

SUPPLEMENTARY GAZETTE



**THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE**

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STATE GOVERNMENT INSTRUMENTS

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

APPLICATION OF EMERGENCY MANAGEMENT ACT 2004

Directions of the Chief Executive of the Department for Health and Wellbeing—Mass Gatherings Directions (No 2)

The World Health Organization (WHO) declared the COVID-19 a pandemic on 11 March 2020. On 15 March 2020 a public health emergency in relation to the transmission of COVID-19 was declared pursuant to section 87 of the *South Australian Public Health Act 2011*.

Now I, Dr Christopher McGowan, Chief Executive of the Department for Health and Wellbeing, pursuant to sections 89(1) and 90(1) of the *South Australian Public Health Act 2011* and sections 25(2)(f), 25(2)(fb) and 25(i) of the *Emergency Management Act 2004*, make the following direction:

Preamble

1. These directions replace the **Mass Gatherings Directions** made by me on 18 March 2020 at 16:45 hours.
2. The purpose of these directions is to prohibit non-essential mass gatherings in order to limit the spread of COVID-19.

Revocation

3. The Mass Gatherings Directions given by me on 18 March 2020 at 16:45 hours pursuant to sections 89(1) and 90(1) of the *South Australian Public Health Act 2011* and sections 25(2)(f), 25(2)(fb) and 25(i) of the *Emergency Management Act 2004* are revoked.

Citation

4. These directions may be referred to as the **Mass Gatherings Directions (No 2)**.

Directions

5. A person who owns, controls or operates **premises** in the State of South Australia must not allow a **mass gathering** to occur on the premises.
6. A person must not organise a mass gathering on premises in the State of South Australia.
7. A person must not attend a mass gathering on premises in the State of South Australia.

Definition of mass gathering

8. Subject to paragraph 9 below, a **mass gathering** means:
 - a. a gathering of five hundred (500) or more persons in a single undivided **outdoor space** at the same time; or
 - b. a gathering of one hundred (100) or more persons in a single undivided **indoor space** at the same time; or
 - c. a gathering of fewer than 100 persons in a single undivided indoor space, unless:
 - i. the total number of persons present in the indoor space at the same time does not exceed one person per 4 square metres.
9. A **mass gathering** does **not** include a gathering:
 - a. at an airport that is necessary for the normal business of the airport; or
 - b. for the purposes of or related to public transportation, including in vehicles or at public transportation facilities such as stations, platforms and stops; or
 - c. at a medical or health service facility that is necessary for the normal business of the facilities; or
 - d. for the purposes of emergency services; or
 - e. at a disability or aged care facility that is necessary for the normal business of the facility; or
 - f. at a prison, correctional facility, youth justice centre or other place of custody; or
 - g. at a court or tribunal; or
 - h. at Parliament for the purpose of its normal operations; or
 - i. at a food market, supermarket, grocery store, retail store or shopping centre that is necessary for the normal business of those premises; or
 - j. at an office building, factory, mining site or construction site that is necessary for the normal operation of those premises; or
 - k. at a school, university, educational institution or childcare facility that is necessary for the normal business of the facility; or
 - l. at a hotel, motel or other accommodation facility that is necessary for the normal operation of accommodation services; or
 - m. at an outdoor place where five hundred (500) or more persons may be present for the purposes of transiting through the place; or

Example: Rundle Mall

 - n. specified as exempt from these directions by the Chief Public Health Officer (or delegate) in writing; or
 - o. delivered by an operator who has a social distancing policy approved in writing by the Chief Public Health Officer (or delegate).
10. For the purposes of paragraph 9(k), a school event that involves members of the community in addition to staff and students is deemed not necessary for the normal business of the facility.

Note: The intended effect of this paragraph is that a school event that involves members of the community in addition to staff and students will be a mass gathering if it involves a gathering of five hundred (500) or more persons in a single undivided outdoor space at the same time, a gathering of one hundred (100) or more persons in a single undivided indoor space at the same time, or a gathering of fewer than 100 persons that does not meet the density requirement in paragraph 8(c). School events include assemblies, sporting events or parent-teacher events.

Note: the exclusions identified in paragraph 9 will be reviewed on a day to day basis and further directions are expected to be issued to remove some of the current exclusions.

Other definitions

11. **Indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are—
 - a. permanent or temporary; or
 - b. open or closed.
12. **Outdoor space** means a space that is not an indoor space.
13. **Premises** has the same meaning as in section 3 of the *South Australian Public Health Act 2011*.

Prior exemptions and approvals cease to have effect

14. An exemption under paragraph 4(p) of the Mass Gatherings Directions made on 18 March 2020 ceases to have effect when those directions are revoked.
15. An approval of a social distancing policy given under paragraph 4(p) of the Mass Gatherings Directions made on 18 March 2020 does not have effect as an approval for the purposes of paragraph 9(o) of these directions.

PENALTIES

Section 90 of the *South Australian Public Health Act 2011* and section 28 of the *Emergency Management Act 2004* provides:

Failure to comply with directions

- (1) A person must not, without reasonable excuse, refuse or fail to comply with a requirement or direction of the Chief Executive, or of an emergency officer given in accordance with this Act during a public health emergency.

Maximum penalty:

- (a) If the offender is a body corporate - \$75 000
- (b) If the offender is a natural person - \$20 000

These directions operate from 22nd day of March 2020 at 13:30 hours.

Dated: 22 March 2020

DR CHRISTOPHER MCGOWAN
Chief Executive
Department for Health and Wellbeing

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011
APPLICATION OF EMERGENCY MANAGEMENT ACT 2004

Directions of the Chief Executive of the Department for Health and Wellbeing—Visitors to Residential Aged Care Facilities

The World Health Organization (WHO) declared the COVID-19 a pandemic on 11 March 2020. On 15 March 2020, a public health emergency in relation to the transmission of COVID-19 was declared pursuant to section 87 of the *South Australian Public Health Act 2011*.

Now I, Dr Christopher McGowan, Chief Executive of the Department for Health and Wellbeing, pursuant to sections 89(1) and 90(1) of the *South Australian Public Health Act 2011* and sections 25(2)(f), 25(2)(fb) and 25(2)(m) of the *Emergency Management Act 2004*, make the following directions:

Citation

1. These directions may be referred to as the **Visitors to Residential Aged Care Facilities Directions**.

Directions

2. I prohibit a person from entering or remaining on, the premises of a **residential aged care facility** in the State of South Australia unless:
 - a) the person is an employee or contractor of the residential aged care facility; or
 - b) the person's presence at the premises is for the purposes of providing goods or services that are necessary for the effective operation of the residential aged care facility, whether the goods or services are provided for consideration or on a voluntary basis; or
 - c) the person's presence at the premises is for the purposes of providing health, medical or pharmaceutical services to a resident of the residential aged care facility, whether the goods or services are provided for consideration or on a voluntary basis; or
 - d) the person's presence at the premises is for the purposes of a **care and support visit** to a resident of the residential aged care facility on a particular day, and is the only care and support visit made to the resident on that day; or
 - e) the person's presence at the premises is for the purposes of end of life support for a resident of the residential aged care facility; or
 - f) the person's presence at the premises is required for the purposes of emergency management or law enforcement; or
 - g) the person's presence at the premises is in the person's capacity as a prospective resident of the residential aged care facility.
3. Despite paragraph 2, a person referred to in paragraph 2(a), (b), (c), (d), (e), (f) or (g) must not enter or remain on the premises of a residential aged care facility in the State of South Australia if:
 - a) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia; or
 - b) during the 14 days immediately preceding the entry, the person had known contact with a person who has a confirmed case of COVID-19; or
 - c) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
 - d) once the 2020 seasonal influenza vaccine(s) become generally available in South Australia, a person who has not been vaccinated against 2020 seasonal influenza; or
 - e) the person is aged under 16 years, other than in circumstances where the person's presence at the premises is for the purposes of end of life support for a resident of the residential aged care facility.

4. The operator of a residential aged care facility in the State of South Australia must take all reasonable steps to ensure that a person does not enter or remain on the premises of the residential aged care facility if the person is prohibited from doing so under paragraph 2 or 3.
5. Nothing in paragraph 2, 3 or 4 is to be taken to prevent a resident of a residential aged care facility from entering or remaining upon the premises of the residential aged care facility.

Definitions

For the purposes of these directions:

6. **Care and support visit**, in relation to a resident of a residential aged care facility, means a visit made to the resident by one (1) person, or two (2) persons together, for the purposes of providing care and support to the resident.
7. **Flexible care subsidy** has the same meaning as the *Aged Care Act 1997* of the Commonwealth.
8. **Operator** of a residential aged care facility means a person who owns, controls or operates the residential aged care facility.
9. **Residential aged care facility** means 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.
10. **Residential care subsidy** has the same meaning as in the *Aged Care Act 1997* of the Commonwealth.

PENALTIES

Section 90 of the *South Australian Public Health Act 2011* and section 28 of the *Emergency Management Act 2004* provides:

Failure to comply with directions

- (1) A person must not, without reasonable excuse, refuse or fail to comply with a requirement or direction of the Chief Executive, or of an emergency officer given in accordance with this Act during a public health emergency.

Maximum penalty:

- (a) If the offender is a body corporate - \$75 000
- (b) If the offender is a natural person - \$20 000

These directions operate from the 22nd day of 2020 at 13:30 hours.

Dated: 22 March 2020

DR CHRISTOPHER MCGOWAN
Chief Executive
Department for Health and Wellbeing

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