



Northern Territory of Australia

Public and Environmental Health Act 2011

COVID-19 Directions (No. 35) 2021: Safety Measures for Places, Businesses, Activities, Services and Premises

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 9 am on 12 July 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 extensions of the duration of that declaration, which may be made under section 50(2) of the Act.

- 2 My COVID-19 Directions (No. 56) 2020 are revoked.

- 3 In these Directions:

COVID-19 safety plan means the plan prepared under direction 5.

COVID-19 safety supervisor means the person designated under direction 12.

major public event, see my COVID-19 Directions (No. 36) 2021 (as amended from time to time) or any subsequent Directions that replace and substantially correspond to those Directions.

person in authority, in relation to a place, business, activity, service or premises, means any of the following:

- (a) the occupier of the place or premises;
- (b) the proprietor of the business;
- (c) the person conducting the activity or service;
- (d) if the person referred to in paragraphs (a) to (c) cannot be identified – the person who appears to be in charge of the place, business, activity, service or premises.

Note for direction 3

*The term **proprietor** is defined in the Act.*

QR code, see direction 15(a).

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

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

- 4 These Directions apply to all places, businesses, activities, services and premises listed in the Schedule.

Part 2 COVID-19 safety plans

- 5 The person in authority for a place, business, activity, service or premises must prepare a COVID-19 safety plan, in a form approved by me.

Note for direction 5

In addition to a COVID-19 safety plan under these Directions, preparation of a safety plan or management plan for the management of COVID-19 may be required under other directions, for example:

- (a) *a COVID-19 event safety plan for a major public event under my COVID-19 Directions (No. 36) 2021 (as amended from time to time) or any subsequent Directions that replace and substantially correspond to those Directions; and*
- (b) *a COVID-19 management plan for sea transportation under my COVID-19 Directions (No. 5) 2021 (as amended from time to time) or any subsequent Directions that replace and substantially correspond to those Directions.*

- 6 To avoid doubt, if more than one business, activity or service operates from the same place or premises, a COVID-19 safety plan is required to be prepared in relation to each business, activity or service.

Example for direction 6

For a shopping centre, a separate COVID-19 safety plan is required in relation to:

- (a) each shop in the shopping centre; and*
- (b) the common areas in the shopping centre.*

- 7 The COVID-19 safety plan must be submitted to the Agency.
- 8 A copy of the COVID-19 safety plan must be provided to an authorised officer on request by the officer.
- 9 The person in authority must review the COVID-19 safety plan regularly at least once every 6 months and make any changes necessary to ensure it remains suitable for the risks to the public from COVID-19.
- 10 Any COVID-19 safety plan that is changed after being submitted to the Agency must be resubmitted to the Agency without delay.
- 11 The person in authority must ensure that the place, business, activity, service or premises complies with the COVID-19 safety plan.

Note for Part 2

See Part 7 of these Directions in relation to transitional arrangements for COVID-19 safety plans prepared and submitted to the Agency under my COVID-19 Directions (No. 56) 2020 prior to the commencement of these Directions.

Part 3 COVID-19 safety supervisor

- 12 The person in authority for a place, business, activity, service or premises must designate a person to implement, on behalf of the person in authority:
- (a) the COVID-19 safety plan submitted to the Agency for the place, business, activity, service or premises; and
 - (b) any of my COVID-19 Directions under section 52 of the Act that apply to the place, business, activity, service or premises.

Example for direction 12(b)

Any of my COVID-19 Directions that place restrictions on the operations of businesses.

- 13 A person must not be designated as a COVID-19 safety supervisor unless the person has the skills and knowledge to implement the COVID-19 safety plan and the Directions referred to in direction 12(b).
- 14 Evidence of the skills and knowledge of the COVID-19 safety supervisor must be given to an authorised officer on request by the officer.

Note for direction 14

The evidence can be given to the authorised officer either orally or in writing.

Part 4 Contact information

- 15 The person in authority for a place, business, activity, service or premises must:
- (a) apply for a quick response matrix barcode (a **QR code**) for the Territory Check In application for the place, business, activity, service or premises; and
 - (b) display the Territory Check In application QR code prominently at each entrance to the place, business, activity, service or premises.
- 16 To avoid doubt, if more than one business, activity or service operates from the same place or premises, the person in authority for each business, activity or service in the place or premises is required to comply with this Part in relation to the business, activity or service.

Note for direction 16

A person in authority for a business, activity or service that operates from a major public event or a market is exempt from this Part.

- 17 For a place or premises in which more than one business, activity or service operates, the person in authority must comply with this Part in relation to each distinct common area of the place or premises.

Example for directions 15 to 17

For a shopping centre, a separate QR code must be displayed in relation to:

- (a) *the shopping centre generally; and*
- (b) *each shop in the shopping centre; and*
- (c) *each distinct common area of the shopping centre, such as public toilets or a playground.*

18 Despite directions 15 to 17, a person in authority for a business, activity or service that operates from the following is not required to comply with this Part:

- (a) a major public event;
- (b) a market, whether indoors or outdoors, but not including a permanent store.

Examples for direction 18

- 1 *For a major public event, a QR code must be displayed in relation to the event, but not at each food stall at the event or at each distinct common area of the event, such as public toilets or a playground.*
- 2 *For the Mindil Beach Markets, a QR code must be displayed in relation to the Market, but not at each food stall at the Market or at each distinct common area of the Market, such as the public toilets or a playground.*

19 The person in authority must use all reasonable endeavours to ensure that each member of the public who enters the place, business or premises or begins the activity or service, at the time of entry or beginning, checks in using the Territory Check In application.

20 If a member of the public is unable to use the Territory Check In application for any reason, the person in authority must make reasonable endeavours to collect the following contact information from the member of the public:

- (a) the member of the public's first and last name;
- (b) a telephone number, address, email address or other means to contact the member of the public;
- (c) the date and time the member of the public enters the place, business or premises or begins the activity or service.

Examples for direction 20(b)

- 1 *A person with no telephone could give the telephone number of a friend or relative.*
- 2 *A person experiencing homelessness could give the place where they can be found.*

21 The contact information collected under direction 20 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.
- 22 During the 28-day period, access to the information must be provided to an authorised officer on request by the officer.
- 23 At the end of the 28-day period, the information must be destroyed in a manner that prevents any recovery.
- 24 A member of the public must, on entering a business, place or premises, or beginning an activity or service:
 - (a) check in using the Territory Check In application; or
 - (b) if the member is unable to comply with paragraph (a) – give the member's contact information to a person in authority in accordance with direction 20.
- 25 The member of the public is not required to comply with direction 24 if another member has checked in or provided contact details under direction 27 or 28.
- 26 The person in authority is not required to collect contact information from staff or other persons who:
 - (a) are known to the person in authority; and
 - (b) work at the place, business, activity, service or premises.

Examples for direction 26

Other persons would include regular volunteers and students on placement.

- 27 In the case of a family, one adult member of the family may check in using the Territory Check In application or provide the contact information under direction 20 on behalf of immediate family members.

Examples for direction 27

Immediate family members include a spouse, de facto spouse, child, grandchild, parent, grandparent or sibling.

- 28 In the case of a group of children, one adult accompanying and responsible for the children may check in using the Territory Check In application or provide the adult's contact information under direction 20 on behalf of the group.

Example for direction 28

A teacher taking a group of school children on a trip can check in or provide the teacher's contact information on behalf of the whole group.

Part 5 Other COVID-19 safety measures

- 29 The person in authority for a place, business, activity, service or premises must:

- (a) provide hand sanitiser to the public at or using its place, business, activity, service or premises, unless handwashing facilities are available; and
- (b) display signage to the public stating that a person should consider COVID-19 safety principles and practices.

- 30 For the purposes of the signage, the COVID-19 safety principles and practices mean the following:

- (a) practising physical distancing by:
 - (i) if possible in the circumstances – keeping 1.5m away from any person who is not a member of the person's family or a friend or an acquaintance of the person;
 - (ii) otherwise – keeping close contact to less than 15 minutes;
- (b) practising hand hygiene by washing hands or using hand sanitiser;
- (c) staying home if feeling unwell;
- (d) downloading the application known as COVIDSafe.

- 31 The signage must be conspicuously displayed at the place, business, activity, service or premises as follows:

- (a) in an area that is open to the public; and
- (b) in any other area that is accessible only to staff.

Part 6 Cleaning procedure

- 32 If a place, business, activity, service or premises has been directed to close by me, the place, business, activity, service or premises must not reopen unless it has complied with a cleaning procedure approved by me.
- 33 If an authorised officer is satisfied that the person in authority has complied with the cleaning procedure of the place, business, activity, service or premises, the person in authority for the place, business, activity, service or premises has complied with direction 31.

Part 7 Transitional matters for COVID-19 safety plans

- 34 A COVID-19 safety plan prepared and submitted to the Agency under my COVID-19 Directions (No. 56) 2020 that is in effect immediately before these Directions come into force is taken to be a COVID-19 safety plan prepared and submitted under Part 2 of these Directions.
- 35 As soon as practicable after these Directions come into effect, the person in authority for a place, business, activity, service or premises that has a COVID-19 safety plan continued under direction 34 must review the COVID-19 safety plan in accordance with direction 9.

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.*

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Chief Health Officer

Dated

**Schedule List of places, businesses, activities, services
or premises**

direction 4

- 1 An Agency of the Northern Territory Government.
- 2 A school, university or other educational institution.
- 3 A child care facility or indoor play centre.
- 4 A hospital.
- 5 The premises of a health profession as defined in section 5 of the
Health Practitioner Regulation National Law.

Examples for item 5
A medical clinic, pharmacy, dentist, optometrist or physiotherapy clinic.
- 6 A residential facility, as defined in section 2 of the *Disability Services
Act 1993*.
- 7 A prison, correctional centre, Youth Detention Centre or other place of
custody or detention.
- 8 A hotel, motel, hostel or shelter.
- 9 A business that sells food or beverages to the public for consumption
on its premises or in an area adjacent to its premises.
- 10 Premises licensed under the *Liquor Act 2019*.
- 11 A business that provides tours to the public, whether by vehicle, boat or
other conveyance.
- 12 A cinema, theatre, concert hall, music hall, dance hall, nightclub or any
other similar entertainment venue.
- 13 An amusement venue used principally for playing:
 - (a) billiards, pool or other like games; or
 - (b) electronic or mechanical amusement devices, such as pinball
machines, computer or video games or similar.
- 14 An amusement park.

- 15 The premises of a barber or hairdresser.
- 16 A place that provides beauty therapy, including tanning, waxing, nail care, eyebrow care or any other activity intended to maintain, alter or enhance a person's appearance.

Examples for item 16

Facial, body wrap, exfoliation, the application of cosmetics, epilation, the application of semi-permanent makeup.

- 17 A place that provides tattooing or body art, including any activity intended to permanently decorate, pierce, brand, scar or adorn a person's skin or permanently alter a person's appearance.
- 18 A place that provides yoga, Pilates, barre, massage or other wellness services.
- 19 A bathhouse, public swimming pool, wave pool or waterpark.
- 20 An indoor gymnasium.
- 21 An indoor community centre.
- 22 An art gallery or a museum.
- 23 A public library or a toy library.
- 24 A place used for religious worship.
- 25 A casino within the meaning of the *Gaming Control Act 1993*.
- 26 A business that holds a gaming machine licence within the meaning of the *Gaming Machine Act 1995*.
- 27 A venue that operates a totalisator or conducts totalisator wagering in accordance with a totalisator licence granted under the *Totalisator Licensing and Regulation Act 2000*.
- 28 A strip club.

- 29 Any place that:
- (a) sells admission to the place for customers to participate in sexual activity with each other; or
 - (b) provides services that involve a person participating in sexual activity with another person in return for payment or reward.

Examples for item 29

A sex on premises venue or a brothel.

- 30 An airport.
- 31 An office building.
- 32 A shopping centre.
- 33 A construction site.
- 34 A court or tribunal.
- 35 The Legislative Assembly.
- 36 A business that sells retail goods or services to the public.
- 37 An indoor market or outdoor market.

Note for item 37

A large market may be subject to my COVID-19 Directions (No. 36) 2021 (as amended from time to time) or any subsequent Directions that replace and substantially correspond to those Directions, which provides special measures for major public events.

- 38 An arena, stadium or sporting or recreation facility.

Note for item 38

A arena, stadium or sporting or recreation facility holding a major public event would be subject to my COVID-19 Directions (No. 36) 2021 (as amended from time to time) or any subsequent Directions that replace and substantially correspond to those Directions, which provides special measures for major public events.

- 39 A place or business that provides sporting or physical training activities.