



Northern Territory of Australia

Public and Environmental Health Act 2011

**COVID-19 Directions (No. 52) 2022:
Directions for additional vaccination requirements for certain
workers to attend the workplace**

I, Hugh Crosbie Heggie, Chief Health Officer, under section 52 of the *Public and Environmental Health Act 2011*, (the **Act**) 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:

- 1 These Directions take effect at 12:01 am on 22 April 2022 and remain in force until the public health emergency declaration ceases to be in force.

Note for direction 1

The period the public health emergency declaration is in force has been extended under section 50(2) of the Public and Environmental Health Act 2011. These Directions remain in force during the periods of extension.

- 2 In these Directions:

approved COVID-19 vaccine means a COVID-19 vaccine approved by the Therapeutic Goods Administration, Commonwealth Department of Health for use in Australia.

exempt, in relation to a person, means the person:

- (a) is under 18 years of age; or
- (b) has a certificate issued by the Commonwealth that certifies that the person has a permanent or temporary contraindication to every approved COVID-19 vaccine; or

- (c) is unable to receive a third dose of an approved COVID-19 vaccine because:
 - (i) fewer than 16 weeks have elapsed since:
 - (A) the person last returned a positive result from a COVID-19 testing procedure; or
 - (B) the person received a second dose of an approved COVID-19 vaccine; or
 - (ii) in the case of a person who was in quarantine – fewer than 2 weeks have elapsed since the end of the person's quarantine period; or
- (d) has received a recognised COVID-19 vaccine and a third dose of that vaccine is not required for the vaccine to be effective.

person in charge, in relation to a workplace, means:

- (a) the owner of the workplace; or
- (b) the person managing operations at the workplace; or
- (c) if a person mentioned in paragraph (a) or (b) cannot be identified – the person who appears to be in charge of the workplace.

quarantine period, see direction 3 of COVID-19 Directions (No. 22) 2022 or any subsequent Directions that replace and substantially correspond to those Directions.

recognised COVID-19 vaccine means a COVID-19 vaccine recognised by the Therapeutic Goods Administration, Commonwealth Department of Health for the purpose of travel to Australia.

vulnerable person, means a person who is considered, under direction 3, to be vulnerable to infection with COVID-19.

worker, see section 7 of the *Work Health and Safety (National Uniform Legislation) Act 2011*.

Note for definition worker

An individual who conducts a business or undertaking is also a worker if the individual carries out work in that business or undertaking.

- 3 A person is considered to be vulnerable to infection with COVID-19 if:
- (a) the person is under 5 years of age; or
 - (b) the person has a certificate issued by the Commonwealth that certifies that the person has a permanent or temporary contraindication to all approved COVID-19 vaccines; or
 - (c) the person is at risk of severe illness from COVID-19 for medical reasons, such as being on immune suppressive therapy after an organ transplant or having comorbidities such as chronic kidney, heart, liver or lung disease.

Note for direction 3

For more information on vulnerable persons see: <https://www.health.gov.au/health-alerts/covid-19/advice-for-groups-at-risk/risk-factors-for-more-serious-illness>

Note for direction 3(c)

The prevalence of comorbidities is higher in Aboriginal people.

- 4 These Directions apply to the following workers:
- (a) a worker who, during the course of work, is likely to come into contact with a vulnerable person;
 - (b) a worker whose workplace poses a high risk of infection with COVID-19;
 - (c) a worker who performs work that is necessary for the operation or maintenance of essential infrastructure or essential logistics in the Territory.

Note for direction 4(a)

To determine whether a person is a vulnerable person, a worker can ask the person directly or assume they are vulnerable if the worker is unsure. If a person does not disclose their vaccination status to a worker, the worker should assume the person is vulnerable.

- 5 Despite direction 4, these Directions do not apply in relation to workers at consulates or diplomatic premises.
- 6 The provisions of the Schedule are to be used in determining whether these Directions apply to a worker under direction 4.

- 7 A worker must not enter or remain on the premises of the worker's workplace unless:
- (a) the worker has received at least 3 doses of an approved COVID-19 vaccine; or
 - (b) the worker is exempt.
- 8 A worker must, on request of the person in charge of the worker's workplace, provide evidence the person needs to determine whether the worker meets the criteria of direction 4 or 7.

Examples for direction 8

- 1 *A vaccination certificate showing a third dose or the date of the second dose.*
 - 2 *A certificate issued by the Commonwealth certifying the person's contraindication to every approved COVID-19 vaccine.*
 - 3 *A copy of the notice requiring the person to isolate or quarantine.*
 - 4 *A copy of a positive polymerase chain reaction (PCR) test result or a copy of an online declaration of a positive rapid antigen test (RAT) result.*
- 9 Nothing in these Directions prevents a worker who is not vaccinated or exempt as specified in direction 7 from working at a place where the worker, during the course of work, is not likely to:
- (a) come into contact with:
 - (i) a vulnerable person; or
 - (ii) a person who, or thing that, poses a risk of infection with COVID-19; or
 - (b) be exposed to a high risk of infection with COVID-19.
- 10 Nothing in these Directions prevents the person in charge of a workplace from making reasonable adjustments to accommodate an exempt worker.

Example for direction 10

Directing a worker to attend a different workplace where the worker is not likely to come into contact with a vulnerable person or be exposed to a high risk of infection with COVID-19.

- 11 The person in charge of a workplace must take reasonable steps to determine the extent to which any worker who performs work at the workplace meets the criteria of direction 4 or 7.

- 12 The person in charge of a workplace must take all reasonable measures to ensure that a worker does not enter or remain on the premises of the workplace if the worker is prohibited from doing so under these Directions or any of my other COVID-19 Directions.
- 13 A worker entering the premises of their workplace must submit to the measures established by the person in charge under direction 12.
- 14 The person in charge of a workplace must keep a register of the following information:
- (a) the extent to which each worker who performs work at the workplace is vaccinated with an approved COVID-19 vaccine;
 - (b) whether a worker is exempt;
 - (c) the steps taken under direction 11.
- 15 The duties of the person in charge of a workplace under directions 11, 12 and 14 do not apply in relation to the following workers:
- (a) a volunteer who does not work directly for the person;
 - (b) a contractor or subcontractor;
 - (c) an employee of a contractor or subcontractor;
 - (d) an employee of a labour hire company who has been assigned to work in the workplace.

Note for direction 15

The employer of these workers is responsible for ensuring compliance with directions 11, 12 and 14.

- 16 The person in charge of a workplace must:
- (a) destroy any copy of the evidence given to the person under direction 8 as soon as practicable, but in any case no later than 48 hours after the evidence is given; and
 - (b) ensure that the register kept under direction 14 is secured against access by any person for any purpose other than a person or purpose specified in paragraph (c); and

- (c) ensure that any information in the register kept under direction 14 is not disclosed, except to an authorised officer when requested for the purpose of compliance or enforcement of these Directions or contact tracing in relation to COVID-19.
- 17 These Directions do not prevent the person in charge of a workplace or an authorised officer from requesting, collecting, using or disclosing immunisation information that is protected information under the *Australian Immunisation Register Act 2015* (Cth) if the person or officer is authorised or required to do so under that Act.
- 18 If these Directions are inconsistent with my COVID-19 Directions (No. 41) 2022 as amended from time to time, those Directions prevail to the extent of the inconsistency.

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 the offence is 400 penalty units.*
- 3 *A person is not guilty of the offence if the person has a reasonable excuse.*
- 4 *An infringement notice may be given for failing to comply with these Directions with an infringement penalty equal to 32 penalty units for an individual and 160 penalty units for a body corporate.*

.....

Chief Health Officer

Dated

Schedule Provisions to interpret whether these Directions apply to worker

direction 6

- 1 For direction 4(a), workers who, during the course of work, are likely to come into contact with a vulnerable person include the following:
 - (a) workers who work with children under 5 years of age, such as teachers, child care workers and swimming instructors;
 - (b) workers who work with disabled persons, elderly persons or other persons vulnerable to infection with COVID-19, such as legal service providers, disability care workers and personal carers;
 - (c) workers who directly face customers or patients in health care and ancillary health care services;
 - (d) workers who provide community services;
 - (e) workers who directly face customers in retail services, financial or hospitality industries and other service industries.
- 2 For direction 4(b), workplaces that pose a high risk of infection with COVID-19 include the following:
 - (a) mining sites;
 - (b) schools;
 - (c) food processing and distribution facilities;
 - (d) cold storage facilities and abattoirs;
 - (e) cruise vessels as defined in my COVID-19 Directions (No. 40) 2022.
- 3 For direction 4(c), essential infrastructure or essential logistics in the Territory include:
 - (a) electricity generation facilities, electricity networks and electrical installations;
 - (b) liquid natural gas and other gas facilities;
 - (c) water supply and distribution infrastructure;

- (d) sewerage treatment facilities;
- (e) telecommunications systems;
- (f) roads;
- (g) COVID-19 emergency operations centre.