

Public Health Act 1997

DIRECTION UNDER SECTION 16

(Stay at home requirements – Travellers from Northern Territory - No.1)

I, MARK VEITCH, the Director of Public Health, in pursuance of section 16 of the *Public Health Act 1997* ("the Act"), in order to manage the threat to public health posed by the notifiable disease known as COVID-19 ("the disease"), direct that, commencing at 4.00 pm on 16 August 2021 –

- (a) this direction applies to a person in Tasmania who was in a relevant municipality in the Northern Territory at any time on or after 11.00 pm on 12 August 2021 but before 4.00 pm on 16 August 2021 except where the person –
 - (i) has only been in that municipality in the Northern Territory for the purpose of transiting through the municipality; and
 - (ii) only broke his or her journey in that municipality for the purpose of obtaining fuel or boarding an aircraft; and

- (b) a person to whom this direction applies must, subject to any other law or legal instrument, and unless directed to isolate or quarantine under another direction under the Act or the *Emergency Management Act 2006*, remain in, or on, the person's primary residence unless the person leaves the primary residence for the purposes of –
 - (i) shopping for food, beverages, fuel, medicine and urgent household supplies; or
 - (ii) undertaking personal exercise in an outdoor area; or
 - (iii) attending medical, or health care, appointments or for medical treatment, including to be tested for the disease, other than an appointment to be vaccinated for the disease; or
 - (iv) seeking veterinary services, within the meaning of the *Veterinary Surgeons Act 1987*, that are urgently required for an animal; or
 - (v) providing reasonable measures, within the meaning of section 6 of the *Animal Welfare Act 1993*, that are required to ensure the welfare

- of an animal that the person has in his or her care or charge, within the meaning of that Act; or
- (vi) attending school, within the meaning of the *Education Act 2016*, if unable to be undertaken at the person's primary residence; or
 - (vii) attending child care, within the meaning of the *Child Care Act 2001*, where the parent, or carer, in relation to the child attending child care is not able to undertake work or study from his or her primary residence; or
 - (viii) attending work, if unable to be undertaken at the person's primary residence; or
 - (ix) providing support, or care, to another person due to –
 - (A) age, infirmity, illness or a chronic health condition; or
 - (B) other matters relating to the person's health, including mental health, pregnancy and end of life care; or
 - (x) facilitating shared custody or parenting arrangements, family contact arrangements (whether court ordered or otherwise), guardianship or other care arrangements; or
 - (xi) relocating to another primary residence, if the person is unable to remain in his or her primary residence while this direction is in force; or
 - (xii) leaving Tasmania without the intention of returning while this direction is in force; or
 - (xiii) as required or authorised by law; or
 - (xiv) in an emergency to avoid injury or illness, or to escape harm including harm relating to family violence or violence of another person at the premises; and
- (c) a person to whom this direction applies who leaves his or her primary residence for a purpose referred to in paragraph (b)(i) must not travel further than five kilometres, by road, from the person's primary residence except where –
- (i) it is not reasonably practicable for the person to obtain the necessary goods or services within five kilometres; and

- (ii) the person travels to the nearest location where the necessary goods and services can reasonable be sought or purchased; and
- (d) a person to whom this direction applies who leaves his or her primary residence for a purpose referred to in paragraph (b)(ii) –
 - (i) must not travel further than five kilometres, by road, from the person’s primary residence except where if it is not reasonably practicable for the person to undertake personal exercise within five kilometres due to mobility or safety reasons; and
 - (ii) may only undertake personal exercise with –
 - (A) persons who ordinarily reside at the same primary residence; or
 - (B) one other person who does not ordinarily reside at the same primary residence if the person considers it necessary for safety reasons; and
- (e) a person to whom this direction applies who leaves his or her primary residence for a purpose referred to in paragraph (b) –
 - (i) must travel by the most direct and practicable route available without stopping, other than as required by law or as necessary to purchase fuel or break for rest; and
 - (ii) must not stay away from the person’s primary residence for longer than is necessary to carry out that purpose; and
- (f) if a person to whom this direction applies leaves the primary residence of the person for a purpose referred to in paragraph (b) and is required, as a result, to reside in a place other than that primary residence –
 - (i) the person must not stay in the other place for longer than is necessary to carry out that purpose; and
 - (ii) while the person is away from the person’s primary residence, paragraph (b) applies to the other place as if it were the primary residence of the person; and

- (g) a person must not permit another person to enter on or remain at the primary residence of the person, except where the other person –
 - (i) ordinarily resides at the primary residence; or
 - (ii) is entering on or remaining at the primary residence for a purpose referred to in paragraph (b)(iii), (iv), (v), (ix), (x), (xiii) or (xiv); and

- (h) a person to whom this direction applies must wear a fitted face covering while the person is away from the person's primary residence; and

- (i) paragraph (h) does not apply in respect of the following persons:
 - (i) a child who –
 - (A) has not attained the age of 12 years; or
 - (B) is undertaking primary education, whether at a school or as part of home education, within the meaning of the *Education Act 2016*; or

 - (ii) a person who –
 - (A) holds a medical certificate, or other documentation by a medical practitioner, within the meaning of the *Acts Interpretation Act 1931*, that certifies that the person has a physical, or mental health, illness, condition or disability that makes the wearing of a fitted face covering unsuitable; and
 - (B) produces a legible copy of the medical certificate, or other documentation, if requested to do so by a person in authority; or

 - (iii) a person who –
 - (A) holds an exemption, or is a person within a class of persons specified in an exemption, from the requirements of paragraph (h) that is given by the Director of Public Health or his or her delegate; and
 - (B) produces a legible copy of the exemption if requested to do so by a person in authority; and

- (j) paragraph (h) does not apply to a person in the following circumstances if the person wears a fitted face covering as soon as is practicable after the relevant circumstances end:
 - (i) the person removes the fitted face covering to communicate with a person who is deaf, or has impaired hearing, and visibility of the mouth is essential for the communication;
 - (ii) the wearing of the fitted face covering would create a risk to the health or safety of the person;
 - (iii) the person removes the fitted face covering to enable clear enunciation, or visibility of the mouth, as part of his or her employment or training;
 - (iv) the person is orally consuming food, drink or medicine;
 - (v) the person is undergoing medical care, or treatment, that is unable to be provided while the person wears a fitted face covering;
 - (vi) the person is requested to remove the fitted face covering, by a person in authority, to ascertain or confirm the identity of the person;
 - (vii) the person may lawfully remove, or is lawfully required to remove, the fitted face covering;
 - (viii) the person is in a personal vehicle where –
 - (A) there are no other passengers present in the vehicle; or
 - (B) each other passenger in the vehicle has the same primary residence as the person;
 - (ix) an emergency where it is not practicable or safe to wear the fitted face covering;
 - (x) the person is working or studying in an indoor or outdoor space where there are no other persons present;
 - (xi) such other circumstances that are specified in an exemption, from the requirements of paragraph (h), that is given by the Director of Public Health or his or her delegate; and
- (k) a person to whom this direction applies who leaves his or her primary residence, other than a person to whom paragraph (i) applies, must carry a fitted face covering; and

- (l) a person to whom this direction applies must, while this direction so applies to him or her –
 - (i) monitor his or her health for clinical symptoms of the disease; and
 - (ii) if he or she develops clinical symptoms of the disease, undergo a test for the disease as soon as practicable; and

- (m) a person who is required to undergo a test for the disease in accordance with paragraph (l)(ii) must remain at his or primary residence until he or she returns a negative test result unless –
 - (i) the person is travelling directly to, or from, another primary residence; or
 - (ii) the person is travelling directly to, or from, a location where he or she is undertaking a test for the disease as required under this direction; or
 - (iii) there is an emergency that requires the person to leave his or her primary residence to protect his or her personal safety, or the safety of another, and the person immediately returns to his or her primary residence as soon as the emergency has passed; and

- (n) the Director of Public Health, or his or her delegate, may exempt a person, or a class of persons specified in an exemption, from all or part of this direction subject to such conditions as the Director of Public Health or his or her delegate considers appropriate in the circumstances; and

- (o) this direction ceases to apply to a person if the person -
 - (i) has not been in a relevant municipality in the Northern Territory for at least 14 days; and
 - (ii) has undergone a test for the disease, which returned a negative test result, at least seven days after the person was last in a relevant municipality in the Northern Territory; and

- (p) in this direction –
 - (i) **clinical symptoms of the disease** means the following symptoms:
 - (A) a temperature of 37.5°C or more;

- (B) night sweats;
 - (C) chills;
 - (D) coughing;
 - (E) shortness of breath;
 - (F) sore throat;
 - (G) loss of taste;
 - (H) loss of smell; and
- (ii) **fitted face covering** means a covering, other than a shield, that fits securely around the face and is designed, or made, to be worn over the nose and mouth to provide protection against infection; and
- (iii) **personal vehicle** means a vehicle, within the meaning of the Act, that is not being operated for consideration, whether monetary or otherwise, at the relevant time; and
- (iv) **person in authority** includes –
- (A) an authorised officer within the meaning of the Act; and
 - (B) an authorised officer within the meaning of the *Emergency Management Act 2006*; and
- (v) **premises** has the same meaning as in the Act; and
- (vi) **primary residence**, of a person, means –
- (A) the location in Tasmania where the person intends to reside while this direction is in force; or
 - (B) if the person does not intend, or is unable, to reside in his or her usual residence, other premises that are approved by the Director of Public Health, or his or her delegate, as suitable premises for the person to reside while this direction is in force; or
 - (C) if the person requires medical treatment, a hospital, or another place for medical treatment, as directed by –
 - (I) the operator of the Tasmanian Public Health Hotline, operated by the Department of Health in respect of the disease, who is responding to a call to that Hotline by the person; or

- (II) a person registered under the *Health Practitioner Regulation National Law (Tasmania)* in the medical, dental, paramedicine or midwifery profession; and
- (vii) **relevant municipality in the Northern Territory** means the following municipalities in the Northern Territory –
- (A) Municipality of Darwin;
 - (B) Municipality of Palmerston; and
 - (C) Municipality of Katherine; and
- (viii) **test for the disease** means a nucleic acid detection test, for the genetic material of SARS-CoV-2, conducted by a laboratory with the relevant accreditation, for such a test, by the National Association of Testing Authorities.

Dated: 16 August 2021

Signed: Mark Vitch

Director of Public Health