

South Australia

Emergency Management (Activities—Associated Direction No 18) (COVID-19) Direction 2022

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.
- 3 This direction is to operate as an appendix to the *Emergency Management (Activities—General No 3) (COVID-19) Direction 2021* or to any direction that replaces that direction, and modifies that direction.

1—Citation

This direction may be cited as the *Emergency Management (Activities Associated Direction No 18) (COVID-19) Direction 2022*.

2—Revocation

The *Emergency Management (Activities—Associated Direction No 17) (COVID-19) Direction 2021* is revoked.

3—Restrictions prescribed

I declare the whole of the State to be a declared area that is subject to level 1 restrictions.

4—Modifications to General Direction

The following modifications to the *Emergency Management (Activities—General No 3) (COVID-19) Direction 2021* apply for the purpose of this direction:

- (a) Amendments to Clause 4 (*Terms used in this direction and associated direction*):
 - (i) A private activity is taken to be a *defined public activity*;

Examples—

A wedding, wedding reception, party or wake that is held other than in relevant licensed premises or in a home is taken to be a defined public activity.

- (ii) The following definitions are inserted in Clause 4(1)—

gathering at home means persons attending residential premises (whether in a house or other enclosed place on those premises or outdoors) who do not ordinarily reside at those premises;

hospitality activity means an activity in paragraphs (a), (i) or (j) of the definition of ***defined public activity***,

ongoing licensed premises means licensed premises under the *Liquor Licensing Act 1997* in respect of which an ongoing licence under Part 3, Division 2, Subdivision 2 of that Act is in force;

Note—

For the avoidance of doubt, a short term licence is not an ongoing licence.

- (b) Schedule 2 clause 4 (***1/2 density requirement***) applies in relation to a defined public activity which is a hospitality activity, where the persons present are seated indoors during their attendance for the activity;

Note—

Operators of cafés, restaurants or other premises providing both dine-in and takeaway food and beverages must use their best endeavours to separate persons attending to consume food or beverages while seated at the premises from persons attending merely to collect takeaway.

For example—

- (1) At relevant licensed premises or ongoing licensed premises where persons are consuming food or beverages while seated indoors, the density requirement is 1 person per 2 square metres.
- (2) At a café, restaurant or other premises providing both dine-in and takeaway food and beverages, persons who attend merely to obtain food or beverages for consumption elsewhere (rather than consume them while seated at the premises) are not to be counted for the purposes of the 1/2 density requirement if the food or beverage collection area and the seated dining areas are separate. Persons who attend merely to obtain takeaway food or beverages are still required to wear masks.

- (c) Schedule 2 clause 4 (***1/2 density requirement***) applies in relation to a defined public activity which is a hospitality activity, where the persons present are seated outdoors during their attendance for the activity;

For example—

At relevant licensed premises or ongoing licensed premises where persons are consuming food or beverages while seated outdoors, the density requirement is 1 person per 2 square metres.

- (d) Schedule 2 clause 3 (***3/4 density requirement***) applies in relation to a defined public activity which is not a hospitality activity, where the persons present are seated during their attendance for the activity;

For example—

At indoor or outdoor venues where activities such as public entertainment are provided, the density requirement is 3 people per 4 square metres if people attending to view the activity are seated.

- (e) Schedule 2 clause 4 (***1/2 density requirement***) applies in relation to a defined public activity which is not a hospitality activity, where the persons present are not seated during their attendance for the activity;

Note—

Where a defined public activity (which is not a hospitality activity) is attended by persons who are seated and persons who are standing, and where it is not possible to separate the seated and non-seated persons in discrete areas, the density requirement is 1 person per 2 square metres.

For example—

At a venue (regardless whether indoors or outdoors) with limited seating, and where only some attendees are seated while others are standing while in attendance at the activity, the density requirement is 1 person per 2 square metres.

- (f) For the purpose of subclause (c), and despite clause 5 (unrestricted activities) of the *Emergency Management (Activities—General No 3) (COVID-19) Direction 2021*:
- (i) a defined public activity includes the retail sale or hire of goods or services for personal, household or business consumption where the sale or hire involves customers who are physically present; and
 - (ii) operators of premises where such retail sale or hire occurs must use their best endeavours (having regard to all the circumstances, including the nature of the activity) to comply with the density requirement;

For example—

In premises such as supermarkets or department stores where persons are moving about while shopping, the density requirement is 1 person per 2 square metres.

- (g) instead of Schedule 2 clause 3 (*3/4 density requirement*), a relevant person for an indoor fitness facility must ensure that—
- (i) the total number of persons present at the place does not exceed 1 person per 7 square metres; and
 - (ii) 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) does not exceed 1 person per 7 square metres; and
 - (iii) the total number of persons present on any dancefloor or area designated for dancing within the place does not exceed 1 person per 7 square metres; and
 - (iv) persons present in the place remain separated at a reasonable distance from each other in the circumstances (reflecting, as far as is reasonably practicable, the required density of 1 person per 7 square metres);
 - (v) each person present in the place wear a face mask (covering mouth and nose) except while exercising (unless exempt under clause 14 of the *Emergency Management (Activities—General No 3) (COVID-19) Direction 2021*).

Notes—

- (1) Schedule 2 Part 2 clause 2(1)(b) provides that people employed or engaged to work, or undertaking official duties, for the purposes of the activity are not to be counted when applying a density requirement.
- (2) The lesser density requirements under clause 4 subclauses (b) and (c) of this Associated Direction do not apply to spectators at an indoor fitness facility. For the avoidance of doubt, the 1 person per 7 square metres density requirement applies to spectators at indoor fitness facilities even if they are seated in a separate spectator area.

- (h) For the purpose of subclause (e), *indoor fitness facility* means gymnasiums, health clubs, fitness centres, yoga, barre and spin facilities, dance and pilates studios and swimming pools (other than swimming pools being used for rehabilitation purposes authorised by a health or disability practitioner);
- (i) Schedule 2 clause 9 (*seated food and beverage consumption only*) applies to both indoor and outdoor areas, with the following modification—
 - (i) onsite consumption of food or beverages (including alcohol) at a place at which a defined public activity is conducted may occur where patrons are seated at a designated area of a bar or counter; if
 - (ii) the designated area of the bar or counter where such consumption occurs is physically separated from:
 - (a) any part of a bar or other area for taking orders or serving food or beverages for other patrons not seated at the bar; and
 - (b) any area where food preparation is conducted;

Note—

Schedule 2 clause 9 provides that food or beverage consumption may only occur while patrons are seated at tables. The modification under this Associated Direction expands this to allow consumption while seated at a bar or counter also, so long as the areas and patrons are kept separate.

For example—

In a pub, patrons may eat counter meals while seated on stools at the bar, so long as the area is physically separate from areas of the bar or counter where patrons seated elsewhere in the pub will place orders or be served.

- (j) Schedule 2 clause 11 (*CMP: events of more than 1000 people*) applies;
- (k) Schedule 2 clause 14 (*shisha ban*) applies;
- (l) Schedule 2 clause 18 (*masks for high risk settings*) applies;
- (m) Schedule 2 clause 19 (*masks for personal care services*) applies;
- (n) Schedule 2 clause 20 (*masks for health care services*) applies;
- (o) Schedule 2 clause 21 (*masks for passenger transport services*) applies;
- (p) Schedule 2 clause 22 (*masks for shared indoor public places*) applies, except—
 - (i) when the activity involves the provision of health services or personal care services, in which case the person receiving the service need not wear a mask if it would reasonably interfere with the provision of the service;
 - (ii) the members of a bridal party do not need to wear masks during the ceremony;

Note—

The requirement for masks for shared indoor public places prevails over the lesser restriction in Schedule 2 clause 6 (indoor venue: 75% masks), so masks must be worn in indoor venues even where the 3 persons per 4 square metres density restriction is not exceeded.

- (q) Schedule 2 clause 24 (*restrictions on dancing and singing*) applies;
- (r) despite Schedule 2 clause 24(3), a person may sing in enclosed premises that are non-residential if the person is wearing a mask (covering mouth and nose).

For example—

Attendees at indoor religious services may sing during worship and members of choirs or chorus groups may perform or rehearse indoors, if they wear masks while doing so.

Note—

Schedule 2 clause 24(3) imposes a general restriction on singing in enclosed non-residential premises, subject to certain exemptions. The modification in this Associated Direction permits singing in enclosed places more generally, subject to a requirement to wear a mask. The modification does not require mask-wearing by persons who were already exempted from the restriction under Schedule 2 clause 24(3).

(s) Amendment to clause 7 (**Approved contact tracing system and records**):

(i) The following definition is substituted for a *prescribed place* in clause 7(12):

Prescribed place means a place at which a defined public activity is conducted.

Note—

The modification in this Associated Direction means an approved contract tracing system is not required to be enabled at general retail industry premises.

5—Gathering at home cap

A person must not allow, organise or attend a gathering at home if more than 10 people (including people who reside at the premises) will be present at the premises at any time.

6—Charge for use of public parks

A council under the *Local Government Act 1999* cannot charge a fee to a fitness instructor for the use of a public park or other outdoor space to undertake fitness training or related activities (unless a current contract is in existence at the time this direction comes into force, or the fee is for the use of a designated space for which the public would usually be charged a fee).

For example—

A council may not charge a fitness instructor a fee to conduct a fitness class in a public park. However, it may charge a fee for the use of tennis courts for which the public does not usually have free access.

7—Quick reference table

Without derogating from this direction or the *Emergency Management (Activities—General No 3) (COVID-19) Direction 2021*, the following table summarises the restrictions imposed by this direction:

Level 1:	<ul style="list-style-type: none"> • 3/4 density (for seated activities) • No communal consumption facilities
Additional restrictions	<ul style="list-style-type: none"> • 1/2 density (for non-seated activities) • 1/2 density (for indoor hospitality activities) • 1/2 density (for outdoor hospitality activities) • 1/7 density (indoor fitness facilities)

	<ul style="list-style-type: none">• Seated food and beverage consumption only for indoor and outdoor defined public activities• CMP: events of more than 1 000 people• Shisha ban• Gathering at home cap: 10 (gatherings at residential premises, including residents of residential premises)• Masks for high risk settings• Masks for personal care services (except for the person receiving the service, if necessary for the provision of the personal care service)• Masks for health care services (except for the person receiving the service, if necessary for the provision of the health care service)• Masks for passenger transport services• Masks for indoor fitness facilities (except while exercising)• Masks for shared indoor public places (except bridal parties during ceremonies)• Restrictions on dancing and singing
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This direction operates from the 29th day of January 2022 at 0001 hours

SIGNED at Adelaide on this 28th day of January 2022
at 1802 hours



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GRANTLEY STEVENS
STATE CO-ORDINATOR