



Australian Capital Territory

Public Health (Emergencies) Amendment Act 2020

A2020-10

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Emergency declarations Section 119 (3) and (4)	2
5 New section 119 (7)	3
6 Emergency actions and directions Section 120 (1)	3
7 New section 120 (1) (f)	4
8 New section 120 (2A)	4

J2020-347

Contents

	Page
9	New section 120 (3A) and (3B) 4
10	Section 120 (4) 4
11	Compensation Section 122 (1) 5
Schedule 1	Expiry of amendments related to COVID-19 declarations 6



Australian Capital Territory

Public Health (Emergencies) Amendment Act 2020

A2020-10

An Act to amend the *Public Health Act 1997*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Public Health (Emergencies) Amendment Act 2020*.

2 Commencement

- (1) This Act, other than schedule 1, commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

- (2) Schedule 1 commences at the end of a 12-month period during which no COVID-19 declaration (including as extended or further extended) has been in force.

3 Legislation amended

This Act amends the *Public Health Act 1997*.

4 Emergency declarations Section 119 (3) and (4)

substitute

- (3) An emergency declaration comes into force immediately after it is made, or at any later time stated in the declaration, and remains in force for the period stated in the declaration which must be not longer than 5 days.
- (4) The Minister may extend or further extend the period during which an emergency declaration is to remain in force by—
 - (a) for a COVID-19 declaration—a period of up to 90 days; and
 - (b) for any other declaration—a period of up to 2 days.
- (4A) A COVID-19 declaration extended or further extended under subsection (4) must be revoked if the Minister decides, after taking into account any advice of the chief health officer, that the declaration is no longer justified.

(4B) If a COVID-19 declaration has been extended or further extended under subsection (4), the chief health officer must advise the Minister at least every 30 days about—

- (a) the status of the emergency; and
- (b) whether the chief health officer considers the declaration is still justified.

(4C) A failure by the chief health officer to comply with subsection (4B) does not affect the validity of the extension or further extension.

Note The chief health officer must prepare a written report for the Minister after an emergency declaration ceases to be in force (see s 123).

(4D) To remove any doubt, subsection (4) (a) applies to a COVID-19 declaration made before or after the commencement of the *Public Health (Emergencies) Amendment Act 2020*, section 3.

5 New section 119 (7)

after the note, insert

(7) In this section:

COVID-19 declaration means a declaration made because of the coronavirus disease 2019 (COVID-19) caused by the novel coronavirus SARS-CoV-2.

6 Emergency actions and directions Section 120 (1)

omit

(orally or in writing)

7 New section 120 (1) (f)

insert

- (f) the occupier of property, in or near any area to which the emergency relates, placing the property under the control, or at the disposal, of the chief health officer.

8 New section 120 (2A)

insert

- (2A) A direction given for the purposes of subsection (1) takes effect immediately after it is given, unless otherwise directed.

9 New section 120 (3A) and (3B)

insert

- (3A) A direction for the purposes of subsection (1) (other than subsection (1) (f)) may be given orally or in writing.
- (3B) A direction for the purposes of subsection (1) (f) must be given in writing.

10 Section 120 (4)

omit

issued

substitute

given

**11 Compensation
Section 122 (1)**

omit

division

substitute

part

Schedule 1 Expiry of amendments related to COVID-19 declarations

(see s 3)

[1.1] Section 119 (4)

substitute

- (4) The Minister may extend or further extend the period during which an emergency declaration is to remain in force by a period of up to 2 days.

[1.2] Section 119 (4A) to (4D)

omit

[1.3] Section 119 (7)

omit

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2 April 2020.

2 Notification

Notified under the [Legislation Act](#) on 7 April 2020.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Public Health (Emergencies) Amendment Bill 2020, which was passed by the Legislative Assembly on 2 April 2020.

Clerk of the Legislative Assembly

© Australian Capital Territory 2020