



Northern Territory of Australia

Public and Environmental Health Act 2011

COVID-19 Directions (No. 41) 2022: Directions for high risk places

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:

- 1 These Directions take effect at 12:01 am on 11 March 2022 and remain in force until the public health emergency declaration ceases to be in force.

Note for direction 1

The period the public health emergency declaration is in force has been extended under section 50(2) of the Public and Environmental Health Act 2011. These Directions remain in force during the periods of extension.

- 2 In these Directions:

aged care facility means a facility that provides either of 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.

approved COVID-19 vaccine means a COVID-19 vaccine approved by the Therapeutic Goods Administration, Commonwealth Department of Health for use in Australia.

exempt, in relation to a person, means the person:

- (a) is under the age of 18 years; or
- (b) has a certificate issued by the Commonwealth that certifies that the person has a permanent or temporary contraindication to all approved COVID-19 vaccines.

high risk place, see direction 3.

person in charge, in relation to a high risk place, means:

- (a) the owner of the high risk place; or
- (b) the person managing operations at the high risk place; or
- (c) if a person mentioned in paragraph (a) or (b) cannot be identified – the person who appears to be in charge of the high risk place.

quarantine period, see direction 3 of the COVID-19 Directions (No. 22) 2022 or any subsequent Directions that replace and substantially correspond to those Directions.

worker, see section 7 of the *Work Health and Safety (National Uniform Legislation) Act 2011*.

3 These Directions apply to the following **high risk places**:

- (a) a hospital;
- (b) a residential facility within the meaning of section 2 of the *Disability Services Act 1993*;
- (c) a custodial correctional facility within the meaning of section 11 of the *Correctional Services Act 2014*;
- (d) a detention centre within the meaning of section 5 of the *Youth Justice Act 2005*;
- (e) an aged care facility;
- (f) a renal hostel;
- (g) a family violence shelter;
- (h) a sobering up shelter;

- (i) a homeless shelter.
- 4 A worker must not enter or remain on the premises of a high risk place where the worker works unless:
- (a) the worker has received at least 3 doses of an approved COVID-19 vaccine; or
 - (b) the worker has received 2 doses of an approved COVID-19 vaccine but less than 16 weeks has elapsed since the worker received the 2nd dose of an approved COVID-19 vaccine; or
 - (c) the worker is exempt.
- 5 Despite direction 4, a worker may enter or remain on the premises of a high risk place where the worker works if:
- (a) the worker was unable to receive the 3rd dose of an approved COVID-19 vaccine within 16 weeks of receiving the 2nd dose of an approved COVID-19 vaccine because the worker was infected with COVID-19 or was in quarantine; and
 - (b) in the case of the worker who was infected with COVID-19 – less than 16 weeks have elapsed since last returning a positive result from a COVID-19 testing procedure; and
 - (c) in the case of the worker who was in quarantine – less than 2 weeks have elapsed since the end of the worker's quarantine period.
- 6 A worker must, on request by the person in charge of the high risk place where the worker works, provide evidence the person needs to determine whether the worker meets the criteria of direction 4 or 5.

Examples for direction 6


- 1 *A vaccination certificate showing a 3rd dose or the date of the second dose.*
- 2 *A Commonwealth certificate certifying the person's contraindication to all approved COVID-19 vaccines.*
- 3 *A copy of the notice requiring the person to isolate or quarantine.*
- 4 *A copy of a positive polymerase chain reaction (PCR) test result or a copy of an online declaration of a positive rapid antigen test (RAT) result.*

- 7 The person in charge of a high risk place must take reasonable steps to determine the extent to which any worker who performs work at the high risk place meets the criteria of direction 4 or 5.
- 8 The person in charge of a high risk place must take all reasonable measures to ensure that a worker does not enter or remain on the premises of the high risk place if the worker is prohibited from doing so under these Directions or any of my other COVID-19 Directions.
- 9 Every worker entering the premises of a high risk place must submit to the measures established by the person in charge under direction 8.
- 10 The person in charge of a high risk place must keep a register of the following information:
 - (a) the extent to which each worker who performs work at the high risk place is vaccinated with an approved COVID-19 vaccine;
 - (b) whether a worker is exempt;
 - (c) the steps taken under direction 7.
- 11 The person in charge of a high risk place must:
 - (a) destroy any copy of the evidence given to the person under direction 6 as soon as practicable, but in any case no later than 48 hours after the evidence is given; and
 - (b) ensure that the register kept under direction 10 is secured against access by any person for any purpose other than a person or purpose specified in paragraph (c); and
 - (c) ensure that any information in the register kept under direction 10 is not disclosed, except to an authorised officer when requested for the purpose of compliance or enforcement of these Directions or contact tracing in relation to COVID-19.

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 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 an infringement penalty 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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Excellence,
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Chief Health Officer

Dated