

I certify that this is a copy of the authorised version of this Act as at 3 September 2020, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 3 September 2020.

Robyn Webb
Chief Parliamentary Counsel
Dated 8 September 2020



TASMANIA

**COVID-19 DISEASE EMERGENCY
(MISCELLANEOUS PROVISIONS) ACT 2020**

No. 11 of 2020

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**COVID-19 DISEASE EMERGENCY
(MISCELLANEOUS PROVISIONS) ACT 2020**

No. 11 of 2020

An Act to make provision to deal with certain risks, arising from the disease, known as coronavirus disease 2019 (COVID-19), to the effective performance and exercise of judicial, administrative or legislative functions and powers in relation to the State, to mitigate in certain circumstances the financial and social effects related to those risks, to amend the *Emergency Management Act 2006* and the *Residential Tenancy Act 1997* and for related purposes

[Royal Assent 27 March 2020]

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

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Part 1 – Preliminary

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Objectives of Act

The objectives of this Act are to reduce the risks to the State, and the risk to, or hardship suffered by, members of the public, arising from, or related to, the presence of the disease in persons in the State or the risk of the spread of the disease between persons in the State.

4. Interpretation

In this Act, unless the contrary intention appears –

body of persons means –

- (a) a body of persons, whether incorporated or not; and
- (b) a corporation sole;

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Committee has the same meaning as in the *Subordinate Legislation Committee Act 1969*;

Director of Public Health means the person appointed as the Director of Public Health under section 6 of the *Public Health Act 1997*;

disease means the disease, known as coronavirus disease 2019 (COVID-19), declared under section 40 of the *Public Health Act 1997* to be a notifiable disease;

emergency cessation day means the day declared under section 27(2);

emergency manager means –

- (a) if there is a state of emergency, within the meaning of the *Emergency Management Act 2006*, in relation to the disease – the State Controller; or
- (b) in any other case – the Director of Public Health;

entity means –

- (a) the holder of a statutory office; and
- (b) a body of persons;

instrument of a legislative character means –

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(a) a regulation, rule, by-law, or other instrument of a legislative character, made under an Act; and

(b) any letters patent;

notice under this Act does not include a notice under section 27(1);

permit means –

(a) a permit issued in accordance with the *Land Use Planning and Approvals Act 1993*; and

(b) a permit, licence, certification, or other authority, that is –

(i) issued under a prescribed Act; or

(ii) within a class of permit, licence, certification, or other authority, that is prescribed or that may be issued or granted under a relevant licensing Act;

relevant legislative instrument means –

(a) an Act; or

(b) an instrument of a legislative character;

relevant licensing Act means –

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- (a) the *Conveyancing Act 2004*; and
- (b) the *Occupational Licensing Act 2005*; and
- (c) the *Property Agents and Land Transactions Act 2016*; and
- (d) the *Registration to Work with Vulnerable People Act 2013*; and
- (e) the *Security and Investigations Agents Act 2002*;

State Controller has the same meaning as in the *Emergency Management Act 2006*.

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Part 2 – General Provisions in Relation to Notices

**PART 2 – GENERAL PROVISIONS IN RELATION TO
NOTICES**

5. Circumstances in which certain notices may be issued

- (1) A notice under this Act, other than –
- (a) a notice under section 22 or section 23;
or
 - (b) a notice under section 27; or
 - (c) a notice revoking another notice under this Act –

may only be issued by a Minister if he or she is of the opinion that the relevant emergency circumstances exist in relation to the notice.

- (2) For the purposes of this section, the relevant emergency circumstances exist in relation to the notice if the Minister issuing the notice is satisfied that it is necessary or desirable to issue the notice because of –
- (a) the presence of the disease in persons in the State; or
 - (b) the risk of the contraction of the disease by persons in the State; or
 - (c) a restriction on the movement of persons that is imposed, by or under a relevant legislative instrument, because of the

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- presence of the disease or the risk of the spread of the disease amongst persons in the State; or
- (d) a reduction, in the numbers of persons available to carry out particular activities, relating to a relevant legislative instrument to which the notice relates, because of –
- (i) the presence of the disease in persons in the State; or
 - (ii) the risk of the spread of the disease amongst persons in the State; or
 - (iii) circumstances related to the matters referred to in subparagraph (i) or (ii); or
- (e) the desirability of ensuring the supply of goods or services, the supply of which may be hindered because of a circumstance referred to in another paragraph of this subsection.
- (3) A notice under section 22 or section 23, other than a notice revoking another notice under either section, may only be issued by the Treasurer or the Minister, respectively, if he or she is of the opinion that the economic effects of the relevant emergency circumstances are such that it is necessary or desirable to issue the notice.

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6. Emergency manager to approve making of notices

A notice under this Act, other than –

- (a) a notice under section 20 that relates to a court other than a court of petty sessions or the Magistrates Court; or
- (b) a notice under section 22 or section 23; or
- (c) a notice under section 27 –

may only be issued with the approval of the emergency manager.

7. Scrutiny of notices

- (1) If a Minister issues a notice under this Act, he or she is to ensure that a copy of the notice is laid before each House of Parliament within 3 sitting-days after the notice is issued.
- (2) The Minister is to ensure that a copy of a notice given to the Minister under section 27(1) is laid before each House of Parliament within 3 sitting-days after the notice is given to the Minister under that section.
- (3) If a Minister issues a notice under this Act, other than a notice under section 27, he or she, within 14 days, is to send to the Committee a copy of the notice.
- (4) Sections 7(4), 8 and 9 of the *Subordinate Legislation Committee Act 1969* apply to a copy

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of a notice sent to the Committee under subsection (3) as if the notice were regulations.

- (5) Section 47(3), (3A), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* applies to a notice (other than a notice under section 27(1)) as if the notice were regulations within the meaning of that Act.

8. When notice takes effect and duration of notice

- (1) A notice under this Act only takes effect from the day on which notice of the making of the notice is published in the *Gazette* or, if a later day is specified in the notice, from that later day.
- (2) A notice under this Act, other than a notice revoking or amending another notice under this Act, only remains in effect, unless it is sooner revoked or subsection (3) applies, for –
- (a) 12 months from the day on which the notice takes effect; or
 - (b) if a shorter period is specified in the notice, that shorter period from the day on which the notice takes effect.
- (3) A notice under this Act is taken to be revoked 60 days after the emergency cessation day.

9. Notices may be re-issued

Nothing in this Act is to be taken to prevent more than one notice under this Act, that is in

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the same or substantially similar terms as another such notice, from being issued under this Act.

10. Effect of notices

A notice under this Act has effect in accordance with its terms.

11. Amendment and revocation of notices

- (1) A Minister, by notice, may amend or revoke a notice (other than a notice revoking another notice) that the Minister may issue under this Act.
- (2) The amendment or revocation of a notice under this Act is not to be taken to –
 - (a) render invalid any action taken under a provision of an Act while the notice was in force; or
 - (b) render invalid or unlawful any subsequent action that is taken, under that Act or another Act, in reliance on the first-mentioned action not being, because of the operation of this Act, invalid; or
 - (c) have the effect of rendering a person liable to any requirement, under a relevant legislative instrument, to which he or she was not subject when the notice was in force.

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- (3) Nothing in subsection (2)(c) is to be taken to prevent a provision of a relevant legislative instrument applying in relation to a requirement, under an Act, that only arises in relation to a person, prospectively, under that provision, after the revocation of a notice under this Act.

12. No notices may be issued after emergency cessation day

A notice under this Act, other than a notice amending or revoking another notice under this Act, may not be issued after the emergency cessation day.

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Part 3 – Continuance of Public Administration

**PART 3 – CONTINUANCE OF PUBLIC
ADMINISTRATION**

13. Extension of statutory timelines

- (1) The Minister may, by notice, declare that a period by which –
 - (a) an action specified in the notice; or
 - (b) an action that is within a class of actions specified in the notice –

may be, or must be, taken by a person, or a body of persons, under a provision, of a relevant legislative instrument, that is specified in the notice, is reduced or extended by the period specified in the notice.

- (2) For the avoidance of doubt, a notice under subsection (1) may relate to a provision, of a relevant legislative instrument, that specifies a period after which proceedings for prosecution of an offence may not occur, but may not extend the period for more than 6 months.
- (3) A reference in this section to an extension of a period or a reduction of a period is to be taken to include a reference to altering a date to a later date, or an earlier date, respectively.

14. Amendment of planning and other permits

Despite any other relevant legislative instrument, the Minister may, by notice, amend or revoke,

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for the period specified in the notice, a provision, specified in the notice, of –

- (a) a permit that is specified in the notice; or
- (b) any permit that is within a class of permits specified in the notice.

15. Protection from offence against planning law

- (1) The Minister may, by notice, declare that a person does not commit an offence against the *Land Use Planning and Approvals Act 1993* in relation to an area of land specified in the notice, if –
 - (a) there is, or was, a state of emergency in effect, in relation to the disease, under the *Emergency Management Act 2006*; and
 - (b) in order for a requirement, direction or authorisation under the *Emergency Management Act 2006* or the *Public Health Act 1997* to be effectively implemented, or complied with, it is necessary for a development, or use, of the land, that, but for this section, would ordinarily require a permit or would not be authorised under the *Land Use Planning and Approvals Act 1993*, to be authorised to be carried out.
- (2) If a notice under subsection (1) applies in relation to an area of land, the *Land Use*

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Planning and Approvals Act 1993 does not apply in relation to –

- (a) the development, or use, of the land, that is specified in the notice; or
 - (b) the subsequent demolition of a structure to which the development or use applies.
- (3) If a notice under subsection (1) that applied in relation to an area of land is revoked, a development referred to in the notice is to be taken to have been, and to be, authorised under the *Land Use Planning and Approvals Act 1993* and a planning scheme within the meaning of that Act, unless the Minister determines otherwise.

16. Extension of period of appointment, employment and certain authorities for benefit of Crown

- (1) Despite the provisions of any relevant legislative instrument, including the *State Service Act 2000*, the Minister may, by notice, extend, for the period specified in the notice –
- (a) the period of appointment, including appointment to a statutory office, or of employment of a person, under a provision, of a relevant legislative instrument, specified in the notice; or
 - (b) the period during which an authority, under a relevant legislative instrument, to carry out an activity –

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- (i) on behalf of the Crown; or
- (ii) under a provision, of a relevant statutory instrument, specified in the notice; or
- (iii) under a document issued under a provision, of a relevant legislative instrument, specified in the notice –

is to remain in force.

- (2) A notice under subsection (1) may apply to –
 - (a) a particular person, a particular office, or a class of persons or holders of offices, specified in the notice; or
 - (b) a particular authority, or a class of authorities, specified in the notice.

17. Authorisation to take actions electronically

- (1) The Minister may, by notice, declare that, despite the provision of any relevant legislative instrument, any action that is required, by virtue of a provision, of a relevant legislative instrument, that is specified in the notice, to be –
 - (a) taken by means of a physical action such as signature or personal service; or
 - (b) evidenced in a document that is not an electronic document –

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may be taken or evidenced, respectively, by the electronic means specified, in the notice, in relation to that provision, if the conditions, if any, specified in the notice are complied with.

- (2) Without limiting the generality of subsection (1), the conditions that may be imposed in a notice under that subsection may include a condition that the electronic means referred to in the notice is only authorised by the notice to occur if a person who may receive the relevant electronic communication by the electronic means agrees to receive the communication by that means.
- (3) Despite the provision of any relevant legislative instrument or law, including but not limited to the *Acts Interpretation Act 1931*, a notice under subsection (1) may relate to a requirement for a notice to be published in the *Gazette*, but only if the electronic means, specified in the notice, by which the *Gazette* is to be published consists of the publication of the *Gazette* at a website specified, or referred to, in the notice.

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Part 4 – Reduction of Public Physical Contact

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**PART 4 – REDUCTION OF PUBLIC PHYSICAL
CONTACT**

18. Authorisation for meetings not to be held in person

- (1) A reference in this section to meetings does not include a reference to meetings of a court or Tribunal for the purposes of proceedings before a court or Tribunal.
- (2) The Minister may, by notice, declare that, despite any provision of a relevant legislative instrument, meetings, of a body of persons, specified in the notice, that are held for the purposes of a relevant legislative instrument that is specified in the notice, may be held in the approved manner, specified in the notice, in relation to such meetings.
- (3) For the purposes of subsection (2), the approved manner, specified in a notice, in relation to meetings means –
 - (a) the conduct of such meetings –
 - (i) by telephone; or
 - (ii) by electronic communication (including but not limited to by the transmission of electronic mail); or
 - (iii) by another method –

as determined by a notice in writing, that is, by a means specified in one of the

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- above paragraphs, delivered, by the person who ordinarily presides over such meetings of the body of persons, to each other member of the body of persons, unless it is not reasonably practicable to do so; and
- (b) the conduct of such meetings in accordance with the other conditions that are specified in the notice under subsection (2) in relation to such meetings.
- (4) Without limiting the generality of subsection (3)(b), a reference in subsection (3)(b) to conditions includes a reference to any of the following conditions:
- (a) a condition as to what number, of members of the body of persons, specified in the notice, will constitute a quorum in relation to such meetings;
- (b) a condition as to whether a person is able to nominate another person to act in the place of the person at such meetings.
- (5) The Minister may only issue a notice under subsection (2) in relation to a body of persons if one or more members of the body of persons, or a person who is nominated by the body of persons or is approved by the Minister to give the request on behalf of the body of persons, have requested that the notice be given in

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relation to the body of persons and the Minister is of the opinion that –

- (a) members of the body of persons will be unwilling or unable to attend meetings of the body because of the disease or the risk of transmission of the disease; and
 - (b) it is necessary or desirable for the safe and effective functioning of the body of persons that the body of persons be able to meet otherwise than in person.
- (6) The Minister may, by notice, declare that, despite a provision, of a relevant legislative instrument, meetings required to be held by or under a provision, of a relevant legislative instrument, that is specified in the notice –
- (a) if the meetings are to be held in public – may only be held in accordance with the conditions, specified in the notice, that are reasonably required to protect public health and reduce or mitigate the risk of transmission of the disease; or
 - (b) are not required to be held in public if the conditions specified in the notice are complied with.
- (7) A notice under subsection (6)(b) in relation to meetings –
- (a) must, if reasonably practicable, include a condition that will allow persons to view the meeting by electronic means; and

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- (b) may include other conditions that the Minister thinks sufficient to allow the public an appropriate means of contributing to, or observing, such meetings.

19. Public exhibition of certain documents

- (1) The Minister may, by notice, declare that the requirements, specified in a provision, of a relevant legislative instrument, that is specified in the notice, for public exhibition of documents or information at a place or in a manner specified in the provision, are taken to be satisfied if the public exhibition of the documents or information occurs in the approved manner in relation to the requirements of the provision.
- (2) For the purposes of subsection (1), the approved manner in relation to the requirements of the provision –
 - (a) is the place and manner, specified in the notice; and
 - (b) must allow persons to view, at an electronic address, of a website, that is specified in the notice, the documents or information to which the requirements relate; and
 - (c) must, where the relevant legislative instrument allows persons to make submissions in relation to the documents

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or information, allow persons to make such submissions by electronic means or by document delivered to a place specified in the notice.

20. Proceedings of courts, Tribunals, &c., may be authorised to not be required to be held in public

- (1) The Attorney-General may, by notice, declare that, despite any provision of a relevant legislative instrument, any proceedings conducted, by a court, a Tribunal, or another entity, that is specified in the notice, may be held in the approved manner in relation to such proceedings.
- (2) For the purposes of subsection (1), the approved manner specified in a notice in relation to proceedings by a court, Tribunal or entity means the manner determined from time to time by –
 - (a) if the court is a court of petty sessions or the Magistrates Court – the Chief Magistrate; or
 - (b) if the court is a court other than a court of petty sessions or the Magistrates Court – the Chief Justice of the Supreme Court; or
 - (c) in the case of a Tribunal – the President, Chair, or other head, of the Tribunal; or
 - (d) in the case of an entity – the entity or a person nominated by the entity.

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- (3) The Attorney-General may only issue a notice under subsection (1) in relation to a court, Tribunal or entity if –
- (a) where the notice relates to a court of petty sessions or the Magistrates Court – the Chief Magistrate has requested the Attorney-General to issue under subsection (1) a notice in relation to the court, or the Magistrates Court, respectively; or
 - (b) where the notice relates to a court other than a court of petty sessions or the Magistrates Court – the Chief Justice of the Supreme Court has requested the Attorney-General to issue under subsection (1) a notice in relation to the court; or
 - (c) in the case of a Tribunal – the President, Chair, or other head, of the Tribunal has requested the Attorney-General to issue under subsection (1) a notice in relation to the Tribunal; or
 - (d) in the case of an entity – the entity, or a person nominated by the entity, has requested the Attorney-General to issue under subsection (1) a notice in relation to the entity.

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21. Alteration of certain restrictions to shop trading hours

- (1) The Minister may, by notice, declare that, despite section 5 of the *Shop Trading Hours Act 1984*, that section does not apply, in relation to a day specified in the notice, to any shop, to any shop specified in the notice, or to a class of shops specified in the notice.
- (2) If there is any inconsistency between the effect of a notice issued under subsection (1) and a provision, or condition or restriction, of any permit issued in accordance with the *Land Use Planning and Approvals Act 1993*, the provision, or condition or restriction, of the permit does not have effect to the extent of the inconsistency.

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Part 5 – Financial Hardship Provisions

PART 5 – FINANCIAL HARDSHIP PROVISIONS

22. Provisions restricting rent increases or termination of commercial tenancies

(1) In this section –

emergency period has the same meaning as in the *Residential Tenancy Act 1997* as amended by this Act.

(2) The Minister may, by notice, declare that, despite any provision of a lease, a lease that is within a class of leases specified in the notice must not, within the emergency period, be terminated, and the rent payable under the lease may not be increased, in the circumstances set out in the notice.

(3) A termination of a lease, or an increase in rent in relation to a lease, to which a notice under subsection (2) applies is void and of no effect if it is in contravention of the notice.

23. Waiver or refund of certain fees, &c.

(1) The Treasurer may, by notice, declare that, despite a provision of a relevant legislative instrument, a rate, fee, tax, impost, charge or other amount payable under the provision –

(a) is not payable by each member of a class specified in the notice; or

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- (b) is not payable, by each member of a class specified in the notice, in the circumstances specified in the notice; or
 - (c) is not payable, by each member of a class specified in the notice, until a date specified in the notice; or
 - (d) may, at the discretion of the Secretary of the Department that is responsible for the relevant legislative instrument, be waived, in relation to each member of a class specified in the notice, by the Secretary of that Department.
- (2) The Treasurer may, by notice, direct that –
- (a) the method, or a component of a calculation, that is used to calculate the amount of a rate, fee, tax, impost, charge, or other amount, payable under a provision of a relevant legislative instrument; or
 - (b) the rate, or a component of a rate, used to determine the amount of a fee, tax, impost, charge, or other amount, payable under a relevant legislative instrument; or
 - (c) the amount of a fixed fee, or of a fixed charge, payable under a provision of a relevant legislative instrument or of a contract entered into under such a provision –

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may not be altered otherwise than with the approval of the Treasurer.

24. Alteration of decision in relation to when fees payable in relation to taxis, &c.

- (1) The Commission, within the meaning of the *Taxi and Hire Vehicle Industries Act 2008*, may determine a later date, for the purposes of section 13, 29, 47 or 75 of that Act, than the date specified by the Commission that, but for this section, would apply in relation to that section for the year 2020.
- (2) If the Commission determines a later date under subsection (1) in relation to a section of the *Taxi and Hire Vehicle Industries Act 2008* –
 - (a) it may, in its discretion, refund to a person any amount paid under that section before the date determined under subsection (1); and
 - (b) the specification of the date under the provision of the *Taxi and Hire Vehicle Industries Act 2008* before this section commenced is to be taken to never have occurred; and
 - (c) a person is not liable to any sanction under that Act by reason of having failed to pay the fee before the date by which, but for the determination, the amount would have been required to be paid.

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Part 6 – Continuance of Certain Legislative Instruments

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**PART 6 – CONTINUANCE OF CERTAIN
LEGISLATIVE INSTRUMENTS**

25. Postponement of repeal of certain regulations and rules

- (1) In this section, a reference to a relevant instrument is a reference to any of the regulations or rules that are specified in Schedule 1.
- (2) The repeal of a relevant instrument that, but for this section, would have been effected under section 11 of the *Subordinate Legislation Act 1992* is postponed until the first anniversary of the day on which, but for this section, the relevant instrument would have been repealed under section 11 of the *Subordinate Legislation Act 1992*.
- (3) Subsection (2) does not prevent a relevant instrument being rescinded before the date on which, by virtue of that subsection, the relevant instrument is to be repealed.

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Part 6A – Charging For Quarantine Accommodation

**PART 6A – CHARGING FOR QUARANTINE
ACCOMMODATION**

25A. Interpretation of Part 6A

In this Part –

accommodation agreement means an agreement, between the Crown and an owner or occupier of a hotel or motel, under which the owner or occupier provides accommodation, goods and services to persons at the request of the Crown or an agent of the Crown;

invoice means an invoice that is served on a person under section 25E(1);

member of a family means a person who is within a class of persons who are, in accordance with an order under section 25C(2), to be taken for the purposes of this Part to be members of a family;

payment day, in relation to an invoice, means –

- (a) the day specified in the invoice to be the day by which the person on whom the invoice is served is required to pay to the Crown the amount specified in the invoice; or

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- (b) if another day is specified in an instrument under section 25I(2) to be the payment day in relation to the invoice – the payment day so specified;

quarantine debt amount, in relation to a person, means the amount specified in an invoice served on the person under section 25E(1);

quarantine debt order means an order made under section 25B(1);

quarantine direction means a direction that –

- (a) is given by an authorised officer under the *Emergency Management Act 2006* in accordance with an authorisation under section 40 of that Act; and
- (b) is given because of the risk in the State of the transmission of the disease; and
- (c) requires a person to temporarily reside, in quarantine or isolation, in quarantine premises;

quarantine period, in relation to a quarantined person, means a period in which the quarantined person temporarily resides in quarantine premises in accordance with a quarantine direction;

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quarantined person means a person who, on or after 31 July 2020, temporarily resides in quarantine premises in accordance with a quarantine direction, whether or not the direction requires the person to temporarily reside in those particular quarantine premises;

quarantine premises, in relation to a quarantined person, means a part of premises –

- (a) in which part the quarantined person temporarily resides in accordance with a quarantine direction; and
- (b) that is a part, of premises, to which an accommodation agreement relates or that is owned, leased, or sub-leased, by the Crown;

relevant family circumstances means circumstances specified in an order under section 25C(2)(b);

responsible person means the Secretary of the department that is responsible to the Minister in relation to the administration of the *Emergency Management Act 2006*.

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25B. Quarantine debt order

- (1) The responsible person may, by order, declare that each person –
 - (a) who is or was a quarantined person on or after 31 July 2020; and
 - (b) who is a member of a class of persons specified in the order –

may be required under this Part to pay to the Crown an amount of money in relation to each day, that is a day on or after 31 July 2020, in which the person temporarily resided, in accordance with a quarantine direction, in quarantine premises.

- (2) The responsible person may, by order, amend or revoke an order made under this section.

25C. Other orders

- (1) The responsible person may, from time to time, by order, declare an amount of money for the purpose of any or all of the following:
 - (a) section 25F(1);
 - (b) section 25F(3)(b);
 - (c) section 25F(4)(a);
 - (d) section 25F(4)(b);
 - (e) section 25F(4)(c).

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- (2) The responsible person may, by order, declare the circumstances in which –
 - (a) persons are to be taken for the purposes of this Part to be members of a family; and
 - (b) one member of a family who is a quarantined person on a day may be required to pay an amount of money under this Part in respect of all members of that family who are also quarantined persons on that day.
- (3) The responsible person may, by order, amend or revoke an order made under this section.

25D. Certificate of exemption from requirement to pay debt

- (1) A person may apply to the responsible person for a certificate of exemption in relation to a period in which the person expects to be a quarantined person.
- (2) The responsible person may, on receiving under subsection (1) an application from a person, grant to the person a certificate of exemption in relation to a period in which the person may be a quarantined person.
- (3) The responsible person may only grant to a person a certificate of exemption under subsection (2) in relation to a period if the

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responsible person is satisfied that it is appropriate to do so because –

(a) the period to which the certificate relates is to begin immediately after the person –

(i) enters the State for compassionate or medical reasons; or

(ii) returns to the State after having left it for compassionate or medical reasons; or

(b) the requirement for the person –

(i) to pay all or part of the quarantine debt amount specified in an invoice that may be served on the person; or

(ii) to pay all or part of the quarantine debt amount by the payment day specified in an invoice that may be served on the person –

is likely to cause financial hardship to the person; or

(c) there are circumstances in relation to the person such that it is appropriate to grant the certificate of exemption.

(4) A certificate of exemption granted under subsection (2) to a person is to certify that, if the conditions, if any, specified in the certificate are

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complied with, the person is not liable to pay under section 25H(1), in accordance with an invoice that may be served on the person, an amount, specified in the certificate, that is all or part of the quarantine debt amount specified in the invoice.

- (5) A person to whom a certificate of exemption is granted under subsection (2) is, if the conditions specified in the certificate are complied with, not liable to pay under section 25H(1) an amount –
- (a) that is all or part of a quarantine debt amount specified in an invoice, that may be served on the person, in relation to a period that is specified in the certificate; and
 - (b) that is specified in the certificate.

25E. Charging of amount for quarantine accommodation

- (1) The responsible person may cause to be served on a person an instrument in writing (an *invoice*) that specifies that the person on whom it is served is required to pay to the Crown, by the day specified in the invoice (the *payment day*), the amount specified in the invoice (the *quarantine debt amount*).
- (2) Subject to this section, an invoice may only be served on a person under subsection (1) if –
- (a) the person was a quarantined person on or after 31 July 2020; and

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(b) the person is, on the day on which the invoice is served on the person, a member of a class of persons that is specified in a quarantine debt order that is in force on that day.

(3) If –

(a) an invoice is served on a person under subsection (1) in relation to a day; and

(b) the relevant family circumstances apply in relation to the person in respect of that day –

no invoice in relation to that day may be served on any of the other members of that family.

25F. Quarantine debt amount that person may be charged

(1) The quarantine debt amount, specified in an invoice served on a person under section 25E(1) in respect of a period in which the person was a quarantined person, is to be, for each day, in the period, in which the person was a quarantined person –

(a) \$200; or

(b) another amount specified for the purposes of this subsection in an order under section 25C(1) –

unless subsection (2) applies to the person in respect of the period.

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- (2) This subsection applies to a person in respect of a period if –
- (a) the person is a quarantined person on each day in the period; and
 - (b) the relevant family circumstances apply in relation to the person for each day in the period; and
 - (c) an invoice in relation to the period is served under section 25E(1) on the person.
- (3) If subsection (2) applies to a person in respect of a period, the quarantine debt amount specified in an invoice served on the person in respect of the period is to be whichever is the lesser of the following amounts:
- (a) the amount determined by calculating, in respect of each day in the period in which the person is a quarantined person, the family debt amount calculated in accordance with subsection (4) for that day;
 - (b) \$4,800, or another amount specified for the purposes of this paragraph in an order under section 25C(1).
- (4) The family debt amount, in relation to a quarantined person, for a day, is the total of –

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- (a) \$200, or another amount specified for the purposes of this paragraph in an order under section 25C(1); and
- (b) \$71.40, or another amount specified for the purposes of this paragraph in an order under section 25C(1), in respect of each other member, of the family of the quarantined person, who is on that day a quarantined person and who has, by that day, attained the age of 18 years; and
- (c) \$35.70, or another amount specified for the purposes of this paragraph in an order under section 25C(1), in respect of each other member, of the family of the quarantined person, who is on that day a quarantined person and who has, by that day, attained the age of 3 years but has not attained the age of 18 years.

25G. Charging for quarantine period that begins before Part commences

- (1) A quarantine debt amount specified in an invoice served on a person under section 25E(1) may not relate to a day that is part of a continuous period, beginning before 31 July 2020, in which the person temporarily resided in quarantine premises in accordance with a quarantine direction.
- (2) Subsection (1) applies even if an invoice served on a person under section 25E(1) only applies to a day that occurs after 31 July 2020.

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- (3) A quarantine debt amount specified in an invoice served on a person under section 25E(1) may relate to a day that occurred before the day on which this Part commences, if the day is 31 July 2020 or a later day and subsection (1) does not apply in relation to the day.

25H. Amount specified in invoice is debt due and payable by payment day

- (1) Subject to section 25D(5) and section 25I(5), if an invoice is served on a person under section 25E(1), the quarantine debt amount specified in the invoice is a debt due and payable to the Crown by the person, by the payment day specified in the invoice.
- (2) The payment day specified in an invoice in relation to a person is to be after the end of the 30-day period from the day on which the invoice is served on the person.

25I. Waivers of, and extensions of time to pay, debt

- (1) A person on whom an invoice is served under section 25E(1) may apply to the responsible person for either or both of the following:
- (a) a waiver of all or part of the quarantine debt amount specified in the invoice;
 - (b) an alteration of the payment day specified in the invoice.

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- (2) The responsible person may, by instrument in writing served on a person on whom an invoice is served under section 25E(1), take one or more of the following actions:
- (a) waive all or part of the quarantine debt amount specified in the invoice;
 - (b) specify to be the payment day, in relation to the invoice, a day that is after the end of the 30-day period from the day on which the invoice was served on the person.
- (3) The responsible person may serve on a person under subsection (2) an instrument in writing of his or her own motion or on receiving an application under subsection (1) from the person.
- (4) The responsible person may serve on a person under subsection (2) an instrument in writing in relation to an invoice served on the person in relation to a quarantine period, if the responsible person is satisfied that it is appropriate to do so because –
- (a) the quarantine period began immediately after the person or one of the members of the family of the person –
 - (i) entered the State for compassionate or medical reasons; or

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- (ii) returned to the State after having left it for compassionate or medical reasons; or
 - (b) the requirement for the person –
 - (i) to pay all or part of the quarantine debt amount specified in the invoice; or
 - (ii) to pay all or part of the quarantine debt amount by the payment day specified in the invoice –

is likely to cause financial hardship to the person; or
 - (c) there are circumstances in relation to the person such that it is appropriate to serve the instrument on the person.
- (5) If the responsible person specifies, in an instrument served on a person under subsection (2), that –
 - (a) all of a quarantine debt amount specified in an invoice served on the person is waived – section 25E(1) does not apply in relation to the amount; or
 - (b) part of the quarantine debt amount specified in an invoice served on the person is waived – section 25E(1) only applies in relation to the part of the quarantine debt amount that has not been waived.

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25J. Delegation by responsible person

The responsible person may delegate, to a person who, under the *Police Service Act 2003*, is a Deputy Commissioner or Assistant Commissioner, a power of the responsible person specified in section 25D, section 25E or section 25I.

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Part 7 – Miscellaneous

PART 7 – MISCELLANEOUS

26. Section 18 of *Public Health Act 1997* not to apply

Section 18 of the *Public Health Act 1997* does not apply in relation to any loss or damage suffered as a result of anything done under Division 2 of Part 2 of that Act in relation to the disease.

27. Emergency cessation day

- (1) The Director of Public Health must notify the Minister as soon as reasonably practicable after he or she is of the opinion that the relevant emergency circumstances referred to in section 5(2) no longer exist to such an extent that a notice under Part 4 (other than a notice amending or revoking such a notice) may be required to be issued under this Act so as to assist in the reduction of the risk of infection by the disease.
- (2) The Minister, by notice, within 90 days after a notice is issued to the Minister under subsection (1), must declare a day specified in the notice to be the emergency cessation day.

28. Delegation

The Minister, Attorney-General or Treasurer may delegate any of that Minister's powers under this Act to another Minister.

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29. Regulations

The Governor may make regulations for the purposes of this Act.

30. *See Schedule 2.*

31. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Premier; and
- (b) the department responsible to the Premier in relation to the administration of this Act is the Department of Premier and Cabinet.

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SCHEDULE 1 – RELEVANT INSTRUMENTS

Section 25

1. *The Dangerous Goods (Road and Rail Transport) Regulations 2010.*
2. *The Dog Control Regulations 2010.*
3. *The Economic Regulator Regulations 2010.*
4. *The Fair Trading (Code of Practice for Retail Tenancies) Regulations 2010.*
5. *The First Home Owner Grant Regulations 2010.*
6. *The Fisheries (Processing and Handling) Rules 2010.*
7. *The Forensic Procedures Regulations 2010.*
8. *The General Fire Regulations 2010.*
9. *The Health Practitioners Tribunal (Fees) Regulations 2010.*
10. *The Land Tax Regulations 2010.*

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11. *The Legal Profession (Board of Legal Education) Rules 2010.*
12. *The Legal Profession (Disciplinary Tribunal) Rules 2010.*
13. *The Occupational Licensing (Gas-fitting Work) Regulations 2010.*
14. *The Occupational Licensing (Plumbing Work) Regulations 2010.*
15. *The Pharmacy Control (Fees) Regulations 2010.*
16. *The Police Powers (Assumed Identities) (Corresponding Laws) Regulations 2010.*
17. *The Police Powers (Controlled Operations) (Corresponding Laws) Regulations 2010.*
18. *The Police Powers (Surveillance Devices) (Corresponding Laws) Regulations 2010.*
19. *The Right to Information Regulations 2010.*
20. *The Seeds Regulations 2010.*
21. *The Taxation Administration Regulations 2010.*

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- 22.** *The Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010.*
- 23.** *The Vehicle and Traffic (Review of Decisions) Regulations 2010.*
- 24.** *The Victims of Crime Assistance Regulations 2010.*
- 25.** *The Wildlife (Deer Farming) Regulations 2010.*
- 26.** *The Wildlife (Exhibited Animals) Regulations 2010.*
- 27.** *The Wildlife (General) Regulations 2010.*
- 28.** *The Witness (Identity Protection) (Corresponding Laws) Regulations 2010.*

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SCHEDULE 2

The amendments effected by Section 30 and this Schedule have been incorporated into authorised versions of the following Acts:

- (a) *Emergency Management Act 2006;*
- (b) *Residential Tenancy Act 1997.*

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NOTES

The foregoing text of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 3 September 2020 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020</i>	No. 11 of 2020	27.3.2020
<i>COVID-19 Disease Emergency (Miscellaneous Provisions) Act (No. 2) 2020</i>	No. 12 of 2020	6.5.2020
<i>COVID-19 Disease Emergency (Miscellaneous Provisions) Amendment (Quarantine Debt Recovery) Act 2020</i>	No. 17 of 2020	3.9.2020

TABLE OF AMENDMENTS

Provision affected	How affected
Section 4	Amended by No. 12 of 2020, s. 18
Section 13	Amended by No. 12 of 2020, s. 19
Section 25A	Inserted by No. 17 of 2020, s. 4
Section 25B	Inserted by No. 17 of 2020, s. 4
Section 25C	Inserted by No. 17 of 2020, s. 4
Section 25D	Inserted by No. 17 of 2020, s. 4
Section 25E	Inserted by No. 17 of 2020, s. 4
Section 25F	Inserted by No. 17 of 2020, s. 4
Section 25G	Inserted by No. 17 of 2020, s. 4
Section 25H	Inserted by No. 17 of 2020, s. 4
Section 25I	Inserted by No. 17 of 2020, s. 4
Section 25J	Inserted by No. 17 of 2020, s. 4