

Public Health (Quarantine Fees) Determination 2020

Disallowable instrument DI2020–239

made under the

Public Health Act 1997, s 137 (Determination of fees)

EXPLANATORY STATEMENT

Section 137 of the *Public Health Act 1997* (the Act) establishes the power for the Minister to determine fees for the Act. Section 137 (2) establishes the Minister's power to determine a quarantine fee scheme for the Territory.

The requirement for mandatory quarantine is established under the *Public Health (Returned Travellers) Emergency Direction 2020* (No 6) and any subsequent instruments. The Government's approach is consistent with national commitments that anyone arriving in Australia from overseas must undertake mandatory quarantine for a period of 14 days in a hotel or other government authorised premises.

In view of the continuing impact of the COVID-19 pandemic, it is anticipated that international repatriation flights will continue with an ongoing requirement for mandatory quarantine on arrival in the ACT. The recovery of costs will alleviate the full burden of quarantine costs on ACT taxpayers and is consistent with measures in place in other jurisdictions. The portion of recovered costs will allow the Government to direct resources to crucial areas such as health care and public health safety campaigns to assist with the response to the COVID-19 pandemic.

The Determination imposes the payment of a quarantine fee for returned travellers who are required to quarantine in a place outside of their home within the ACT. The Determination operates while there is a public health emergency (*Public Health (Emergency) Declaration 2020 (No 1)* [NI 2020-153] (including any extension or subsequent extensions) and if a direction to quarantine under section 120 (1) of the Act is in force defined as the *Public Health (Returned Travellers) Emergency Direction 2020 (No 6)* or any later direction to quarantine on entering the ACT following a flight that originated outside of Australia.

The fees are calculated based on the total cost of accommodation, food and personal costs, and are in-line with the charging arrangements in NSW based on room occupancy.

The Determination provides for hardship provisions, allowing an individual to apply to the Minister for a payment plan, deferral of payment and a waiver of the fee. This is in-line with the requirements under section 137 (3) of the Act.

Under the *Public Health (Returned Travellers) Emergency Direction 2020 (No 6)*, a person who is subject to quarantine under the direction is required to undergo COVID-19 testing and return negative test results before the standard quarantine duration (14 days) ends. A person who elects not to undergo COVID-19 testing will be required to remain in quarantine for a supplementary quarantine period of a further 10 days and is responsible for payment of their accommodation costs directly to the accommodation provider.

The Determination does not apply to a person who is a member of an international flight crew, air ambulance or medevac crew.

This Determination is a disallowable instrument under section 137 (1).

Section 1 – Name of instrument

This section identifies the name of the instrument as the *Public Health (Quarantine Fees) Determination 2020*.

Section 2 – Commencement

The instrument commences on the day after its notification day. As a result, a fee may only be imposed on a person the subject of a quarantine direction after it commences.

Section 3 – Definitions

This section sets certain definitions for the instrument.

Section 4 – Application

This section sets out the application of the instrument.

Section 5 – Determination of quarantine fees

This section determines the quarantine fees and includes two examples to aid in the interpretation of the fee determination. Subsection (2) defines certain terms used in section 5.

A fee is not payable in relation to a child under 3 years of age who is required to quarantine. The table below describes the quarantine fees.

Table 1: Quarantine fees

Class of person	Quarantine fee amount
An adult not in a family group	\$3 000
For a family group:	
○ first adult	\$3 000
○ each additional adult	\$1 000
○ each child aged 3 years or older	\$500

Section 6 – People liable to pay quarantine fee

This section provides that the fee payable under section 5 is payable by the person required to quarantine.

Subsection (2) provides that the parents of a child are jointly and severally liable for a quarantine fee payable in relation to their child. Furthermore, if two or more adults are in quarantine together, all adults are jointly and severally liable for the quarantine fee payable.

Section 7 – Payment of quarantine fee

This section provides that a quarantine fee is payable to the Territory and is payable as a lump sum.

Under subsection (2), a person may apply in writing to the Minister to pay the fee by instalments, to defer payment of the fee or to waive the fee.

A note to subsection (3) signposts subsection 137(3) of the *Public Health Act 1997* which provides that in considering a matter under subsection 137(2), the Minister must take into account the applicant’s circumstances, including whether the applicant is suffering financial hardship.