

First Nations Guide to COVID-19 Law - NT

15 May 2020

Governments have introduced wide-ranging temporary measures to help prevent the spread of coronavirus (COVID-19) and keep communities safe. The Police have powers to enforce these public health directions.

This may change your daily life and what communities can do together.

This information sheet explains the public health directions in the Northern Territory and the powers of the police.

Directions and police powers are changing regularly and so it is important to check for any updates.

A. Public health laws - Social distancing and travel within communities

The Chief Minister is encouraging Territorians to stay home if they can, to slow the spread of COVID-19.

When can I leave the house?

From 1 May, you can:

- Go shopping at your leisure;
- Exercise outdoors with other people (eg. Yoga, bootcamp)
- Go to work or school, if you can't do it at home;
- Participate in non-contact, non-collision outdoor sports such as athletics, golf, tennis, swimming, shooting, archery, badminton, geocaching, paddling and lawn bowls, although you can't eat or drink at a clubhouse;
- Meet up with people in outdoor areas, including gatherings like markets, weddings and funerals (weddings and funerals are limited to 10 people);
- Conduct and attend outdoor religious gatherings;
- Visit parks and reserves including campgrounds that are accessible from where you are without needing to enter a restricted area biosecurity zone;

- Swim in a lagoon at the waterfront, rivers and natural pools outside the biosecurity zones;
- Go fishing, boating, sailing with other people;
- Attend a public swimming pool, water park or recreational lake for swimming or water sports;
- Use a skate park, outdoor public playground or outdoor gym equipment;
- Conduct or attend a real estate open house inspection or a real estate auction;
- Have visitors to your home;
- Go to the doctor or to the pharmacy; or
- Care for another person who doesn't live with you.

From 15 May, you can do the following things **for a maximum of 2 hours**:

- Eat in shopping centre food courts, restaurants and cafes;
- Visit bars, sports/RSL clubs, although you still cannot engage in gaming activities;
- Visit libraries, indoor playgrounds, art galleries, museums, public memorials, public historic sites, zoos and wildlife facilities;
- Attend places of worship
- Visit gyms and studios (eg. For yoga, dance, pilates, Zumba, barre);
- Participate in training for your sports club or team;
- Visit indoor markets;
- Visit a beauty salon for non-facial services (eg. Manicures, massages, tanning); and
- Participate in indoor physical training activities like Cross Fit.

What do I have to do if outside of the home?

- If you are outside of the home, you should practice social distancing by keeping a distance of 1.5 metres apart from other people. The aim of social distancing is to maintain space between yourself and others, in order to prevent the spread of COVID-19.
- If you need to be facing another person and closer than 1.5 metres apart minimise contact to less than 15 minutes.
- You should also follow hygiene principles: Avoid touching your face and cough and sneeze into a tissue or into your elbow.
- Wash your hands with soap and water for 20 seconds or use hand sanitiser before and after any contact with surfaces such as playground equipment that is used by more than one person.
- Regularly clean and disinfect surfaces that are touched by more than one person – e.g. phones, door handles, benches, equipment, toys etc.
- Avoid sharing cups, utensils and cigarettes.

When does this not apply?

You can continue to go to:

- An airport;
- A medical or health service facility;
- A residential facility like aged care;
- A prison or detention centre or place of custody;
- A court or tribunal;
- Parliament;
- A food market, supermarket, grocery store, retail store or shopping centre;
- A school, university or other educational institution;
- A child care facility;
- An office building, factory, mine or construction site;
- A hotel, motel, mining accommodation, worker camp or other place of accommodation;
- A private car or other vehicle; or
- public transport.

You can travel to a remote community only if you are an essential worker. We talk about remote communities more below.

What about family in other houses, can we visit each other?

You are allowed to visit family in other houses. However, you should practice physical distancing and follow good hygiene principles. If you are feeling unwell or have symptoms of respiratory illness, including loss of smell, nasal symptoms, sore throat, tired, cough or fever you should stay home and stay away from other people.

What if I am homeless?

There is no rule forcing you to stay in a house. You should practise social distancing.

The Government might help you if you do not have a place to self-isolate in. Call the National advice hotline on 1800 020 080.

What if I don't feel safe in my home?

You can leave your home if you fear for your safety in the home.

You can still get help from specialist domestic, family and sexual violence services, such as refuges, shelters, counselling or legal services. You should call 1800 737 732.

If it is an emergency, call the police on 000.

When do I have to self-isolate or quarantine?

Self-isolation means staying at home to prevent the possible spread of COVID-19 to other people. You must self-isolate if a doctor or government official tells you that you tested positive for COVID-19 or you need testing. This means you have to go to the location that the doctor tells you to go. You must stay in that place until the Chief Health Officer tells you that you can leave. You can only leave that place if you are obtaining medical care or for an emergency.

You must quarantine for 14 days if you have arrived in the Territory from overseas or interstate, or you have been in close contact with someone who has tested positive to COVID-19. While in quarantine, you must stay home. This means:

- you have to stay in a place with your own bathroom or kitchen.
- you can't go to any public places.
- you need to ask someone to get food and other things for you.

If you get sick and think you might have COVID-19 symptoms, you should call 1800 008 002, or 000 if there is an emergency.

Can I use my car?

Yes, you can use your car. There are no restrictions on car use.

Can I care for Elders?

You can visit and care for Elders but you should practice physical distancing and follow good hygiene principles. If you are feeling unwell or have symptoms of respiratory illness, including loss of smell, nasal symptoms, sore throat, tired, cough or fever you should stay home and stay away from other people.

You can only visit an aged care facility if:

- you work there;
- you are providing care, support or end of life support to a someone there;
- you are required for emergency management or law enforcement.

You can't enter an aged care facility if:

- you have been outside Australia in the last 14 days;
- you have been in contact with a person sick with COVID-19 in the last 14 days;
- you have a body temperature higher than 37.5 degrees or symptoms of coughing, sore throat, fatigue, shortness of breath or other symptoms of respiratory illness;
- you have not been vaccinated against influenza this year;
- you are under the age of 16 (unless you are providing end of life support).

Can we still get together outside for community events?

Outdoor gatherings are allowed but you should follow physical distancing guidelines (keep 1.5 metres between yourself and people that aren't from your household, if you have to be within 1.5 metres, then minimise face to face contact to less than 15 minutes).

What about Sorry Business and funerals?

You can meet up with people for funerals and Sorry Business. There are no restrictions on how many people can attend, but you should follow social distancing guidelines and good hygiene principles.

If you are feeling unwell or have symptoms of respiratory illness, including loss of smell, nasal symptoms, sore throat, tired, cough or fever you should stay home and stay away from other people.

What if I can't pay my rent?

If you have lost your job, or you are making less money because of COVID-19, you should get in touch with your landlord as soon as possible to speak about options.

If you fall behind on the rent, your landlord has to wait 60 days before giving you a notice about rental arrears. Then your landlord has to wait another 60 days before they can apply to evict you.

You have to show that you are experiencing financial hardship. You will have to show your landlord documents that prove that your income has reduced significantly because of COVID-19. This might be a letter from your employer, or a document stating that you have been approved for the Job Seeker payment. If you don't have any documents like this, you can apply to the Commissioner of Tenancies, who will be able to issue a certificate confirming that you are suffering hardship related to COVID-19.

You can still be evicted for other things, like damaging your property or not paying rent because of other reasons.

If you get an eviction notice, you should call the North Australian Aboriginal Justice Agency (**NAAJA**) on 1800 898 251 as soon as possible.

B. Restrictions on movement into Aboriginal communities

Are there restrictions on travel to remote communities?

Yes. You can travel to a remote community only if you are an essential worker. There are some places called 'designated areas'. This means that, you can't go to that place unless:

- you have been in isolation for the 14 days immediately before going into the area;
- you are performing essential activities like providing health care or delivering food; or
- you are travelling through the area.

You also must not be showing any COVID-19 symptoms and must not have been outside Australia or been exposed to COVID-19 in the 14 days before going into the area.

These designated areas are:

- the Tiwi Islands;
- West Arnhem;
- East Arnhem;
- West Daly;
- Roper Gulf;

- Victoria Daly (excluding Pine Creek ward);
- Barkly (excluding the Town of Tennant Creek);
- Central Desert; and
- MacDonnell.

Some Land Councils have also decided to close off other areas or require people to get permits before they go – if you want to go to a community, you should first check to see if there are any other requirements that may apply.

If you're already in one of these areas, you can continue to remain there and travel within that area.

Can I travel to another state for work or to shop?

Yes, but you need to quarantine for 14 days after you get back. Restrictions might also apply to the state you travel to.

You are still allowed to travel outside the NT to another state. When you get back to the NT you need to:

1. Provide your contact details, where you intend to stay, and where you've been in the last 30 days.
2. Travel to where you are directed to quarantine and stay there for 14 days.

'Quarantine' means you must not leave that place (except for in an emergency or to get medical care) and must not let anyone else into that place (except in an emergency or if the person is providing medical care / supplies).

You can apply for an exemption if this would cause you significant hardship.

There are also restrictions that apply for the different states you might travel to:

- **For SA:** If you live on the South Australian border, then you can go into SA if you have a good reason, without having to quarantine.
- **For Qld:** If you live on the Queensland border, then you can go into Queensland to get essential goods or services without having to quarantine.
- **For WA:** Only certain people can enter Western Australia. These include people transporting goods, fly-in fly-out workers; and people who enter WA to visit a seriously sick relative or to attend a funeral.

C. Police enforcement powers

What powers do the police have to enforce the directions?

Failing to comply with any of the COVID-19 directions given by the Chief Health Officer, without a reasonable excuse, is an offence.

Police have the power to enforce directions. Police can:

- close a place;
- direct a person to return or remain in place for self-quarantine;
- escort or take a person to a place for self-quarantine;
- prevent entry to a place or exit from a place.

Police can arrest someone who is breaking the law. The police can arrest you if you not following a COVID-19 direction.

Can I get a fine?

The maximum penalty for not following any of the COVID-19 directions given by the Chief Health Officer is \$62,800. People who have already got fines first a time offence have been for \$1,099.

Young people aged 10-17 can be also get fines if they contravene the Chief Health Officer's emergency declarations. A child over 10 but under 14 can only be fined if the child knows that what they did was wrong.

Fines can also be issued by Environmental Health Officers.

What do I have to do if the police approach me?

If the Police believe you have breached COVID-19 restrictions, they will likely ask for your details. You should listen to the police, but you are only required to provide you name and address. If you believe you have a reasonable excuse for breaching the COVID-19 directions, you should probably explain this to the police. Otherwise you should speak to a lawyer before providing any other information. If you don't give your name and address or provide a false name and address you can be arrested and charged.

You can film your interaction with police in a public place if you are concerned about your rights.

Can I appeal my fine?

If you disagree with an infringement notice you should contact the police. You can also appeal the fine in the Local Court. Before going to the Court you should see a lawyer.

If you can't pay your fine, you should contact the [Fines Recovery Unit](#) to ask for a payment plan or have deductions made from your Centrelink payments.

D. Businesses

What if I own a business?

Owners of a business also need to follow all the COVID-19 laws, including business specific restrictions. This currently means that:

- some businesses can stay open as normal, including grocery stores; retail stores; and shopping centres.
- some businesses need to change how they operate. For example, restaurants; cafés; and other businesses that serve food or drinks to the public can only serve takeaway.
- some businesses must close completely, including:
 - pubs and licensed clubs;
 - cinemas, theatres, concert halls, other entertainment venues;
 - pool halls and other gaming venues;
 - beauty therapy salons and tattoo parlours (hairdressers can stay open); and
 - swimming pools, gyms (both indoors and outdoors) and other sports facilities.

The NT government plans to ease these restrictions starting Friday, 15 May.

These changes will allow most businesses to either re-open or go back to trading normally (for example, restaurants will be able to have dine-in customers). However, people won't be allowed to stay at those businesses for longer than 2 hours.

If you plan to start running your business as normal, or re-open your business, you will need to complete a COVID-19 Safety Plan Checklist.

The NT government plans to lift restrictions and let business go back to normal on 5 June. All businesses will need to have a COVID-19 Safety Plan by then.

E. Who to call for help or information

For COVID-19 related questions and help, you can call:

- The NT COVID-19 hotline on 1800 008 002
- The national COVID-19 hotline on 1800 020 080

- The remote services hotline on 1800 518 189
- If you are in Darwin, the Public Health Unit on (08) 8922 8044.

There are also health messages and information about COVID-19 in a number of Aboriginal languages here:

<https://coronavirus.nt.gov.au/community-advice/remote-communities/messages-in-language>

and here: <http://www.amsant.org.au/covid-19/>

If you receive a fine and need help, you can call:

- The North Australian Aboriginal Justice Agency on 1800 898 251
- The Northern Territory Legal Aid Commission on 1800 019 343

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This guidance sheet is not a substitute for legal advice. You should contact a lawyer for specific legal advice or referral.