

Determination	Date	Commencement and Application to APY	Key Points	Date Superseded
<p>Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Determination 2020</p> <p>*Includes amendments up to F2020L00415</p>	<p>16th of April 2020</p>	<p>11.59 pm (by legal time in the Australian Capital Territory) on the 26th of March.</p> <p>All land granted under the APY Land Rights Act 1981 (SA) is classified as a designated area under Schedule 1 of the Act.</p> <p><b>*Potential for issues arising from the fact that the act allows for travel between designated areas, even if the designated area borders are also state borders. This suggests that travel from WA to SA will be permitted through the Ngaayatjarraku shire APY border (also the SA WA border). While a traveller will have to self-isolate for 14 days in SA upon arrival, owing to the nature of the housing situation in many remote communities and group living arrangements this may not be practical. WA legislation surrounding travel between communities may negate travel in some situations but it seems individuals returning home to SA or fulfilling any of the other broad undertakings which are considered exempt may be still be permitted to enter.</b></p>	<ul style="list-style-type: none"> <li>• Persons must remain outside the designated area unless either: <ol style="list-style-type: none"> <li>1. The person is escaping an immediate threat to their life (s.5(1)(a)).</li> <li>2. The person is a member of the ADF (s.5(1)(b)).</li> <li>3. The person is the Director of Human Biosecurity for a state or territory, is a biosecurity officer or official, or has a official related functions.</li> <li>4. The person has no symptoms of Covid-19; has not been exposed to a person with Coronavirus in the previous 14 days; has not been overseas in the previous 14 days; is not entering for a partly or wholly prohibited activity under Australian law; the person's entry is not prohibited under another Australian law; and at least one of subsections 5(2) through 5(7) apply to that person (s.5(1)(b)).</li> </ol> <p>These Subsections refer to a person who:</p> <ul style="list-style-type: none"> <li>▪ Has self-isolated for 14 days</li> <li>▪ Is entering to engage in or provide transport for an essential activity (an essential activity is defined in Appendix I) and there is either an urgent need for the person to engage in the essential activity or the manner in which they engage in the activity is agreed to by a human biosecurity officer.</li> <li>▪ Has permission to enter given by a relevant decision-maker (defined in Appendix 2).</li> <li>▪ Is in transit through the area (to which conditions apply under the subsection)</li> <li>▪ Is moving without exposure between designated areas or parts of areas</li> <li>▪ Is crossing a state border between adjoining designated areas where that state border is the also the border between the designated areas</li> </ul> </li> </ul>	<p>Current</p>

			<ul style="list-style-type: none"> <li>Persons entering a designated area, except those who are providing or transporting essential services or who are in transit through the area, must take reasonable steps to minimise contact with other people in the area.</li> </ul>	
Emergency Management (Non-Essential Business and Other Activities No 4) (COVID-19) Direction 2020	15th of April	Operates from the 15th of April at 11am. Replaces the Emergency Management (Non-Essential Business and Other Activities No 3) (COVID-19) Direction 2020	<ul style="list-style-type: none"> <li>This direction stipulates that a person who owns, controls or operates a defined premises (list provided in section 3 of the Act) must close those premises and keep those premises closed in so far as it is necessary to prohibit access to consumers or members of the public. A consumer or member of the public must not to enter into the defined premises.</li> <li>A person must not conduct defined work or operations; and a consumer or member of the public, must not participate in defined work or operations.</li> </ul>	Current
			<ul style="list-style-type: none"> <li>A person who is present at defined premises; or who participates in defined work or operations, must use their best endeavours to comply with the social distancing principles - having regard to all circumstances.</li> </ul>	
			<ul style="list-style-type: none"> <li>The social distancing principles require a person to attempt to maintain a space of at least 1.5 metres between them and each other person present in the same premises.</li> <li>The definition of defined premises is extensive, and it is imperative that people view the full direction which clearly highlights all these exceptions. The exceptions will allow you, your family and other community members to participate in limited activities in a way that keeps you safe.</li> <li>The exceptions allow you to carry out important functions such as shopping, physical exercise, attending weddings, funerals and the hairdresser. A full list is provided in section 5 of the Direction.</li> </ul>	

			<ul style="list-style-type: none"> <li>• Take-away food may still continue, as does room service and some other provisions of goods and services as stipulated by section 5 of the regulation.</li> <li>• The direction also stipulates that all wineries, cellar doors and restaurants located at wineries in South Australia are to close. The sale of food to the public is to stop.</li> <li>• Wineries that sell food commercially to supermarkets and retail stores are still permitted to produce and sell products, but food products must be transported to retail outlets by commercial freight or the winery itself.</li> <li>• Further, wineries can continue to sell alcohol via online or phone purchases, again provided that they are delivered by commercial freight or the winery themselves. They may also partake in takeaway sales of alcohol and food.</li> </ul>	
Emergency Management (Cross Border Travel No 3) (COVID-19) Direction 2020	28th of March	Operates from the 16th of April at 11:59pm. Replaces Emergency Management (Cross Border Travel No 2) (COVID-19) Direction 2020.	<ul style="list-style-type: none"> <li>• This direction stipulates that all passengers arriving from overseas after 12.01 am, 29 March 2020 will be directed to accommodation nominated by South Australia Health and remain in quarantine at that location for 14 days from the date of arrival in Australia.</li> <li>• Each state and territory is implementing similar directions and any South Australian coming into another state or territory from overseas will be required to remain in quarantine in that state or territory before returning to South Australia</li> </ul>	Current
			<ul style="list-style-type: none"> <li>• Further restrictions have also been made in relation to essential travellers who arrive from overseas by either boat or aircraft. For example, a flight or boat crew who arrive from overseas into South Australia will be required to self-quarantine at the conclusion of their duties for 14 days or until they leave South Australia, whichever is shorter.</li> </ul>	

			<ul style="list-style-type: none"> <li>○ Essential travellers are excluded from quarantine restrictions and these essential travellers include: <ul style="list-style-type: none"> <li>▪ National and State Security and Governance including defence</li> <li>▪ Health services who are requested by relevant authorities</li> <li>▪ Essential Medical Treatment</li> <li>▪ Transport and freight services</li> <li>▪ Skills critical to maintain key industries including FIFO workers</li> <li>▪ Emergency services workers</li> <li>▪ Cross border community members (people who live on a border)</li> <li>▪ Passing through</li> <li>▪ Compassionate Grounds which includes visiting critically or terminally ill family members or attending a funeral of an immediate family member, provided that they self-isolate when not doing so.</li> </ul> </li> </ul>	
Emergency Management (Gatherings No 2)	16th of April	Replaces the Emergency Management	<ul style="list-style-type: none"> <li>• Prohibits certain gatherings. A prohibited gathering is one which is: <ul style="list-style-type: none"> <li>• a gathering of more than 10 persons</li> <li>• a gathering of 10 or less persons that does not comply with the density requirement, which is a requirement that the total number of persons present in a gathering must not exceed one person per 4 square metres.</li> </ul> </li> </ul>	Current
(COVID-19) Direction 2020		(Gatherings) (COVID-19) Direction 2020	<ul style="list-style-type: none"> <li>• The direction stipulates that a person who owns, controls or Australia must not allow a prohibited gathering to occur at the place.</li> </ul>	Current

		Operates from the 16th of April at 10:10am.	<ul style="list-style-type: none"> <li>• A person must not organise a prohibited gathering at a place in the State of South Australia.</li> <li>• A person must not attend a prohibited gathering at a place in the State of South Australia.</li> <li>• A person who is present at a gathering (whether or not a prohibited gathering) must use their best endeavours to comply with the social distancing principles (having regard to the all the circumstances).</li> <li>• A person who is present in a court or tribunal must comply with a reasonable direction of a sheriff's officer given for the purposes of implementing the density requirement and the social distancing principles.</li> <li>• operates a place in the State of South</li> </ul>	
			<ul style="list-style-type: none"> <li>• It is important to note that a gathering of more than 10 people or a gathering of 10 people or less that does not comply with the one person per four square metres rule is prohibited at any location, either indoors or outdoors in this state. However, those who ordinarily reside in premises with 10 or more people are able to continue residing together in those premises.</li> <li>• Direction also provides an updated list of gatherings that are not to be regarded as a prohibited gathering.</li> <li>• Certain gatherings are excluded gatherings. In their normal business, these include: <ul style="list-style-type: none"> <li>○ Airports</li> <li>○ Public transport resources</li> <li>○ Medical or health facility</li> <li>○ Emergency services</li> <li>○ Disability or aged care facility</li> </ul> </li> </ul>	

			<ul style="list-style-type: none"> <li>○ A correctional facility</li> <li>○ A court or tribunal</li> <li>○ Parliament</li> <li>○ Food markets, shopping centres or retail stores</li> <li>○ Office buildings, factories, mining, constructions sites, laboratories, testing facilities and maintenance premises</li> <li>○ On land or a vessel used in the production or treatment of primary produce</li> </ul>	
			<ul style="list-style-type: none"> <li>● Schools, universities and childcare facilities</li> <li>● Hotels, motels or accommodations facilities</li> <li>● Places of transit such as malls</li> <li>● Those places specified by the State co-ordinator or who have social distancing procedures approved by the state coordinator.</li> <li>● It is an offence to breach this direction.</li> </ul>	
Emergency Management (Residential Aged Care Facilities no 2) (COVID-19) Direction 2020	9th of April	Operates from the 10th of April at 0001h.	<ul style="list-style-type: none"> <li>● The direction sets out the circumstances under which a person can enter, or remain on, the premises of a residential aged care facility in South Australia. This includes visits to residents and providing goods and services.</li> <li>● A person is prohibited from entry unless they are: <ul style="list-style-type: none"> <li>○ An employee or contractor of the facility</li> <li>○ Providing goods or services necessary for the aged care facilities operation</li> <li>○ Providing health, medical or pharmaceutical services to the facility</li> </ul> </li> </ul>	Current

			<ul style="list-style-type: none"> <li>○ Providing a care and support visit (defined in the act) (maximum of once per day).</li> <li>○ Providing end of life support for a resident</li> <li>○ A prospective resident</li> <li>● No person must enter, irrespective of above, if they have: <ul style="list-style-type: none"> <li>○ Providing a care and support visit (defined in the act) (maximum of once per day).</li> <li>○ Providing end of life support for a resident</li> <li>○ A prospective resident</li> </ul> </li> </ul>	
			<ul style="list-style-type: none"> <li>● Arrived in south Australia from any place outside of South Australia</li> <li>● Has been in contact with a confirmed case of COVID-19</li> <li>● Has a temperature of above 37.5 degrees or symptoms of acute respiratory infection</li> <li>● From May 1st has not been vaccinated against seasonal 2020 influenza.</li> <li>● The person is under 16 years, other than for the purposes of end of life visits.</li> <li>● Operators of aged care facilities must take all reasonable steps to ensure the stipulations in the Determination are upheld.</li> <li>● A resident who leaves the facility after the commencement of the Determination is prohibited from re-entering those premises.</li> </ul>	
Emergency Management (COVID-19)  (Isolation Following Diagnosis or Close Contact) Direction 2020	27th of March	Operates from the 28th of March at 000.	<ul style="list-style-type: none"> <li>● Any person diagnosed with COVID-19 or any person who has come in close contact with someone who currently has COVID-19 must isolate in suitable premises in line with the series of National guidelines- Coronavirus Disease 2019 (COVID-19) CDNA Guidelines for Public Health.</li> <li>● During this process the person may be contacted by a member of the Communicable Diseases Control Branch of the Department of Health</li> </ul>	Current

			<ul style="list-style-type: none"> <li>and Wellbeing. They will be given information and instructions to help them through this process.</li> </ul>	
Emergency Management Act 2004 Section 23(2): Approval of Extension of a Major Emergency Declaration	2nd of April	1300 on the day this instrument is registered. Applies to the whole of South Australia.	<ul style="list-style-type: none"> <li>Extends the Emergency Declaration for 28 days from the 4th of April.</li> </ul>	Current
Emergency Management Act 2004 Declaration Of A Major Emergency	22nd of March	1300 on the day this instrument is registered. Applies to the whole of South Australia.	<ul style="list-style-type: none"> <li>Declares a Emergency with respect to Coronavirus in South Australia for 14 days.</li> <li>Provides powers to the State Emergency Co-ordinator in accordance with the Emergency Management Act 2004.</li> </ul>	Current



## APPENDIX I

The current Federal Direction holds that an essential activity is:

1. providing any of the following for the benefit of one or more persons in the area:
  1. health care;
  2. education;
  3. services relating to prevention of, or recovery from, domestic violence;
  4. services relating to child protection;
  5. policing services;
  6. emergency services;
  7. essential services of a kind typically provided by local government, such as rubbish collection;
  8. services, benefits, programs or facilities that the Chief Executive Centrelink has the function of providing;
2. providing correctional services in relation to one or more persons in the area;
3. providing funerary services in the area;
4. conducting, or taking part in, a sitting of a court or tribunal in the area;
5. operating, maintaining or repairing:
  1. equipment for providing electricity, gas, water, medical services or telecommunications services; or
  2. other essential infrastructure in the area;
6. delivering food, fuel, mail or medical supplies in the area;
7. obtaining medical care or medical supplies in the area;

8. continuing the construction in the area of housing or transport infrastructure that was in progress immediately before the commencement of this instrument;
9. carrying out mining operations, or operations ancillary to mining operations, in the area in a manner that is agreed with a human biosecurity officer so as to minimise the extent to which other persons in the area are exposed to the persons carrying out those operations;
10. transporting freight to or from a place in the area.

carrying out commercial primary production in the area in a manner that is agreed with a human biosecurity officer so as to minimise others persons in the area are exposed to the persons involved in the production

## Appendix II

A relevant decision-maker for the APY under the federal act in designated area is a Police Officer who:

1. Is the rank of inspector or above;
2. Has responsibility for all or some of the designated area.

## Appendix III

1. Forms for entrants to South Australia:  
Application to enter SA.
2. Isolation guidance and information form.