



Northern Territory of Australia

*Public and Environmental Health Act 2011*

## **COVID-19 Directions (No. 75) 2021: Directions for Aged Care Facilities**

I, Charles Hawkhurst Pain, Acting 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 5.00 pm on 8 November 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 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. 48) 2021 are revoked.
- 3 These Directions apply in relation to the Territory except the areas to which my COVID-19 Directions (No. 76) 2021 apply.
- 4 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.

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

**COVID-19 hotspot** means a specified area of Australia or New Zealand determined by me from time to time and published on the website [coronavirus.nt.gov.au](https://www.coronavirus.nt.gov.au).

**QR code**, see direction 15(a).

**quarantine facility** means a quarantine facility specified in my COVID-19 Directions (No. 55) 2020, as amended from time to time, or any subsequent Directions that replace and substantially correspond to those Directions.

**quarantine worker**, see my COVID-19 Directions (No. 12) 2021, as amended from time to time, or any subsequent Directions that replace and substantially correspond to those Directions.

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

**vaccinated person** means a person who has received at least 2 doses of an approved COVID-19 vaccine.

## **Part 2      Entry to aged care facility**

- 5      The following persons must not enter or remain on the premises of an aged care facility:
- (a) a person who has been in contact with a person infected with COVID-19 within the previous 14 days;
  - (b) a person who must quarantine under any of my COVID-19 Directions;
  - (c) a person who was, within the previous 14 days, in a place that is declared to be a COVID-19 hotspot at the time of entry;
  - (d) a person who is required by me to be tested for COVID-19 if:

- (i) the person has not yet been tested; or
- (ii) the person was tested but has not received a negative result for COVID-19 infection from the test.

*Notes for direction 5*

- 1 *My COVID-19 Directions (No. 8) 2021, as amended from time to time, or any subsequent Directions that replace and substantially correspond to those Directions, require quarantine for several classes of persons.*
- 2 *A person who tests positive for COVID-19 is governed by my COVID-19 Directions (No. 7) 2020, as amended from time to time, or any subsequent Directions that replace and substantially correspond to those Directions.*
- 3 *A person who is suspected of being infected with COVID-19 is governed by my COVID-19 Directions (No. 21) 2020, as amended from time to time, or any subsequent Directions that replace and substantially correspond to those Directions.*

- 6 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.

*Example for direction 6(c)*

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

- 7 Despite direction 6(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.

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

*Example for direction 8(b)*

*A person performing a food delivery service can hand the food package to a member of the staff of the facility at the front door of the building.*

- 9 A person who is an officer, employee or contractor of an aged care facility must not enter or remain on the premises of the aged care facility if the person is not a vaccinated person.
- 10 A person who is an officer, employee or contractor of an aged care facility must give the proprietor of the aged care facility evidence that the person is a vaccinated person.

*Example for direction 10*

*The person's COVID-19 digital certificate issued by the Australian Government.*

- 11 A quarantine worker who enters or remains on the premises of an aged care facility must wear a face mask and take all reasonable measures to stay at least 1.5 m away from any other person in the aged care facility if the quarantine worker entered a quarantine facility within the previous 14 days.
- 12 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.
- 13 Every person entering the premises of an aged care facility must submit to the measures established under direction 12.

- 14 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 Collection of information**

#### **Division 1 Information about visitors**

- 15 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.
- 16 The proprietor of the aged care facility must use all reasonable endeavours to ensure that each member of the public who enters the facility, at the time of entry, checks in using the Territory Check In application.
- 17 If a member of the public 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 member:
- (a) the member's first and last name;
  - (b) a telephone number, address, email address or other means to contact the member;
  - (c) the date and time the member enters the facility.

*Examples for direction 17(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.*
- 18 The contact information collected under direction 17 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.
- 19 During the 28-day period, access to the information must be provided to an authorised officer on request by the officer.
- 20 At the end of the 28-day period, the information must be destroyed in a manner that prevents any recovery.
- 21 A member of the public must, on entering an aged care facility:
- (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 the proprietor of the aged care facility in accordance with direction 17.
- 22 The member of the public is not required to comply with direction 21 if another member has checked in or provided contact details under directions 24 or 25.
- 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.

*Examples for direction 23*

*Other persons would include regular volunteers and students on placement.*

- 24 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 17 on behalf of immediate family members.

*Examples for direction 24*

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

- 25 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 17 on behalf of the group.

*Example for direction 25*

*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.*

## **Division 2 Information about other workplaces**

- 26 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.
- 27 An officer, employee or contractor referred to in direction 26 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.
- 28 The proprietor of the aged care facility must keep a record of the information provided under directions 26 and 27.
- 29 The contact information collected under directions 26 and 27 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.
- 30 During the 28-day period, access to the information must be provided to an authorised officer on request by the officer.
- 31 At the end of the 28-day period, the information must be destroyed in a manner that prevents any recovery.

### **Division 3      Information about COVID-19 vaccination status**

- 32    The proprietor of the aged care facility must keep a record of the information provided under direction 10.
- 33    Access to the information must be provided to an authorised officer on request by the officer.

#### *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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Acting Chief Health Officer

Dated    8.11.21                    1656