

South Australia

Emergency Management (Supervised Quarantine No 8) (COVID-19) Direction 2021

under section 25 of the *Emergency Management Act 2004*

Preamble

- 1 On 22 March 2020, Grantley Stevens, Commissioner of Police, being the State Co-ordinator for the State of South Australia pursuant to section 14 of the *Emergency Management Act 2004* (the *Act*), declared pursuant to section 23 of the Act that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.
- 2 Now I, Grantley Stevens, Commissioner of Police and State Co-ordinator for the State of South Australia, being of the opinion that this is necessary to achieve the purposes of the Act, give the following directions pursuant to section 25 of the Act.

Part 1—Preliminary

1—Short title

This direction may be cited as the *Emergency Management (Supervised Quarantine No 8) (COVID-19) Direction 2021*.

2—Revocation

- (1) This direction replaces the *Emergency Management (Supervised Quarantine No 7) (COVID-19) Direction 2020*.
- (2) The *Emergency Management (Supervised Quarantine No 7) (COVID-19) Direction 2020* is revoked.

3—Interpretation

In this direction—

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

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

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

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

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

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

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

immediate family, of a person, means—

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

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

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

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

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

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

PPE means personal protective equipment;

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

quarantine facility means a hotel, resort, lodging, or other accommodation (but not a medi-hotel) operating in South Australia that has contracted with the State Government to provide supervised quarantine accommodation as a quarantine facility;

quarantine facility site means any part of the land on which a quarantine facility is situated;

quarantine facility unit means the accommodation and designated outdoor areas of a quarantine facility to which a person undertaking supervised quarantine at the quarantine facility is confined.

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

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

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

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

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

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

Part 2—Testing requirements and compliance for employees and contractors

4—Application of Part

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

Note—

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

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

Example—

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

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

5—Testing and symptoms of COVID-19

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

Example—

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

- (2) A person to whom this Part applies who is finishing a period of work at a medi-hotel site or designated red zone at an airport site must submit to a nasal swab COVID-19 test —
- (a) on the last day of their period of employment (**the day 1 test**); and
 - (b) on the day that is 3 days after the person submits to the test referred to in paragraph (a) (**the day 4 test**); and
 - (c) on the day that is 6 days after the person submits to the test referred to in paragraph (b) (**the day 10 test**); and
 - (d) if the person will not be returning to work on the 15th day after the last day of their period of employment, on the day that is 4 days after the person submits to the test referred to in paragraph (c) (**the day 14 test**),

Note—

A nasal swab COVID-19 test under this subclause is capable of satisfying the requirement under sub-clause (1) for testing every 8 calendar days.

- (3) A person finishes a period of work for the purposes of subclause (2) if they will not be physically present on the medi-hotel site or airport site for the purposes of work for a period of more than 4 calendar days.

Example—

A person who works a shift at a medi-hotel site or airport site on 13 March 2021 and will not be working in the medi-hotel or airport site until 20 March 2021 (being more than 4 calendar days) will be required to test on 13 March 2021, 16 March 2021 and 22 March 2021. Because they will be returning to work less than 15 days after the last day of their period of employment, they will not be required to submit to the day 14 test which would otherwise fall on 26 March 2021. The person does not also have to test on 20 March 2021 (despite clause 5(1)).

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

Note—

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

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

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

Note—

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

7—PPE to be worn in certain zones

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

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

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

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

Note—

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

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

high risk setting means—

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

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

Part 4—Regulation of persons undertaking supervised quarantine

Note—

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

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

9—Requirement to remain isolated in medi-hotel room

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

Note—

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

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

prescribed person means—

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

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

Note—

This includes front of house, cleaning and security.

10—Physical distancing principle applies

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

11—Masks

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

12—Other requirements

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

Part 5 – Quarantine facilities

13—Application of this Part

- (1) Subject to this Part, a person undertaking supervised quarantine at a quarantine facility must comply with the provisions of this direction applicable to persons undertaking supervised quarantine at a medi-hotel as if those provisions apply to a person undertaking supervised quarantine at a quarantine facility.
- (2) Subject to this Part, a person who is physically present on a quarantine facility site for the purpose of performing work of any kind as an employee or contractor, or for the purpose of delivering goods to a quarantine facility, or an emergency services worker, is subject to the provisions of this direction that are applicable to medi-hotels and medi-hotel sites as if those provisions apply to persons physically present on a quarantine facility or quarantine facility site.
- (3) An operator of a quarantine facility must comply with the provisions of this direction that are applicable to medi-hotels and medi-hotel sites as if those provisions apply to quarantine facilities and quarantine facility sites.

14—Testing of persons undertaking supervised quarantine at a quarantine facility

- (1) A person directed to undertake supervised quarantine at a quarantine facility must undergo the testing requirements in sub-clause (2) in substitution for the testing requirements imposed under clause 5(1) of the *Emergency Management (Cross Border Travel—General) (COVID-19) Direction 2021*.
- (2) A person undertaking supervised quarantine at a quarantine facility must submit to a nasal swab COVID-19 test —
 - (a) on the first day of quarantine (**the day 1 test**); and
 - (b) on the fifth day of quarantine (**the day 5 test**); and
 - (c) on the 13th day of quarantine (**the day 13 test**).
- (3) A person undertaking supervised quarantine at a quarantine facility must submit to a daily saliva COVID-19 test for the period of quarantine, other than on days 1, 5, and 13 of the quarantine period.

15—Requirement to remain isolated in quarantine facility unit

- (1) A person undertaking supervised quarantine in a quarantine facility is to remain isolated within their dedicated quarantine facility unit along with the other persons undertaking supervised quarantine in that unit.
- (2) A person referred to in subclause (1) is not required to wear PPE when physically present in their dedicated quarantine facility unit (either inside or outside) with other members quarantining in the same unit, unless instructed to do so by an authorised officer.

Note –

For example, when COVID-19 testing is being conducted, a person may be directed to wear a mask prior to and/or after such testing.

16—Persons undertaking supervised quarantine in the same quarantine facility unit

- (1) Persons undertaking supervised quarantine in the same quarantine facility unit are subject to the same provisions in this direction pertaining to immediate family members as if those provisions applied to the persons in that unit.

Note –

For example, clause 9(2)(a) and (b) would apply to persons within the same quarantine facility unit as if those persons were immediate family members.

Part 6—Other matters

17—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.

18—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 ^{24th} day of ^{April} 2021 at ⁰⁰⁰¹ hours

SIGNED at ^{ADELAIDE} on this ^{23rd} day of ^{April} 2021
at ¹⁶⁵⁹ hours


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GRANTLEY STEVENS
STATE CO-ORDINATOR

Schedule 1—Aboriginal communities

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

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