

Northern Territory of Australia

Public and Environmental Health Act 2011

COVID-19 Directions (No. 38) 2020

Directions for Territory 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, by making the following directions:

Part 1 Preliminary matters

- 1 These Directions take effect at 00:01 on 15 June 2020 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:

quarantine period, in respect of a person, means the shorter of:

- (a) the period during which the person is in the Territory; or
- (b) the period beginning when the person enters the Territory and ending at 12:00 (noon) on the 14th day after entry.

Notes for definition quarantine period

- 1 *A person who enters the Territory at 23:00 (11 pm) on 20 June 2020 must remain in quarantine until 12:00 (noon) on 4 July 2020.*
- 2 *A person who leaves the Territory before the end of the quarantine period and then re-enters the Territory starts a new quarantine period. The previous time in quarantine is not carried over.*
- 3 *This period applies to people who are exempt from quarantine but must practise social distancing measures for the same period.*

social distancing measures, means the measures required under direction 36.

suitable place for quarantine, see direction 3.

travel plan means a written plan for a person entering the Territory in which the person:

- (a) gives details of the route the person intends to travel in accordance with direction 16 or 30; and
- (b) identifies any planned fuel stops during the travel; and
- (c) confirms that the person has sufficient food and water to last the duration of the travel.

3 A place is a **suitable place for quarantine** for a person if the place:

- (a) is a residence or commercial visitor accommodation; and
- (b) is capable of accommodating the person in quarantine for at least 14 days; and
- (c) provides a bedroom or sleeping area for the person that is separated from any other person in the place who is not also in quarantine; and
- (d) allows the person to practise social distancing measures while being in quarantine.

Examples for direction 3

- 1 *A single person could quarantine at night in a separate bedroom in a house or alone in a caravan.*
- 2 *A couple arriving together could quarantine in the same bedroom in a house or together in a caravan.*

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 Directions for declaration and screening on arrival in the Territory

- 7 Every person entering the Territory must, in a written or electronic form approved by me, declare the following information:
- (a) details of the places where the person has been during the 28 days prior to entering the Territory;
 - (b) the person's contact details;
 - (c) details of where the person intends to stay while in the Territory;
 - (d) if the person is arriving from a State or another Territory:
 - (i) whether the place where the person intends to stay is a suitable place for quarantine; and
 - (ii) the details and number of other people residing at that place;
 - (e) if the person is exempt under Part 4 – the details of the social distancing measures the person intends to take while in the Territory.

Note for direction 7

A person may also have to submit a travel plan if required under direction 16 or 30.

- 8 The form must be submitted:
- (a) to an authorised officer at the place of entry; or
 - (b) to another person, or in another manner, approved by me.

- 9 Every person entering the Territory must submit, at the place of entry, to a screening procedure approved by me for COVID-19 conducted by an authorised officer or another person approved by me.

Part 3 Directions for quarantine of arrivals

Division 1 International arrivals

- 10 This Division applies to every person entering the Territory from a place outside Australia.
- 11 Subject to direction 12, the person must:
- (a) travel directly from the place of entry to a place specified by me and as directed by an authorised officer; and
 - (b) remain quarantined in that place for the quarantine period.
- 12 In the case of an unaccompanied child under 18 years of age, the place specified under direction 11 must be:
- (a) the child's place of residence in the Territory; or
 - (b) another suitable place for quarantine with a parent or responsible adult who remains quarantined in the same place and for the same period as the child.

Division 2 Interstate arrivals

- 13 This Division applies to every person entering the Territory from a State or another Territory.
- 14 Subject to direction 15, the person must travel directly from the place of entry to a suitable place for quarantine located within the boundaries of one the following areas:
- (a) Municipality of Darwin;
 - (b) Municipality of Palmerston;
 - (c) Municipality of Litchfield;
 - (d) Town of Katherine;

- (e) Town of Tennant Creek;
- (f) Town of Alice Springs;
- (g) Townsite of Nhulunbuy;
- (h) any other area approved by me for the person, on application with reasons justifying an exception to paragraphs (a) to (g).

Note for direction 14

A person may choose to quarantine in their own home, if it is a suitable place for quarantine under direction 3, and is located in one of the areas listed. Otherwise, the person must choose another suitable place in which to quarantine (at their own cost) that is located in one of the areas listed.

- 15 In the case of a child under 18 years of age, unless the suitable place for quarantine is the child's residence, the child must be quarantined with a responsible adult who remains quarantined in the same place and for the same period as the child.

Example for direction 15

A parent and child arriving from a State could arrange to stay quarantined together in a hotel room at their cost.

- 16 If the person's suitable place for quarantine requires travelling for a period longer than 1 hour from the place where the person enters the Territory, the person must:
- (a) give a travel plan to an authorised officer at the place of entry; and
 - (b) travel by the most direct route practicable to that place; and
 - (c) complete the travel as quickly as practicable, which must be no later than 48 hours after entry; and
 - (d) not deviate from the route identified in the person's travel plan, except in an emergency; and
 - (e) not stop except for:
 - (i) fuel at the planned stops in the person's travel plan; or
 - (ii) a rest break from driving; or
 - (iii) overnight accommodation; and

- (f) practise social distancing measures while travelling.
- 17 If stopping for overnight accommodation under direction 16(e)(iii), the person must remain quarantined in the accommodation from the time the person checks in to the accommodation until the time the person departs from the accommodation.
- 18 After arriving at the person's suitable place for quarantine, the person must remain quarantined in that place for the remainder of the quarantine period.

Division 3 General quarantine requirements

- 19 This Division applies to every person who must remain quarantined in a place under Division 1 or 2.

Note for direction 19

The place could be a specified hotel room for an international arrival or the residence of a resident returning home from an interstate trip.

- 20 During the quarantine period, the person must not leave the place except:
 - (a) for medical purposes, including obtaining medical supplies, receiving medical care and being tested or assessed for infection with COVID-19; or
 - (b) in an emergency; or
 - (c) for a compassionate purpose in accordance with a temporary exemption given by me.

Example for direction 20(c)

A person wishes to attend the funeral of a relative or close friend.

Note for direction 20

A person in quarantine may be subject to further specific instructions from an authorised officer regarding the person's behaviour or the manner in which the person is to be quarantined. See section 53 of the Act.

- 21 During the quarantine period, the person must not permit any other person to enter the place unless the other person:
 - (a) usually resides at the place; or

- (b) is being quarantined at the same time; or
 - (c) is entering for medical purposes, including delivering medical supplies, providing medical care and testing or assessing for infection with COVID-19; or
 - (d) is entering because of an emergency or another urgent reason.
- 22 During the quarantine period, the person must practise social distancing measures.
- 23 During the quarantine period, the person must not leave the Territory on an aircraft, except:
- (a) in the circumstances specified in direction 35(c); or
 - (b) for the purpose of obtaining medical care; or
 - (c) in an emergency.
- 24 If required by me during the quarantine period, the person must submit to a COVID-19 testing procedure approved by me that is conducted:
- (a) by an authorised person or another person approved by me; and
 - (b) at the time and place specified by me.

Part 4 Exemptions

Division 1 Flight crew exemption

- 25 A member of a flight crew is exempt from Part 3 if the member:
- (a) does not leave the aircraft or airport or leaves the aircraft or airport only to check in to and remain quarantined at a suitable place for quarantine; and
 - (b) practises social distancing measures for the quarantine period.

Note for direction 25

My COVID-19 Directions (No. 31) 2020 regarding Commercial Vessels – Crew Directions continue to apply to maritime crew members.

Division 2 Interstate exemptions

- 26 This Division does not apply to persons entering the Territory from outside Australia.
- 27 The following persons are exempt from Part 3, Divisions 2 and 3:
- (a) active Australian military personnel requested to assist the Territory or required to enter the Territory while undertaking essential defence activity or travel, if the personnel practise social distancing measures for the quarantine period;
 - (b) a member of the Commonwealth Parliament who resides in the Territory, if the member practises social distancing measures for the quarantine period;
 - (c) a health practitioner, as defined in section 8(3) of the Act, who is requested by the Chief Executive Officer of the Agency responsible for administration of the Act to come to the Territory to perform functions if the person practises social distancing measures when not working during the quarantine period;
 - (d) any person providing services for the transport or freight of goods and related logistics into, within or out of the Territory, if the person practises social distancing measures and complies with direction 28 for the quarantine period;
 - (e) a specialist who is required to enter the Territory to provide services for the continuity of industry, business or government 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; and
 - (iv) the specialist practises social distancing measures for the quarantine period;

- (f) a person who is required to enter the Territory for the necessary maintenance or repair of power, water, communications or other infrastructure critical to the Territory, if the person practises social distancing measures for the quarantine period;
- (g) a law enforcement officer or emergency service worker who is requested to assist the Territory or required to enter the Territory while performing their official duties, if the officer or worker practises social distancing measures for the quarantine period;
- (h) a person who is required to enter the Territory for the administration of justice in the Territory, if the person practises social distancing measures for the quarantine period;
- (i) a paramedic, an officer of St John Ambulance Australia (NT) Inc. or a member of the crew of Careflight or the Royal Flying Doctor 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;
- (j) a paramedic or an officer of St John Ambulance Australia (NT) Inc. who is ordinarily resident in the Territory and who is requested by the Chief Executive Officer of St John Ambulance Australia (NT) Inc. to return to perform functions in the Territory if the person practises social distancing measures when not working during the quarantine period.

Examples for direction 27(g)

A person who must cross the border as part of the person's job working for Northern Territory Police, Fire and Emergency Services, Department of Health, Australian Federal Police or Australian Border Force.

- 28 A person who is exempt under direction 27(d) must remain quarantined in a suitable place for quarantine when not working during the quarantine period.

Examples for direction 28

- 1 *A truck driver can stay in the truck or a hotel if the truck driver requires overnight accommodation in the Territory.*
- 2 *A member of a train's crew can stay on the train.*

- 29 For direction 27(h), a person who is required to enter the Territory for the administration of justice in the Territory includes an Australian lawyer, within the meaning of the *Legal Profession Act 2006*, who is entering for the purpose of appearing in court in circumstances in which appearance in person is required.
- 30 A person is exempt from Part 3, Divisions 2 and 3, if:
- (a) the person is entering the Territory for the sole purpose of:
 - (i) crossing into another state; or
 - (ii) transporting a person or thing into or out of the Territory; and
 - (b) the person gives a travel plan to an authorised officer at the place of entry; and
 - (c) the person travels by the most direct route practicable; and
 - (d) the person remains in the Territory for no longer than 48 hours; and
 - (e) the person does not deviate from the route identified in the person's travel plan, except in an emergency; and
 - (f) the person does not stop except for:
 - (i) fuel at the planned stops in the person's travel plan; or
 - (ii) a rest break from driving; or
 - (iii) overnight accommodation; and
 - (g) the person practises social distancing measures while travelling in the Territory.
- 31 If stopping for overnight accommodation under direction 30(f)(iii), the person must remain quarantined in the accommodation from the time the person checks in to the accommodation until the time the person departs from the accommodation.

- 32 A person or class of persons is exempt from Part 3, Divisions 2 and 3, if I granted the person or class an exemption from those Divisions, in writing, on the grounds that the person or class:
- (a) is required for the proper functioning of the Territory; or
 - (b) needs an exemption to avoid suffering an unusual, undeserved or disproportionate effect of being quarantined; or
 - (c) is governed by a COVID-19 management plan, imposed by the employer of the person or class of persons, to prevent the transmission of COVID-19 to the public.

Example for direction 32(b)

A person in Avon Downs or another place close to the border may need to move across the border to obtain critical goods and services.

Example for direction 32(c)

An employee of a mining, energy or agricultural business that has a plan, approved by me, on managing transmission of COVID-19 among its employees and preventing its transmission to the community.

Division 3 General matters

- 33 A person exempted under these Directions is subject to any conditions I may attach to that exemption.
- 34 Despite any direction to the contrary, a person is not exempt from Part 3 if the person's screening under direction 9 shows the person is suspected of being infected with COVID-19.
- 35 Nothing in these Directions prevents a person entering the Territory from a State or another Territory from:
- (a) immediately leaving the Territory and not proceeding into the Territory; or
 - (b) leaving the Territory at any time during the quarantine period; or
 - (c) in the case of a person who arrives on an aircraft and does not leave the airport, except to stay overnight in the Mercure Darwin Airport Resort, the Novotel Darwin Airport or another commercial visitor accommodation approved by me – leaving the Territory on

an aircraft.

Part 5 Social distancing measures

- 36 A person who must practise ***social distancing measures*** under these Directions must:
- (a) take all reasonable steps to sleep in a room or other enclosed space separate from any other person, except another person who is also subject to social distancing measures; and
 - (b) take all reasonable measures to stay at least 1.5 m away from other people; and
 - (c) regularly check for symptoms of COVID-19, including fever, coughing, sore throat, muscular pains, shortness of breath or unexpected tiredness; and
 - (d) if the person displays a symptom referred to in paragraph (c) – contact the COVID-19 Hotline or a medical practitioner to determine whether to be tested or assessed for infection with COVID-19; and
 - (e) comply with any directions given by the COVID-19 Hotline or a medical practitioner.

Note for direction 36

The COVID-19 Hotline number is 1800 020 080.

Part 6 Revocation and transitional matters

- 37 My COVID-19 Directions (No. 32) 2020 are revoked (the ***revoked Directions***).
- 38 Subject to direction 40, any person who entered the Territory between 00:01 on 1 June 2020 and 00:01 on 15 June 2020 must continue comply with the revoked Directions, as if those Directions were not revoked.
- 39 Any exemption under the revoked Directions continues in effect according to its conditions.
- 40 A person who entered the Territory from a State or another Territory during the period referred to in direction 38 may request approval from me to comply with these Directions, instead of the revoked Directions.
- 41 A person approved by me under direction 40, must comply with all the provisions of these Directions applicable to the person for the remainder of the period applicable to the person.

Example for direction 41

If approved, a returning resident can move from a hotel to the person's home. However, the person must travel directly home and must remain quarantined there and practise social distancing measures for the balance of the quarantine period originally required.

Notes for these 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.*

Dated

Chief Health Officer