

*Public and Environmental Health Act 2011*

**Post-emergency COVID-19 Directions (No. 5) 2022: Infected persons and close contacts**

I, Charles Hawkhurst Pain, Acting Chief Health Officer, under section 57B of the *Public and Environmental Health Act 2011*, after taking into account social considerations and economic considerations, in addition to public health considerations, and after consulting in accordance with section 57C(1)(b) of the Act, consider it necessary, appropriate or desirable to take action in relation to COVID-19 by making the following directions:

**Part 1 Preliminary matters**

- 1 These Directions take effect at 00:01 am on 16 June 2022 and remain in force until 23:59 pm on 15 June 2024.

*Note for direction 1*

*Part 5, Division 2A, of the Act under which these Directions are being made has effect for 2 years commencing on 16 June 2022 until 15 June 2024.*

- 2 The following are revoked:
  - (a) COVID-19 Directions (No. 61) 2022;
  - (b) COVID-19 Directions (No. 62) 2022.

- 3 In these Directions:

***approved*** means approved by the Chief Health Officer.

***approved COVID-19 testing procedure***, see direction 4.

***child*** means a person who is under 18 years of age.

***close contact***, see direction 22.

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

***high risk place***, see direction 4 of the Post-emergency COVID-19

Directions (No. 4) 2022 (as amended from time to time) or any subsequent Directions that replace and substantially correspond to those Directions.

**infected**, see direction 10.

**isolation period**, in relation to an infected person, means the period for which a person must be isolated under direction 11, calculated in accordance with direction 5.

**suitable place**, see direction 6.

**symptoms**, in relation to COVID-19, include fever (a temperature of 37.5°C or higher), chills or night sweat, cough, sore throat, tiredness (fatigue), difficulty breathing, headache, muscle pain (myalgia), loss of sense of smell (anosmia), distortion of sense of taste (dysgeusia), nausea and vomiting, joint pain, loss of appetite, runny nose and acute blocked nose (congestion).

*Note for definition symptoms*

See <https://coronavirus.nt.gov.au/stay-safe/symptoms-testing>

- 4 An **approved COVID-19 testing procedure** for a person consists of:
  - (a) subject to paragraph (b), a rapid antigen test approved by the Therapeutic Goods Administration, whether or not self-administered; or
  - (b) a polymerase chain reaction test only if specified or required by the person's treating health practitioner, the Chief Health Officer or a delegate of the Chief Health Officer.
  
- 5 An isolation period is calculated as follows:
  - (a) the period starts when the person:
    - (i) submits to or administers the approved COVID-19 testing procedure that resulted in the positive result; or
    - (ii) is notified by an authorised officer or health practitioner that the person is infected with COVID-19;
  - (b) the period ends at 12:00 noon on the last day of the period.

*Example for direction 5*

*In the case of a 7-day isolation period, a person who administers the test at 11:00 pm on 12 July 2022 must remain isolated until 12 noon on 19 July 2022.*

- 6 A place is a **suitable place** for isolation for a person if the place:
- (a) is a residence, a room, a hostel, an apartment or a unit in commercial visitor accommodation or a hospital; and
  - (b) is capable of accommodating the person for the person's isolation period; and
  - (c) has a particular attribute or has access to a particular facility determined by the Chief Health Officer.
- 7 For direction 6, a place may be a suitable place for isolation for a person even if another person will reside at or occupy that place in the course of the person's isolation period.
- 8 These Directions prevail to the extent of any inconsistency with Post-emergency COVID-19 Directions (No. 4) 2022, as amended from time to time, or any subsequent Directions that replace and substantially correspond to those Directions.
- 9 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 2 Infected persons**

- 10 A person is considered to be **infected** and must isolate in accordance with direction 11 if the person:
- (a) returns a positive result to an approved COVID-19 testing procedure; or
  - (b) is notified by an authorised officer or health practitioner that the

person is infected with COVID-19.

- 11 An infected person must travel directly to a suitable place for isolation and remain isolated in that place for the following isolation period or any longer period required under direction 19:
- (a) 7 days, unless the infected person has symptoms of COVID-19 on the 7th day of the person's isolation period;
  - (b) if the infected person has symptoms of COVID-19 on the 7th day of the person's isolation period – until the symptoms have resolved or a medical practitioner specifies in writing that the person is no longer infectious with COVID-19.

*Note for Direction 11*

*There is no need to continue testing after the end of the isolation period. See direction 23.*

- 12 Despite direction 11:
- (a) an infected person who is a child may travel between the premises of the child's parents, or persons responsible for the child, during the child's isolation period if both premises are suitable places; and
  - (b) if an infected person in isolation is a parent of, or is responsible for, a child the infected person may leave their suitable place in order to drop off or pick up the child:
    - (i) at the premises of another parent or an adult responsible for the child; and
    - (ii) in the case of a child who is not required to isolate, at any other place.

*Example for direction 12(a)*

*If a child is required to isolate for 7 days, the child may isolate for 3 days at the residence of the first parent and for 4 days at the residence of the second parent.*

*Note for direction 12(a)*

*A formal custody arrangement is not required to be in place in relation to the child.*

### **Part 3 Rules during isolation**

- 13 A child who is required to isolate must do so where at least one parent or responsible adult will be responsible for the child during the isolation period.
- 14 A person in isolation must not leave the person's suitable place except:
- (a) for urgent medical purposes, including obtaining rapid antigen tests, medical supplies, receiving medical care or being tested or assessed for infection with COVID-19; or
  - (b) in an emergency; or
  - (c) in accordance with direction 12; or
  - (d) in order to leave the Territory; or
  - (e) for a compassionate purpose in accordance with a temporary exemption given by the Chief Health Officer.

*Example for direction 14(e)*

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

- 15 A person in isolation must not permit any other person to enter the person's suitable place unless the other person:
- (a) usually resides at the place; or
  - (b) is entering for urgent medical purposes, including delivering medical supplies, providing medical care or testing or assessing for infection with COVID-19; or
  - (c) is entering because of an emergency or another urgent reason.

*Note for direction 15*

*A person isolating in a suitable place 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 isolate. See section 57G of the Act.*

- 16 A person who leaves the person's suitable place for a reason specified in direction 14 must, while outside the suitable place:
- (a) wear a face mask securely over the person's nose and mouth;  
and

(b) stay at least 1.5 m away from other people where possible.

*Note for direction 16(b)*

*It may not be possible for a person to stay 1.5 m away from other people if, for example:*

- (a) *the person must approach a health practitioner in order to receive treatment;*
- (b) *the person must approach another person in order to receive assistance in an emergency.*

17 Despite direction 16, a person is not required to wear a face mask if the person:

- (a) is eating or drinking; or
- (b) is asked to remove the face mask to ascertain the person's identity; or
- (c) is requested by a health practitioner to remove the face mask in order to enable the practitioner to administer treatment to the person; or
- (d) must remove it in an emergency.

18 Despite direction 11, an infected person must isolate in a place specified by the Chief Health Officer or an authorised officer, if the Chief Health Officer or an authorised officer is satisfied that:

- (a) the person does not have a suitable place to isolate; or
- (b) the person requires treatment or supervision.

19 Despite direction 11, the Chief Health Officer or a delegate of the Chief Health Officer may extend the isolation period for a person and require them to submit to testing for COVID-19 infection if satisfied that the person is infected or at risk of causing others to be infected.

#### **Part 4 Requirements after isolation**

20 A person who was in isolation under these Directions must comply with this Part for the 7-day period after the end of the person's isolation period.

21 The person must not enter a high risk place unless:

- (a) the person resides in the high risk place; or

- (b) the person works in the high risk place; or
- (c) the person requires entry to the high risk place to access a service.

*Examples for direction 21(c)*

- 1 *The person requires entry to a hospital due to an urgent need for medical treatment.*
- 2 *The person requires entry to a shelter due to experiencing homelessness or family violence.*

## **Part 5 Close contacts**

### **Division 1 General matters**

22 Subject to direction 23, a person is a **close contact** of an infected person if the person:

- (a) resides with or stays overnight in the same premises as an infected person who is infectious; or
- (b) is in close contact with an infected person who is infectious for a continuous period of 4 hours or more while indoors; or
- (c) is notified by Chief Health Officer, a delegate of the Chief Health Officer or an authorised officer that the person is a close contact of an infected person.

*Examples for direction 22(b)*

- 1 *Friends who have face to face contact at an indoor dinner party.*
- 2 *Workers who attend an all-day office workshop together in a conference room.*
- 3 *People travelling together in a car.*

23 For 12 weeks after completing an isolation period, a formerly infected person is not:

- (a) a close contact of another infected person; or
- (b) required to submit to or self-administer an approved COVID-19 testing procedure under these Directions or any other Post-emergency COVID-19 Directions.

## **Division 2      Testing and checking for symptoms**

24    A close contact must submit to or self-administer an approved COVID-19 testing procedure as follows:

- (a)    within 3 days of becoming a close contact; and
- (b)    on the 6th day after becoming a close contact; and
- (c)    if the close contact has symptoms of COVID-19 – immediately after the symptoms start.

*Note for direction 24*

*The mandatory reporting of positive rapid antigen test results is required under Post-emergency COVID-19 Directions (No. 03) 2022. If a close contact tests positive, they are an infected person – see Part 2.*

25    A person must regularly check for symptoms of COVID-19 for 7 days after becoming a close contact.

26    If a person self-administers a rapid antigen test under these Directions, the person must:

- (a)    use a rapid antigen test approved by the Therapeutic Goods Administration; and
- (b)    follow the manufacturer's instructions on storage and administration of the rapid antigen test; and
- (c)    after administering the rapid antigen test, retain photos of the test result, the packaging displaying the batch number and a document identifying person.

*Example for direction 26(c)*

*A photo of the person's driver's licence or other form of identification.*

*Note for direction 26*

*The mandatory reporting of positive rapid antigen test results is required under Post-emergency COVID-19 Directions (No. 3) 2022. If a close contact tests positive, they are an infected person – see Part 2. There is no need to report a negative test.*

## **Division 3      Requirements for close contacts**

27    A person who is a close contact must comply with this Division for 7 days after the person becomes a close contact.

28    The person must not enter a high risk place, unless:



- (a) the person resides in the high risk place; or
- (b) subject to direction 29, the person works in the high risk place; or
- (c) the person requires entry to the high risk place to access a service.

*Examples for direction 28(c)*

- 1 *The person requires entry to a hospital due to an urgent need for medical treatment.*
- 2 *The person requires entry to a shelter due to experiencing homelessness or family violence.*

29 If the person is required to attend a high risk place to perform their work, the person may perform work at the high risk place if the person:

- (a) submits to or self-administers a rapid antigen COVID-19 testing procedure, and returns a negative result, before entering the high risk place for the first time each day; and
- (b) complies with the requirements of direction 16(a) and (b) while at the high risk place.

30 The person must wear a face mask securely over the person's nose and mouth while the person is outside the premises where the person resides.

31 Despite direction 30, the person is not required to wear a mask if the person:

- (a) is inside a residence; or
- (b) is a child who is not more than the age to attend grade 6; or
- (c) has a physical or mental health illness or condition, or a disability, that makes wearing a face mask unsuitable; or
- (d) is engaged in exercise or is swimming; or
- (e) is communicating with a person who is hearing impaired and visibility of the person's mouth is essential; or
- (f) is inside a private vehicle or vessel, that is not being used for commercial purposes, or is alone in a commercial vehicle or vessel; or


- (g) is eating or drinking; or
  - (h) is asked to remove the face mask to ascertain the person's identity; or
  - (i) is requested by a health practitioner to remove the face mask in order to enable the practitioner to administer treatment to the person; or
  - (j) 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
  - (k) must remove it in an emergency; or
  - (l) is outdoors and more than 1.5 m away from another person who does not reside at the same premises as the person.
- 32 The person must notify their employer and any educational facility the person attends that they are a close contact, before attending the premises of the employer or facility.

## **Part 6 Transitional matters**

- 33 Any person who is in isolation under COVID-19 Directions (No. 61) 2022 when these Directions take effect:
- (a) is subject to these Directions if the person would have any isolation period remaining under these Directions, as calculated in accordance with these Directions, from the day the person entered isolation under those Directions; or
  - (b) is released from isolation if the person would have no isolation period remaining under these Directions, as calculated in accordance with these Directions, from the day the person entered isolation under those Directions.
- 34 Any person who is in quarantine under COVID-19 Directions (No. 61) 2022 when these Directions take effect is released from quarantine.

*Notes for Post-emergency COVID-19 Directions*

- 1 *Section 57K of the Act provides for an offence for failing to comply with a direction given under section 57B of the Act.*
- 2 *The maximum penalty for the offence is 400 penalty units.*
- 3 *A person is not guilty of the 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.*



Digitally signed by Dr Charles Pain  
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Dated