



Northern Territory of Australia

Public and Environmental Health Act 2011

COVID-19 Directions (No. 13) 2021: Directions to lock down Darwin and surrounding areas of the Territory

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, by making the following directions:

Part 1 Preliminary matters

- 1 These Directions take effect at the time they are made and remain in force until the earlier of:
 - (a) the public health emergency declaration ceasing to be in force; or
 - (b) 1 pm on 29 June 2021.

Note for direction 1

These Directions will remain in force during any subsequent extensions of the duration of the public health emergency declaration, which may be made under section 50(2) of the Act.

- 2 In these Directions:

COVID-19 hotspot, see my COVID-19 Directions (No. 8) 2021 (as amended from time to time) or any subsequent Directions that replace and substantially correspond to those Directions.

essential worker, see Schedule 1.

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; and
 - (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) Berrimah;
 - (ii) Northcrest;
 - (iii) the unincorporated Elrundie area;
 - (iv) Dundee Beach;
 - (v) Dundee Forrest;
 - (vi) Bynoe;
 - (vii) Charlotte;
 - (viii) 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 3

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 returning to the person's ordinary place of residence or suitable accommodation in the lockdown area; or
 - (c) the person is providing care or support to a family member or another person inside the lockdown area who is unable to care for themselves due to health, age or disability; or
 - (d) the person is travelling directly to an airport to board a flight; or
 - (e) the person is approved by me to enter the lockdown area.
- 8 A person mentioned in direction 7 must take all reasonable steps to stay 1.5m away from any other person while in the lockdown area.

- 9 Direction 8 does not apply to a person who cannot maintain 1.5m 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 1.5m away from a patient while performing their duties as a health practitioner.

- 10 A person mentioned in direction 7 must wear a face mask at all times 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 one of the following:

- (a) a person mentioned in direction 7(a) or (c);
- (b) a person infected with COVID-19 who is required to isolate in a place outside the area;
- (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;
- (d) a person exiting the area to escape an immediate physical threat to the person's life;
- (e) a person exiting the area in an emergency;
- (f) a person required to exit the area if directed to do so under another law of the Territory or a law of the Commonwealth;
- (g) to leave the Territory as specified in direction 12(l);
- (h) any other person approved by me.

Part 3 Restricted movement within lockdown area

Division 1 Stay at home

12 A person who ordinarily resides in the lockdown area must not leave the premises where the person ordinarily resides except:

- (a) to receive medical treatment, including to be tested or vaccinated for COVID-19; or
- (b) if the person is an essential worker, to attend the person's workplace or any locations required in the course of employment; or
- (c) to obtain essential goods or services from a business or undertaking that is permitted to operate under my COVID-19 Directions (No. 10) 2021; or
- (d) for up to one hour of outdoor exercise per day:
 - (i) within 5km of the premises where the person ordinarily resides, but not outside the lockdown area; and
 - (ii) if the person:
 - (A) resides with another person or persons at the premises – with one or more of those persons at those same premises; or
 - (B) resides alone at the premises – with no more than one other person who does not reside at those same premises; or
- (e) to provide care or support to a family member or another person inside the lockdown area who is unable to care for themselves due to health, age or disability; or
- (f) to provide childcare inside the lockdown area, but only to the child of an essential worker; or
- (g) to obtain child care, as the child of an essential worker;
- (h) in an emergency; or

- (i) to escape an immediate physical threat to the person's life; or
 - (j) for the purposes relating to the administration of justice, including attending:
 - (i) a police station; or
 - (ii) a court or other premises for the purpose relating to the justice or law enforcement system; or
 - (k) if otherwise required or authorised by a law of the Territory or a law of the Commonwealth; or
 - (l) to travel directly to an airport to leave the Territory; or
 - (m) any other purpose approved by me.
- 13 If a person has more than one ordinary place of residence, their place of residence at the time my COVID-19 Directions (No. 9) 2021 commenced must remain at their ordinary place of residence for the duration of these Directions.
- 14 Subject to directions 15 and 16, direction 12 does not apply to a person if the person:
- (a) does not have an ordinary place of residence; or
 - (b) has an ordinary place of residence but that place is temporarily unavailable because of a risk of harm, including harm relating to family violence or violence to another person at the premises.
- 15 If suitable premises are made available for a person mentioned in direction 14:
- (a) those premises are taken to be the person's ordinary place of residence for the remainder of the period these Directions are in force; and
 - (b) direction 12 applies to the person.

Division 2 Face mask requirement

- 16 A person must not leave their ordinary place of residence under direction 12 unless the person wears a face mask at all times.
- 17 A person is not required to comply with direction 10 or 16:
- (a) if the person is a child under the age of 12 years;
 - (b) if the person has a physical or mental health illness or condition, or disability, which makes wearing a face mask unsuitable;
 - (c) if the person is communicating with a person who is hearing impaired and visibility of the mouth is essential;
 - (d) if the person is asked to remove the face mask to ascertain identity;
 - (e) in an emergency;
 - (f) if the person is in a private vehicle.

Part 4 Restricted gatherings

- 18 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 testing or assessing for infection with 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) in an emergency or for another urgent reason; or
 - (d) for purposes relating to the administration of justice.
- 19 A person who ordinarily resides in the lockdown area must not permit another person to enter the premises at which they ordinarily reside unless the other person:
- (a) also ordinarily resides at those premises; or
 - (b) is entering in accordance with direction 18.

20 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 person's ordinary place of residence.

21 Direction 20 does not apply to:

(a) a person mentioned in direction 7 while the person is performing functions or duties in the lockdown area; or

(b) a person who has left the premises where the person ordinarily resides under direction 12 while acting in accordance with that direction.

Part 5 Revocation and consequential amendments

22 My COVID-19 Directions (No. 9) 2021 are revoked.

23 My COVID-19 Directions (No. 10) 2021 are amended as follows:

(a) title

omit

, Palmerston, Litchfield, Wagait, Belyuen and Dundee Beach

insert

and surrounding areas of the Territory

(b) Direction 2, definition ***essential worker***

omit

2021.

insert

2021 or any subsequent Directions that replace and substantially correspond to those Directions.

(c) Direction 3(b)

omit, insert

(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) Berrimah;
 - (ii) Northcrest;
 - (iii) the unincorporated Elrundie area;
 - (iv) Dundee Beach;
 - (v) Dundee Forrest;
 - (vi) Bynoe;
 - (vii) Charlotte;
 - (viii) Cox Peninsula.

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.*

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Chief Health Officer

Dated

Schedule 1 Essential workers

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;
- (e) care services for people with particular needs because of homelessness, age, infirmity, disability, illness or a chronic health condition;
- (f) childcare, 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 and courier 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) National Heavy Vehicle Regulator, for compliance activities;
- (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, 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 and other commercial passenger services, including 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) a member of the Legislative Assembly;
- (zc) the administration of justice;
- (zd) truckstops and roadhouses;
- (ze) vehicle repair and mechanical services, including roadside assistance;
- (zf) food outlets with a fixed premises or vehicles providing takeaway food services or food for distribution by food delivery services;
- (zg) a person employed or engaged by any other business or undertaking to the extent that business or undertaking is permitted to remain operational under my COVID-19 Directions (No. 10) 2021.