



## **Biosecurity (Emergency Requirements—Remote Communities) Determination (No. 3) 2022**

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I, Greg Hunt, Minister for Health and Aged Care, make the following determination.

Dated 2 February 2022

Greg Hunt  
Minister for Health and Aged Care

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## Part 1—Preliminary

### 1 Name

This instrument is the *Biosecurity (Emergency Requirements—Remote Communities) Determination (No. 3) 2022*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	Immediately after this instrument is registered.	6.13 pm (A.C.T.) 2 February 2022

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under subsection 477(1) of the *Biosecurity Act 2015*.

### 4 Definitions

Note: A number of expressions used in this instrument are defined in the *Biosecurity Act 2015*, including the following:

- (a) Australian law;
- (b) Australian territory;
- (c) conveyance;
- (d) exposed to;
- (e) Health Department.

In this instrument:

***commercial primary production*** means:

- (a) commercial primary production of:
  - (i) food; or
  - (ii) products that, with further processing, will become (at least in part) food; or
- (b) commercial processing of primary products to make food from them; or

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- (c) provision of veterinary services for animals kept, used or bred for commercial primary production described in paragraph (a); or
- (d) aquaculture; or
- (e) agribusiness.

**COVID-19** means the coronavirus known as COVID-19.

**designated area** means a designated location or a designated zone, excluding so much of the designated location or designated zone that is:

- (a) subject to a pastoral lease; or
- (b) freehold land; or
- (c) within the boundaries of an airport; or
- (d) within the boundaries of a port that has infrastructure for vessels to load or unload.

**designated location** means an area described in Schedule 1.

**designated zone** means an area described in Schedule 2.

**essential activity** in a designated area means any of the following:

- (a) providing any of the following for the benefit of one or more persons in the area:
  - (i) health care (including vaccination or testing for COVID-19);
  - (ii) child care;
  - (iii) disability care;
  - (iv) aged care;
  - (v) education;
  - (vi) services relating to prevention of, or recovery from, domestic violence;
  - (vii) services relating to child protection;
  - (viii) policing services;
  - (ix) emergency services;
  - (x) essential services of a kind typically provided by local government, such as rubbish collection;
  - (xi) services, benefits, programs or facilities that the Chief Executive Centrelink has the function of providing;
- (b) providing correctional services in relation to one or more persons in the area;
- (c) providing funerary services in the area;
- (d) operating, maintaining, repairing or replacing:
  - (i) equipment for providing electricity, gas, water, medical services, telecommunications services or broadcasting services; or
  - (ii) other essential infrastructure in the area;
- (e) providing or delivering food, fuel or household or medical supplies in the area;
- (f) providing postal services or delivering mail in the area;
- (g) transporting freight to or from a place in the area;
- (h) conducting, or taking part in, a sitting of a court or tribunal in the area;

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- (i) continuing the construction in the area of housing or transport infrastructure that was in progress immediately before the commencement of this instrument;
  - (j) carrying out mining operations, or operations ancillary to mining operations, in the area in a manner that is agreed with a human biosecurity officer so as to minimise the extent to which other persons in the area are exposed to the persons carrying out those operations;
  - (k) carrying out commercial primary production in the area in a manner that is agreed with a human biosecurity officer so as to minimise the extent to which other persons in the area are exposed to the persons carrying out the production.

**freehold land** means land in which an estate in fee simple has been granted under the *Crown Lands Act 1992* (NT), other than NT Portion 4069 (Laramba Community Incorporated).

**mining operations** includes operations for the extraction of oil or gas.

**pastoral lease** has the same meaning as in the *Pastoral Land Act 1992* (NT), as in force at the commencement of this instrument.

**permitted activity**, for a person, means any of the following:

- (a) obtaining medical care (including vaccination or testing for COVID-19) or medical supplies;
- (b) isolating because the person is, or may be, infected with COVID-19;
- (c) obtaining food, fuel or mail;
- (d) for a person who is engaged in an essential activity that can be undertaken from the premises where the person resides—visiting the person’s workplace to retrieve a computer or work materials;
- (e) for a person who is engaged in an essential activity, and who is the parent or guardian of a child—obtaining any of the following for the child, as appropriate:
  - (i) child care;
  - (ii) early childhood education;
  - (iii) education in a primary or secondary school;
- (f) for a person who is the parent or guardian of a child—taking the child to another parent or guardian of the child, whether or not there is a formal arrangement in place in relation to the person or persons with whom the child lives or spends time with;
- (g) providing care or support to a family member or another person who is unable to care for themselves due to health, age or disability;
- (h) providing care to an animal that is unattended;
- (i) obtaining goods or services from a person who is engaged in an essential activity that is, or includes, the provision of the goods or services;
- (j) an activity relating to the administration of justice, including attending:
  - (i) a police station; or
  - (ii) a court or other premises for a purpose relating to the justice or law enforcement system;
- (k) travelling directly to an airport to leave the Northern Territory;

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- (l) attending a funeral at which there are no more than 10 other attendees in total, not including the persons providing the funeral services;
- (m) if there is no waste collection for the premises where the person resides—travelling directly to deposit waste at a waste management facility;
- (n) if the premises where the person resides has shared facilities—using the shared facilities;
- (o) an activity that the person is required or authorised to undertake by a law of the Commonwealth or the Northern Territory.

**relevant decision-maker** for a designated area means:

- (a) a person occupying an office, appointment or position, of a Territory or other body, described, for the area, in the table in Schedule 3; or
- (b) a human biosecurity officer who is an officer or employee of the Health Department, acting after having regard to the advice of a person who is a relevant decision-maker for the area under paragraph (a).

**ward** means a ward created and named under section 16 of the *Local Government Act 2019* (NT), as the ward existed at the commencement of this instrument.



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## Part 2—Requirements

Note: A person who fails to comply with a requirement that applies to the person under this instrument may commit an offence (see section 479 of the *Biosecurity Act 2015*). For generally available defences to offences, see Part 2.3 of the *Criminal Code*.

### 5 Persons not to enter designated areas

#### *General*

- (1) A person must remain outside a designated area unless:
- (a) the person is entering the area to escape an immediate threat to the person's life or a risk of harm, including harm relating to domestic violence; or
  - (b) the person is a member of the Australian Defence Force and is entering the area in the course of the member's duty; or
  - (c) the person is one of the following officials, and is entering the area in the course of the person's duty as such an official:
    - (i) the Director of Human Biosecurity;
    - (ii) the chief human biosecurity officer for the Northern Territory;
    - (iii) a human biosecurity officer;
    - (iv) a biosecurity official;
    - (v) an official performing functions under an Australian law relating to public health, biosecurity, or requirements for the export of food or agricultural commodities; or
  - (d) because of an amendment of the description of the designated area in Schedule 1 or 2, the person ceases to remain outside the area on the commencement of the amendment; or
  - (e) all of the following apply to the person entering the area:
    - (i) immediately before the entry, the person does not have any of the signs or symptoms of COVID-19;
    - (ii) in the 7 days immediately before the entry, the person has not been in a foreign country;
    - (iii) the person is not entering the area wholly or partly for the purpose of engaging in an activity in the area that is prohibited by or under an Australian law;
    - (iv) the person's entry to the area is not prohibited by or under an Australian law (other than this section);
    - (v) at least one of subsections (2), (3), (4), (5) and (6) applies to the person.

#### *Person entering area to engage in, or provide transport for, essential activity*

- (2) This subsection applies to a person entering a designated area if:
- (a) the person:
    - (i) is entering the area primarily to engage in an essential activity in the area that requires the person to be in the area; or

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- (ii) is the person in charge of, or a member of the crew of, a conveyance entering the area primarily to transport one or more persons to whom subparagraph (i) applies; and
- (b) either:
  - (i) there is an urgent need for the person to engage in the essential activity in the area or to be in charge of, or be a member of the crew of, the conveyance entering the area; or
  - (ii) the person is entering the area primarily to engage in the essential activity in a manner that is agreed with a human biosecurity officer so as to minimise the extent to which other persons in the area are exposed to the person engaging in the activity.

*Person entering area to engage in permitted activity*

- (3) This subsection applies to a person entering a designated area if the person is entering the area primarily to engage in a permitted activity in the area that cannot reasonably be undertaken outside the area.

*Person has permission to enter area*

- (4) This subsection applies to a person entering a designated area if there is in force permission for the person to enter the area given by a relevant decision-maker for the area who:
  - (a) is a chief human biosecurity officer or a human biosecurity officer; or
  - (b) has had regard to any guidance from a human biosecurity officer about who should be allowed to enter the area.

*Person returning to premises after leaving for medical care*

- (5) This subsection applies to a person entering a designated area if:
  - (a) the premises where the person resides is in the area; and
  - (b) the person is entering the area to return to those premises; and
  - (c) the person left the area in reliance on:
    - (i) paragraph 7(1)(e) (medical evacuation); or
    - (ii) subsection 7(3) for the permitted activity of obtaining medical care; and
  - (d) while outside the area, the person took reasonable steps (having regard to the person's circumstances) to minimise the extent to which anyone else was exposed to the person.

*Person returning to premises in certain wards after leaving for food, fuel or mail*

- (6) This subsection applies to a person entering a designated area if:
  - (a) the area is the designated zone described in clause 3 of Schedule 2 (the MacDonnell designated zone); and
  - (b) the premises where the person resides is in the ward of Ljirapinta or the ward of Rodinga; and
  - (c) the person is entering the area to return to those premises; and

- (d) the person left the area to travel to Alice Springs in reliance on subsection 7(3) for the permitted activity of obtaining food, fuel or mail; and
- (e) while outside the area, the person took reasonable steps (having regard to the person's circumstances) to minimise the extent to which anyone else was exposed to the person.

*Person in transit through area*

- (7) This subsection applies to a person (the **entrant**) entering a designated area on a journey for which all of the following conditions are met:
  - (a) the journey is to a place beyond the area;
  - (b) the journey takes the most direct practicable route through the area;
  - (c) the journey does not involve a person in the area (other than a person travelling with the entrant) being exposed to the entrant or a person travelling with the entrant.

## **6 Persons entering designated areas to minimise contact with others in those areas**

- (1) This section applies to a person who enters a designated area in reliance on:
  - (a) paragraph 5(1)(a) (about persons escaping immediate threats to their lives or risks of harm); or
  - (b) paragraph 5(1)(b) (about members of the Australian Defence Force); or
  - (c) paragraph 5(1)(c) (about officials with duties relating to public health, biosecurity, or requirements for the export of food or agricultural commodities); or
  - (d) subsection 5(2) (about persons entering the area in connection with essential activities); or
  - (e) subsection 5(3) (about persons entering the area to engage in permitted activities); or
  - (f) subsection 5(4) (about persons entering the area with permission given by a relevant decision-maker); or
  - (g) subsection 5(5) (about persons returning to premises after leaving for medical care); or
  - (h) subsection 5(6) (about persons returning to premises in certain wards after leaving for food, fuel or mail).
- (2) The person must take reasonable steps (having regard to the person's circumstances and reason for entering the area) to minimise the extent to which anyone else in the area is exposed to the person.

## **7 Persons not to leave designated areas**

- (1) A person who is in a designated area must not leave the area unless:
  - (a) the person is leaving the area to escape an immediate threat to the person's life or a risk of harm, including harm relating to domestic violence; or
  - (b) the person is a member of the Australian Defence Force and is leaving the area in the course of the member's duty; or

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- (c) the person is one of the following officials, and is leaving the area in the course of the person's duty as such an official:
  - (i) the Director of Human Biosecurity;
  - (ii) a chief human biosecurity officer for a State or Territory;
  - (iii) a human biosecurity officer;
  - (iv) a biosecurity official;
  - (v) an official performing functions under an Australian law relating to public health, biosecurity, or requirements for the export of food or agricultural commodities; or
- (d) all of the following apply to the person leaving the area:
  - (i) the person entered the area in reliance on section 5;
  - (ii) the premises where the person resides is not in the area;
  - (iii) the person is leaving the area to return to the premises where the person resides; or
- (e) the person is leaving the area in an aircraft or vehicle, as a patient being medically evacuated from the area or as a person accompanying and supporting such a patient; or
- (f) all of the following apply to the person leaving the area:
  - (i) immediately before leaving the area, the person does not have any of the signs or symptoms of COVID-19;
  - (ii) the person is not leaving the area wholly or partly for the purpose of engaging in an activity that is prohibited by or under an Australian law;
  - (iii) the person's leaving the area is not prohibited by or under an Australian law (other than this section);
  - (iv) at least one of subsections (2), (3) and (4) applies to the person; or
- (g) the area is the designated location described in clause 4 of Schedule 1 (*Milikapiti*) and subsection (5) of this section applies to the person.

*Person leaving area to engage in, or provide transport for, essential activity*

- (2) This subsection applies to a person leaving a designated area if:
  - (a) the person:
    - (i) is leaving the area primarily to engage in an essential activity outside the area that requires the person to be outside the area; or
    - (ii) is the person in charge of, or a member of the crew of, a conveyance leaving the area primarily to transport one or more persons to whom subparagraph (i) applies; and
  - (b) either:
    - (i) there is an urgent need for the person to engage in the essential activity outside the area or to be in charge of, or be a member of the crew of, the conveyance leaving the area; or
    - (ii) the person is leaving the area primarily to engage in the essential activity outside the area in a manner that is agreed with a human biosecurity officer so as to minimise the extent to which other persons outside the area are exposed to the person engaging in the activity.

*Person leaving area to engage in permitted activity*

- (3) This subsection applies to a person leaving a designated area if the person is leaving the area primarily to engage in a permitted activity outside the area that cannot reasonably be undertaken in the area.

*Person has permission to leave area*

- (4) This subsection applies to a person leaving a designated area if there is in force permission for the person to leave the area given by a relevant decision-maker for the area who:
- (a) is a chief human biosecurity officer or a human biosecurity officer; or
  - (b) has had regard to any guidance from a human biosecurity officer about who should be allowed to leave the area.

*Person leaving Milikapiti to travel within Melville Island for COVID respite*

- (5) This subsection applies to a person leaving Milikapiti to travel to, and stay in, a COVID respite container in the designated zone described in clause 10 of Schedule 2 (the Melville Island designated zone) if the person has returned a negative test result for COVID-19.

**Part 3** Repeal

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**Part 3—Repeal**

**8 Repeal**

This instrument is repealed at the end of 17 February 2022.

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## **Schedule 1—Designated locations**

Note: See the definition of *designated location* in section 4.

### **1 Ampilatwatja**

This clause describes the area bounded by a circle of radius 5 km, the centre of which is the Ampilatwatja Post Office, 3 Main Road, Ampilatwatja in the Northern Territory.

### **2 Elcho Island, including Galiwinku, and the Wessel Islands, including Martjanba**

This clause describes the lock-in area specified in clause 3 of Schedule 2 to the COVID-19 Directions (No. 33) 2022: Directions for lock-in areas (NT), as in force at the commencement of this instrument.

### **3 Lajamanu**

This clause describes the area bounded by a circle of radius 5 km, the centre of which is the Lajamanu Post Office, Lot 315, Lajamanu Road, Lajamanu in the Northern Territory.

### **4 Milikapiti**

This clause describes the area bounded by a circle of radius 5 km, the centre of which is the Milikapiti Post Office, Lot 233, Milikapiti in the Northern Territory.

### **5 Milingimbi**

This clause describes the area bounded by a circle of radius 5 km, the centre of which is the Milingimbi Post Office, Lot 52, Milingimbi Road, Milingimbi in the Northern Territory.

### **6 Nganmariyanga (also known as Palumpa)**

This clause describes the area bounded by a circle of radius 5 km, the centre of which is the Nganmariyanga Post Office, Lot 39, Nganmariyanga in the Northern Territory.

### **7 Repeal**

- (1) Clauses 1, 2, 4, 5 and 6 of this Schedule are repealed at 2 pm, by legal time in the Northern Territory, on 6 February 2022.
- (2) Clause 3 of this Schedule is repealed at 5 pm, by legal time in the Northern Territory, on 7 February 2022.

## Schedule 2—Designated zones

Note: See the definition of *designated zone* in section 4.

### Part 1—Central designated zones

#### 1 Barkly designated zone

This clause describes the area comprising the following wards:

- (a) Alpururulam;
- (b) Alyawarr;
- (c) Patta.

#### 2 Central Desert designated zone

This clause describes the area comprising the following wards:

- (a) Akityarre;
- (b) Anmatjere;
- (c) Daguragu;
- (d) Northern Tanami;
- (e) Southern Tanami.

#### 3 MacDonnell designated zone

This clause describes the area comprising the following wards:

- (a) Iyarrka;
- (b) Ljirapinta;
- (c) Luritja Pintubi;
- (d) Rodinga.



## **Part 2—Northern designated zones**

### **4 East Arnhem designated zone**

This clause describes the area comprising the following wards:

- (a) Birr Rawarrang;
- (b) Gumurr Gattjirrk;
- (c) Gumurr Marthakal;
- (d) Gumurr Miwatj, excluding the area specified in the Schedule to the COVID-19 Directions (No. 7) 2022: Amendment of COVID-19 Directions (No. 3) 2022 (NT), as in force at the commencement of this instrument;
- (e) Gumurr Miyarrka.

### **5 Roper Gulf designated zone**

This clause describes the area comprising the following wards:

- (a) Kuwarrangu;
- (b) Never Never;
- (c) Numbulwar Numburindi;
- (d) Nyirranggulung;
- (e) South West Gulf;
- (f) Yugul Mangi.

### **6 Victoria Daly designated zone**

This clause describes the area comprising the following wards:

- (a) Timber Creek, excluding the following:
  - (i) NT Portion 7278 (Jiylinum Community Living Area);
  - (ii) NT Portion 3046 (Marralum Outstation);
- (b) Walangeri.

### **7 West Arnhem designated zone**

This clause describes the area comprising the following wards:

- (a) Gunbalanya;
- (b) Maningrida;
- (c) Minjilang;
- (d) Warruwi.

### **8 West Daly designated zone**

This clause describes the area comprising the following wards:

- (a) Nganmariyanga;
- (b) Thamarrurr / Pindi Pindi;
- (c) Tyemirri.

## **Part 3—Tiwi Islands designated zones**

### **9 Bathurst Island designated zone**

This clause describes the area of the ward of Bathurst Island.

### **10 Melville Island designated zone**

This clause describes the area comprising the following wards:

- (a) Milikapiti;
- (b) Pirlangimpi.

## Schedule 3—Relevant decision-makers

Note: See paragraph (a) of the definition of *relevant decision-maker* in section 4.

### 1 Offices, appointments and positions

The following table describes offices, appointments and positions for designated areas.

<b>Offices, appointments and positions for designated areas</b>		
<b>Item</b>	<b>Designated area</b>	<b>Office, appointment or position</b>
1	A designated area	The chief human biosecurity officer for the Northern Territory
2	A designated area	A human biosecurity officer who is an employee of the Territory body responsible for the administration of health services in the Northern Territory
3	A designated area	The Chief Health Officer of the Northern Territory
4	A designated area	The Commissioner of Police and Chief Executive Officer of the Fire and Emergency Service of the Northern Territory
5	A designated area	Deputy Chief Executive Officer, Department of the Chief Minister of the Northern Territory
6	A designated area	Executive Director, Population and Primary Health Care, Department of Health of the Northern Territory
7	A designated area	General Manager, Primary Health Care, Central Australia Health Service, Department of Health of the Northern Territory
8	A designated area	Public Health Physician, Department of Health of the Northern Territory
9	A designated zone described in Part 1 of Schedule 2 or a designated location within such a zone	The following positions of the Central Land Council: (a) Chief Executive Officer; (b) Executive Manager Policy and Governance; (c) Manager Aboriginal Corporation Services; (d) Manager Regional Services; (e) Office Manager – Tennant Creek; (f) Manager Native Title; (g) Manager Community Development; (h) each Senior Community Development Officer – Tanami; (i) Regional Land Management Coordinator – Region 4
10	A designated zone described in Part 2 of Schedule 2 or a designated location within such a zone	The following positions of the Northern Land Council: (a) Chief Executive Officer; (b) Principal Legal Officer; (c) Regionalisation Manager; (d) Legal Branch Manager;

Schedule 3 Relevant decision-makers

Clause 1

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**Offices, appointments and positions for designated areas**

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<b>Item</b>	<b>Designated area</b>	<b>Office, appointment or position</b>
		(e) Legal Practice Manager – Land Rights; (f) Legal Practice Manager – Native Title; (g) Legal Practice Manager – Minerals and Energy; (h) each Regional Manager; (i) each General Manager
11	A designated zone described in Part 3 of Schedule 2 or a designated location within such a zone	The following positions of the Tiwi Land Council: (a) General Manager; (b) Principal Legal Officer

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