



Supplementary Notice Paper

Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022 [84-1]

SNP 84, Issue No. 1

Tuesday, 18 October 2022

When in committee on the *Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022*:

Clause 2

Hon Tjorn Sibma: To move —

1/2 Page 2, line 11 — To delete “2 years” and insert:

1 year

Clause 7

Hon Tjorn Sibma: To move —

2/7 Page 4, line 22 — To delete “2 years,” and insert:

1 year,

Hon Tjorn Sibma: To move —

3/7 Page 4, line 23 — To delete “State Emergency Coordinator” and insert:

Minister

Hon Tjorn Sibma: To move —

4/7 Page 5, line 7 — To delete “2 years.” and insert:

1 year.

Hon Tjorn Sibma: To move —

5/7 Page 6, line 4 — To delete “State Emergency Coordinator” and insert:

Minister

Hon Tjorn Sibma: To move —

6/7 Page 6, line 7 — To delete “State Emergency Coordinator” and insert:

Minister

Hon Tjorn Sibma: To move —

7/7 Page 6, lines 8 and 9 — To delete “State Emergency Coordinator” and insert:

Minister

Hon Tjorn Sibma: To move —

8/7 Page 7, lines 6 and 7 — To delete “State Emergency Coordinator” and insert:

Minister

Hon Tjorn Sibma: To move —

9/7 Page 7, line 11 — To delete “State Emergency Coordinator” and insert:

Minister

Hon Tjorn Sibma: To move —

10/7 Page 7, line 14 — To delete “State Emergency Coordinator” and insert:

Minister

Hon Tjorn Sibma: To move —

11/7 Page 7, lines 16 and 17 — To delete “State Emergency Coordinator” and insert:

Minister

Hon Tjorn Sibma: To move —

12/7 Page 8, line 4 — To delete “State Emergency Coordinator” and insert:

Minister

Hon Tjorn Sibma: To move —

13/7 Page 8, line 6 — To delete “State Emergency Coordinator” and insert:

Minister

Hon Tjorn Sibma: To move —

14/7 Page 8, lines 7 and 8 — To delete “State Emergency Coordinator” and insert:

Minister

Hon Tjorn Sibma: To move —

15/7 Page 8, line 29 to page 9, line 5 — To delete the lines and insert:

- (a) the Minister has consulted the Chief Health Officer and the State Emergency Coordinator; and
- (b) the Chief Health Officer and the State Emergency Coordinator have each provided written advice to the Minister as to whether the declaration should be made; and
- (c) the Minister has considered the advice.

Hon Tjorn Sibma: To move —

16/7 Page 9, line 7 — To insert after “Officer”:

or the State Emergency Coordinator

Hon Tjorn Sibma: To move —

17/7 Page 9, lines 9 and 10 — To delete “State Emergency Coordinator requests the Chief Health Officer” and insert:

Minister requests the Chief Health Officer or the State Emergency Coordinator

Hon Tjorn Sibma: To move —

18/7 Page 9, lines 14 to 19 — To delete the lines and insert:

- (4) If the Chief Health Officer or the State Emergency Coordinator provides advice under subsection (1)(b) in summary form, the Chief Health Officer or the State Emergency Coordinator (as the case requires) must, within 7 days after providing that advice, provide the Minister with a further written statement setting out detailed reasons for that advice.

Hon Tjorn Sibma: To move —

19/7 Page 9, line 22 to page 10, line 19 — To delete the lines and insert:

77H. Publication of notice of declaration and related documents

- (1) Notice of a COVID-19 declaration, or a declaration made under section 77E or 77F, must be —
 - (a) published for general information on a website maintained by, or on behalf of, the Government as soon as practicable, but in any case no later than 7 days, after the declaration is made; and
 - (b) published in the *Gazette* as soon as practicable, but in any case no later than 14 days, after the declaration is made.
- (2) The following documents relating to a declaration referred to in subsection (1) must also be published on a website maintained by, or on behalf of, the Government —
 - (a) a written statement setting out detailed reasons for making the declaration;
 - (b) the advice provided under section 77G(1)(b);
 - (c) any further statement of reasons provided under section 77G(4).
- (3) The documents referred to in subsection (2)(a) and (b) must be published as soon as practicable, but in any case no later than 7 days, after the declaration is made.
- (4) Any document referred to in subsection (2)(c) must be published as soon as practicable, but in any case no later than 7 days, after it is provided under section 77G(4).
- (5) A failure to publish a document in accordance with this section does not affect the validity of the declaration.

Hon Tjorn Sibma: To move —

20/7 Page 19, after line 25 — To insert:

Division 4A — Parliamentary scrutiny

77RA. Term used: class direction

In this Division —

class direction means a direction given under section 77L, 77N, 77O or 77Q(2) in relation to a class of person, place or thing.

77RB. Laying documents before Houses of Parliament

- (1) If a COVID-19 declaration, or a declaration under section 77E or 77F, is made, the Minister must cause the following documents to be laid before each House of Parliament, or dealt with under section 77RC, within the period specified in subsection (2) —
 - (a) a copy of the declaration;
 - (b) a copy of the statement of reasons for making the declaration required to be published under section 77H(2)(a);
 - (c) a copy of the advice provided under section 77G(1)(b) in relation to the declaration;
 - (d) a copy of any statement of reasons provided under section 77G(4) in relation to the declaration.
- (2) For the purposes of subsection (1), the period is —
 - (a) for a document referred to in subsection (1)(a), (b) or (c) — 7 days after the declaration is made; or
 - (b) for a document referred to in subsection (1)(d) — 7 days after the document is provided under section 77G(4).
- (3) If a class direction is given, the Minister must cause the following documents to be laid before each House of Parliament, or dealt with under section 77RC, within 7 days after the document is provided under section 77T(3A) —
 - (a) a copy of the direction;
 - (b) a copy of the statement of reasons for giving the direction.
- (4) If a report is provided under section 77U(5A)(c), the Minister must cause a copy of the report to be laid before each House of Parliament, or dealt with under section 77RC, within 7 days after the report is provided.

77RC. Laying documents before House of Parliament not sitting

- (1) This section applies if —
 - (a) a provision of this Act requires the Minister to cause a document to be laid before each House of Parliament, or dealt with under this section, within a period; and
 - (b) at the beginning of the period, a House of Parliament is not sitting; and
 - (c) in the Minister's opinion, the House will not sit before the end of the period.
- (2) The Minister must send the document to the Clerk of the House before the end of the period.
- (3) When the document is sent to the Clerk of the House it is taken to have been laid before the House.
- (4) The laying of the document that is taken to have occurred under subsection (3) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk receives the document.

77RD. Class directions subject to disallowance

- (1) The *Interpretation Act 1984* section 42(2) to (8) apply to a class direction as if —
 - (a) the direction were a regulation; and

- (b) a reference to subsection (1) of that section were a reference to section 77RB(3).
- (2) For the purposes of subsection (1), the *Interpretation Act 1984* section 42(2) to (8) apply to a class direction that is taken to be laid before a House of Parliament under section 77RC as if it were laid before that House on the day referred to in section 77RC(4).

77RE. Standing committee of Houses of Parliament

- (1) The Houses of Parliament must establish a joint standing committee comprising an equal number of members appointed by each House.
- (2) The standing committee may —
 - (a) review COVID-19 declarations, declarations made under section 77E or 77F and class directions; and
 - (b) report to each House the results of its review.
- (3) A report under subsection (2)(b) may include a recommendation that a class direction be disallowed in whole or in part or amended as suggested in the report.
- (4) The functions and powers of the standing committee are otherwise determined by agreement between the Houses and are not justiciable.

Hon Tjorn Sibma: To move —

21/7 Page 20, lines 26 to 28 — To delete the lines and insert:

- (c) must be published on a website maintained by, or on behalf of, the Government as soon as practicable, but in any case no later than 7 days, after the direction is given.

Hon Tjorn Sibma: To move —

22/7 Page 20, after line 28 — To insert:

- (3A) A copy of a direction referred to in subsection (3), and a written statement setting out detailed reasons for giving the direction, must be provided to the Minister within 7 days after the direction is given.

Hon Tjorn Sibma: To move —

23/7 Page 20, line 29 — To delete “subsection (2) or (3)(c)” and insert:

subsection (2), (3)(c) or (3A)

Hon Tjorn Sibma: To move —

24/7 Page 21, line 4 — To delete “may” and insert:

must

Hon Tjorn Sibma: To move —

25/7 Page 21, after line 29 — To insert:

- (5A) Without limiting section 27, a State Emergency Coordination Group established under subsection (1) must, upon request by the Minister, the State Emergency Coordinator or the standing committee referred to in section 77RE —
- (a) review the exercise of powers under this Part; and
 - (b) prepare a report based on the review; and
 - (c) provide the report to the Minister, the State Emergency Coordinator and the standing committee.
- (5B) A report referred to in subsection (5A) must be published on a website maintained by, or on behalf of, the Government as soon as practicable, but in any case no later than 7 days, after the report is provided under subsection (5A)(c).

Hon Tjorn Sibma: To move —

26/7 Page 26, after line 9 — To insert:

77Y. Protection of information

- (1) In this section —
relevant information has the meaning given in section 77Q(1).
- (2) Relevant information acquired in the exercise of a power under this Part must not be used or disclosed except —
- (a) for the purpose of COVID-19 management while a COVID-19 declaration is in force; or
 - (b) for the purpose of, or in connection with, performing functions under this Act; or
 - (c) as required or allowed under this Act; or
 - (d) subject to section 77Q(5), for the purpose of investigating or prosecuting an offence relating to compliance with an obligation under this Act.
- (3) A person who uses or discloses relevant information contrary to subsection (2) commits a crime.
Penalty for this subsection:
- (a) for an individual, imprisonment for 3 years;
 - (b) for a body corporate, a fine of \$250 000.
- Summary conviction penalty for this subsection:
- (a) for an individual, imprisonment for 12 months and a fine of \$20 000;
 - (b) for a body corporate, a fine of \$100 000.
- (4) Section 95 does not apply to relevant information acquired in the exercise of a power under this Part.
- (5) To the extent that there is an inconsistency between this section and a provision of the *Criminal Investigation Act 2006* or any other written law, this section prevails.

Clause 8

Hon Tjorn Sibma: To move —

27/8 Page 27, lines 12 and 13 — To “State Emergency Coordinator” and insert:

Minister

Part 3 heading

Hon Tjorn Sibma: To move —

28/pt3 Page 33, line 1 — To delete “**2 years**” and insert:

1 year

