



Northern Territory of Australia

Public and Environmental Health Act 2011

COVID-19 Directions (No. 105) 2021: Directions for hard lockdown in Binjari

I, Charles Hawkhurst Pain, Acting 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 12:00 noon on 27 November 2021 and remain in force until the earlier of:

- (a) 12:00 noon on 7 December 2021; or
- (b) the public health emergency declaration ceasing 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:

essential business, activity or service means a business, activity or service provided by an essential worker.

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

freight worker, see direction 3 of my COVID-19 Directions (No. 56) 2021 (as amended from time to time) or any subsequent Directions that replace and substantially correspond to those Directions.

health practitioner means:

- (a) a person registered under the Health Practitioner Regulation National Law to practise in a health profession (other than as a student); or
- (b) an audiologist or a speech pathologist.

lockdown area means the area specified in direction 3.

the public, in relation to a place, business, service or activity, includes a customer or member of the place, business, service or activity.

vulnerable child means a person under the age of 18 who:

- (a) resides in the care of the Territory or in out-of-home care; or
- (b) is deemed vulnerable by an Agency, funded family or family violence service and is assessed as requiring education and care outside of the family home; or
- (c) is identified by a childcare, early childhood service or school as vulnerable.

3 These Directions apply in and to the locality of Binjari.

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, 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 Closure of places, businesses, services and activities

- 7 The occupier of a place and the proprietor of a business in the lockdown area must close the place or premises of the business to the public.
- 8 A provider of services or activities in the lockdown area must cease providing services and activities to the public.
- 9 Directions 7 and 8 do not apply in relation to any of the following:
- (a) an essential business, activity or service;
 - (b) the place or premises where an essential worker provides those services or activities.
- 10 To avoid doubt, these Directions do not prohibit a person from providing or conducting a service or activity electronically or online.

Part 3 Restricted movement within lockdown area

Division 1 Stay at home

- 11 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) 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;
 - (c) in an emergency;
 - (d) to escape a risk of harm, including harm relating to family violence;
 - (e) if otherwise required or authorised by a law of the Territory or a law of the Commonwealth.

- 12 If a person resides in more than one premises, the premises where the person resided at 7:34 pm on 20 November 2021 (when my COVID-19 Directions (No. 94) 2021 commenced) is the premises where the person must remain for the duration of these Directions.
- 13 If a person resides in commercial visitor accommodation:
- (a) subject to paragraph (b), the person's room, not any other area of the accommodation, is taken to be the premises where the person resides; and
 - (b) if the room where the person resides is shared accommodation – the person may access common areas of the commercial visitor accommodation.

Note for direction 13

People must wear face masks and keep 1.5 m distance when using shared facilities like toilet blocks or laundries in commercial visitor accommodation.

- 14 Subject to direction 15, direction 11 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.
- 15 If suitable premises are made available for a person mentioned in direction 14:
- (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 11 applies to the person.

Division 2 Face mask requirement

- 16 Subject to direction 18, a person must wear a face mask at all times while in the lockdown area.
- 17 The person must wear the face mask securely over the person's nose and mouth.
- 18 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 that is not being used for commercial purposes or is alone in a commercial vehicle; 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) is requested by a health practitioner to remove the face mask in order for the health practitioner to administer treatment to the person; or
 - (h) must remove the face mask in an emergency; or
 - (i) is seated and eating or drinking.
- 19 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 movement in and out of lockdown area

Division 1 Entry into lockdown area

20 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 who has received two doses of a COVID-19 vaccine approved by me;
 - (iv) an essential worker who has a contraindication to all approved COVID-19 vaccinations and has evidence of that circumstance in a form mentioned in direction 9 of my COVID-19 Directions (No. 55) 2021 (as amended from time to time) or any subsequent Directions that replace and substantially correspond to those Directions;
 - (v) an essential worker who is a freight worker; or
- (b) the person is entering the lockdown area for one of the following reasons:
 - (i) to receive urgent medical treatment if that treatment cannot be reasonably received outside the lockdown area;
 - (ii) in an emergency;
 - (iii) to escape a risk of harm, including harm related to family violence;
 - (iv) if otherwise required or authorised by a law of the Territory or a law of the Commonwealth; or
- (c) the person is returning to the premises where the person resides in the lockdown area if the person exited the lockdown area under direction 23(b), (c), (d) or (e).

- 21 A person entering the lockdown area under direction 20 must take all reasonable steps to stay 1.5 m away from any other person while in the lockdown area.

Note for direction 21

A person in the lockdown area must wear a face mask in accordance with Part 3 Division 2 of these Directions.

- 22 Direction 21 does not apply to:
- (a) 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; or
 - (b) a person who enters the lockdown area under direction 20(c).

Example for direction 22(a)

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

Division 2 Exit out of lockdown area

- 23 A person must not exit the lockdown area unless the person is:
- (a) a person who entered the lockdown area in accordance with direction 20(a) and is returning to the person's residence after performing a function connected with the person's official work in the lockdown area; 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 or authorised to exit the area under another law of the Territory or a law of the Commonwealth; or
 - (e) a person exiting the area:
 - (i) to receive medical treatment that could not otherwise reasonably be received in the lockdown area; or

- (ii) for a reason specified in direction 11(c) or (d).

Part 5 Restricted gatherings

- 24 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) in an emergency or for another urgent reason; or
 - (d) for purposes relating to the administration of justice.
- 25 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 24.
- 26 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 in accordance with direction 24 or 25.
- 27 Direction 26 does not apply to:
- (a) a person specified in direction 20(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 11 and is acting in accordance with that direction.

Part 6 Restrictions outside lockdown area

28 A person who exits the lockdown area in accordance with direction 23 must:

- (a) for 7 days after exiting the lockdown area:
 - (i) take all reasonable steps to stay 1.5 m away from any other person; and
 - (ii) subject to direction 18, wear a face mask at all times; and
- (b) unless the person is a freight worker or a person who exits the lockdown area under direction 23(b) or (c), subject to direction 29, submit to a PCR COVID-19 testing procedure approved by me:
 - (i) within 24 hours after the person exits the lockdown area; and
 - (ii) on the fifth day after the person exits the lockdown area.

Example for direction 28(b)

A person who exits the lockdown area on Monday must be tested within 24 hours of leaving the lockdown area and again on Saturday.

29 If a different PCR COVID-19 testing regime, or a different form of COVID-19 testing regime, has been approved by me, the person must submit to that testing regime.

Part 7 Other matters

30 For these Directions, an authorised officer may request, use and disclose immunisation information that is protected information under section 22(2) of the *Australian Immunisation Register Act 2015* (Cth).

Part 8 Revocation

31 The following are revoked:

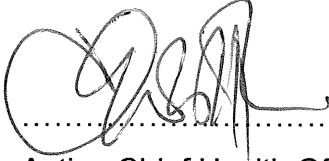
- (a) my COVID-19 Directions (No. 94) 2021;
- (b) my COVID-19 Directions (No. 101).

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.



Acting Chief Health Officer

Dated 29.11.21 11.48

Schedule Essential workers

- 1 An employee or contractor engaged by any of the following businesses or services is an essential worker for the purposes of these Directions:
- (a) a supermarket, grocery store, bakery, butcher, greengrocer or fishmonger;
 - (b) a food outlet with a fixed premises or vehicles providing takeaway food services or food for distribution by food delivery services;
 - (c) a liquor retailer, but only for the purposes of selling takeaway liquor that is not consumed on the premises;
 - (d) a financial institution;
 - (e) consular and diplomatic services;
 - (f) a Court or a Tribunal;
 - (g) the Territory or local government services which are deemed essential by the relevant Agency Chief Executive Officer or CEO of a council;
 - (h) a post office;
 - (i) a newsagency;
 - (j) a pharmacy;
 - (k) a petrol station;
 - (l) a hardware store for click and collect purchases;
 - (m) vehicle and mechanical repair services, including the provision of transport inspection services and roadside assist services;
 - (n) a pet store for click and collect purchases;
 - (o) a veterinary clinic;
 - (p) care services for people with particular needs because of homelessness, age, infirmity, disability, displacement, domestic violence, illness or a chronic health condition;
 - (q) child protection services;
 - (r) a childcare, early learning centre, kindergarten, preschool or family day care provider for the children of essential workers or vulnerable children;
 - (s) a primary, secondary or boarding school for the children of essential workers or vulnerable children;
 - (t) locksmith services, only to the extent required in an emergency;
 - (u) labour hire in relation to a business, service or undertaking mentioned in this Schedule;
 - (v) commercial cleaners.

- 2 An employee or contractor engaged by any of the following businesses or services is an essential worker for the purposes of these Directions:
- (a) a funerary or mortuary service or related activities;
 - (b) the following emergency services, including both volunteers and paid workers in:
 - (i) ambulance and paramedical services;
 - (ii) firefighting services;
 - (iii) air ambulance and medical retrieval services, including Royal Flying Doctor Service and CareFlight;
 - (iv) police services, protective service officers and police custody officers;
 - (v) the Northern Territory Emergency Service as defined in section 8 of the *Emergency Management Act 2013*;
 - (vi) military and defence services;
 - (vii) state security or national security services;
 - (c) essential infrastructure and services required to maintain or protect human health, safety and wellbeing, including the construction, maintenance and repair of such infrastructure;
 - (d) critical repairs to any premises where required for emergency or safety;
 - (e) faith leaders broadcasting services and ceremonies at places of worship;
 - (f) a person who is critical to, and involved in the Northern Territory's COVID-19 response, including in quarantine, emergency operations centres and vaccination services;
 - (g) immunisation and vaccination providers including pharmacy immunisers and Aboriginal healthcare workers;
 - (h) roadside assistance services;
 - (i) a member of Parliament or anyone required to ensure the functioning of the Legislative Assembly or Commonwealth Parliament;
 - (j) domestic and commercial waste and resource recovery services, including collection, treatment and disposal services and transfer stations:
 - (i) electricity services;
 - (ii) operation of energy systems;
 - (iii) gas services;
 - (iv) water supply, sewerage and drainage services;
 - (v) liquid fuels and refinery services;
 - (k) services to support ongoing provision and regulation of electricity, gas, water, sewerage and waste and recycling services and their

maintenance, including emergency electrical and plumbing repairs to ensure the safety of, or prevent damage to a structure or site;

- (l) Commonwealth agency services including Australian Border Force, Commonwealth law enforcement and intelligence agency services and Services Australia;
- (m) services related to the administration of justice, including prison transfers;
- (n) essential legal services that are not able to be provided electronically, including urgent legal matters such as executing a will in-person;
- (o) journalism and media services;
- (p) a factory or facility that is not able to be shut down without causing damage or loss to plant and equipment, but only those operations that are necessary in order to prevent that damage or loss;
- (q) mining services including coal mining, oil and gas extraction, metal ore mining, non-metallic mineral mining and quarrying petroleum production;
- (r) building and construction services only to the extent required in an emergency or to ensure the safety of, or prevent damage to, a structure or site;
- (s) administrative services provided by an employer to enable its employees to work from home, including payroll and IT services;
- (t) organisations that provide urgent services necessary for the health and safety of any person, animal or premises, including pest control and snake removal services;
- (u) public transport, including taxis and other commercial passenger vehicles such as minibuses and ridesharing, rental scooters and other public passenger services, and including transit officers and interchange security officers;
- (v) air transport, including the operation of airports;
- (w) port operations;
- (x) freight services, including postal and courier services;
- (y) a transport, freight or logistics driver;
- (z) heavy vehicle compliance activities;
- (aa) a blood bank or other bank services for the collection, storage and provision of donated biological material;
- (bb) care services for people with particular needs because of homelessness, family violence, age, infirmity, disability, illness or a chronic health condition or other essential support services;
- (cc) truck stops and roadhouses, but only for the provision of seated dining or shower facilities to persons who are transport, freight or logistics drivers;
- (dd) production and distribution of:

- (i) food and groceries for sale by a supermarket, butcher, greengrocer or fishmonger (including for sale by operators of such premises at an indoor or outdoor market);
 - (ii) liquor for sale at a bottle shop;
 - (iii) medical and pharmaceutical products;
 - (iv) animal food and care products;
- (ee) commercial operations that supply goods or services necessary:
 - (i) for the implementation of measures to limit the spread of COVID-19;
 - (ii) to support any business activity that may be carried out in accordance with these Directions;
 - (iii) to support the transportation of goods and services in and out of the Northern Territory, including live export activities and support staff or services (such as veterinarians, inspectors);
- (ff) the maintenance of other essential research activities for:
 - (i) management and care of critical living resources, and the equipment and materials they depend on (for example feeding, husbandry, hydrating, routine care and checks of animals, plants, microbes and cell lines in controlled environment);
 - (ii) the storage and management of existing samples and data research infrastructure that are temperature and environment sensitive (for example, biobank);
 - (iii) long-term experiments or studies that would otherwise be prohibitive to restart (e.g. commenced clinical trials);
 - (iv) research addressing the impact of COVID-19 and research in support of the hospital and broader health system;
- (gg) the conduct of essential adult education services related to the following occupations and activities for:
 - (i) training and assessment for infection control, high-risk work licenses and high-risk work credentials and construction induction (white card), that ensure workplace and public safety in permitted work premises or for permitted workers;
 - (ii) study for final year pre-service early childhood and school teachers (including placements);
 - (iii) final-year higher education students (for example, in courses regulated by the Tertiary Education Quality and Standards Agency) who do not have alternative options to complete their study by end of year;
 - (iv) first aid training where required for COVID response;
 - (v) study for health care workers (including clinical placements);
 - (vi) apprentices training with a worker or service mentioned in this Schedule;

- (vii) clinical health and biomedical science (if required to be on site for the maintenance of essential research activities);
- (viii) aged and disability care (including clinical placements);
- (ix) mandatory assessments for Northern Territory Certificate of Education students;
- (x) police academy;
- (xi) defence and national security agencies;
- (hh) primary industries only to the extent necessary to ensure animal rescue, adequate supply of food to, and care of, animals and maintenance of crops;
- (ii) a hotel, motel or other accommodation facility to the extent that they provide accommodation services, including on a temporary basis for work purposes;
- (jj) services related to property settlement or commencement or end of lease activities, including furniture removalists;
- (kk) forestry activities for the purposes of or relating to:
 - (i) production of building supplies for construction;
 - (ii) production of other goods required for other permitted activities (for example, paper, packaging, caskets and coffins);
- (ll) all manufacturing, fabrication or assembly of goods and materials necessary for or related to supporting the defence or security industry;
- (mm) on site operations of ancillary and support businesses necessary for the operations of a business, service or undertaking mentioned in this Schedule, or for a closed business, service or undertaking that is not mentioned in this Schedule but where there are safety or environmental obligations including in relation to the production, supply, manufacturer, repair, maintenance, cleaning, security, wholesale, distribution, transportation or sale of equipment, goods or services essential to the operation of the business, service or undertaking and the business cannot operate on-site for any other purpose;
- (nn) union, peak body or employer organisation officials attending a worksite as permitted by law or for work health and safety advice;
- (oo) a person who is:
 - (i) critical to, and involved in the Northern Territory's COVID-19 response (including in quarantine);
 - (ii) a "fly in fly out" worker or a "drive in drive out" worker who is required for industry or business continuity and maintenance of a competitive operation where the service is time-critical, who is responsible for critical maintenance or repair of infrastructure critical to a region of, or to, the Northern Territory;

- (iii) maritime crew members;
- (pp) farm animal and bloodstock leasing activities, including:
 - (i) farming activities and other operations relating to agriculture, horticulture, viticulture, irrigation, permaculture, apiculture, grains, fibre production, dairy, flower industry, commercial fishing, aquaculture and livestock;
 - (ii) intensive agricultural production, including greenhouses and animal production;
 - (iii) agricultural, veterinary chemicals and vaccine production, transportation and distribution;
 - (iv) laboratory and diagnostic services;
 - (v) animal feed production, transportation, packaging, sale, and feeding (including livestock and pets);
 - (vi) animal pounds and shelters but not so as to offer access to the public;
- (qq) a business or undertaking providing essential support services to permitted agriculture, forestry and fishing activities, such as food safety and verification, inspection or associated laboratory services and biosecurity functions.

3 A person who provides any of the following health services is an essential worker for these Directions:

- (a) emergency medical consulting, procedures and surgery undertaken for the investigation, diagnosis and management of conditions where failure to do so expediently and safely will lead to any of the following outcomes:
 - (i) loss of life;
 - (ii) loss of limb;
 - (iii) permanent disability;
- (b) non-emergency but urgent medical consulting, procedures and surgery undertaken for the investigation, diagnosis and management of conditions where failure to do so in a clinically appropriate timeframe will lead to a predictable and evidence-based outcome as follows:
 - (i) loss of life where appropriate health intervention would otherwise have prevented this;
 - (ii) permanent disability where appropriate health intervention would otherwise have prevented this;
 - (iii) where clinical evidence supports an increased risk of a type referred to in the above points should appropriate health intervention be significantly delayed;
- (c) emergency and licensed non-emergency patient transport;

- (d) any health services provided under the auspices of a hospital, urgent care centre or similar service including remote health clinics;
- (e) any health services provided by a general practitioner;
- (f) any health services provided by a nursing professional or midwife;
- (g) any health services provided at a radiology service;
- (h) procedures and surgical treatment undertaken by oral health professionals (e.g. dentists and oral health therapists) in the management of patients with urgent needs that include any of the following:
 - (i) facial swelling;
 - (ii) intra-oral swelling;
 - (iii) facial trauma;
 - (iv) dental trauma;
 - (v) significant, constant or uncontrollable pain;
- (i) fertility treatment, including IVF treatment;
- (j) termination of a pregnancy;
- (k) drug and alcohol services;
- (l) the following allied health services when providing critical clinical care:
 - (i) speech pathologist;
 - (ii) sonographer;
 - (iii) social worker;
 - (iv) radiation therapist;
 - (v) radiographer;
 - (vi) psychologist;
 - (vii) prosthetist or orthotist;
 - (viii) podiatrist;
 - (ix) physiotherapist;
 - (x) pharmacist;
 - (xi) occupational therapist;
 - (xii) dietitian;
 - (xiii) exercise physiologist;
 - (xiv) audiologist;
 - (xv) chiropractor;
 - (xvi) osteopath;
- (m) the conduct of human medical research trials;

- (n) the following mental health services:
 - (i) hospital emergency or inpatient mental health services;
 - (ii) private psychiatry practice;
 - (iii) mental health services in community settings;
- 4 To avoid doubt, a person who provides the following health services is not an essential worker for these Directions:
 - (a) cosmetic surgery or procedures that are elective and do not address significant medical conditions;
 - (b) non-urgent elective surgery.

5 In this Schedule:

critical clinical care means:

- (a) to prevent a significant change or deterioration in functional independence which would result in an escalation of care needs; or
- (b) to provide assessment and diagnostic services to clients or patients for whom, if care is delayed, it is likely to result in adverse health outcomes (including access to diagnostic imaging services or assessment for prescription of assistive equipment and technology); or
- (c) to provide services that are essential as part of a broader plan of care with a medical practitioner; or
- (d) to provide services that are part of a conservative management plan to avoid or delay elective surgery (as agreed with the treating team); or
- (e) to provide services immediately following elective surgery that prevent secondary complications or aid functional recovery (as agreed with the treating team).

*Example for definition **critical clinical care**, paragraph (a)*

An increase in frequency of treatment needed, an increased need for prescription medication due to a significant increase in pain, requirement for specialist input or review, an increase in care needs, or a substantial increase to anticipated recovery time associated with a delay in receiving services.

*Example for definition **critical clinical care**, paragraph (b)*

Fitting a brace post-surgery.