

2020

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Health)

# Public Health (Emergencies) Amendment Bill 2020

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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# Public Health (Emergencies) Amendment Bill 2020

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## A Bill for

An Act to amend the *Public Health Act 1997*

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

1 **1 Name of Act**

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

3 **2 Commencement**

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

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

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

11 **3 Legislation amended**

12 This Act amends the *Public Health Act 1997*.

13 **4 Emergency declarations**  
14 **Section 119 (3) and (4)**

15 *substitute*

16 (3) An emergency declaration comes into force immediately after it is  
17 made, or at any later time stated in the declaration, and remains in  
18 force for the period stated in the declaration which must be not longer  
19 than 5 days.

20 (4) The Minister may extend or further extend the period during which  
21 an emergency declaration is to remain in force by—

22 (a) for a COVID-19 declaration—a period of up to 90 days; and

23 (b) for any other declaration—a period of up to 2 days.

24 (4A) A COVID-19 declaration extended or further extended under  
25 subsection (4) must be revoked if the Minister decides, after taking  
26 into account any advice of the chief health officer, that the declaration  
27 is no longer justified.

- 1 (4B) If a COVID-19 declaration has been extended or further extended  
2 under subsection (4), the chief health officer must advise the Minister  
3 at least every 30 days about—  
4 (a) the status of the emergency; and  
5 (b) whether the chief health officer considers the declaration is still  
6 justified.  
7 (4C) A failure by the chief health officer to comply with subsection (4B)  
8 does not affect the validity of the extension or further extension.  
9 *Note* The chief health officer must prepare a written report for the Minister  
10 after an emergency declaration ceases to be in force (see s 123).  
11 (4D) To remove any doubt, subsection (4) (a) applies to a COVID-19  
12 declaration made before or after the commencement of the *Public*  
13 *Health (Emergencies) Amendment Act 2020*, section 3.

14 **5 New section 119 (7)**

15 *after the note, insert*

- 16 (7) In this section:

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

20 **6 Emergency actions and directions**  
21 **Section 120 (1)**

22 *omit*

23 (orally or in writing)

1 **7 New section 120 (1) (f)**

2 *insert*

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

6 **8 New section 120 (2A)**

7 *insert*

8 (2A) A direction given for the purposes of subsection (1) takes effect  
9 immediately after it is given, unless otherwise directed.

10 **9 New section 120 (3A) and (3B)**

11 *insert*

12 (3A) A direction for the purposes of subsection (1) (other than  
13 subsection (1) (f)) may be given orally or in writing.

14 (3B) A direction for the purposes of subsection (1) (f) must be given in  
15 writing.

16 **10 Section 120 (4)**

17 *omit*

18 issued

19 *substitute*

20 given

1 **11 Compensation**  
2 **Section 122 (1)**

3 *omit*

4 division

5 *substitute*

6 part

1 **Schedule 1 Expiry of amendments related**  
2 **to COVID-19 declarations**

3 (see s 3)

4 **[1.1] Section 119 (4)**

5 *substitute*

6 (4) The Minister may extend or further extend the period during which  
7 an emergency declaration is to remain in force by a period of up to  
8 2 days.

9 **[1.2] Section 119 (4A) to (4D)**

10 *omit*

11 **[1.3] Section 119 (7)**

12 *omit*



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## Endnotes

**1 Presentation speech**

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

**2 Notification**

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

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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