

South Australia

Emergency Management (Cross Border Travel No 9) (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.

1—Citation

This direction may be cited as the *Emergency Management (Cross Border Travel No 9) (COVID-19) Direction 2020*.

2—Revocation of previous direction

- (1) This direction replaces the *Emergency Management (Cross Border Travel No 8) (COVID-19) Direction 2020*.
- (2) The *Emergency Management (Cross Border Travel No 8) (COVID-19) Direction 2020* is revoked.

Note—

See also clause 4.

3—Interpretation

- (1) In this direction—

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

low community transmission zone is comprised of the following:

- (a) the Northern Territory;
- (b) Queensland;
- (c) Tasmania;
- (d) Western Australia;

low community transmission zone arrival means a person who arrives in South Australia from the low community transmission zone and 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;

Note—

A person who arrives in South Australia via a place other than the low community transmission zone is not a low community transmission zone arrival (on the basis that the person has been in a place other than South Australia or the low community transmission zone during the period of 14 days immediately before their arrival in South Australia).

overseas arrival means a person who arrives in South Australia from overseas by any means, including—

- (a) a person who arrives at an airport in South Australia on a flight that originated from a place outside Australia, or on a connecting flight from a flight that originated from a place outside Australia; and
 - (b) a person who arrives at a port in South Australia on a cruise ship.
- (2) A reference in this direction to a person ***entering South Australia from Victoria*** includes a person who enters South Australia from a place outside of South Australia via Victoria.

Example—

A person who arrives in South Australia on a flight from Hobart via Melbourne Airport.

- (3) For the purposes of this direction, a person who arrives in South Australia is taken not to be an ***essential traveller under Schedule 1 or Schedule 2*** if the person's departure from South Australia was for a purpose unrelated to their work or duties (such as a departure for personal or recreational purposes), regardless of whether on their return the person falls within the ambit of a provision of Schedule 1 or Schedule 2.

Note—

A departure by an essential traveller who travels to their usual place of residence as part of a rostered break from work is not a departure for a purpose unrelated to their work or duties.

- (4) Subclause (3) does not apply to an essential traveller under Schedule 1 clause 5 or Schedule 2 clauses 7 to 9 (inclusive).

4—Application etc

- (1) Subject to clause 5, this direction applies to all persons who arrive in South Australia from a place outside of South Australia on or after the commencement of this direction (to the exclusion of all previous directions relating to overseas or cross border travel).
- (2) For the avoidance of doubt—
 - (a) this direction applies to all persons who arrive in South Australia, irrespective of where that person resides, including residents of South Australia; and
 - (b) the operation of a direction applying to a person who arrived in South Australia before the commencement of this direction is not affected by this direction.

5—Low community transmission zone arrivals exempt

This direction does not apply to a person who arrives as a low community transmission zone arrival.

6—Entry from Victoria prohibited

- (1) Subject to this direction, a person is prohibited from entering South Australia from Victoria.
- (2) Subclause (1) does not apply to—
 - (a) an essential traveller under Schedule 1; or
 - (b) an essential traveller under Schedule 2 (other than clause 5 or 6) for the purpose of performing duties, functions or activities specified in that Schedule if the person complies with the self-quarantine requirements under Schedule 3 at all times during which the person is not—
 - (i) performing those duties, functions or activities; or
 - (ii) travelling to or from the place at which they are performing those duties, functions or activities; or
 - (c) an essential traveller under Schedule 2 clause 5 if the person complies with the self-quarantine requirements under Schedule 3 on their return to South Australia; or

Note—

This means that a person who returns to South Australia after travelling to a remote or isolated location in Victoria for work purposes is required to self-quarantine on their return.

- (d) an essential traveller under Schedule 2 clause 6 for work purposes if the person complies, so far as is reasonably practicable, with the self-quarantine requirements under Schedule 3 at all times during which the person is not working; or

Note—

This means that a person who is ordinarily resident in Victoria and who enters South Australia for work purposes at a remote or geographically isolated location is required, so far as is reasonably practicable, to self-quarantine when not working.

- (e) a person who ordinarily resides in South Australia (not being an essential traveller under Schedule 1 or Schedule 2) if the person complies with the self-quarantine requirements under Schedule 3.

7—Other arrivals

- (1) Subject to this direction, a person who arrives in South Australia from a place outside of South Australia (other than Victoria) must comply with the self-quarantine requirements under Schedule 3.
- (2) Subclause (1) does not apply to—
 - (a) an essential traveller under Schedule 1; or

- (b) an essential traveller under Schedule 2 for the purpose of performing duties, functions or activities specified in that Schedule if the person complies with the self-quarantine requirements under Schedule 3 at all times during which the person is not—
 - (i) performing those duties, functions or activities; or
 - (ii) travelling to or from the place at which they are performing those duties, functions or activities; or

8—Face masks

- (1) A person referred to in clause 6(2)(b) or (c) or clause 7(2)(b) must wear a surgical face mask (covering mouth and nose) in South Australia at any time during the 14 day period commencing on the date of their arrival in South Australia that they come into contact with the public.
- (2) A person referred to in clause 6(2)(d) must wear a surgical face mask (covering mouth and nose) at any time during the 14 day period commencing on the date of their arrival in South Australia that they are in transit.

9—Overseas arrivals

- (1) Subject to this clause, I direct all overseas arrivals to reside and remain, quarantined and segregated from other persons, at a place determined by an authorised officer for a 14 day period commencing on the date of their arrival in South Australia.
- (2) If an overseas arrival is an unaccompanied minor—
 - (a) the minor must comply with subclause (1); and
 - (b) a carer must remain present with the minor and quarantined for the 14 day period referred to in subclause (1).

10—Exemption for certain arrivals

- (1) A person arriving in South Australia on any aircraft or vessel is taken not to arrive in South Australia for the purposes of this direction if—
 - (a) in the case of an arrival on an aircraft—the person does not leave the airport in South Australia; or
 - (b) in the case of an arrival on a vessel—the person does not disembark from the vessel in South Australia.
- (2) However—
 - (a) if a crew member or a passenger of a vessel that has arrived in South Australia remains on the vessel in South Australia, self-quarantined and segregated from other persons, for not less than the period beginning on the day of arrival in South Australia and ending at midnight on the fourteenth day after that arrival, the crew member or passenger will be taken to have complied with the requirements of this direction; and

- (b) if the vessel has been determined to be clear of COVID-19 by the Australian Border Force or Quarantine officials (or in another manner determined by the Chief Human Biosecurity Officer for South Australia), any international maritime crew arriving on the vessel may count a period at sea occurring immediately before the day of arrival in South Australia as if it were a period within South Australia for the purposes of paragraph (a).

Note—

Crew signing off commercial vessels that have spent greater than 14 days at sea, with no known illness on-board, will not need to self-isolate on arrival (provided paragraph (b) is complied with).

- (3) In addition, a person arriving in South Australia who intends to immediately enter a designated area is taken not to arrive in South Australia for the purposes of this direction if the person has completed sufficient quarantine in another jurisdiction such that the relevant decision maker for the designated area is satisfied that the person is not required to comply with this direction.

- (4) In this clause—

relevant decision maker and *designated area* have the same respective meanings as they have in the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Determination 2020* of the Commonwealth.

11—Essential travellers who are overseas arrivals

- (1) A person who, at the time of their arrival in South Australia, was an overseas arrival and who ceases to be an essential traveller under Schedule 1 or Schedule 2 less than 14 days after their arrival in South Australia must, on so ceasing, comply with the direction set out in clause 9.
- (2) A person who, at the time of their arrival in South Australia, was—
- (a) an overseas arrival; and
 - (b) an essential traveller under Schedule 1 or Schedule 2 for the purpose of performing duties, functions or activities specified in the relevant Schedule, is taken to cease to be an essential traveller for the purposes of this clause during any period during which the person is not—
 - (c) performing those duties, functions or activities; or
 - (d) travelling to or from the place at which they are performing those duties, functions or activities.

Note—

This means, for example, that air crew who have arrived from overseas and who leave the airport between shifts will have to comply with the direction in clause 9 until such time as they are required to travel back to the airport to commence their next shift.

- (3) Nothing in clause 12 limits the operation of this clause.

12—Essential travellers to keep records of close contacts

- (1) An essential traveller under Schedule 1 clause 3 or Schedule 2 (other than clause 1 or 6) must keep and retain records in accordance with subclause (3) of close contacts for a 14 day period commencing on the date of their arrival in South Australia (or, if they remain in South Australia for a period of less than 14 days, for that period).
- (2) An essential traveller under Schedule 2 clause 6 must keep and retain records in accordance with subclause (3) of close contacts during any time at which the person is not working for a 14 day period commencing on the date of their arrival in South Australia (or, if they remain in South Australia for a period of less than 14 days, for that period).
- (3) For the purposes of subclauses (1) and (2)—
 - (a) a person is a *close contact* of another person if they are in the company of the other person—
 - (i) within an enclosed space for a period of 2 hours or longer; or
 - (ii) within 1.5 metres of the other person for a period of 15 minutes or longer; and
 - (b) the records that are required to be kept in relation to a close contact are—
 - (i) the name and phone number or other contact details of the close contact and the location at which the close contact occurred; or
 - (ii) if the details under subparagraph (i) are not known and it is not reasonably practicable to obtain those details—the time during which and location at which the close contact occurred; and
 - (c) the records must—
 - (i) be retained for a period of 28 days from the end of the period for which the records must be kept under subclause (1) or (2); and
 - (ii) be provided to an authorised officer on request.

13—Prohibition on entering South Australia from Victoria except on certain roads

- (1) Subject to this clause, a person entering South Australia from Victoria is prohibited from entering South Australia on a road that is not listed in Schedule 4.

Note—

For example, a person whose journey originates in Queensland, New South Wales or the ACT and who enters South Australia via Victoria is prohibited from entering South Australia on a road that is not listed in Schedule 4.

To avoid doubt, this clause applies to cross border community members.

- (2) Subclause (1) does not apply—
 - (a) in the case of an emergency; or
 - (b) to a person who uses a road in circumstances where use of the road is required for routine access to the person's property.

14—Testing of arrivals

- (1) Subject to this clause, a person who enters South Australia from a place outside of South Australia (other than a low community transmission zone arrival) must submit to a COVID-19 test—
 - (a) within 24 hours after their entry to South Australia; and
 - (b) on the twelfth day after their entry to South Australia.
- (2) Subject to this clause, a person who—
 - (a) entered South Australia after 12:01 am on 8 July 2020 but before the commencement of this direction; and
 - (b) is required to remain quarantined by the operation of a direction applying to the person before that commencement,must submit to a COVID-19 test on the twelfth day after their entry to South Australia.
- (3) A person required to submit to a COVID-19 test under this clause must not refuse or fail to comply with a reasonable requirement or direction of a person in relation to the conduct of the COVID-19 test.
- (4) However, a person who leaves South Australia less than 12 days after their entry is not required to submit to a COVID-19 test on the twelfth day after their entry.
- (5) A person required to remain quarantined may leave their place of quarantine for the purpose of complying with this clause, provided that the person travels to the testing location and returns to their place of quarantine by the most direct practical route and means.
- (6) This clause does not apply to—
 - (a) an essential traveller under Schedule 1 or Schedule 2; or
 - (b) a person under the age of 16 years.

15—Powers of Authorised Officers

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

IMPORTANT— IT IS AN OFFENCE TO BREACH THIS DIRECTION

This direction operates from the *19th* day of *July* 2020 at *0001* hours

SIGNED at *ADELAIDE* on this *18th* day of *July* 2020 at *1100* hours



GRANTLEY STEVENS
STATE CO-ORDINATOR

Schedule 1—Essential travellers

Note—

A person who is, or who claims to be, an essential traveller under a provision of Schedule 1 or Schedule 2 must not bring another person into South Australia with them, unless—

- (a) the other person is, or claims to be, an essential traveller; and
- (b) they stop and declare the other person at a check point on entering South Australia.

1—National and State security and governance—general

- (1) Any person (other than a person who is ordinarily resident in Victoria) who, in the conduct of their role in relation to the protection of Australia or South Australia from threats such as terrorism, war, espionage, or acts of foreign interference is required to be physically present in South Australia for that purpose and who has the written approval of their manager (being of an executive level or higher) or an officer of a military or defence organisation.
- (2) Active military and Defence Department personnel (including civilian staff and private contractors) and personnel required to support time-critical national security and defence activities, (other than such persons who are ordinarily resident in Victoria) who are required to be physically present in South Australia in the conduct of their duties and—
 - (a) whose organisation has undertaken risk mitigation strategies; and
 - (b) who have the written approval of their manager (being of an executive level or higher) or an officer of a military or defence organisation.
- (3) A South Australian member of the Parliament of the Commonwealth, or a member of their staff, returning to South Australia directly after travelling to the Australian Capital Territory for work purposes.

Note—

Return travel to South Australia must not involve travelling through or via Victoria.

- (4) In this clause—

South Australian member of the Parliament of the Commonwealth means—

- (a) a member of the House of Representatives of the Parliament of the Commonwealth for an electoral division of South Australia; or
- (b) a South Australian Senator of the Senate of the Parliament of the Commonwealth.

Note—

Evidence of an approval under this clause is required.

2—Emergency services workers

Emergency services workers (including fire fighters, paramedics, ambulance officers and police officers) who—

- (a) are required to be physically present in South Australia in the conduct of their duties; or
- (b) left South Australia in the conduct of their duties and are returning to South Australia having conducted those duties.

Note—

An authorised officer has power under the Act to require a person referred to in paragraph (b) to self-quarantine on their return. The exercise of those powers may depend on the location (such as in Melbourne) and nature of the duties conducted.

3—Commercial transport and freight services—general

- (1) Persons (other than those who are ordinarily resident in Victoria) who, in the conduct of their duties, provide transport or freight services into, within and out of South Australia (including any crew on such transport or freight services) on a commercial basis and are required to be physically present in South Australia for such purposes.
- (2) A person referred to in subclause (1)—
 - (a) must minimise time spent and distance travelled in other jurisdictions; and
 - (b) must not, without the approval of the Chief Executive of the Department for Health and Wellbeing, the South Australian Chief Public Health Officer or a deputy Chief Public Health Officer, enter—
 - (i) a disability care, correctional or residential aged care facility; or
 - (ii) a health care facility.
- (3) Despite subclause (2)(b)(ii), a person referred to in subclause (1) may enter a health care facility for the purpose of seeking personal medical care.

4—Remote or isolated workers—general

- (1) Persons (other than those who are ordinarily resident in Victoria) who travel for work purposes to locations that are not in Victoria and are remote or geographically isolated for regular periods according to established work schedules.

Note—

A fly-in fly-out (FIFO) or drive-in drive-out (DIDO) worker (being an essential traveller under subclause (1)) is not required to self-quarantine on return to South Australia, provided that they are not ordinarily resident in Victoria, they travelled to a location outside Victoria for work purposes and their employer is applying risk mitigation strategies during periods of work.

- (2) Persons (other than those who are ordinarily resident in Victoria) who travel for work purposes to locations that are not in Victoria and are remote or geographically isolated where—
 - (a) their employer is applying risk mitigation strategies during periods of work, and
 - (b) the person is a specialist required for industry or business continuity and maintenance of competitive operations, or maintenance or repair of critical infrastructure in the mining, oil, gas and energy sectors.

5—Cross border community members

- (1) Subject to this clause, persons who are ordinarily resident at, or near, a South Australian border and who have reasonable cause to travel across that border for the purposes of—
 - (a) employment or education; or

- (b) providing care and support to, or receiving care and support from, another person; or
 - (c) obtaining food, petrol or other fuel or medical care or supplies.
- (2) A person who enters South Australia under subclause (1) must not travel further than 50 km into South Australia from the location at which they enter.

Note—

To avoid doubt this clause does not permit travel across a border for sport purposes, other than when undertaken as part of a class provided by a school or other educational institution.

- (3) This clause does not apply to a person who is ordinarily resident in South Australia (at, or near, a South Australian border) if the person is entering South Australia after travelling further than 50 km into Victoria or New South Wales from the point at which they entered Victoria or New South Wales .

Note—

A South Australian resident to whom subclause (3) applies would be required to comply with the self-quarantine requirements under Schedule 3 when entering South Australia.

Schedule 2—Essential travellers (restricted)

1—National and State security and governance—Victorian residents

- (1) Any person who—
- (a) is ordinarily resident in Victoria; and
 - (b) in the conduct of their role in relation to the protection of Australia or South Australia from threats such as terrorism, war, espionage, or acts of foreign interference is required to be physically present in South Australia for that purpose; and
 - (c) has the written approval of their manager (being of an executive level or higher) or an officer of a military or defence organisation.
- (2) Active military and Defence Department personnel (including civilian staff and private contractors) and personnel required to support time-critical national security and defence activities—
- (a) who are ordinarily resident in Victoria; and
 - (b) who are required to be physically present in South Australia in the conduct of their duties; and
 - (c) whose organisation has undergone risk mitigation strategies; and
 - (d) who have the written approval of their manager (being of an executive level or higher) or an officer of a military or defence organisation.

Note—

Evidence of an approval under this clause is required.

2—Health services

Persons who are approved by the Chief Executive of the Department for Health and Wellbeing, the South Australian Chief Public Health Officer or a deputy Chief Public Health Officer to assist in the provision of health services in South Australia and who are required to be physically present in South Australia in the conduct of those duties.

Note—

Evidence of an approval to assist in the provision of health services in South Australia under this clause is required.

3—Essential skills (industries and businesses)

- (1) Specialists required for industry or business continuity and maintenance of competitive operations where the appropriate skills are not available in South Australia, where the service is time critical and where the provision of the service requires that the person be physically present in South Australia.
- (2) Persons who, in the conduct of their duties, are responsible for maintenance or repair of infrastructure critical to South Australia and are required to be physically present in South Australia for such purposes.

4—Commercial transport and freight services—Victorian residents

Persons who—

- (a) are ordinarily resident in Victoria; and
- (b) in the conduct of their duties, provide transport or freight services into, within and out of South Australia (including any crew on such transport or freight services) on a commercial basis; and
- (c) and are required to be physically present in South Australia for such purposes.

Note—

A person referred to in this clause could (for example) self-quarantine by sleeping in the cabin of their truck.

5—Remote or isolated workers—work in Victorian locations

- (1) Persons who travel for work purposes to locations in Victoria that are remote or geographically isolated for regular periods according to established work schedules.
- (2) Persons who travel for work purposes to locations in Victoria that are remote or geographically isolated where—
 - (a) their employer is applying risk mitigation strategies during periods of work, and
 - (b) the person is a specialist required for industry or business continuity and maintenance of competitive operations, or maintenance or repair of critical infrastructure in the mining, oil, gas and energy sectors.

6—Remote or isolated workers—Victorian residents who enter South Australia

- (1) Persons who are ordinarily resident in Victoria and who enter South Australia for work purposes at locations that are remote or geographically isolated for regular periods according to established work schedules.

- (2) Persons who are ordinarily resident in Victoria and who enter South Australia for work purposes at locations that are remote or geographically isolated where—
- (a) their employer is applying risk mitigation strategies during periods of work, and
 - (b) the person is a specialist required for industry or business continuity and maintenance of competitive operations, or maintenance or repair of critical infrastructure in the mining, oil, gas and energy sectors.

7—Urgent medical, dental or health treatment

- (1) Persons who travel to South Australia for the receipt of urgent medical, dental or other health treatment with the approval of the Chief Executive of the Department for Health and Wellbeing, the South Australian Chief Public Health Officer or a deputy Chief Public Health Officer.

Note—

Evidence of an approval under this clause is required.

- (2) A person who accompanies the person referred to in subclause (1) for the purpose of providing care and support.
- (3) Nothing in this clause is intended to prevent a person from accessing treatment in the case of an emergency.

8—Passing through

Persons who pass through the State by the most direct and practical route and means.

9—Compassionate grounds

- (1) Persons who travel to South Australia—
- (a) to visit a critically or terminally ill member of the person's immediate family; or
 - (b) to attend the funeral of a member of the person's immediate family.

Note—

Attendance is permitted at the funeral service and not any other activity (such as a wake) and the person must wear a surgical face mask (covering mouth and nose) in South Australia when coming into contact with the public.

- (2) In this clause—

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;

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.

Note—

Persons who claim to be essential travellers under this clause may be required to provide evidence that they fall within the scope of this clause.

10—Consular employees

Consular employees as defined in the *Consular Privileges and Immunities Act 1972* of the Commonwealth travelling to South Australia to perform official duties.

Schedule 3—Self-quarantine requirements

For the purposes of this direction, a person complies with the self-quarantine requirements if the person:

- (a) identifies a suitable place and ensures arrangements are in place for them to reside and remain in that place for a 14 day period commencing on the date of their arrival in South Australia; and
- (b) having identified a suitable place, travels by the most direct practical route and means to the place; and
- (c) upon arrival at the place, resides and remains in that place, self-quarantined and segregated from other persons, for the period beginning on the day of arrival and ending at midnight on the fourteenth day after arrival into the State; and
- (d) remains at the place, except—
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) for the purposes of complying with clause 14; or
 - (iii) in any other emergency situation; or
 - (iv) for any reason approved in advance by the State Co-ordinator or his delegate or an authorised officer; and
- (e) takes reasonable steps to ensure that no other person enters the place unless the other person—
 - (i) is an exempt person; or
 - (ii) is also complying with the requirements of this Schedule; or
 - (iii) is entering the place for medical or emergency purposes.

In this Schedule—

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

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

suitable place—a place is a suitable place if—

- (a) it is reasonably capable of allowing—
 - (i) compliance with the requirements of this Schedule; and
 - (ii) a person self-quarantining at the place to be segregated from persons who usually reside at the place; and
- (b) persons who are not subject to this direction (that is, persons who have not travelled and arrived in South Australia) are not residing or remaining at the place, other than exempt persons.

Schedule 4—Permitted roads

Sturt Highway, Yamba

Wentworth Road, Renmark

Mallee Highway, Pinnaroo

Dukes Highway, Wolseley

High Street, Frances (which terminates at Minimay—Frances Road, Frances)

Wimmera Highway, Laurie Park

Edenhope Road, Wrattontully

Casterton Road, Penola

Glenelg Highway, Myora

Princes Highway, Glenburnie

Glenelg River Road, Donovans/Nelson

Lindsay Point Road—Lacey Avenue, Murtho

Summertown Road—Mulcra Road (becomes Panitya North Road), Pinnaroo

Wolseley Road—Serviceton North Road, Wolseley

Binum—Benayeo Road, Binnum

Shepherds Road—Kybybolite Road, Kybybolite

Langkoop Road—Casterton-Naracoorte Road, Koppamurra

Derghom Road—Dorodong Road, Penola

Mingbool Road, Pleasant Park

Caroline Road, Caroline

Dry Creek Road, Caroline