



Northern Territory of Australia

Public and Environmental Health Act 2011

COVID-19 Directions (No. 61) 2021: Directions to lock out Darwin and surrounding areas of the Territory

I, Charles Hawkhurst Pain, Acting 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 12.01 am on 5 November 2021 and remain in force until the earlier of:

- (a) 12:01 am on 8 November 2021; or
- (b) the public health emergency declaration ceasing to be in force.

2 In these Directions:

approved COVID-19 vaccine means a COVID-19 vaccine approved by me.

essential business, place, activity or service, see my COVID-19 Directions (No. 62) 2021.

fully vaccinated person means a person who:

- (a) has received 2 doses of an approved COVID-19 vaccine; or
- (b) is under the age of 16 years.

lockout area means the area specified in direction 3.

unvaccinated person means a person who has not received 2 doses of an approved COVID-19 vaccine and is over the age of 16 years.

vaccinated essential worker means a person who:

- (a) is declared in Schedule 1 to be an essential worker for the purposes of these Directions; and
- (b) is a fully vaccinated person.

vulnerable child means a person under the age of 18 who:

- (a) resides in the care of the Territory or in out-of-home care; or
- (b) is deemed vulnerable by an Agency, funded family or family violence service and is assessed as requiring education and care outside of the family home; or
- (c) is identified by a childcare, early childhood service or school as vulnerable.

3 These Directions apply in and to:

- (a) the following local government areas:
 - (i) City of Darwin;
 - (ii) City of Palmerston;
 - (iii) Litchfield;
 - (iv) Wagait Shire;
 - (v) Belyuen Shire; and
- (b) the Darwin Waterfront Precinct as specified under section 4 of the *Darwin Waterfront Corporation Act 2006*; and
- (c) the following localities of the Territory:
 - (i) Charles Darwin National Park and East Arm, prescribed as Area A for the *Northern Territories Rates Act 2014*, a map of which is attached as Schedule 2;
 - (ii) the unincorporated Elrundie area;
 - (iii) Dundee Beach;

- (iv) Dundee Forrest;
- (v) Bynoe;
- (vi) Charlotte;
- (vii) Cox Peninsula.

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 for infected persons, 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 Restricted movement in and out of lockout area

Division 1 Entry into lockout area

- 7 A person must not enter the lockout area unless:
- (a) the person is one of the following who is performing a function connected with the person's official work:
 - (i) an authorised officer;
 - (ii) a person performing functions under the Act or the *Notifiable Diseases Act 1981*;
 - (iii) a vaccinated essential worker; or
 - (b) the person is entering the lockout area for a reason specified in direction 12, other than paragraph (d) (exercise), that cannot otherwise reasonably be achieved; or

- (c) the person is returning to the premises where the person resides in the lockout area; or
- (d) the person enters by aircraft, motor vehicle, public transport or bicycle for the purpose of travelling to a part of the Territory that is outside the lockout area.

Note for direction 7(d)

A person who enters the lockout area by aircraft and does not leave the airport because the person is transiting through the airport to travel to a place outside the lockout area is not considered to have entered the lockout area.

- 8 A person entering the lockout area under direction 7 must take all reasonable steps to stay 1.5 m away from any other person while in the lockout area.
- 9 Direction 8 does not apply to a person who cannot stay 1.5 m away from another person because of the performance of their functions or duties in the lockout area.

Example for direction 9

A health practitioner does not need to remain 1.5 m away from a patient while performing their duties as a health practitioner.

- 10 A person entering the lockout area under direction 7(d) must:
 - (a) travel directly out of the lockout area in a motor vehicle or on public transport or a bicycle; and
 - (b) if travelling by vehicle – remain in the vehicle while in the lockout area and only leave the vehicle to refuel the vehicle; and
 - (c) if travelling on public transport or a bicycle – remain on the public transport or bicycle while in the lockout area.

Division 2 Exit out of lockout area

- 11 A person must not exit the lockout area unless the person is:
 - (a) one of the following who is performing a function connected with the person's official work:
 - (i) an authorised officer;
 - (ii) a person performing functions under the Act or the *Notifiable*

Diseases Act 1981;

- (iii) a vaccinated essential worker; or
- (b) a person infected with COVID-19 who is required to isolate in a place outside the area; or
- (c) a person suspected of being infected with COVID-19 under my COVID-19 Directions (No. 21) 2020 who requires testing or assessing for infection with COVID-19 at a place outside the area; or
- (d) a person required to exit the area under another law of the Territory or a law of the Commonwealth; or
- (e) a person exiting the area for a reason specified in direction 12, other than paragraph (d) (exercise), that could not otherwise reasonably be achieved; or
- (f) a person is doing so in order to return to the premises where the person resides in another part of the lockdown area; or
- (g) a person who entered the area under direction 7(d) and has complied with direction 10; or
- (h) a person exiting the area to leave the Territory on an aircraft.

Part 3 Restricted movement within lockdown area

Division 1 Stay at home – unvaccinated persons

12 An unvaccinated person residing in the lockdown area must not leave the premises where the unvaccinated person resides except for the following reasons:

- (a) to receive medical treatment, including testing or vaccination related to COVID-19;
- (b) a single visit to retrieve a computer or work materials from the unvaccinated person's workplace in order to work from the premises where the unvaccinated person resides;

- (c) to obtain goods or services from a vaccinated essential worker or from a place or business that is permitted to operate under my COVID-19 Directions (No. 61) 2021 (as amended from time to time) or any subsequent Directions that replace and substantially correspond to those Directions;
- (d) to engage in outdoor exercise under the following conditions:
 - (i) no more than one hour in total per day; and
 - (ii) within 5 km of the premises where the unvaccinated person ordinarily resides, but not outside the lockout area; and
 - (iii) in the company of no one other than the following:
 - (A) if the unvaccinated person resides alone – one other person;
 - (B) if the unvaccinated person does not reside alone – one or more of the other persons residing at the same premises;
- (e) to provide care or support to a family member or another person in the lockout area who is unable to care for themselves due to health, age or disability;
- (f) to provide care to an animal that is unattended;
- (g) to provide the following in the lockout area, but only to the child of a vaccinated essential worker or a vulnerable child:
 - (i) child care;
 - (ii) early childhood education or education in a primary or secondary school;
- (h) to obtain the following in the lockout area, but only for the child of a vaccinated essential worker or a vulnerable child:
 - (i) child care;
 - (ii) early childhood education or education in a primary or secondary school;

- (i) in an emergency;
 - (j) to escape a risk of harm, including harm relating to family violence;
 - (k) to remove or escape a hazard, including a dangerous or diseased animal;
 - (l) for purposes relating to the administration of justice, including attending:
 - (i) a police station; or
 - (ii) a court or other premises for a purpose relating to the justice or law enforcement system;
 - (m) if otherwise required or authorised by a law of the Territory or a law of the Commonwealth;
 - (n) to travel directly to an airport to leave the Territory;
 - (o) to attend a funeral with no more than 9 other attendees in total, not including persons providing the funeral services;
 - (p) if the premises in which the unvaccinated person resides is in an area where there is no waste collection for the premises – to travel directly to deposit waste at a waste management facility;
 - (q) if the unvaccinated person is the parent or guardian of a child – to take the child to another parent or guardian of the child at a separate premises, whether or not there is a formal arrangement in place in relation to the custody of the child.
- 13 If an unvaccinated person resides in more than one place, the premises where the unvaccinated person resided at 12:01 am on 5 November 2021, is the premises where the unvaccinated person must remain for the duration of these Directions (unless the person is a child to whom direction 12(q) applies).
- 14 If an unvaccinated person resides in commercial visitor accommodation:
- (a) subject to paragraph (b), the unvaccinated person's room, not any other area of the accommodation, is taken to be the premises where the unvaccinated person resides;

- (b) if the room where the unvaccinated person resides is shared accommodation – the unvaccinated person may access common areas of the shared accommodation

Note for direction 14

People must wear face masks and keep 1.5 m distant when using shared facilities like toilet blocks or laundries in commercial visitor accommodation.

- 15 Subject to direction 16, direction 12 does not apply to an unvaccinated person if the unvaccinated person:
 - (a) does not reside at any premises; or
 - (b) resides at premises that are temporarily unavailable because of a risk of harm, including harm relating to family violence.
- 16 If suitable premises are made available for an unvaccinated person mentioned in direction 15:
 - (a) those premises are taken to be the premises where the unvaccinated person resides for the remainder of the period these Directions are in force; and
 - (b) direction 12 applies to the unvaccinated person.

Division 2 Face mask requirement

- 17 Subject to direction 18, a person must wear a face mask at all times while in the lockout area.
- 18 A person is not required to wear a mask if the person:
 - (a) is at the premises where the person resides; or
 - (b) is in a private vehicle being used for private purposes; or
 - (c) is a child under the age of 12 years; or
 - (d) has a physical or mental health illness or condition, or disability, which makes wearing a face mask unsuitable; or
 - (e) is communicating with another person who is hearing impaired and visibility of the mouth is essential; or
 - (f) is asked to remove the face mask to ascertain their identity; or

- (g) a health practitioner requests the person to remove the face mask in order to treat the person or administer treatment to the person; or
 - (h) must remove the face mask in an emergency;
 - (i) a teacher, educator or child care worker in a school or child care facility who removes it for the purposes of teaching or child care activities.
- 19 A police officer or an authorised officer may:
- (a) request a person who is not wearing a 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 mask unsuitable – require the person to produce evidence to support that claim.

Part 4 Restricted gatherings

- 20 An unvaccinated person must not enter any residential premises at which the unvaccinated person does not ordinarily reside in the lockout area unless the unvaccinated person is entering:
- (a) for medical purposes, including delivering medical supplies, providing medical care and providing testing and vaccination related to COVID-19; or
 - (b) to provide care or support to a family member or another person who is unable to care for themselves due to health, age or disability; or
 - (c) to transfer a child to another premises in accordance with direction 12(q); or
 - (d) in an emergency or for another urgent reason; or
 - (e) for purposes relating to the administration of justice.

- 21 An unvaccinated person in the lockout area must not permit another person to enter the premises where the unvaccinated person resides unless the other person:
- (a) also resides at those premises; or
 - (b) is entering in accordance with direction 20.
- 22 An unvaccinated person in the lockout area must not arrange to meet, or organise or intentionally attend a gathering with, one or more other persons at a place other than the premises where the unvaccinated person resides in accordance with direction 20 or 21.
- 23 Direction 22 does not apply to:
- (a) a person specified in direction 7(a) who is performing functions or duties in the lockout area; or
 - (b) an unvaccinated person who left the premises where the unvaccinated person ordinarily resides for a reason allowed under direction 12, other than paragraph (d) (exercise), and is acting in accordance with that direction.

Part 5 Restrictions outside lockout area

- 24 A person who exits the lockout area in accordance with direction 11 must:
- (a) take all reasonable steps to stay 1.5 m away from any other person; and
 - (b) wear a face mask at all times.
- 25 A person who was in the lockout area after 12:01 am on 5 November 2021 and later left the lockout area must:
- (a) if the premises where the person resides is in the lockout area:
 - (i) return as soon as reasonably practicable to the premises; and
 - (ii) if the person exits the lockout area:
 - (A) take all reasonable steps to stay 1.5 m away from any other person; and
 - (B) wear a face mask at all times; and

- (b) if the premises where the person resides is outside the lockout area
– comply with Parts 2 to 4 while residing at the premises.

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.*

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Acting Chief Health Officer

Dated

Schedule 1 Essential workers

- 1 An employee or contractor engaged by any of the following businesses or undertakings is an essential worker for the purposes of these Directions:
- (a) a blood bank, including blood collection and delivery;
 - (b) air transport services or an airport;
 - (c) the Australian Defence Force, Australian Border Force and Commonwealth law enforcement and intelligence agency services;
 - (d) a supermarket, butcher, greengrocer or fishmonger;
 - (e) care services for people with particular needs because of homelessness, age, infirmity, disability, illness or a chronic health condition;
 - (f) child care, early childhood education, primary and secondary schools and tertiary education;
 - (g) a distribution centre that handles essential goods;
 - (h) the following emergency services:
 - (i) ambulance and paramedical services;
 - (ii) firefighting services;
 - (iii) medical retrieval services, including Royal Flying Doctor Services;
 - (iv) police services;
 - (v) other emergency services;
 - (i) the following essential health services:
 - (i) emergency surgery, procedures and medical consulting if failing to provide will lead to loss of life or limb or permanent disability;
 - (ii) non-emergency surgery, procedures and medical consulting if failing to provide will lead to loss of life or permanent disability;

- (iii) health services provided in a hospital Emergency Department, by a General Practitioner or at a hospital radiology service;
- (iv) medical procedures or services that relate to the following:
 - (A) procedures and surgical treatment by a dentist in an authorised public health care centres in the management of patients with facial swelling due to infection, facial trauma or severe unrelenting pain;
 - (B) procedures to complete a cycle of IVF treatment that was commenced before the implementation of these Directions or any procedure required for the preservation of eggs for future IVF which is required to prevent eggs from becoming non-viable;
 - (C) surgical termination of pregnancy;
 - (D) drug or alcohol services;
 - (E) allied health services provided by allied health professionals when providing critical clinical care;
 - (F) mental health services;
- (j) a factory or similar facility but only to the extent required to avoid damage to the plant and equipment;
- (k) a financial institution;
- (l) freight services for road, rail, sea and air, including postal, courier and removalist services;
- (m) a liquor retailer, but only for the purposes of selling takeaway liquor that is not consumed on the premises;
- (n) a hardware store;
- (o) an accommodation provider;
- (p) journalism and media services;

- (q) transport inspection services;
- (r) a business or undertaking that engaged persons to provide support services to the residents of the lockout area;
- (s) a person who provides for essential, critical or urgent maintenance or repair of power, water, communications or other infrastructure critical to the Territory or to maintain other operations deemed essential, including trade assistants, trade stores and equipment hire;
- (t) a pet store or veterinary clinic;
- (u) a petrol station;
- (v) a pharmacy;
- (w) a post office;
- (x) primary industries, only to the extent required to ensure adequate supply of food to and care of crops and animals;
- (y) production and distribution of:
 - (i) food for sale by supermarkets, butchers, greengrocers, fishmongers, but not including production at an abattoir; or
 - (ii) medical and pharmaceutical products;
- (z) public transport, including taxis, rental scooters other commercial passenger services, as well as transit safety officers and interchange officers;
- (za) the Territory or local government services which are deemed essential by the relevant Agency Chief Executive Officer or CEO of a council;
- (zb) the administration of justice;
- (zc) truckstops and roadhouses;
- (zd) vehicle repair and mechanical services, including roadside assistance;
- (ze) food outlets with a fixed premises or vehicles providing takeaway

- food services or food for distribution by food delivery services;
- (zf) cleaning, waste, recycling, pest control and snake removal services;
 - (zg) services for a funeral;
 - (zh) construction services, only to the extent required in an emergency or to ensure the safety of, or prevent damage to, a structure or site;
 - (zi) electrical or plumbing services, only to the extent required in an emergency or to ensure the safety of, or prevent damage to, a structure or site;
 - (zj) locksmith services, only to the extent required in an emergency;
 - (zk) a newsagency;
 - (zl) an employee or contractor engaged by an essential business, place, activity or service.
- 2 Any person deemed essential by the Chief Executive Officer of an Agency, a government owned corporation or a local council is an essential worker for the purposes of these Directions.
- 3 The following are essential workers for the purposes of these Directions:
- (a) the Administrator;
 - (b) a member of the Legislative Assembly;
 - (c) a member of either House of the Commonwealth Parliament;
 - (d) a Supreme Court Judge;
 - (e) a Local Court Judge.
- 4 In this Schedule:
- critical clinical care*** means:
- (a) to prevent a significant change or deterioration in functional independence which would result in an escalation of care needs;
or
 - (b) to provide assessment and diagnostic services to clients or

patients for whom, if care is delayed, it is likely to result in adverse health outcomes (including access to diagnostic imaging services or assessment for prescription of assistive equipment and technology); or

- (c) to provide services that are essential as part of a broader plan of care with a medical practitioner; or
- (d) to provide services that are part of a conservative management plan to avoid or delay elective surgery (as agreed with the treating team); or
- (e) to provide services immediately following elective surgery that prevent secondary complications or aid functional recovery (as agreed with the treating team).

*Example for definition **critical clinical care**, paragraph (a)*

An increase in frequency of treatment needed, an increased need for prescription medication due to a significant increase in pain, requirement for specialist input or review, an increase in care needs, or a substantial increase to anticipated recovery time associated with a delay in receiving services.

*Example for definition **critical clinical care**, paragraph (b)*

Fitting a brace post-surgery.

Schedule 2 Area A for the Northern Territories Rates Act 2014

