



Northern Territory of Australia

Public and Environmental Health Act 2011

COVID-19 Directions (No. 41) 2021: Directions for Aged Care Facilities

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 12:00 noon on 16 August 2021 and remain in force until the earlier of:
 - (a) the public health emergency declaration ceasing to be in force; or
 - (b) 12:00 noon on 19 August 2021.

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 My COVID-19 Directions (No. 33) 2021 are revoked.
- 3 In these Directions:

aged care facility means a facility in the Territory that provides the following:

- (a) residential care as defined in section 41-3 of the *Aged Care Act 1997* (Cth);

- (b) residential care that is funded by a grant agreement under the National Aboriginal and Torres Strait Islander Flexible Aged Care Program.

Territory Check In application means the application developed by the Northern Territory for contact tracing purposes and known as the "Territory Check In application".

Part 2 Entry to aged care facility

4 Subject to directions 5 to 7, a person must not enter or remain on the premises of an aged care facility unless the person is one of the following:

- (a) an officer, employee or contractor of the facility;
- (b) a person providing goods or services necessary for the operation of the facility;
- (c) a person providing health, medical or pharmaceutical goods or services to a resident of the facility;
- (d) a person providing end of life support to a resident of the facility;
- (e) a person required for emergency management or law enforcement;
- (f) a legal practitioner providing legal services regarding end of life matters to a resident of the facility only if the service cannot be provided remotely.

Notes for direction 4

- 1 *A person who tests positive for COVID-19 is governed by my COVID-19 Directions (No. 7) 2020 or any subsequent Directions that replace and substantially correspond to those Directions.*
- 2 *A person who is suspected of being infected with COVID-19 is governed by my COVID-19 Directions (No. 21) 2020 or any subsequent Directions that replace and substantially correspond to those Directions.*

5 A person must not enter or remain on the premises of an aged care facility if any of the following apply in relation to the person:

- (a) the person has a body temperature higher than 37.5 degrees;

- (b) the person has symptoms of coughing, sore throat, fatigue, shortness of breath or other symptoms of respiratory illness;
- (c) the person does not have an up-to-date vaccination against influenza, if the vaccination was available to the person and the person was able to receive it.

Examples for direction 5(c)

- 1 *A person who has a medical contraindication to a vaccine against influenza is not able to receive that vaccination.*
- 2 *A person who has to wait for two weeks after receiving a COVID-19 vaccine is not able to receive a vaccination against influenza during that two week period.*

6 Despite direction 5(c), a person who does not have an up-to-date vaccination against influenza may enter and remain on the premises of an aged care facility for the period reasonably required:

- (a) to deliver an item; or
- (b) to provide an emergency service that is necessary for the effective operation of the facility or to protect the health and safety of staff and residents.

Examples for direction 6(b)

- 1 *An ambulance officer who enters the facility to transport a resident of the facility to hospital.*
- 2 *A plumber who enters and remains to make emergency repairs because a contractor with an up-to-date vaccination is not reasonably available to attend.*

7 A person who enters or remains on the premises of an aged care facility in accordance with direction 6:

- (a) must take all reasonable measures to stay at least 1.5 m away from any other person in the aged care facility; and
- (b) if delivering an item and it is reasonably practicable to do so – must leave the item without entering any building on the premises.

8 The proprietor of an aged care facility must take all reasonable measures to ensure that a person does not enter or remain on the premises of the facility if the person is prohibited from doing so under these Directions or any of my other COVID-19 Directions.

- 9 Every person entering the premises of an aged care facility must submit to the measures established under direction 8.
- 10 Subject to my COVID-19 Directions (No. 39) 2021 or any subsequent Directions that replace and substantially correspond to those Directions, nothing in these Directions prohibits a resident of an aged care facility from entering, remaining on or leaving the premises of the facility.

Part 3 Face mask requirement

- 11 A person mentioned in direction 4 who enters or remains on the premises of an aged care facility must wear a face mask while the person remains on the premises of the facility.
- 12 A resident of an aged care facility must wear a face mask while on the premises of the facility unless the resident is in the resident's room or any other place they ordinarily reside in the facility.
- 13 A resident of the facility is not required to comply with direction 12:
- (a) if the resident has a physical or mental health illness or condition, or disability, which makes wearing a face mask unsuitable; or
 - (b) in an emergency.

Part 4 Testing requirements

- 14 The following persons must submit to a COVID-19 testing procedure approved by me and conducted in accordance with these Directions:
- (a) a person mentioned in direction 4;
 - (b) a resident of an aged care facility.
- 15 The COVID-19 testing procedure must be conducted at the times, places and frequencies determined by me.

Part 5 Collection of information

Division 1 Information about people who enter aged care facility

- 16 The proprietor of an aged care facility must:

- (a) apply for a quick response matrix barcode (a **QR code**) for the Territory Check In application for the facility; and
 - (b) display the Territory Check In application QR code prominently at each entrance to the facility.
- 17 The proprietor of the aged care facility must use all reasonable endeavours to ensure that a person mentioned in direction 4 who enters the facility, at the time of entry, checks in using the Territory Check In application.
- 18 If a person mentioned in direction 4 is unable to use the Territory Check In application for any reason, the proprietor of the aged care facility must make reasonable endeavours to collect the following contact information from the person:
 - (a) the person's first and last name;
 - (b) a telephone number, address, email address or other means to contact the person;
 - (c) the date and time the person enters the facility.
- 19 The contact information collected under direction 18 must:
 - (a) be kept for 28 days from the time of its collection; and
 - (b) be secured against access by any person for any purpose other than contact tracing under this Part; and
 - (c) not be disclosed, except to an authorised officer when requested for contact tracing purposes.
- 20 During the 28-day period, access to the information must be provided to an authorised officer on request by the officer.
- 21 At the end of the 28-day period, the information must be destroyed in a manner that prevents any recovery.
- 22 A person mentioned in direction 4 must, on entering an aged care facility:
 - (a) check in using the Territory Check In application; or
 - (b) if the person is unable to comply with paragraph (a) – give the

person's contact information to the proprietor of the aged care facility in accordance with direction 18.

- 23 The proprietor of an aged care facility is not required to collect contact information from staff or other persons who:
- (a) are known to the proprietor of the aged care facility; and
 - (b) work at the facility.

Example for direction 23

Other persons could include students on placement.

Division 2 Information about other workplaces

- 24 An officer, employee or contractor of an aged care facility who works at another workplace must provide the name and address of the other workplace to the proprietor of the facility.
- 25 An officer, employee or contractor referred to in direction 24 must, without delay, report to the proprietor of the aged care facility if they become aware that a person who works at the officer, employee or contractor's other workplace has become infected with COVID-19.
- 26 The proprietor of the aged care facility must keep a record of the information provided under directions 24 and 25.
- 27 The contact information collected under directions 24 and 25 must:
- (a) be kept for 28 days from the time of its collection; and
 - (b) be secured against access by any person for any purpose other than contact tracing under this Part; and
 - (c) not be disclosed, except to an authorised officer when requested for contact tracing purposes.
- 28 During the 28-day period, access to the information must be provided to an authorised officer on request by the officer.

29 At the end of the 28-day period, the information must be destroyed in a manner that prevents any recovery.

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