



Northern Territory of Australia

Public and Environmental Health Act 2011

COVID-19 Directions (No. 38) 2021: Directions for Further Border Restrictions

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:

Part 1 Preliminary matters

- 1 These Directions take effect at 00:01 on 9 August 2021 and remain in force while the public health emergency declaration is in force.

Note for direction 1

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

- 2 In these Directions:

Border Directions means my COVID-19 Directions (No. 8) 2021, or any subsequent Directions that replace and substantially correspond to those Directions.

COVID-19 hotspot, see my Border Directions.

COVID-19 public exposure site, see my Border Directions.

Government owned corporation means a statutory corporation that is declared to be a Government owned corporation by its constituting Act.

public exposure period means the specified period determined by me under the definition **COVID-19 public exposure site**.

- 3 For these Directions, a person is taken not to have been in an area that is a COVID-19 hotspot if the person was in the area only in one or more of the circumstances specified in direction 5 of my Border Directions.
- 4 To avoid doubt, these Directions do not limit a right under section 71(1) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).
- 5 These Directions prevail to the extent of the inconsistency with my Border Directions.

Part 2 Prohibited entry

- 6 Subject to this Part, a person must not enter the Territory if the person is entering the Territory from a State, another Territory or New Zealand and, during the 14 days prior to entering the Territory:
 - (a) was in an area that is, at the time of the person's entry, a COVID-19 hotspot; or
 - (b) was at a place during the public exposure period that is, at the time of the person's entry, a COVID-19 public exposure site and who would be required under my Border Directions to quarantine if the person entered the Territory.
- 7 If a person prohibited under direction 6 enters the Territory and is not granted an exemption under direction 16, the person must leave the Territory as soon as possible and, until they leave, comply with my Border Directions.

Part 3 Exemptions

- 8 A resident of the Territory is exempt from direction 6 but remains subject to my Border Directions.
- 9 An aircrew member is exempt from direction 6 but remains subject to my Border Directions.
- 10 A crew member of a commercial vessel is exempt from direction 6 but remains subject to my COVID-19 Directions (No. 3) 2021, or any subsequent Directions that replace and substantially correspond to those

Directions.

- 11 A freight worker who provides services for the transport or freight of goods and related logistics into, within or out of the Territory, is exempt from direction 6 but remains subject to with my COVID-19 Directions (No. 50) 2020, or any subsequent Directions that replace and substantially correspond to those Directions.
- 12 A person entering the Territory directly from a place outside Australia, other than New Zealand, is exempt from direction 6 but remains subject to my Border Directions.
- 13 The following persons may apply for an exemption to enter the Territory:
 - (a) a person who is entering the Territory to begin residence in the Territory;
 - (b) a person escaping domestic violence;
 - (c) a person with diplomatic or consular duties in the Territory;
 - (d) active Australian military personnel required to assist the Territory or required to enter the Territory while performing their official duties;
 - (e) a member of the Commonwealth Parliament;
 - (f) a health practitioner as defined in section 8(3) of the Act, or other person, coming to the Territory to perform functions related to health;
 - (g) a specialist coming to the Territory to provide services for the continuity of industry or business and the maintenance of competitive operations if:
 - (i) the specialist's skills are difficult to obtain in the Territory; and
 - (ii) the service must be provided without delay; and
 - (iii) the specialist must be physically present in the Territory to provide the service;

- (h) a person coming to the Territory for necessary maintenance or repair of power, water, communications or other infrastructure critical to the Territory;
 - (i) a law enforcement officer or emergency service worker coming to the Territory to perform official duties;
 - (j) a person coming to the Territory for the administration of justice in the Territory;
 - (k) an agricultural industry worker, other than an abattoir or meat packing worker, coming to the Territory to provide urgent services that are critical to ensure continuity of the agricultural industry;
 - (l) a paramedic, an officer of St John Ambulance Australia (NT) Inc. or a member of the crew of Careflight, the Royal Flying Doctor Service or other medical retrieval service who is providing medical transport to a person or returning to the Territory as soon as was practicable after providing medical transport to a person;
 - (m) a person who needs to enter the Territory for a compassionate purpose.
- 14 An application from a person specified in direction 13(f), (g), (h), (j) or (k) must be supported by:
- (a) the Chief Executive Officer of the Agency or Government owned corporation responsible for the subject matter of the request; or
 - (b) the Secretary (or equivalent) of a Department or Agency of the Commonwealth responsible for the subject matter of the request; or
 - (c) the delegate of the Chief Executive Officer or the Secretary (or equivalent).


Example for direction 14

The Chief Executive Officer of the Department of Industry, Tourism and Trade may request an exemption for a veterinarian to come to the Territory to provide services to the agricultural sector.

- 15 An application from a person specified in direction 13(i) must be supported by:
- (a) the Chief Executive Officer of the Agency or Government owned corporation responsible for the subject matter of the request; or
 - (b) the Commissioner of Police; or
 - (c) the Secretary (or equivalent) of a Department or Agency of the Commonwealth responsible for the subject matter of the request; or
 - (d) the delegate of the Chief Executive Officer, the Commissioner of Police or the Secretary (or equivalent).
- 16 I, my delegate or an authorised officer may, on application, grant an exemption to a person specified in direction 13.
- 17 A person granted an exemption under direction 16 is still subject to my Border Directions.

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 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 these Directions with a fine equal to 32 penalty units for an individual and 160 penalty units for a body corporate.*

 Digitally signed by Dr Hugh Heggie
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Chief Health Officer

Dated