



Northern Territory of Australia

Public and Environmental Health Act 2011

COVID-19 Directions (No. 45) 2021: Directions to apply in Darwin and surrounding areas of the Territory following lockdown

I, Hugh Crosbie Heggie, Chief Health Officer, under section 52 of the *Public and Environmental Health Act 2011*, 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 19 August 2021 and remain in force until the earlier of:
 - (a) 12:00 noon on 26 August 2021; or
 - (b) the public health emergency declaration ceasing to be in force.

- 2 In these Directions:

former lockdown area means the lockdown area specified in direction 3 of my COVID-19 Directions (No. 42) 2021, as in force immediately before they were revoked, excluding the Municipality of Katherine.

health practitioner means a person registered under the Health Practitioner Regulation National Law to practise in a health profession (other than as a student).

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

- 3 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.

Part 2 Requirement to wear face mask

- 4 This Part applies in and to the former lockdown area.
- 5 This Part does not apply to any place where face masks are required by my COVID-19 Directions (No. 1) 2021 or any subsequent Directions that replace and substantially correspond to those Directions.

Note for direction 5

Those Directions already require the use of face masks at airports and on aircraft.

- 6 A person must properly wear a face mask in the following circumstances:
- (a) the person is outside the premises where the person resides and the person is within 1.5 m of another person who does not reside at the same premises;
 - (b) the person is at work at premises where the person normally works within 1.5 m of customers, clients or other workers.

Examples for direction 6(b)

Wait staff, cashiers, hairdressers and beauty therapists.

- 7 A person is not required to wear a mask if the person:
- (a) is a child:
 - (i) under the age of 12 years; or
 - (ii) attending primary school, while at school; or
 - (b) has a physical or mental health illness or condition, or a disability, that makes wearing a face mask unsuitable; or
 - (c) is engaged in vigorous outdoor exercise or is swimming; or
 - (d) is communicating with a person who is hearing impaired and visibility of the person's mouth is essential; or

- (e) is in a private vehicle, that is not being used for commercial purposes, or is alone in a commercial vehicle; or
- (f) is seated and eating or drinking, or is seated at a venue that serves food or beverages; or
- (g) is asked to remove the face mask to ascertain the person's identity; or
- (h) is requested by a health practitioner to remove the face mask in order to enable the practitioner to administer treatment to the person; or
- (i) is a teacher, educator or child care worker in a school or child care facility who removes it for the purpose of teaching or child care activities; or
- (j) must remove it in an emergency.

Example for direction 7(f)

A person can remove the mask when seated in a pub, but must put it on and wear it when they get up to go to the bar or toilet.

- 8 A police officer or an authorised officer may:
- (a) request a person who is not wearing a face 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 face mask unsuitable – require the person to produce evidence to support that claim.

Part 3 Restrictions on gatherings at private residences

- 9 This Part applies in and to the former lockdown area.
- 10 An occupier of a place that is a private residence must not allow a gathering of more than 10 people who are not residents of the place to occur on, in or at the place.

Example for direction 10

A gathering of 15 people is allowed at the place if 5 of those people are residents of

the place.

- 11 A person must not attend a gathering on, in or at a place that is a private residence of more than 10 people who are not residents of the place.
- 12 A gathering for the purpose of conducting emergency services or otherwise required in an emergency is exempt from directions 10 and 11.

Part 4 Directions relating to places, businesses, activities and services

- 13 This Part applies in and to the former lockdown area.
- 14 The occupier of a place and the proprietor of a business must:
 - (a) close the place or the premises of the business to the public if direction 15 requires it to be closed; and
 - (b) cease conducting with, or providing to, the public any activity or service if direction 15 requires it to be closed.
- 15 The following places, activities and services must be closed to the public:
 - (a) a market, whether indoors or outdoors, but not including a permanent store;
 - (b) an indoor gymnasium;
 - (c) if a place or business, or part of a place or business, provides sporting or physical training activities indoors – the place, business or part of the place or business that provides sporting or physical training activities indoors;
 - (d) if a place is or includes an indoor arena, indoor stadium or indoor sporting facility – the indoor arena, indoor stadium or indoor sporting facility;
 - (e) a bathhouse or indoor public swimming pool;
 - (f) if a place includes a dancefloor – the dancefloor.

- 16 To avoid doubt:
- (a) direction 15(d) and (e) do not require that an indoor area of a predominantly outdoor sporting facility or outdoor swimming pool be closed to the public, but do require an indoor swimming pool to be closed at a facility that has both indoor and outdoor swimming pools; and
 - (b) in relation to a place that includes an indoor sporting facility and other facilities, direction 15(d) does not require the other facilities to be closed to the public.

Example for direction 16(a)

An indoor bathroom, indoor kiosk or indoor reception area at a golf course or outdoor swimming pool may be open.

Example for direction 16(b)

At a place that comprises a tenpin bowling alley or a basketball court, arcade games and a café, only the tenpin bowling alley or basketball court is required to be closed.

- 17 The proprietor of a business that serves food or beverages must not serve food or beverages to a person except:
- (a) for consumption away from the business premises; or
 - (b) for consumption when the person is seated.

- 18 A person must not provide, organise or participate in a sporting or physical training activity that involves physical contact.

Examples for direction 18

1 *Contact sports such as football or rugby.*

2 *Sports that may involve contact, such as netball or basketball.*

- 19 To avoid doubt, this Part does not prohibit any service or activity provided or conducted electronically or online.

Part 5 Directions relating to persons who exit former lockdown area

- 20 This Part applies to a person in the Territory who:
- (a) was in the former lockdown area immediately before 12:00 noon on 19 August 2021; and

- (b) leaves the former lockdown area while these Directions are in force.
- 21 The person must, while outside the former lockdown area, comply with Part 2, as if the person were in the former lockdown area.
- 22 The person must not enter, attend or participate in any of the following places, activities or services outside the former lockdown area:
- (a) a market, whether indoors or outdoors, but not including a permanent store;
 - (b) an indoor gymnasium;
 - (c) if a place or business, or part of a place or business, provides sporting or physical training activities indoors – the place, business or part of the place or business that provides sporting or physical training activities indoors;
 - (d) if a place is or includes an indoor arena, indoor stadium or indoor sporting facility – the indoor arena, indoor stadium or indoor sporting facility;
 - (e) a bathhouse or indoor public swimming pool.
- 23 The person must not, outside the former lockdown area, provide, organise or participate in a sporting or physical training activity that involves physical contact.
- Examples*
- 1 *Contact sports such as football or rugby.*
 - 2 *Sports that may involve contact, such as netball or basketball.*
- 24 To avoid doubt, this Part does not prohibit the person from accessing a service or activity provided or conducted electronically or online.

Part 6 Revocation

- 25 My COVID-19 Directions (No. 42) 2021 are revoked.

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.*

Hugh Legg
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Chief Health Officer

Dated *19.08.2021* *11.44am*