

First Nations Guide to Covid-19 – South Australia

1 September 2020

Governments have introduced wide-ranging temporary measures to help prevent the spread of coronavirus (COVID-19) and keep communities safe. The police have powers to enforce these public health directions.

This may change your daily life and what communities can do together.

This information sheet explains the public health directions in South Australia and the powers of the police.

Directions and police powers are changing regularly and so it is important to check for any updates.

A. Public health laws - Physical distancing and travel within communities

What can I do from 28 August?

South Australia has followed a stage-by-stage relaxing of restrictions.

On 28 August 2020, some restrictions were further eased. The amount of people in a venue will depend on the room size – generally, the requirement is that the total number of people at a place should not exceed 1 person per 2 square metres. Children are included in considerations of density.

Restrictions have eased for the following:

- hospitality (seated at a table) at restaurants, cafes, wineries, pubs, breweries, bars;
- cinemas, theatres, galleries and museums;
- beauty, nails, tattoo, non-therapeutic massage;
- driving instruction lessons;
- gyms and indoor fitness;
- ceremonies, like weddings or funerals, which may have up to 100 people; and
- all indoor and outdoor sports.

For the above measures, physical distancing should still be practiced by keeping 1.5 metres apart, and the number of people should be limited to 1 person per 2 square metres. An exception is allowed at weddings, where the couple being wed are permitted to undertake one dance at the ceremony or reception, provided other social distancing rules are observed.

Where possible, you should still not leave the house if you feel sick, or if you are over 50 years old, particularly if you have chronic illnesses or a weakened immune system.

You can speak to a doctor on the phone or through the internet through a service called telehealth. Like a normal medical appointment, a telehealth appointment is covered by Medicare.

What do I have to do if outside of the home?

If you are outside of the home, you should practice physical distancing by keeping a distance of 1.5 metres apart from other people. The aim of physical distancing is to maintain space between yourself and others, in order to prevent the spread of COVID-19.

You will still need to practice physical distancing, and there can only be 1 person per 2 square metres.

When does this not apply?

There are some places where restrictions on people do not apply. Some of these places include:

- airports, public transport, medical centres and other health facilities, aged care and residential care facilities, prisons, courts, councils, parliament, food markets, work (including office buildings and factories), schools and universities, hotels and motels, places where people are travelling through (for example, Rundle Mall).

In the above situations, physical distancing should still be observed where possible.

What about family in other houses, can we visit each other?

You are still allowed to visit and meet with other people, including Elders. The physical distancing rules do not apply to people who are friends or family members, or people who regularly associate with each other. You can have a maximum of 50 people present at your house for a gathering. You can have a gathering of no more than 100 people at a private place, which is any place that is not a public place or a home (for example, weddings and funerals).

What if I am homeless?

If you are homeless, you may not be able to practice physical distancing. In Adelaide, emergency accommodation is being provided, along with support and meals. Emergency accommodation is also available for those living in regional areas.

To access these services, contact the 24-hour Homelessness Gateway on 1800 003 308. If you are aged between 15 and 25, you can contact the 24-hour Youth Homelessness Gateway on 1300 306 046 or 1800 807 364.

What if I don't feel safe in my home?

The public health directions do not prevent you from getting support if you are experiencing domestic, family or sexual violence. Single women and women and children experiencing or escaping domestic or family violence can contact the 24-hour Domestic Violence and Aboriginal Family Violence Gateway on 1800 800 098 for counselling, support and referral to safe accommodation. Men can contact MensLine Australia on 1300 78 99 78 for support.

If you are in a life-threatening or urgent situation, phone 000.

When do I have to self-isolate or quarantine?

If you are required to self-quarantine for 14 days, you should:

- find a place where you can stay for 14 days starting on the date you arrive in South Australia;
- travel by the most direct practical route to that place;
- stay at that place, separated from other people (excluding people who usually live there) for 14 days;
- stay at that place, except if you need medical care or medical supplies, in an emergency situation, or for any reason approved in advance; and
- take reasonable steps to make sure no other person enters the place unless they usually live there, or they are complying with self-quarantine requirements, or for medical or emergency purposes.

If you arrive in South Australia from overseas, you should stay quarantined and separated from other people at a place determined by an authorised office for 14 days (starting on the date of your arrival in South Australia).

Entry from Victoria is prohibited unless you are an essential traveller or fleeing domestic violence. You will still have to self-quarantine.

Self-isolation means staying at home. People who have to self-isolate must do so for 14 days. This means that you:

- must not leave your home unless in an emergency;
- must not go to public places;
- must not let other people in your home.

When in self-isolation, you should organise for daily necessities (such as groceries) to be delivered to you by others who are not in self-isolation or through online delivery services. If you are not sick, you do not have to wear face masks when you are in self-isolation.

A health professional (such as a doctor) or a law enforcement agency (such as the police) may also direct you to quarantine for 14 days.

Can I care for Elders and older people?

1. People in Aged Care Facilities

A person in an aged care facility can receive 1 visit per day. Only 2 people can visit an aged care facility at one time. You can only be there to provide care and support to that person. Aged Care Facilities can approve additional visits where appropriate or necessary. You should practice physical distancing by keeping 1.5 metres apart.

You cannot visit an aged care facility if you have:

- arrived in South Australia from a place outside South Australia and in the last 14 days (unless you are providing end of life support and you wear personal protective equipment and self-quarantine when not at the aged care facility);
- been in contact with a confirmed case of COVID-19 in the last 14 days, or have a fever, chills, or other symptoms of a respiratory infection such as a cough, sore throat or shortness of breath, or loss of taste and smell;
- not had a valid influenza vaccination; or
- you have had a COVID-19 test and are waiting for the result.

Can we still get together outside for community events?

Gatherings can still happen, but people have to stay 1.5 metres apart from each other. However, this does not apply to people who live together, who are friends

or family members, or people who regularly associate with each other.

While some councils have closed playgrounds, they have been advised that so long as signage and proper cleaning processes are in place, parks and playgrounds can be safely enjoyed. National parks remain open. Physical distancing of 1.5 metres should be practiced at all times.

What about Sorry Business and funerals?

Sorry Business and funerals are still allowed, and 100 people can attend a funeral (indoors or outdoors).

Everyone who attends a funeral (or wedding) is required to provide their name and phone number or email address for contact tracing. If food or drink is being served at a funeral, shared utensils cannot be used.

What if I can't pay my rent?

If you have lost your job, or you are making less money because of COVID-19, you should speak with your landlord as soon as possible on available options.

If you fall behind in rent, until 8 October 2020 (or at the time in which all relevant declarations related to COVID-10 within South Australia have ceased (whichever is earlier)), you cannot be evicted if you can't pay rent because you are suffering financial hardship because of COVID-19.

You can still be evicted for other things, like damaging your property or not paying rent because of other reasons. Landlords are not allowed to increase rent at this time.

If you get an eviction notice, you should call the South Australian Tenants' Information and Advisory Service on 1800 060 462.

B. Restrictions on movement into Aboriginal communities

There are no longer any South Australian Aboriginal communities subject to restrictions on movement. The final three communities – Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, Gerard (Riverland), and Yalata (Far West Coast) – were removed from the designated areas list on 9 July 2020. Some local restrictions still apply and travellers should contact local Aboriginal councils for more details.

Can I travel to another state for work or shopping?

As of 28 August 2020, entry from Victoria is prohibited unless you are an essential traveller or fleeing domestic violence. You may still have to self-quarantine.

You should check the restrictions in specific states before you choose to travel.

The police are checking on people who have returned from other states to ensure they are complying with the mandatory 14 days of self-quarantine.

1. Essential travellers

Essential travellers include, amongst other things, national and state security and governance workers, emergency service workers, commercial transport and freight services workers, remote or isolated workers, cross-border community members, specialist workers in essential sectors, persons seeking urgent medical or health treatment, persons travelling on compassionate grounds and foreign diplomatic or consular staff.

There are different self-quarantine and mask requirements in place depending on which category of essential traveller you are, and from which state you are coming from when entering South Australia.

2. Cross-border travel

A pre-approval process is now in place for travellers wishing to enter South Australia: Cross Border Travel Registration. All travellers, including essential travellers, intending to enter South Australia must register for the pre-approval.

Victoria

As of 28 August 2020, people from Victoria can only enter South Australia if they are considered to be an essential traveller or they have been approved an exemption from SA Health. Upon arriving in South Australia, certain self-quarantine and mask requirements apply.

Agricultural and farming workers with properties within 40 kms of the border, and students completing years 11 and 12 (and those providing transport to and from school), may also enter South Australia from Victoria (as an essential traveller). To do so, you must have had a COVID-19 test within the last 7 days, and when entering from Victoria, you cannot travel further than 40 kms over the border into South Australia.

For persons escaping domestic violence or providing support to a family member who is experiencing domestic violence, a person can enter into South Australia from Victoria but must self-quarantine for 14 days upon entry into South Australia.

NSW and ACT

Cross-border community residents from New South Wales can enter into South Australia for employment, education, providing or receiving care and support, and for obtaining food, fuel, supplies, and medical

care. Similarly, cross-border community residents from South Australia can enter into New South Wales for the same purposes.

However, cross-border community residents from New South Wales cannot travel further than 50 kms over the border into South Australia. Further, if any cross-border community residents from South Australia travels more than 50 kms into New South Wales, they must complete 14 days self-quarantine upon returning to South Australia.

Essential travellers in categories defined as commercial transport and freight, remote and isolated workers or cross border community members who are approved to enter South Australia must obtain a test as soon as practicable within seven days of entering South Australia. Self-quarantine restrictions may still apply.

All other essential travellers are required to the mandatory COVID-19 testing on their first and twelfth of entry into South Australia.

All non-essential travellers and non-cross-border community residents from NSW and ACT, are required to have a COVID-19 test on day 1 and day 12 upon entry into South Australia, and must remain in self-quarantine at a suitable place for 14 days.

All other states

Travellers from NT, QLD, TAS and WA are able to enter South Australia directly without restriction.

C. Police enforcement powers

What powers do the police have?

A police officer can require you to:

- remain isolated or segregated from other people or take other measures to prevent the spread of COVID-19 to other people;
- see a doctor or have treatment (including preventative treatment);
- clean your property;
- stop any work or close any place;
- not go to an area;
- leave a place or remove any animal or person from a place.

If you do not follow a public health direction or a direction from a police officer, then a police officer can:

- issue an on the spot fine;
- issue a summons requiring you to attend court to be prosecuted for an offence; or
- arrest you and take you to the nearest police station (however, you will not be able to be

detained for long because you have not committed an indictable offence). You do not have to go to the police station unless you are told you are under arrest.

A police officer can request your personal details, including your full name, date of birth, address where you are currently living, address where you usually live and your business address. You might also have to show identification.

Failing to provide your personal details or other reasonable information on request is an offence. Providing false information to police is also an offence.

You can film your interaction with police in a public place if you are concerned about your rights.

Maximum penalty

If you fail to comply with police or State government directions in relation to COVID-19:

- an officer may decide to issue an on the spot fines of up to \$1,000 for a person; or
- if the matter is prosecuted in Court, a maximum penalty of \$20,000 applies for a person.

A maximum fine of \$1,250 or imprisonment for 3 months applies if you do not give a police officer your personal details on request or provide false personal details. This penalty can be up to \$5,000 if you fail to state your full name, address or give your identification.

A maximum fine of \$10,000 applies if you hinder or obstruct operations carried out by police and other authorised officers in response to the COVID-19 situation.

Fines cannot be given to children under 16 years of age.

Appeals, waiver, reduction

If you are prosecuted for an offence in court, you will be able to plead a defence, and if you are convicted of the offence, you may have rights of appeal.

If you are given a fine, you can be prosecuted for the offence in Court instead. This will give you a chance to defend yourself but will cost more money and time. It can also mean that the Court can give you a bigger fine.

If you have not been given a “notice of an enforcement determination”, you can apply to the police (by a written application) for a review of the fine.

D. Businesses

All businesses that conduct a “defined public activity” must have a COVID-Safe Plan. A “defined public activity” means:

- onsite purchase and consumption of food or drink (indoor and outdoor);
- sport, fitness or recreation activities;
- indoor public meetings;
- ceremonies;
- weddings;
- funerals;
- provision of personal care services;
- provision of public entertainment;
- provision of recreational transport;
- nightclubs;
- relevant licensed premises;
- casino or gaming areas;
- auctions and inspections for the sale or rental of property;
- driver instruction.

For personal care services, auctions and inspections of property for the purpose of sale or rental, provision of recreational transport, driver instruction, indoor fitness classes, indoor public meetings, ceremonies (other than weddings or funerals) and casinos or gaming areas, attendee records must be kept, including each attendee’s name and contact details, to assist with contact tracing if required. Places of worship or organisers of religious gatherings are also strongly encouraged to keep attendee records.

You will still need to practice physical distancing, and there can only be 1 person per 2 square metres.

Food, drink and entertainment venues

For food, drink and entertainment venues, there must be space for 2 square metres per person. Food and drink must be consumed while seated at all cafes, restaurants and licensed venues. Businesses and defined public activities that do not currently have a COVID-Safe Plan must complete a plan before they can commence. This includes gyms, restaurants, cafes, personal care venues, places of worship, accommodation, and all other indoor and outdoor venues.

You will still need to practice physical distancing, and there can only be 1 person per 2 square metres. From 21 August 2020, COVID Marshals will be required across some industry sectors to ensure capacity, physical distancing and infection control requirements are met. If you manage or own any of the following businesses or operations, you will need a COVID Marshal:

- religious or faith-based ceremonies;
- supermarkets and hardware stores;
- gyms and fitness centres;

- swimming pools used by the public;
- sporting clubs;
- distribution centres;
- onsite purchase and consumption of food or drink (indoor or outdoor, excluding takeaway);
- any other activity where a COVID Management Plan is required;
- any operations specified by the State Co-ordinator.

If more than 1,000 people attend a “defined public activity” (discussed above), a place for the purchase and consumption of food or drink, a nightclub, or a relevant licensed premises, they will require a COVID Management Plan.

E. Who to call for help or information?

General information and helplines

- **SA COVID-19 Information Line:** 1800 253 787 (open 9am to 5pm)
- **SA COVID-19 Mental Health Support Line:** 1800 632 753 (open 8am to 8pm)

If you need to talk to someone about fines?

- **Aboriginal Legal Rights Movement:** 1800 643 222 or www.alrm.org.au

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This guidance sheet is not a substitute for legal advice. You should contact a lawyer for specific legal advice or referral.