

EMERGENCY MANAGEMENT ACT 2004

DIRECTION OF THE STATE CO-ORDINATOR: NON-ESSENTIAL BUSINESS (AND OTHER GATHERINGS) CLOSURE DIRECTION (NO 2)

On 22 March 2020 I, Grantley Stevens, Commissioner of Police, being 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.

Now I, Grantley Stevens, being of the opinion that this is necessary to achieve the purposes of the Act, give the following direction pursuant to section 25 of the Act:

1. Citation

This direction may be cited as the *Non-Essential Business (and Other Gatherings) Closure Direction (No 2) 2020*.

2. Revocation of previous direction

(1) This direction replaces the *Non-Essential Business (and Other Gatherings) Closure Direction 2020*.

(2) The *Non-Essential Business (and Other Gatherings) Closure Direction 2020* is revoked.

3. Definitions

(1) In this direction, ***defined premises*** means any of the following:

- a. licensed hotels, bars and clubs (including nightclubs), including any premises operated under the following categories under the *Liquor Licensing Act 1997*:
 - (i) general and hotel licences;
 - (ii) on premises licences;
 - (iii) club licences;
 - (iv) production and sales licences;
- b. buildings used by social and sporting clubs;
- c. gymnasiums, health clubs, fitness centres, and yoga, barre and spin facilities;
- d. indoor premises at which boot camps and other personal training are offered;
- e. indoor sporting venues;
- f. indoor play centres;
- g. public swimming pools;
- h. community, youth and recreation centres (such as community halls, clubs, RSLs, PCYCs);

- i. a cinema, function centre or entertainment venue of any kind;
- j. theatres, concert venues, arenas, auditoriums, stadiums and other places where live performances occur;
- k. galleries, museums, libraries (other than libraries in educational institutions), public institutions and historic sites;
- l. local government non-essential facilities (such as libraries and pools);
- m. casinos and other gaming and gambling venues;
- n. retail gambling outlets;
- o. restaurants and cafés;
- p. food courts within shopping centres or shopping or business precincts;
- q. auction houses;
- r. premises at which a real estate auction or an inspection by a prospective purchaser or tenant of the premises (other than a private inspection by appointment) is conducted;
- s. outdoor and indoor markets;
- t. hairdressers and barber shops;
- u. beauty salons, nail salons and tattoo parlours and other premises at which beauty therapy and tanning, waxing, piercing or body modification services are provided;
- v. saunas, bathhouses, wellness centres, spas and massage parlours;
- w. amusement parks and arcades;
- x. places of worship;
- y. any venue to the extent that it hosts weddings or conducts funerals; and,
- z. outdoor spaces associated with the above venues.

- (2) In this direction, **defined work or operations** means any of the following:
- a. boot camps or other personal training activities conducted outside;
 - b. the provision of prepared food or drink to the homeless in an outdoor location; and,
 - c. social sporting-based activities.

- (3) In this direction, **member of the public** includes the members of any club or association that owns, controls or operates defined premises or undertakes defined work or operations.

4. Direction

- (1) Subject to the exceptions set out in clause 5, I direct:
- a. any person who owns, controls or operates a defined premises to close those premises in so far as it is necessary to prohibit access to consumers or members of the public; and
 - b. any consumer or member of the public not to enter into defined premises.

(2) Subject to the exceptions set out in clause 5, I direct:

- a. any person who conducts defined work or operations to stop the defined work or operations; and
- b. any consumer or member of the public not to participate in defined work or operations.

5. Exceptions

(1) This clause sets out the exceptions to the direction contained in clause 4 above.

(2) Clause 4 does not apply to or in relation to:

- a. general shopping where goods are to be taken away;
- b. the provision of take away food and beverages to be consumed away from the defined premises (whether the food or beverage is collected by a home delivery service or the purchaser);
- c. the provision of accommodation services on defined premises to house guests, permanent residents and workers and the total number of persons present in any indoor space at the same time does not exceed 1 person per 4 square metres;
- d. the provision of room service to people being accommodated on defined premises;
- e. funerals conducted where the total number of persons attending does not exceed 10 people and the people present at the same time does not exceed 1 person per 4 square metres;
- f. weddings conducted where the total number of persons attending does not exceed 5 people and the total number of persons present in any indoor space at the same time does not exceed 1 person per 4 square metres;
- g. live performances by a small group for the purpose of live streaming the performance where the total number of persons present in any indoor space at the same time does not exceed 1 person per 4 square metres;
- h. outdoor sporting and recreational venues, such as golf courses, tennis courts and playing fields where the total number of persons participating in a particular activity does not exceed 10 people and does not exceed 1 person per 4 square metres;
- i. boot camps or other personal training activities conducted outside and limited to no more than 10 people where the total number of persons present does not exceed 1 person per 4 square metres;
- j. the provision of services by a hairdresser or barber where the appointment time is no longer than 30 minutes and the total number of persons present in any indoor space at the same time does not exceed 1 person per 4 square metre; and
- k. the provision of essential voluntary or public services at a community or recreation centre (such as a food bank or homeless service).

6. Penalties

Section 28(1) of the *Emergency Management Act 2004* provides:

Failure to comply with directions

A person must not, without reasonable excuse, refuse or fail to comply with a requirement or direction of the State Co-ordinator or of an authorised officer given in accordance with this Act during a major emergency.

Maximum penalty:

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

7. Powers of authorised officers

Nothing in this instrument derogates from the powers of authorised officers to exercise powers pursuant to the Act.

These directions operate from the 25th day of March 2020 at 2359 hours.

SIGNED at ADELAIDE on this 25th day of

MARCH 2020 at 2045 hours.



GRANTLEY STEVENS
STATE CO-ORDINATOR