

First Nations Guide to COVID-19 Law - NT

28 August 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

What am I able to do?

All businesses, facilities and services that were previously closed or limited may now open, as long as they follow physical distancing recommendations and maintain hygiene.

You are able to:

- Eat in shopping centre food courts, restaurants and cafes;
- Visit bars and sports/RSL clubs, including gaming venues;
- Visit libraries, indoor playgrounds, art galleries, museums, public memorials, public historic sites, zoos and wildlife facilities;
- Attend places of worship
- Visit gyms and studios (e.g. 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 (e.g. manicures, massages, tanning); and
- Participate in indoor physical training activities like Cross Fit.

- Visit all licensed gaming activities including a TAB;
- Play, watch, or referee team sports like football, basketball, soccer and netball;
- Attend cinemas, theatres, concert halls, music halls, dance halls, nightclubs or similar entertainment venues;
- Visit an amusement venue; amusement park, community centre, recreation centre or play centre;
- Go to a bar without eating;
- Visit beauty or cosmetic salons;
- Visit business that provide body art such as tattoos and piercings; and
- Attend arenas, stadiums or sporting facilities to watch community or sporting competitions.

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

If you are outside of the home, you should practice physical distancing by keeping a distance of 1.5 metres, around 2 big steps, apart from other people that you don't live with. 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 surfaces that are 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.

Avoid sharing cups, utensils and cigarettes.

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?

If you are required to self-isolate and you are experiencing homelessness or staying in overcrowded housing, you may be deemed in need of emergency accommodation.

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 and away from other people to prevent the possible spread of COVID-19 to other people. You must self isolate if you have been in close contact with someone who has tested positive to COVID-19. While you are self-isolating:

- you must stay home and away from other people.
- 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.

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 an interstate COVID-19

hotspot. When you arrive in the Territory, you will be escorted to your accommodation where you must stay for 14 days. During this period, you will be monitored for symptoms of COVID-19. However, if you have been in a COVID-19 hotspot within the last 14 days but then spent time in an area that is not a hotspot immediately before crossing the NT border, that time will be deducted from your 14 days of quarantine. If you need to be quarantined when returning to the Territory, you will need to pay a fee of \$2,500 per person or \$5,000 for a family of 2 or more people sharing accommodation. You may be eligible for a reduced fee if you have a low income.

Can I care for Elders and older people?

You can visit and care for Elders and older people 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 or need to conduct necessary work within the facility;
- 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 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 do not have a valid influenza vaccination, unless you are there for emergency services.

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 gather together 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?

The restrictions on entry to remote Aboriginal communities (or biosecurity areas) have been lifted.

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

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

Yes, but you need to quarantine for 14 days after you get back if you have been to a “COVID-19 hotspot”. 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, where you've been in the last 28 days

and if you've been in a “COVID-19 hotspot” in the last 14 days.

2. If you've been in a “COVID-19 hotspot”, travel to where you are directed to quarantine and stay there for 14 days (though you may be able to deduct time if you have spent a period in a non-COVID 19 hotspot immediately before entering the NT).

'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).

Covid-19 Hotspots

If you are entering the NT from a place which has been deemed a 'COVID-19 hotspot', you must travel directly to a suitable place in an approved area to quarantine.

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

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 including if they are not following a COVID-19 direction. Arrest should be used as a last resort and other options used for minor offences.

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 for a first time offence have been fined \$1,106. People who have attempted to leave mandatory quarantine have been fined \$5,056.

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 are only required to provide your name and address. If you believe you have a reasonable excuse for breaching the COVID-19 directions, saying this to the police may mean no further action is taken. 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 could be arrested and charged.

Police should give you a chance to follow a direction before they give you a fine.

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 your local legal service, see at the end of this guide for suggestions. You can also appeal the fine in the Local Court. Before going to the Court you should speak to 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 any Centrelink payments, if that is relevant to you.

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.

All businesses, facilities and services that were previously restricted can start to trade as normal, provided they follow social distancing rules and maintain hygiene.

All businesses will need to complete a COVID-19 Safety Plan Checklist.

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:

- **North Australian Aboriginal Justice Agency (NAAJA):** 1800 898 251
- **Northern Territory Legal Aid Commission:** 1800 019 343

Updated 28 August 2020.

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