

# First Nations Guide to Covid-19 – South Australia

15 May 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 - Social distancing and travel within communities

### When can I leave the house?

Initially, the Government asked all South Australian residents to stay home unless it was necessary to go out. Necessary reasons for leaving the house included:

- shopping for essentials;
- medical care;
- compassionate needs (including Sorry Business);
- exercising (provided you comply with the gathering rules set out below); and
- for work and education if you cannot work or learn remotely.

On 11 May 2020, the Government eased certain restrictions, allowing:

- regional travel;
- students and staff to attend university, TAFE and other VET institutions;
- outdoor dining at restaurants and cafes (for up to 10 people at a time);
- gatherings at community, youth and RSL halls (for up to 10 people at a time, excluding staff, but no sporting activities or training may be conducted inside the facility);
- auctions and home inspections (for up to 10 people at a time);
- local government libraries to open (for up to 10 people at a time excluding library staff);

- outdoor sports training (for up to 10 people excluding staff, with contact between team-mates discouraged);
- funerals for 20 attendees if indoors and 30 attendees if outdoors (excluding those officiating and other staff) (discussed below);
- weddings (for up to 10 guests, excluding the celebrant and staff);
- places of worship to open (for up to 10 people at a time);
- swimming at public pools (for up to 10 people in each pool at a time, with a maximum of one person per lane for lap swimming, and shower and changing facilities cannot be used); and
- camp sites at national parks and reserves to re-open (but gatherings should be limited to 10 people).

For the above measures, social distancing should still be practiced by keeping 1.5 metres apart, and the number of people should be limited to 1 person per 4 square metres.

For wedding ceremonies, religious ceremonies, auctions and activities at community, youth and RSL halls, and libraries, no food or drink (other than food or drink served without the use of communal utensils as part of a religious ceremony) can be provided.

For auctions and house inspections, funerals and weddings, 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.

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.

There are currently no fines for leaving the house for non-essential reasons (except if you are in self-isolation or quarantine, discussed below).

From 8 June 2020, the Government aims to ease further restrictions relating to cinemas and theatres, seated dining, galleries and museums, beauty and nail salons, tattoo and massage parlours, driving instruction lessons, gyms and indoor fitness, funerals and sport.

### **What do I have to do if outside of the home for a necessary reason?**

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

People are able to meet in groups of 10 or less, including meeting people they do not normally live with. You will still need to be practice social distancing, and there can only be 1 person per 4 square metres (this also applies to weddings and funerals).

### **When does this not apply?**

The rules limiting when you can meet other people do not apply to:

- gatherings of people that live together;
- family units (meaning any shared parenting arrangement)
- weddings (maximum 10 people, including the couple but excluding the celebrant);
- Sorry Business and funerals (maximum of 20 people if held indoors and maximum of 30 people if held outdoors) (discussed further below);
- performances of small groups being recorded for broadcast;
- food markets, supermarkets, grocery stores, retail stores or shopping centres;
- office buildings, factories, laboratories or testing facilities, repair or maintenance premises, mining sites, construction sites and waste disposal or processing facilities;
- schools, universities, educational institutions and childcare facilities;
- hotels, motels or other accommodation facilities;
- places where people are present for the purposes of transiting through the place (for example, Rundle Mall);
- airports;
- public transport, including in vehicles or at public transportation facilities such as stations, platforms and stops;
- medical or health facilities;
- gatherings necessary for the purposes of emergency services;

- the provision of essential voluntary or public services at a community or recreation centre (such as a food bank or homeless service);
- disability, aged care and residential care facilities;
- prisons, correctional facilities, training centres or other place of custody;
- courts or tribunals; and
- gatherings exempt by the State Co-ordinator (or authorised officer) in writing.

In the above situations, social 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, so long as you practice social distancing by keeping 1.5 metres apart and there are no more than 10 people gathered together at one time. A separated family living across 2 houses can still meet. However, the South Australian Government strongly discourages gatherings of more than 2 people to help contain the spread of COVID-19.

If you live in “Designated Area”, you should not visit your family in town if will mean leaving the Designated Area. If you leave the Designated Area to visit or stay with family, you will not be able to return to your community unless you have previously sought permission or you isolate for 14 days, are well, and receive approval to return. This is discussed further below.

### **What if I am homeless?**

If you are homeless, you may not be able to practice social 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.

You can also get support with domestic, family and sexual violence by contacting the 24-hour South Australian Domestic Violence Crisis Line on 1800 800 098.

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

### **When do I have to self-isolate or quarantine?**

If you arrive in South Australia from interstate, you will be 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).

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.

### **What restrictions are there around using my car?**

There are no restrictions on using your car within South Australia, but you must comply with any restrictions on entering particular areas, see below.

### **Can I care for Elders and older people?**

#### **1. People in Aged Care Facilities**

A person in an aged care facility can only 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. You should practice social distancing by keeping 1.5 metres apart.

You cannot visit an aged care facility if you have:

- returned from overseas in the last 14 days;
- been in contact with a confirmed case of COVID-19 in the last 14 days; or
- have a fever or other symptoms of a respiratory infection such as a cough, sore throat or shortness of breath.

From 1 May 2020, you must have had your influenza vaccination in order to visit an aged care facility.

Children aged under 16 years are not allowed to visit aged care facilities, except in limited circumstances.

### **Can we still get together outside for community events?**

Meetings of more than 2 people are strongly discouraged by the Government. Gatherings can still happen, but there cannot be more than 10 people. People have to stay 1.5 metres apart from each other.

Indoor and outdoor gatherings of more than 10 people at any place are generally not allowed (see the section on Sorry Business below).

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. Social distancing of 1.5 metres should be practiced and no more than 10 people should gather at any one time.

### **What about Sorry Business and funerals?**

Sorry Business and funerals are still allowed. In addition to funeral staff, 20 people can go to a funeral that is held inside, and 30 people can go to a funeral that is held outside.

### **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 30 September 2020, you cannot be evicted if you can't pay rent because you are suffering 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**

Movement into certain remote and regional communities and areas across South Australia has been restricted to help slow the spread of COVID-19.

Anyone wishing to enter a designated community must self-isolate for 14 days before they can do so, and seek approval via an exemption process, discussed below.

As a result, there are restrictions on entry to:

- Anangu Pitjantjatjara Yankunytjatjara (APY) Lands;
- Davenport (near Port Augusta);
- Gerard (Riverland);
- Point Pearce (Yorke Peninsula);
- Nepabunna (excluding Iga Warta);
- Maralinga Tjarutja (MT) Lands; and
- Yalata (Far West Coast).

There have been some recent changes to the law, meaning that two other South Australian communities that were previously included – Yarlina homeland (outside Ceduna) and Dunjiba (outskirts of Oodnadatta) – are no longer Designated Areas.

Before entering a Designated Area, you need to ensure that you:

- have no COVID-19 related symptoms;
- have not travelled overseas in the last 14 days;
- have had no close contact with a confirmed COVID-19 case in the last 14 days without appropriate personal protection;
- are not entering for the purpose of breaking the law; and
- your entry into the Designated Area is not prohibited by any other law.

You will need to self-isolate for 14 days before you can enter a Designated Area. This applies even if you are a resident of the community (subject to the exemptions below).

If you live in a "Designated Area" (see below), you should stay within your community unless it is essential that you leave. If you need to leave, you should tell your Local Community Contact(s) who will discuss your request with an identified police representative, known as a Regional Decision Maker. You will not be able to return straight away unless you have this approval.

## **Exemptions (entering for a specific purpose)**

### **1. Performing an essential activity**

You can go into a Designated Area if you are performing an essential activity in the Designated Area; or you are transporting a person who is performing an essential activity in the Designated Area.

Essential activities include:

- providing health care, policing or emergency services;
- providing education;
- providing services related to domestic violence or child protection;
- providing local government services, such as rubbish collection;
- providing Centrelink services, benefits, programs or facilities;
- providing correctional services;
- providing funeral services;
- going to court;
- working on utilities, such as electricity, gas, water or internet, or other essential infrastructure;
- delivering food, fuel, mail or medical supplies;
- obtaining medical care or medical supplies;
- working on housing or transport construction that commenced before 27 March 2020; and
- transporting freight.

### **2. Permission from a Decision Maker**

If you have permission to enter a Designated Area from an identified police representative called a Regional Decision Maker, you do not need to self-isolate for 14 days before entering, but you should still minimise contact with others.

To obtain permission to enter, speak with your Local Community Contact, who are working with the Regional Decision Makers.

### 3. Travelling through a Designated Area without stopping

You do not need to self-isolate for 14 days before entering a Designated Area if:

- you are travelling through the Designated Area to another place;
- the route through the Designated Area is the easiest route; and
- you will not come into contact with anyone in the Designated Area.

When passing through a Designated Area, do not stop.

### Can I travel to another state for work or shopping?

#### 1. Non-essential travel

Non-essential travellers are still able to enter South Australia, but will be required to:

- identify a suitable place of quarantine;
- travel directly to that location; and
- self-quarantine at that location for 14 days.

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

#### 2. Essential travel

The above self-quarantine requirement does not apply to you if you are an essential traveller entering South Australia.

Essential travellers include:

- State or Commonwealth Government officers who are required to be in South Australia;
- active military and defence department personnel who are required to be in South Australia;
- health care workers requested by the South Australian or Australian Government to assist South Australian health services;
- people travelling to South Australia to receive urgent and essential medical treatment;
- specialist workers required to be in South Australia;
- people working on maintenance or repair of key infrastructure in South Australia;
- agriculture or primary industry workers required to be in South Australia;
- people who ordinarily live or work in South Australia and are regularly required to travel for work;
- emergency services workers required to be in South Australia;

- people passing through South Australia, if that is the most direct and practical route; and
- people travelling to South Australia to visit a critically or terminally ill relative, or to attend the funeral of an immediate family member (Note: you must still self-isolate when not visiting the relative or attending the funeral).

Unless you are a national or state security governance personnel, a fly-in, fly-out worker, an emergency service worker or a cross-border community member, essential travellers are required to keep records of close contacts for a 14-day period from the date of their arrival in South Australia.

### 3. Living on or near the border

If you live on or near the South Australian border and you ordinarily need to cross the border for work, education or daily life, you may continue to cross the border.

#### 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

### 1. Food, drink and entertainment venues

All food, drink and entertainment venues must be closed, but can continue to sell takeaway food and drink for pick up or home delivery. If your business is open for takeaway, you must ensure that your customers do not stay and eat or drink inside the premises. From 11 May 2020, outdoor dining of up to 10 people at a time is allowed, but alcohol cannot be served or consumed at the premises. Only 1 person per 4 square metres can be on site at any one time.

### 2. Personal care services

Hairdressers and barbers can remain open as long as there is no more than 1 person per 4 square metres inside.

The following businesses must be closed:

- beauty salons;
- nail salons;
- tattoo parlours;
- beauty therapy or body modification services;
- saunas, bathhouses and wellness centres; and
- spas and massage parlours.

### 3. Live performers

All concert venues are closed. If you are a live performer in a small group, you may stream your performance online as long as the total number of people present in any indoor space does not exceed 1 person per 4 square metres.

### 4. Recreation and community facilities

#### Community and recreation centres

From 11 May 2020, libraries, community halls, clubs and RSLs are allowed to open for a maximum of 10 people (excluding staff). No sporting activities may be conducted inside these facilities. Some facilities are also open for essential voluntary or public services, such as food banks or homeless services.

#### Health and personal training

All gyms, health clubs, yoga, barre and spin facilities must be closed.

Boot camps or personal training sessions may continue to run, as long as no more than 10 people attend. Social distancing of 1.5 metres applies.

Golf courses, tennis courts and playing fields can stay open, as long as no more than 10 people attend and there is no more than 1 person per 4 square metres.

Public swimming pools can open subject to the requirements stated above.

#### Places of worship

As of 11 May 2020, places of worship are open for up to 10 people at a time. Social distancing of 1.5 metres applies.

### 5. Other services

#### Accommodation services

Accommodation services, such as hotels, hostels, campsites and caravan parks, may still remain open, as long there is no more than 1 person per 4 square metres.

## **Galleries and cultural facilities**

Museums, galleries, national institutions and historic sites are closed.

### **E. Who to call for help or information**

#### **General information and helplines**

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

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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.*