering specified as exempt from this direction by the State Co-ordinator (or authorised officer) in writing.

Schedule 2—Meaning of health care, residential care, disability support or aged care services

The following services are *health care, residential care, disability support or aged care services* for the purposes of the definition of *defined public activity*:

- (a) health care services, including the following:
- (i) private and public hospitals;
 - (ii) general practice;
 - (iii) private and public medical specialist services and practices;
 - (iv) private and public mental health services and practices including drug and alcohol services;
 - (v) private and public allied health services, including those provided by a counsellor, speech pathologist, sonographer, rehabilitation counsellor, radiation therapist, radiographer, psychologist, prosthetist / orthotist, podiatrist, physiotherapist, music therapist, osteopath, orthoptist, optometrist, occupational therapist, genetic counsellor, exercise physiologist, dietitian, counsellor, chiropractor, audiologist, art/creative art therapist, or Bowen therapist;
 - (vi) social workers working in health care services;
 - (vii) private complementary and alternative therapy services and practices including Chinese medicine practitioners;
 - (viii) community health services including Aboriginal Community Controlled Health Services;
 - (ix) private and public dental services;
 - (x) private and public reproductive services and sexual health services including termination of pregnancy;
 - (xi) private and public radiology services including screening services;
 - (xii) private and public disability and rehabilitation services;
- (b) residential care services, including the following:
- (i) residential disability services;
 - (ii) supported residential facilities;
 - (iii) residential care facilities established under the *Family and Community Services Act 1972* or licensed under the *Children and Young People (Safety) Act 2017*;

Note—

This does not include a residential aged care facility as defined in the direction under section 25 of the Act applying generally throughout the State to residential aged care facilities.

- (c) disability support services, including in-home disability support services;
- (d) in-home aged care services;
- (e) supported independent living services.

Schedule 3—Approved contact tracing system and records

1—Approved contact tracing system and records

- (1) Subject to this clause, a responsible person for a place to which this clause applies must ensure, to the extent possible in the circumstances, that—
 - (a) an approved contact tracing system is enabled at the place so as to capture the relevant contact details of persons entering the place; and
 - (b) all persons entering the place upload their relevant contact details to the approved contact tracing system on entry or as soon as reasonably practicable after entry.

Examples—

- (1) Circumstances in which it might not be possible for the person to enable the approved contact tracing system include when electricity or internet connection prevents its proper use.
- (2) Circumstances in which it might not be possible for a person's relevant contact details to be captured by the approved contact tracing system include when the person does not have a smartphone.
- (2) Subject to this clause, a person entering a place to which this clause applies must use every endeavour in all of the circumstances to ensure that their relevant contact details are captured by the electronic platform enabled in accordance with this clause.
- (3) However—
 - (a) if the responsible person for a place to which this clause applies has been unable after all reasonable attempts to ensure that all persons entering the place upload their relevant contact details to the approved contact tracing system because of a lack of, or failure relating to, the equipment, or the connection required to enable the system or upload the details, the responsible person must make and retain contact tracing records; and

Note—

Circumstances in which it might not be possible for the person entering a place to provide their contact details include when a person is unable to communicate that information to the venue in written or verbal form. The responsible person or a companion of the person entering may record or provide the relevant contact details on behalf of the person entering.

- (b) a person entering such a place who has not uploaded their relevant contact details after all reasonable attempts for the same reason is required to provide their relevant contact details to the responsible person for the place.
- (4) A person required under this direction to make and retain contact tracing records for people entering a place to which this clause applies must include the relevant contact details of each person entering and those records—
- (a) must be produced for inspection at the request of an authorised officer; and
 - (b) may only be used for the purpose of contact tracing in relation to COVID-19 and must not be used for any other purpose; and
 - (c) must be kept in such a manner so as to reduce the risk of them being copied, photographed, taken or used by another person (other than an authorised officer);
 - (d) must not be copied, photographed, taken or used by any other person (other than an authorised officer).

Note—

These records may be kept electronically.

- (5) In this clause—

approved contact tracing system means COVIDSAfeCheckIn or any other electronic platform approved by the State Co-ordinator for the purpose of capturing relevant contact details of a person entering a place, including (where applicable) the use of a dedicated code provided by the State Government;

Note—

The use of privately sourced or alternative electronic platforms or systems for capturing relevant contact details will not satisfy the requirement in subclause (1) or (2).

authorised officer means an authorised officer appointed under the *Emergency Management Act 2004*, an authorised officer appointed under the *South Australian Public Health Act 2011* or an authorised person appointed under the *Local Government Act 1999*;

general retail industry premises means premises in which the retail sale or hire of goods or services for personal, household or business consumption occurs and where the sale or hire involves customers who are physically present;

Note—

This includes premises where the preparation and retail sale of food or drink for immediate consumption on or off the premises occurs.

place to which this clause applies means—

- (a) a place at which a defined public activity is conducted; or
- (b) general retail industry premises;

relevant contact details, in relation to a person, means the person's name, telephone number and the time at which the person entered the place (in order to assist in contact tracing of the person);

responsible person for a place to which this clause applies means—

- (a) in the case of a place at which a defined public activity is conducted—a person who is required under clause 10 to complete a COVID Safe plan in respect of the place; or
 - (b) in the case of general industry retail premises—the owner of, or the person with care, control and management of the premises.
- (6) A reference in this clause to a person *entering a place* includes a reference to a person attending at the place for the purposes of a defined public activity.
- (7) Subclause (1)(a) and (b) and subclause (2) do not apply in respect of a defined public activity that consists of the provision of in-home health services.