

South Australia

Emergency Management (Stay at Home No 2) (COVID-19) Direction 2020

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.

Part 1—Preliminary

1—Short title

This direction may be cited as the *Emergency Management (Stay at Home No 2) (COVID-19) Direction 2020*.

2—Revocation of previous directions

- (1) This direction replaces the *Emergency Management (Stay at Home) (COVID-19) Direction 2020*.
- (2) The *Emergency Management (Stay at Home) (COVID-19) Direction 2020* is revoked.

3—Application

- (1) Subject to this clause, this direction applies in addition to any other direction under the *Emergency Management Act 2004*.
- (2) If a provision of this direction is inconsistent with a provision of another direction that applies to persons generally throughout the State, the provision of this direction prevails to the extent of the inconsistency.
- (3) This direction does not apply in relation to Parliament or any assembly at, or sitting of, Parliament.
- (4) Nothing in this direction applies retrospectively to a person who has acted in accordance with the *Emergency Management (Stay at Home) (COVID-19) Direction 2020*.

4—Interpretation

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);

defined period means the period beginning at 12:01am on 19 November 2020 and ending at 12:01am on 25 November 2020;

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

essential health services—see Schedule 1;

essential worker means a person who performs work that is essential for the continued operation of any of the following:

- (a) a supermarket, butcher, fruit and vegetable store or fishmonger (but not an indoor or outdoor market);
- (b) bakeries that supply baked goods on a wholesale basis (but do not, during the defined period, sell or supply on a retail basis to members of the public);
- (c) premises commonly known as a bottle shop;
- (d) a financial institution;
- (e) a post office;
- (f) a pharmacy;
- (g) a hardware store;
- (h) a petrol station;
- (i) a distribution centre;
- (j) a pet store or veterinary clinic;
- (k) the following emergency services:
 - (i) fire fighting services;
 - (ii) paramedical services;
 - (iii) ambulance services;
 - (iv) medical retrieval services (including Royal Flying Doctor Services);
 - (v) police services;
 - (vi) State Emergency Services;
 - (vii) military and defence services deployed for activities in South Australia;
- (l) essential infrastructure and essential services (within the meaning of the *Essential Services Act 1981*);
- (m) vehicle repair and mechanical services;
- (n) roadside assistance services;
- (o) National Heavy Vehicle Regulator compliance activities;

- (p) government or local government services (whether provided by government, local government or outsourced) determined to be essential by the relevant Chief Executive;
- (q) domestic and commercial waste and resource recovery services (including collection, treatment and disposal services and transfer stations), but only those services that are provided to commercial contractors;
- (r) consular and diplomatic services;
- (s) Commonwealth agency services, including Australian Border Force and Commonwealth law enforcement and intelligence agency services;
- (t) journalist and media services;
- (u) a factory or facility that is not able to be shut down without causing damage or loss to plant and equipment, but only those operations that are necessary in order to prevent that damage or loss;
- (v) administrative services provided by an employer to enable its employees to work from home;

Example—

Payroll and IT services.

- (w) organisations that provide urgent services necessary for the health and safety of any person, animal or premises;

Examples—

The performance of emergency plumbing services, Centrelink services and food banks.

- (x) public transport, including taxis and other public passenger services;
- (y) air transport (including the operation of airports);
- (z) port operations;
- (za) freight services (including postal and courier services);
- (zb) essential health services, but only if those services are provided in accordance with Part 3;
- (zc) a blood bank (including blood collection and delivery);
- (zd) care services for people with particular needs because of homelessness, age, infirmity, disability, illness or a chronic health condition (in accordance with the Emergency Management (Residential Aged Care Facilities No 13) (COVID-19) Direction 2020 (if applicable), or a direction that substitutes for that direction);
- (ze) childcare, early childhood education and primary and secondary schooling services, but only if those services are provided in accordance with Part 3;
- (zf) hotel or motel accommodation;
- (zg) truckstops and roadhouses, but not the provision of seated dining or shower facilities to persons who are not truck drivers;
- (zh) production and distribution of—

- (i) food and groceries for sale by a supermarket, butcher, fruit and vegetable store or fishmonger (but not an indoor or outdoor market); or
 - (ii) liquor for sale at premises commonly known as a bottle shop; or
 - (iii) medical and pharmaceutical products;
- (zi) commercial operations that supply goods or services necessary for the implementation of measures to limit the spread of COVID-19;

Examples—

Manufacturing of personal protective equipment or hand sanitiser, or dry cleaning services.

- (zj) primary industries only to the extent necessary to ensure adequate supply of food to, and care of, animals and maintenance of crops;

home means suitable premises or another place (such as a hotel or short stay accommodation) at which a person is able to reside;

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;

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

5—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.

Part 2—Stay at Home

6—Stay at home direction

- (1) From the commencement of the defined period—
- (a) all persons in South Australia must stay at home for the duration of the defined period unless they have a reason to leave home under Part 3; and
 - (b) all community activities, including business, professional, educational, academic and government activities, must cease operations during the defined period, unless the activity may be carried out in accordance with this direction or does not involve leaving home.

- (2) From the commencement of the defined period, a person in South Australia—
 - (a) unless paragraph (b) applies, must—
 - (i) as soon as practicable but in any event within 24 hours of the commencement of the defined period, travel by the most direct practical route and means to home (if not already at home); and
 - (ii) reside and remain at home during the defined period other than for 1 or more of the reasons specified in Part 3; and
 - (b) if advised by a medical practitioner to do so, must remain in a health or other facility in accordance with that advice, and must follow all reasonable directions from a treating medical practitioner, until a medical practitioner certifies that the person meets the criteria for discharge from a health or other facility.
- (3) Subclauses (1) and (2) do not apply to a person at any time during the defined period during which the person—
 - (a) does not have suitable premises to reside at; or
 - (b) has suitable premises to reside at, but those premises are temporarily unavailable or are unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises).
- (4) For the avoidance of doubt, all gatherings are prohibited during the defined period, other than a gathering as part of an activity occurring in accordance with this direction (however, nothing in this clause prevents persons who reside at the same residential premises from so residing).

Part 3—Reasons to leave home

7—Leaving home to obtain essential goods or services

- (1) A person may leave home for the purposes of attending any of the following to obtain essential goods or services:
 - (a) a supermarket, butcher, fruit and vegetable store or fishmonger (but not an indoor or outdoor market);
 - (b) premises commonly known as a bottle shop;
 - (c) a financial institution;
 - (d) consular and diplomatic services;
 - (e) a post office;
 - (f) a pharmacy;
 - (g) a hardware store;
 - (h) a petrol station (including a petrol station that sells groceries), but not to obtain food or beverages prepared on site (whether for consumption on site or take away);
 - (i) vehicle and mechanical repair services;
 - (j) a distribution centre;

- (k) a pet store or veterinary clinic;
 - (l) urgent services necessary for the health and safety of any person, animal or premises
- (2) A person may leave home for the purposes of—
- (a) obtaining essential health services;
 - (b) undergoing a COVID-19 test;
 - (c) accessing childcare services, or primary or secondary education for a child if—
 - (i) the child is a child of an essential worker; or
 - (ii) the child resides in the care of the State; or
 - (iii) there are circumstances of vulnerability determined by a government agency, school, funded family or family violence service, and education or care outside the family home is considered necessary.
- (3) Subject to subclause (4), only 1 person per household per day may leave the premises for purposes specified under subclause (1).
- (4) Despite subclause (3), a person may be accompanied by a dependant or a person for whom they provide care if it is not practicable for such dependant or person to remain at home.
- (5) Despite any provision of the *Shop Trading Hours Act 1977*, a shop (within the meaning of that Act) may open and close at any time for the purposes of the provision of essential goods or services under this clause.
- (6) Despite any condition of an authorisation under the law relating to planning, goods may be loaded and unloaded at any time for the purposes of the provision of essential goods under this clause.
- (7) A person may leave home to arrange collection and unloading of freight en route at the time of the commencement of this direction.

8—Leaving home for care and other compassionate reasons

A person may leave home—

- (a) for the purposes of shared parenting arrangements, whether the arrangements are under a court order or otherwise; or
- (b) to provide care and support to a relative or other person—
 - (i) who has particular needs because of homelessness, age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
- (c) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at home; or
- (d) to provide end-of-life support to a member of the person's immediate family; or

- (e) to provide child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian of a child can leave their own home—
 - (i) for 1 of the purposes specified in this Part; or
 - (ii) for the purpose of undertaking duties as an essential worker; or
- (f) to ensure adequate supply of food to, and care and exercise of, animals that are situated away from home if no other person is available at that place to provide the food, care or exercise.

9—Leaving home—essential workers

- (1) A person may leave home for the purpose of undertaking duties as an essential worker.
- (2) An essential worker may be transported by private vehicle to and from their place of work by their spouse or domestic partner, or a parent, if the person providing the transport travels by the most direct and practicable route to and from the place of work.

10—Leaving home for other reasons

A person may leave home in the following circumstances:

- (a) in an emergency;
- (b) on a day on which the fire rating is severe or higher, to take preparatory steps for the purpose of moving, and to move by the most direct and practicable means to another suitable premises;
- (c) to comply with a legal requirement that must be fulfilled during the defined period, including, but not limited to, attending—
 - (i) a police station; or
 - (ii) a court or other premises for purposes relating to the justice or law enforcement system;
- (d) to donate blood;
- (e) if the person is permitted to leave Australia, for the purposes of leaving Australia.

11—Regulation of persons leaving home

- (1) A person may use public transport for any purpose permitted by this direction.
- (2) A person leaving home in accordance with this Part must travel by the most direct and practicable means possible to their destination and return to their home by the most direct and practicable means.

Part 4—Other matters

12—Testing of commercial transport and freight operators

Despite the Emergency Management (Cross Border Travel No 18) (COVID-19) Direction 2020, an essential traveller under Schedule 1 clause 3 or Schedule 2 clause 4 of that Direction is not required to produce 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 (and is not otherwise required to submit to a COVID-19 test under that Direction).

Schedule 1—Essential health services

Essential health services are—

- (1) emergency surgery, procedures and medical consulting undertaken for the investigation, diagnosis and management of conditions where failure to do so expediently and safely will lead to the following outcomes:
 - (a) loss of life; or
 - (b) loss of limb; or
 - (c) permanent disability;
- (2) non-emergency but urgent surgery, procedures and medical consulting undertaken for the investigation, diagnosis and management of conditions where failure to do so in a clinically appropriate timeframe will lead to a predictable and evidence based outcome as follows:
 - (a) loss of life where appropriate health intervention would otherwise have prevented this; or
 - (b) permanent disability where appropriate health intervention would otherwise have prevented this; or
 - (c) where clinical evidence supports an increased risk of a type referred to in paragraph (a) or (b) should appropriate health intervention be significantly delayed;
- (3) any health services provided in a hospital;
- (4) any health services provided by a general practitioner;
- (5) any health services provided at a hospital radiology service (other than routine screening services);
- (6) procedures and surgical treatments undertaken by dentists in authorised public health care centres (consistent with Level 5 COVID-19 Dental Service Restrictions published by the Australian Dental Association) in the management of—
 - (a) patients with obvious facial swelling due to infection ie. vestibular swelling (no trismus), facial swelling (with trismus); or
 - (b) facial trauma; or
 - (c) severe unrelenting pain;
- (7) procedures to complete—

- (a) any cycle of IVF treatment that a patient has commenced before the commencement of the defined period; or
 - (b) any procedure required for the preservation of eggs for future IVF where required health treatment will render eggs non-viable;
- (8) surgical termination of pregnancy;
- (9) drug and alcohol services;
- (10) the following allied health services:
- (a) allied health services provided by allied health professionals working as essential workers in hospitals or in residential care facilities providing critical clinical care or as directed by the hospital;
 - (b) allied health services provided by allied health professionals working in private practice providing care through telehealth and other virtual care options;
 - (c) students, medical/nursing/midwifery/allied health on placement providing essential care in hospitals or in residential care facilities, or through telehealth;
- (11) the conduct of human medical research trials;
- (12) the following mental health services:
- (a) hospital emergency or inpatient psychiatric services;
 - (b) allied health professionals providing mental health services in hospital;
 - (c) private consultant psychiatry practice by telehealth or by face-to-face (but only in the instance of emergency clinical care for potentially life-threatening situations where telehealth is not clinically appropriate);
 - (d) allied health professionals providing mental health services in community settings by telehealth or by face-to-face (but only in the instance of emergency clinical care for potentially life-threatening situations where telehealth is not clinically appropriate).

To avoid doubt, nothing in this Schedule is to be taken to allow the performance of cosmetic surgery, or other procedures not addressing significant medical conditions, or elective surgery.

This direction operates from the 20th day of November 2020 at 0001 hours

SIGNED at ADELAIDE on this 19th day of November 2020 at 2008 hours



GRANTLEY STEVENS
STATE CO-ORDINATOR