

# First Nations Guide to Covid-19 – South Australia

2 November 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 5 September?

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

On 5 September 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;
- private functions, including weddings or funerals, which may have up to 150 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.

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.

### Can I hold a private function?

You may organise a private function, which includes weddings and funerals, for up to 150 people (including children). Private functions must take place in a separate area, indoors or outdoors, of a licensed premises, with no public access. The 1 person per 2 square metres rule applies, and reasonable steps must be taken to keep 1.5 metres apart.

You can only conduct or be involved in a private function if you have completed a COVID-Safe Plan.

Private functions may be seated or standing, and guests of the function may consume food and drinks, including alcohol. Those invited to private functions

should try their best to keep separated from other general patrons of the premises. Guests may also dance at the private function.

A COVID Marshall must supervise any private function. For standing events where food or drinks will be served indoors and for weddings and funerals, the organiser of the function must also take contact tracing records from the guests. For private functions (including a ceremony, wedding, funeral and wake) that involve the service of food or drink, no shared utensils should be used.

### **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 (including children). You can have a gathering of no more than 150 people at a private place, which is any place that is not a public place or a home (for example, weddings and funerals), provided that the density requirements of 1 person per 2 square metres is complied with.

### **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 also visit SYC Trace-A-Place, a youth homelessness service that helps young people access crisis accommodation and support, between 9am and 5pm Monday to Friday at 135 Currie Street, Adelaide SA 5000.

### **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 and means 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, for the purpose of submitting a COVID-19 test, 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:
  - (a) are required to provide care and support to, or receive care and support from you;
  - (b) usually live there;
  - (c) are complying with self-quarantine requirements; or
  - (d) for medical or emergency purposes.

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

Entry from Victoria is prohibited unless you fall under one of the categories listed under the heading "Victoria" in the "Cross-border travel" section below. 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 in Aged Care Facilities?

A person in an aged care facility can receive 1 visit per day, from up to 2 people (i.e. family member or friend). 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:

- during the 14 days before entry, arrived in South Australia from a place outside South Australia and you are not a **low community transmission zone arrival** (a person who arrives in South Australia from the ACT, NSW, New Zealand, NT, QLD, TAS or WA and has not, during the period of 14 days immediately before their arrival in South Australia, been in a place other than South Australia or in one of the countries, states or territories mentioned above);
- been in contact with a confirmed case of COVID-19 without wearing appropriate protective equipment 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 in 2020; or
- you have had a COVID-19 test and are waiting for the result, unless the test was undertaken as part of routine testing when crossing the SA border.

If you arrive in South Australia from a place outside the state and you are not a low community transmission zone arrival (defined above), you can visit an aged care facility for the purpose of providing end of life support if you wear appropriate protective equipment while visiting and self-quarantine.

## 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 150 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.

The 1 person per 2 square metres rule applies, and reasonable steps must be taken to keep 1.5 metres apart. A COVID-Safe Plan must be completed.

## 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, you cannot be evicted if you can't pay rent because you are suffering financial hardship because of COVID-19, however, this only applies until 6 February 2021, or 28 days after all relevant declarations related to COVID-19 within South Australia have ceased – whichever is first.

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.

## Are there any restrictions on movement into Aboriginal communities?

There are no South Australian Aboriginal communities subject to restrictions on movement. 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?

Entry from Victoria is prohibited unless you fall under one of the categories listed under the heading "Victoria" in the "Cross-border travel" section below. You will 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, cross-border community members, persons approved to assist with providing health services, specialist workers in essential sectors, persons seeking urgent medical, dental or health treatment, persons passing through by the most direct and practical route and means under certain circumstances, 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 by air or road must register for the pre-approval 14 days prior to arrival.

### Victoria

People from Victoria can only enter South Australia if they:

- fall in one of the approved categories of “essential travellers”;
- are escaping domestic violence, providing support to a family member who is experiencing domestic violence or dealing with circumstances arising out of domestic violence, but they must self-quarantine for 14 days upon entry into South Australia;
- enter in a vehicle from NSW via Victoria if they travel through Victoria using certain highways, and whilst in Victoria, they avoid non-essential contact with people there, only stop their vehicle under certain circumstances, and enter South Australia on the Sturt Highway in Yamba;
- are a student returning to South Australia after studying in Victoria, and they quarantine for 14 days; or
- are entering for the purpose of relocating to live in South Australia, they have not previously entered South Australia for this reason, they were in Victoria before 29 July 2020, they have not travelled to Victoria from South Australia after 29 July 2020, and they quarantine for 14 days.

Upon arriving in South Australia, certain self-quarantine and mask requirements apply.

Essential travellers in categories defined as emergency service workers, commercial transport and freight services, specialist workers in essential sectors, or cross border community members who are approved to enter South Australia must obtain a test as soon as practicable within 7 days of entering South Australia. Self-quarantine restrictions may still apply. Certain essential travellers must also wear a surgical face mask in South Australia at any time they come into contact with the public, for the first 14 days upon arriving in South Australia.

Mandatory COVID-19 testing is required for all other essential travellers on their 1<sup>st</sup> and 12<sup>th</sup> days of entry into South Australia.

Cross-border community members can travel within 70 km of the Victoria/South Australia border without needing a reason to do so.

### All other states and New Zealand

Travellers from New Zealand, ACT, NSW, NT, QLD, TAS and WA are able to enter South Australia directly without the requirement for COVID-19 testing or 14 day self-quarantine upon arrival, as long as during the 14 days immediately before their arrival in South Australia, they have not been in a place other than the low community-transmission zone (New Zealand, ACT, NSW, NT, QLD, TAS or WA).

## B. 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 or imprisonment for 2 years.

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.

## C. 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;
- private functions;
- 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), casinos or gaming areas and relevant licensed premises where food and drinks may be consumed while standing by patrons attending private functions (including at weddings), attendee records must be kept, including each attendee’s name and contact details, to assist with contact tracing if required.

Persons who provide or conduct religious or faith based ceremonies (other than weddings and funerals) must also keep attendee records, and a COVID Management Plan is required if more than 1,000 people are expected to be at the ceremony. If less than 1,000 people are expected to attend, a COVID-Safe Plan is required. If food or drink is served at the ceremony, no shared utensils can be used. A COVID Marshal is also required.

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 drinks (including alcohol) can be consumed while

standing at a relevant licensed premises if it is consumed outdoors, or if consumed at a private function, best efforts are used to remain separated from other general patrons of the premises and contact tracing records are kept. Onsite purchase and consumption of food or drinks (including alcohol) is allowed if consumed while seated, and if seated at a table or bar, no food is being prepared at or adjacent to that area and there are no communal food or drink service areas such as buffets. Businesses involved in 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 and indoor public meetings.

You will still need to practice physical distancing, and there can only be 1 person per 2 square metres. COVID Marshals are 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;
- private functions;
- 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);
- any other activity where a COVID Management Plan is required;
- any operations specified by the State Co-ordinator.

A COVID Management Plan is required in the following situations:

- if more than 1,000 people are expected to attend a “defined public activity” (discussed above);
- if more than 1,000 people are expected to attend a place where food or drink can be purchased;
- nightclubs; and
- relevant licensed premises.

#### **D. 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](http://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.*