



Northern Territory of Australia

Public and Environmental Health Act 2011

**COVID-19 Directions (No. 39) 2021:
Directions to lock down Darwin and surrounding areas of the
Territory and Katherine**

I, Hugh Crosbie Heggie, Chief Health Officer, under section 52 of the *Public and Environmental Health Act 2011*, consider it necessary, appropriate or desirable to take action to alleviate the public health emergency in the Territory, declared by instrument entitled "Declaration of Public Health Emergency", dated 18 March 2020, (the ***public health emergency declaration***) by making the following directions:

Part 1 Preliminary matters

1 These Directions take effect at 12:00 noon on 16 August 2021 and remain in force until the earlier of:

- (a) the public health emergency declaration ceasing to be in force; or
- (b) 12:00 noon on 19 August 2021.

2 In these Directions:

essential worker, means a person who is declared in Schedule 1 to be an essential worker for the purposes of these Directions.

lockdown area means the area specified in direction 3.

3 These Directions apply in and to:

- (a) the following local government areas:
 - (i) City of Darwin;
 - (ii) City of Palmerston;
 - (iii) Litchfield;

- (iv) Wagait Shire;
 - (v) Belyuen Shire;
 - (vi) Municipality of Katherine;
- (b) the Darwin Waterfront Precinct as specified under section 4 of the *Darwin Waterfront Corporation Act 2006*; and
- (c) the following localities of the Territory:
- (i) Charles Darwin National Park and East Arm, prescribed as Area A for the *Northern Territories Rates Act 2014*, a map of which is attached as Schedule 2;
 - (ii) the unincorporated Elrundie area;
 - (iii) Dundee Beach;
 - (iv) Dundee Forrest;
 - (v) Bynoe;
 - (vi) Charlotte;
 - (vii) Cox Peninsula.

4 If these Directions are inconsistent with an advice, order or notice under the *Notifiable Diseases Act 1981*, the advice, order or notice prevails to the extent of the inconsistency.

Example for direction 4

A person may be ordered under the Notifiable Diseases Act 1981 to isolate for longer than the quarantine period or to undertake a specific course of medical treatment.

5 To avoid doubt, my COVID-19 Directions (No. 7) 2020 for infected persons, or any subsequent Directions that replace and substantially correspond to those Directions, apply to any person who is notified by an authorised officer or health practitioner that the person is infected with COVID-19.

6 To avoid doubt, these Directions do not limit a right under section 71(1) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

Part 2 Restricted movement in and out of lockdown area

Division 1 Entry into lockdown area

- 7 A person must not enter the lockdown area unless:
- (a) the person is one of the following who is performing a function connected with the person's official work:
 - (i) an authorised officer;
 - (ii) a person performing functions under the Act or the *Notifiable Diseases Act 1981*;
 - (iii) an essential worker; or
 - (b) the person is entering the lockdown area for a reason specified in direction 12, other than paragraph (e) (exercise), that cannot otherwise reasonably be achieved; or
 - (c) the person is returning to the premises where the person resides in the lockdown area; or
 - (d) the person enters by aircraft, motor vehicle, public transport or bicycle for the purpose of travelling to a part of the Territory that is outside the lockdown area.

8 A person entering the lockdown area under direction 7 must take all reasonable steps to stay 1.5 m away from any other person while in the lockdown area.

9 Direction 8 does not apply to a person who cannot stay 1.5 m away from another person because of the performance of their functions or duties in the lockdown area.

Example for direction 9

A health practitioner does not need to remain 1.5 m away from a patient while performing their duties as a health practitioner.

- 10 A person entering the lockdown area under direction 7(d) must:
- (a) travel directly out of the lockdown area in a motor vehicle or on public transport or a bicycle; and

- (b) if travelling by vehicle – remain in the vehicle while in the lockdown area and only leave the vehicle to refuel the vehicle; and
- (c) if travelling on public transport or a bicycle – remain on the public transport or bicycle while in the lockdown area.

Division 2 Exit out of lockdown area

11 A person must not exit the lockdown area unless the person is:

- (a) one of the following who is performing a function connected with the person's official work:
 - (i) an authorised officer;
 - (ii) a person performing functions under the Act or the *Notifiable Diseases Act 1981*;
 - (iii) an essential worker; or
- (b) a person infected with COVID-19 who is required to isolate in a place outside the area; or
- (c) a person suspected of being infected with COVID-19 under my COVID-19 Directions (No. 21) 2020 who requires testing or assessing for infection with COVID-19 at a place outside the area; or
- (d) a person required to exit the area under another law of the Territory or a law of the Commonwealth; or
- (e) a person exiting the area for a reason specified in direction 12, other than paragraph (e) (exercise), that could not otherwise reasonably be achieved; or
- (f) a person who entered the area under direction 7(d) and has complied with direction 10; or
- (g) a person exiting the area to leave the Territory on an aircraft.

Part 3 Restricted movement within lockdown area

Division 1 Stay at home

- 12 A person residing in the lockdown area must not leave the premises where the person resides except for the following reasons:
- (a) to receive medical treatment, including testing or vaccination related to COVID-19;
 - (b) if the person is an essential worker and the person is unable to attend to the person's essential functions from the premises where the person resides – to attend the person's workplace or any locations required in the course of employment;
 - (c) if the person is not an essential worker – a single visit to retrieve a computer or work materials from the person's workplace in order to work from the premises where the person resides;
 - (d) to obtain goods or services from an essential worker or from a place or business that is permitted to operate under my COVID-19 Directions (No. 40) 2021 (as amended from time to time) or any subsequent Directions that replace and substantially correspond to those Directions;
 - (e) to engage in outdoor exercise under the following conditions:
 - (i) no more than one hour in total per day; and
 - (ii) within 5 km of the premises where the person ordinarily resides, but not outside the lockdown area; and
 - (ii) in the company of no one other than the following:
 - (A) if the person resides alone – one other person;
 - (B) if the person does not reside alone – one or more of the other persons residing at the same premises;
 - (f) to provide care or support to a family member or another person in the lockdown area who is unable to care for themselves due to health, age or disability;

- (g) to provide care to an animal that is unattended;
- (h) to provide the following in the lockdown area, but only to the child of an essential worker:
 - (i) child care;
 - (ii) early childhood education or education in a primary or secondary school;
- (i) to obtain the following in the lockdown area, but only for the child of an essential worker:
 - (i) child care;
 - (ii) early childhood education or education in a primary or secondary school;
- (j) in an emergency;
- (k) to escape a risk of harm, including harm relating to family violence;
- (l) for purposes relating to the administration of justice, including attending:
 - (i) a police station; or
 - (ii) a court or other premises for a purpose relating to the justice or law enforcement system;
- (m) if otherwise required or authorised by a law of the Territory or a law of the Commonwealth;
- (n) to travel directly to an airport to leave the Territory;
- (o) to attend a funeral with no more than 9 other attendees in total, not including persons providing the funeral services;
- (p) if the premises in which the person resides is in an area where there is no waste collection for the premises – to travel directly to deposit waste at a waste management facility;

- (q) if the person is the parent or guardian of a child – to take the child to another parent or guardian of the child at a separate premises, whether or not there is a formal arrangement in place in relation to the custody of the child;
 - (r) any other purpose approved by me.
- 13 Despite direction 12(h) and (i), a person in the lockdown area may:
- (a) provide child care or education to a child of a person who is not an essential worker until 3:00 pm on 16 August 2021; or
 - (b) obtain child care or education for a child of a person who is not an essential worker until 3:00 pm on 16 August 2021.
- 14 If a person resides in more than one place, the premises where the person resided at 12:00 noon on 16 August 2021, is the premises where the person must remain for the duration of these Directions (unless the person is a child to whom direction 12(q) applies).
- 15 If a person resides in commercial visitor accommodation, the person's room, not any other area of the accommodation, is taken to be the premises where the person resides.
- Note for direction 15*
- People must wear face masks and keep 1.5 m distant when using shared facilities like toilet blocks or laundries in motels and caravan parks.*
- 16 Subject to directions 17 and 18, direction 12 does not apply to a person if the person:
- (a) does not reside at any premises; or
 - (b) resides at premises that are temporarily unavailable because of a risk of harm, including harm relating to family violence.
- 17 If suitable premises are made available for a person mentioned in direction 16:
- (a) those premises are taken to be the premises where the person resides for the remainder of the period these Directions are in force; and

- (b) direction 12 applies to the person.

Division 2 Face mask requirement

- 18 Subject to direction 19, a person must wear a face mask at all times while in the lockdown area.

- 19 A person is not required to wear a mask if the person:
 - (a) is at the premises where the person resides; or
 - (b) is in a private vehicle being used for private purposes; or
 - (c) is a child under the age of 12 years; or
 - (d) has a physical or mental health illness or condition, or disability, which makes wearing a face mask unsuitable; or
 - (e) is communicating with another person who is hearing impaired and visibility of the mouth is essential; or
 - (f) is asked to remove the face mask to ascertain their identity; or
 - (g) a medical practitioner or dentist requests the person to remove the face mask in order to treat the person or administer treatment to the person; or
 - (h) must remove the face mask in an emergency.

- 20 A police officer or an authorised officer may:
 - (a) request a person who is not wearing a mask as required by these Directions to state the person's reason for not doing so; and
 - (b) if the person claims to have a physical or mental health illness or condition, or a disability, that makes wearing a mask unsuitable – require the person to produce evidence to support that claim.

Part 4 Restricted gatherings

- 21 A person must not enter any residential premises at which the person does not ordinarily reside in the lockdown area unless the person is entering:
- (a) for medical purposes, including delivering medical supplies, providing medical care and providing testing and vaccination related to COVID-19; or
 - (b) to provide care or support to a family member or another person who is unable to care for themselves due to health, age or disability; or
 - (c) to transfer a child to another premises in accordance with direction 12(q); or
 - (d) in an emergency or for another urgent reason; or
 - (e) for purposes relating to the administration of justice.
- 22 A person in the lockdown area must not permit another person to enter the premises where the person resides unless the other person:
- (a) also resides at those premises; or
 - (b) is entering in accordance with direction 21.
- 23 A person in the lockdown area must not arrange to meet, or organise or intentionally attend a gathering with, one or more other persons at a place other than the premises where the person resides.
- 24 Direction 23 does not apply to:
- (a) a person specified in direction 7(a) who is performing functions or duties in the lockdown area; or
 - (b) a person who left the premises where the person ordinarily resides for a reason allowed under direction 12, other than paragraph (e) (exercise), and is acting in accordance with that direction.

Part 5 Restrictions outside lockdown area

- 25 A person who was in the lockdown area after 12:00 pm on 16 August 2021 and later left the lockdown area must:
- (a) return as soon as reasonably practicable to the premises where the person resides in the lockdown area; or
 - (b) comply with Parts 2 to 4 while residing at the premises where the person resides outside the lockdown area.

Notes for COVID-19 Directions

- 1 *Section 56 of the Act provides for an offence for failing to comply with a direction given by me under section 52(3) of the Act.*
- 2 *The maximum penalty for this offence is 400 penalty units.*
- 3 *A person is not guilty of this offence if the person has a reasonable excuse.*
- 4 *An infringement notice may be given for failing to comply with these Directions with a fine equal to 32 penalty units for an individual and 160 penalty units for a body corporate.*

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Chief Health Officer

Dated

Schedule 1 Essential workers

- 1 An employee or contractor engaged by any of the following businesses or undertakings is an essential worker for the purposes of these Directions:
- (a) a blood bank, including blood collection and delivery;
 - (b) air transport services or an airport;
 - (c) the Australian Defence Force, Australian Border Force and Commonwealth law enforcement and intelligence agency services;
 - (d) a supermarket, butcher, greengrocer or fishmonger;
 - (e) care services for people with particular needs because of homelessness, age, infirmity, disability, illness or a chronic health condition;
 - (f) child care, early childhood education, primary and secondary schools and tertiary education;
 - (g) a distribution centre that handles essential goods;
 - (h) the following emergency services:
 - (i) ambulance and paramedical services;
 - (ii) firefighting services;
 - (iii) medical retrieval services, including Royal Flying Doctor Services;
 - (iv) police services;
 - (v) other emergency services;
 - (i) the following essential health services:
 - (i) emergency surgery, procedures and medical consulting if failing to provide will lead to loss of life or limb or permanent disability;
 - (ii) non-emergency surgery, procedures and medical consulting if failing to provide will lead to loss of life or permanent disability;

- (iii) health services provided in a hospital Emergency Department, by a General Practitioner or at a hospital radiology service;
- (iv) medical procedures or services that relate to the following:
 - (A) procedures and surgical treatment by a dentist in an authorised public health care centres in the management of patients with facial swelling due to infection, facial trauma or severe unrelenting pain;
 - (B) procedures to complete a cycle of IVF treatment that was commenced before the implementation of these Directions or any procedure required for the preservation of eggs for future IVF which is required to prevent eggs from becoming non-viable;
 - (C) surgical termination of pregnancy;
 - (D) drug or alcohol services;
 - (E) allied health services provided by allied health professionals when providing critical clinical care;
 - (F) mental health services;
- (j) a factory or similar facility but only to the extent required to avoid damage to the plant and equipment;
- (k) a financial institution;
- (l) freight services for road, rail, sea and air, including postal, courier and removalist services;
- (m) a liquor retailer, but only for the purposes of selling takeaway liquor that is not consumed on the premises;
- (n) a hardware store;
- (o) an accommodation provider;
- (p) journalism and media services;

- (q) transport inspection services;
- (r) a business or undertaking that engaged persons to provide support services to the residents of the lockdown area;
- (s) a person who provides for essential, critical or urgent maintenance or repair of power, water, communications or other infrastructure critical to the Territory or to maintain other operations deemed essential, including trade assistants, trade stores and equipment hire;
- (t) a pet store or veterinary clinic;
- (u) a petrol station;
- (v) a pharmacy;
- (w) a post office;
- (x) primary industries, only to the extent required to ensure adequate supply of food to and care of crops and animals;
- (y) production and distribution of:
 - (i) food for sale by supermarkets, butchers, greengrocers, fishmongers, but not including production at an abattoir; or
 - (ii) medical and pharmaceutical products;
- (z) public transport, including taxis, rental scooters other commercial passenger services, as well as transit safety officers and interchange officers;
- (za) the Territory or local government services which are deemed essential by the relevant Agency Chief Executive Officer or CEO of a council;
- (zb) the administration of justice;
- (zc) truckstops and roadhouses;
- (zd) vehicle repair and mechanical services, including roadside assistance;
- (ze) food outlets with a fixed premises or vehicles providing takeaway

- food services or food for distribution by food delivery services;
 - (zf) cleaning, waste, recycling, pest control and snake removal services;
 - (zg) services for a funeral;
 - (zh) construction services, only to the extent required in an emergency or to ensure the safety of, or prevent damage to, a structure or site;
 - (zi) electrical or plumbing services, only to the extent required in an emergency or to ensure the safety of, or prevent damage to, a structure or site;
 - (zj) locksmith services, only to the extent required in an emergency;
 - (zk) a newsagency.
- 2 Any person deemed essential by the Chief Executive Officer of an Agency, a government owned corporation or a local council is an essential worker for the purposes of these Directions.
- 3 The following are essential workers for the purposes of these Directions:
- (a) the Administrator;
 - (b) a member of the Legislative Assembly;
 - (c) a member of either House of the Commonwealth Parliament;
 - (d) a Supreme Court Judge;
 - (e) a Local Court Judge.

Schedule 2 Area A for the Northern Territories Rates Act 2014

