

Energy

March 2020

COVID-19: Resources and Renewable Energy Personnel Self-Quarantine Requirements

Under the Cross Border Travel Direction 2020, are resources and renewable energy personnel required to self-quarantine for 14 days after entering South Australia?

The COVID-19 crisis continues to evolve. Ever-increasing and unprecedented restrictions on “non-essential” activity continue to emerge. To assist in reducing the spread of COVID-19 within South Australia, restrictions have been placed on the movement of travellers into the State of South Australia.

However, under the *Cross Border Travel Direction 2020*, and as at the date of this Alert, the requirement to self-quarantine arguably does not extend to certain energy-sector personnel entering South Australia.

Further, following the comments of the Prime Minister on 24 May 2020 as to what activities may constitute “essential services”: there is no reason why, at the moment, activities surrounding the construction/installation, operation and maintenance of energy and energy storage equipment should cease (provided employees observe social distancing procedures and other health-related protocols).

Cross Border Travel Direction 2020

On 24 March 2020, South Australian Commissioner of Police, Grantley Stevens, issued the *Cross Border Travel Direction 2020 (Direction)* under section 25 of the *Emergency Management Act 2004* (SA). This Direction was foreshadowed by South Australian Premier, Steven Marshall MP in his address on Sunday, 22 March 2020. The Direction is available at [this link](#).

Under the Direction, all people who arrive in South Australia from a place outside of South Australia, other than Essential Travellers, are required to self-quarantine for 14 days (among other things).

Penalties apply to persons who does not abide by the Direction (of up to \$20,000 for an individual and \$75,000 for a body corporate).

Are energy sector participants exempt under the Direction?

Energy sector participants have expressed interest as to whether the Direction:

1. prevents the movement of specialised workers and equipment into South Australia; and / or
2. requires those personnel to self-quarantine for 14 days after entering South Australia.

Section 5 of Schedule 1 of the Direction defines ‘Essential Traveller’ as including (among other things, but as relevant to the energy and resources sectors):

- “a specialist required for industry or business continuity and maintenance of competitive operations where the appropriate skills are not available in South Australia, where the service is time critical and where the provision of that service requires that the person be physically present in South Australia”;
- “a person who, in the carriage of his or her duties, is responsible, while in South Australia, for the critical maintenance or repair of infrastructure critical to South Australia”; and

- “persons who ordinarily live or work in South Australia and travel for work purposes for regular periods according to established work schedules (for example, FIFO workers)”.

It is foreseeable that various energy sector personnel (whether in relation to resources or renewable energy), particularly those whose expertise is “critical” to the maintenance of supply, would be considered to be Essential Travellers and therefore exempt from the requirement to self-quarantine for 14 days.

Self-assessment

Travellers entering South Australia will be required to self-assess as to whether they are an Essential Traveller (and therefore exempt from the requirement to self-quarantine for 14 days). [SAPOL has stated](#) that members of the public “will be asked to justify their status as [an Essential Traveller] if they are spoken to by police at a checking point or any other place in the State”. It may be advisable for employees to carry with them some proof to substantiate their status.

May the construction/installation, operation and maintenance of energy and energy storage equipment continue following the Prime Minister’s comments of 24 May 2020?

The Prime Minister, State and Territory Premiers and Chief Ministers met on 24 March 2020 as the National Cabinet. Following this meeting, Prime Minister Scott Morrison MP addressed the national media.

The Media Statement summarising the National Cabinet’s updated Coronavirus measures and the Prime Minister’s address is available at [this link](#).

Developments

The COVID-19 crisis continues to evolve. Accordingly, the position articulated in the Direction and this Alert will likely continue to evolve and change. The National Cabinet will meet again on Wednesday, 25 March 2020.

Please note: this information is current as of **25 March 2020**. The speed with which COVID-19 is spreading and the varied responses both internally within Australia and externally change on a daily basis. It is important that you regularly keep up to date with all relevant information and be prepared to respond as the landscape in which the virus is moving changes.

For updated COVID-19 legal issues and considerations please access our website [here](#).

Contact details

If you have any queries regarding this alert, please contact:



Jeremy Schultz *Partner*
jeremy.schultz@finlaysons.com.au
+61 8 8235 7408



Kyra Reznikov *Special Counsel*
kyra.reznikov@finlaysons.com.au
+61 8 8235 7561



Ralph Bönig *Special Counsel*
ralph.bonig@finlaysons.com.au
+61 8 8235 7684



Ned Hewitson *Lawyer*
ned.hewitson@finlaysons.com.au
+61 8 8235 7463