

Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022

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Western Australia

LEGISLATIVE ASSEMBLY

**Emergency Management Amendment
(Temporary COVID-19 Provisions) Bill 2022**

A Bill for

**An Act to amend the *Emergency Management Act 2005* and the
Public Health Act 2016 and to make consequential amendments to
other Acts.**

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) Part 2 — on a day fixed by proclamation;
- (c) the rest of the Act — on the day after the period of 2 years beginning on the day fixed under paragraph (b).

1 **Part 2 — Amendments commencing on day fixed by**
2 **proclamation**

3 **Division 1 — *Emergency Management Act 2005* amended**

4 **3. Act amended**

5 This Division amends the *Emergency Management Act 2005*.

6 **4. Long title amended**

7 In the long title after “**management**” insert:

8

9 **and the management of COVID-19**

10

11 **5. Part 6 Division 1A heading inserted**

12 Before section 72A insert:

13

14 **Division 1A — Temporary powers during state of**
15 **emergency in relation to COVID-19**

16

17 **6. Section 72A amended**

18 (1) Before section 72A(1) insert:

19

20 (1A) Subject to any limitation in a declaration under
21 section 58, this section applies if a state of emergency
22 declaration is in force declaring that a state of
23 emergency exists in relation to COVID-19.

24

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1 (2) In section 72A(2) and (3) delete “an emergency situation or
2 state of emergency, a hazard management officer or” and insert:

3

4 a state of emergency referred to in subsection (1A), an
5

6

7 (3) After section 72A(5) insert:

8

9 (6) Nothing in this section limits the powers that may be
10 exercised under Divisions 1 and 2 in relation to a state
11 of emergency referred to in subsection (1A).

12

13 Note: The heading to amended section 72A is to read:

14

General powers during state of emergency in relation to COVID-19

15 **7. Part 6A inserted**

16 After section 77 insert:

17

18 **Part 6A — Temporary provisions for
management of COVID-19**

19 **Division 1 — Preliminary**

20 **77A. Overview of Part**

21 This Part provides for a temporary scheme, to be in
22 operation for a period of 2 years, under which —

23 (a) the State Emergency Coordinator may make a
24 COVID-19 declaration in relation to the whole
25 or any area or areas of the State; and

26 (b) if a COVID-19 declaration is in force, powers
27 can be exercised by authorised COVID-19

1 officers for the purposes of COVID-19
2 management.

3 Note for this section:

4 Under the *Emergency Management Amendment*
5 *(Temporary COVID-19 Provisions) Act 2022* sections 2(c)
6 and 30, this Part will be deleted immediately after it has
7 been in operation for 2 years.

8 **77B. Terms used**

9 In this Part —

10 ***authorised COVID-19 officer*** means —

- 11 (a) the State Emergency Coordinator; and
12 (b) a person authorised under section 77I;

13 ***Chief Health Officer*** has the meaning given in the
14 *Public Health Act 2016* section 4(1);

15 ***COVID-19 declaration*** has the meaning given in
16 section 77C(1);

17 ***COVID-19 management*** —

- 18 (a) means the management of the adverse effects of
19 COVID-19; and
20 (b) includes the prevention, control and abatement
21 of risks associated with COVID-19 (including,
22 without limitation, risks to economic and
23 psychosocial wellbeing);

24 ***declaration area***, in relation to a COVID-19
25 declaration, means the area to which the declaration
26 applies.

1 **Division 2 — Power to make COVID-19 declaration**

2 **77C. State Emergency Coordinator may make**
3 **COVID-19 declaration**

- 4 (1) The State Emergency Coordinator may, in writing,
5 make a declaration (a **COVID-19 declaration**) in
6 relation to the whole or any area or areas of the State.
- 7 (2) The State Emergency Coordinator must not make a
8 COVID-19 declaration unless the State Emergency
9 Coordinator is satisfied that —
- 10 (a) the occurrence of COVID-19 is, or imminently
11 will be, of such a nature or magnitude that it
12 requires a coordinated response; and
- 13 (b) there is a need to exercise powers under
14 Division 4 to prevent or minimise loss of life,
15 prejudice to the safety, or harm to the health, of
16 persons.
- 17 (3) A COVID-19 declaration must include —
- 18 (a) the time when, and date on which, the
19 declaration is made; and
- 20 (b) the area to which it applies.
- 21 (4) The making of a COVID-19 declaration does not
22 prevent the making, extension or continuation of —
- 23 (a) any other COVID-19 declaration; or
24 (b) any state of emergency declaration, or
25 emergency situation declaration, in relation to
26 COVID-19.

1 **77D. Duration of COVID-19 declaration**

2 A COVID-19 declaration —

- 3 (a) has effect on and from the time it is made, or
4 any later time that is specified in the
5 declaration; and
6 (b) if it is not extended by the State Emergency
7 Coordinator under section 77E, or sooner
8 revoked under section 77F, remains in force for
9 3 months after the time it first has effect.

10 **77E. Extension of COVID-19 declaration**

- 11 (1) The State Emergency Coordinator may by declaration
12 in writing extend, or from time to time further extend,
13 the duration of a COVID-19 declaration.
- 14 (2) The State Emergency Coordinator must not make a
15 declaration extending, or further extending, a
16 COVID-19 declaration unless the State Emergency
17 Coordinator continues to be satisfied of the matters
18 referred to in section 77C(2)(a) and (b).
- 19 (3) A declaration extending, or further extending, the
20 duration of a COVID-19 declaration —
21 (a) must include the time when, and date on which,
22 the declaration is made; and
23 (b) must state the period by which the duration of
24 the COVID-19 declaration is extended; and
25 (c) remains in force until the end of the period
26 stated under paragraph (b) unless the
27 COVID-19 declaration is sooner revoked under
28 section 77F.
- 29 (4) The period by which the duration of a COVID-19
30 declaration is extended must not exceed 3 months.

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1 (5) A declaration extending the duration of a COVID-19
2 declaration has effect on and from the time it is made.

3 **77F. Revocation of COVID-19 declaration**

4 (1) The State Emergency Coordinator may revoke a
5 COVID-19 declaration at any time.

6 (2) The State Emergency Coordinator must revoke a
7 COVID-19 declaration as soon as the State Emergency
8 Coordinator is satisfied that it is no longer necessary
9 for the powers under Division 4 to be exercised in
10 relation to COVID-19 management in the declaration
11 area.

12 (3) The revocation must be made by declaration in writing
13 and must include the time when, and date on which, it
14 is made.

15 (4) The revocation declaration has effect on and from the
16 time it is made, or any later time that is specified in the
17 revocation declaration.

18 (5) Despite any other written law, the revocation of a
19 COVID-19 declaration does not affect —

20 (a) any penalty or punishment incurred, imposed,
21 or liable to be incurred or imposed, before the
22 revocation; or

23 (b) any investigation or legal proceedings in
24 respect of such a penalty or punishment.

25 **77G. Consultation with and advice from Chief Health
26 Officer**

27 (1) A COVID-19 declaration, or a declaration under
28 section 77E or 77F, cannot be made unless —

29 (a) the State Emergency Coordinator has consulted
30 the Chief Health Officer; and

- 1 (b) the Chief Health Officer has provided written
2 advice to the State Emergency Coordinator as
3 to whether the declaration should be made; and
4 (c) the State Emergency Coordinator has
5 considered the advice.
- 6 (2) Subject to subsection (3), advice provided by the Chief
7 Health Officer under subsection (1)(b) must set out
8 detailed reasons for the advice.
- 9 (3) If the State Emergency Coordinator requests the Chief
10 Health Officer to provide advice under
11 subsection (1)(b) urgently, the advice provided under
12 subsection (1)(b) may be in summary form and is not
13 required to set out detailed reasons for the advice.
- 14 (4) If the Chief Health Officer provides advice under
15 subsection (1)(b) in summary form, the Chief Health
16 Officer must, within 7 days after providing that advice,
17 provide the State Emergency Coordinator with a
18 further written statement setting out detailed reasons
19 for that advice.
- 20 (5) A failure to comply with this section does not affect the
21 validity of the declaration.

22 **77H. Publication of notice of declaration and advice**

- 23 (1) The State Emergency Coordinator must ensure that
24 notice of a COVID-19 declaration, or a declaration
25 under section 77E or 77F, is —
26 (a) published for general information as soon as is
27 practicable after the declaration is made, in any
28 manner that the State Emergency Coordinator
29 considers to be appropriate having regard to the
30 circumstances and what is practicable; and
31 (b) published in the *Gazette* as soon as is
32 practicable after the declaration is made.

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- 1 (2) The State Emergency Coordinator must also ensure
2 that the following are published in any manner that the
3 State Emergency Coordinator considers to be
4 appropriate having regard to the circumstances and
5 what is practicable —
- 6 (a) the advice provided by the Chief Health Officer
7 under section 77G(1)(b) in relation to the
8 declaration;
- 9 (b) any further statement of reasons for that advice
10 provided by the Chief Health Officer under
11 section 77G(4).
- 12 (3) The advice referred to in subsection (2)(a) must be
13 published as soon as is practicable after the declaration
14 is made.
- 15 (4) Any statement referred to in subsection (2)(b) must be
16 published as soon as is practicable after it is provided
17 to the State Emergency Coordinator.
- 18 (5) A failure to publish a document in accordance with this
19 section does not affect the validity of the declaration.

20 **Division 3 — Authorised COVID-19 officers**

21 **77L. Authorised COVID-19 officers**

- 22 (1) The State Emergency Coordinator may authorise
23 persons to act as authorised COVID-19 officers while a
24 COVID-19 declaration is in force.
- 25 (2) An authorisation under subsection (1) must specify —
- 26 (a) whether it applies to any COVID-19
27 declaration or is limited to 1 or more particular
28 COVID-19 declarations; and
- 29 (b) the particular, or a particular class of, person to
30 whom it applies; and
- 31 (c) the terms and conditions on which it is given.

- 1 (3) An authorisation under subsection (1) may be given
2 orally or in writing but if given orally must be put in
3 writing as soon as is practicable.
- 4 (4) A failure to put an authorisation in writing under
5 subsection (3) does not invalidate the authorisation or
6 anything done under the authorisation.
- 7 (5) An authorised COVID-19 officer may exercise a power
8 under this Part only subject to the terms and conditions
9 on which the person is authorised under this section.
- 10 (6) An authorised COVID-19 officer must comply with
11 directions of the State Emergency Coordinator when
12 exercising a power under this Part.

13 **Division 4 — Powers during COVID-19 declaration**

14 **77J. Matters that may be taken into account and**
15 **consultation**

- 16 (1) In exercising a power under this Division, the State
17 Emergency Coordinator may, without limitation, take
18 into account public health, social and economic
19 considerations.
- 20 (2) Before exercising a power under this Division, an
21 authorised COVID-19 officer may consult with any of
22 the following —
- 23 (a) the Chief Health Officer;
- 24 (b) the chief executive officer of the department of
25 the Public Service principally assisting in the
26 administration of the *Public Health Act 2016*;
- 27 (c) any other person the authorised COVID-19
28 officer considers that it is appropriate to
29 consult.

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77K. Obtaining identifying particulars

- (1) The office of authorised COVID-19 officer is prescribed for the purposes of the *Criminal Investigation (Identifying People) Act 2002* and any holder of that office may exercise the powers in Part 3 of that Act in relation to an offence or suspected offence under this Act while a COVID-19 declaration is in force.
- (2) Without limiting subsection (1), an authorised COVID-19 officer may, where reasonably required for the purposes of COVID-19 management while a COVID-19 declaration is in force, request a person to give the officer any or all of the person’s personal details.
- (3) If, while a COVID-19 declaration is in force, an authorised COVID-19 officer reasonably suspects that a personal detail given by a person in response to a request under subsection (2) is false, the officer may request the person to produce evidence of the correctness of the detail.

77L. Powers concerning movement and evacuation

For the purposes of COVID-19 management while a COVID-19 declaration is in force, an authorised COVID-19 officer may do all or any of the following —

- (a) direct or, by direction, prohibit, the movement of persons and vehicles within, into, out of or around the declaration area or any part of the declaration area;
- (b) direct the evacuation and removal of persons from the declaration area or any part of the declaration area;

- 1 (c) close any road, access route or area of water in
2 or leading to the declaration area;
- 3 (d) direct that any road, access route or area of
4 water in or leading to the declaration area be
5 closed.

6 **77M. Powers to control and use property and related**
7 **powers**

- 8 (1) For the purposes of COVID-19 management while a
9 COVID-19 declaration is in force, an authorised
10 COVID-19 officer may take control of or make use of
11 any place, vehicle or other thing.
- 12 (2) The place, vehicle or other thing may be in, or outside,
13 the declaration area.
- 14 (3) For the purposes of exercising a power under
15 subsection (1), an authorised COVID-19 officer may
16 enter, or if necessary break into and enter, any place or
17 vehicle.
- 18 (4) An authorised COVID-19 officer may direct the owner
19 or occupier, or the person apparently in charge, of a
20 place, vehicle or other thing to give the authorised
21 COVID-19 officer reasonable assistance to exercise the
22 officer's powers under this section.
- 23 (5) An authorised COVID-19 officer may exercise the
24 powers under this section without a warrant or the
25 consent of the owner or occupier, or the person
26 apparently in charge, of the place, vehicle or other
27 thing.
- 28 (6) If an authorised COVID-19 officer takes control of or
29 makes use of any place, vehicle or other thing under
30 this section, the authorised COVID-19 officer must
31 ensure that, as soon as is reasonably practicable in the
32 circumstances and no later than 7 days after the place,

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- 1 vehicle or thing is taken control of or made use of, a
2 notice is given to the owner or occupier, or the person
3 formerly in charge, of the place, vehicle or thing
4 stating —
- 5 (a) that the place, vehicle or thing has been taken
6 control of or made use of under this section;
7 and
- 8 (b) the name of the authorised COVID-19 officer
9 who has taken control of or made use of the
10 place, vehicle or thing.
- 11 **77N. Powers of officers in relation to persons exposed to**
12 **SARS-CoV-2 virus**
- 13 (1) While a COVID-19 declaration is in force, for the
14 purpose of limiting the spread of the SARS-CoV-2
15 virus, an authorised COVID-19 officer may direct any
16 person who has been exposed, or any class of person
17 who may have been exposed, to the SARS-CoV-2 virus
18 to do all or any of the following —
- 19 (a) to remain in an area specified by the officer for
20 such period as is specified by the officer;
- 21 (b) to remain quarantined from other persons for
22 such period, and in such reasonable manner, as
23 is specified by the officer;
- 24 (c) to submit to infection prevention and control
25 procedures within such reasonable period, and
26 in such reasonable manner, as is specified by
27 the officer.
- 28 (2) The period specified under subsection (1)(a) or (b)
29 must not be more than 24 hours unless —
- 30 (a) the State Emergency Coordinator gives the
31 direction; or

- 1 (b) the State Emergency Coordinator has given
2 authorisation for a longer period to be
3 specified.

4 **77O. Powers of police to direct closure of places and**
5 **concerning movement and evacuation**

- 6 (1) For the purposes of COVID-19 management while a
7 COVID-19 declaration is in force, a police officer may
8 direct the owner, occupier or the person apparently in
9 charge of any place of business, worship or
10 entertainment in the declaration area to close that place
11 to the public for the period specified in the direction.
- 12 (2) A direction under subsection (1) may be given in
13 relation to a class of place.
- 14 (3) Subject to subsection (4), while a COVID-19
15 declaration is in force a police officer may exercise any
16 of the powers of an authorised COVID-19 officer
17 under section 77L.
- 18 (4) A police officer must not exercise a power under
19 subsection (3) in a manner that is contrary to or in
20 conflict with —
- 21 (a) a direction given to the police officer by the
22 State Emergency Coordinator; or
- 23 (b) the exercise of a power by an authorised
24 COVID-19 officer under section 77L.
- 25 (5) When exercising powers under this section a police
26 officer has all the immunities of an authorised
27 COVID-19 officer.

28 **77P. Exchange of information**

- 29 (1) In this section —
30 **relevant information** means the following —
31 (a) the personal details of a person;

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- 1 (b) information about the whereabouts of a person;
2 (c) information about the state of health of a
3 person;
4 (d) information about any recent travel undertaken
5 by a person;
6 (e) information about persons with whom a person
7 has been in close contact;
8 (f) information of a kind prescribed by the
9 regulations;

10 **welfare services** means the provision of the following
11 for persons affected by COVID-19 —

- 12 (a) accommodation;
13 (b) catering;
14 (c) clothing and personal requisites;
15 (d) financial assistance.

16 (2) For the purposes of COVID-19 management while a
17 COVID-19 declaration is in force —

- 18 (a) an authorised COVID-19 officer may disclose
19 relevant information —
20 (i) to an emergency management agency;
21 and
22 (ii) if the regulations so provide, to a person
23 or entity engaged by an emergency
24 management agency to provide welfare
25 services, in accordance with those
26 regulations;
27 and
28 (b) if the regulations so provide, an agency, person
29 or entity to whom relevant information is
30 disclosed under paragraph (a) may further
31 disclose the information in accordance with
32 those regulations.

- 1 (3) For the purposes of COVID-19 management while a
2 COVID-19 declaration is in force, an authorised
3 COVID-19 officer may request an emergency
4 management agency that holds relevant information to
5 disclose the information to the authorised COVID-19
6 officer.
- 7 (4) An emergency management agency may comply with a
8 request under subsection (3) despite any law of this
9 State relating to secrecy or confidentiality.
- 10 (5) If information is disclosed, in good faith, under
11 subsection (2) or in compliance with a request under
12 subsection (3) —
- 13 (a) no civil or criminal liability is incurred in
14 respect of the disclosure; and
- 15 (b) the disclosure is not to be regarded as a breach
16 of any duty of confidentiality or secrecy
17 imposed by law; and
- 18 (c) the disclosure is not to be regarded as a breach
19 of professional ethics or standards or as
20 unprofessional conduct.
- 21 (6) The SEMC must establish procedures for the disclosure
22 of information under subsection (2)(a)(i).
- 23 (7) The regulations may include provisions about —
- 24 (a) the circumstances in which information may be
25 disclosed under this section; and
- 26 (b) the agencies, persons and entities to whom
27 information may be disclosed under this
28 section; and
- 29 (c) the conditions subject to which information
30 may be disclosed under this section; and

1 (d) the receipt and storage of information disclosed
2 under this section; and

3 (e) the restriction of access to such information.

4 **77Q. General powers during COVID-19 declaration**

5 (1) In this section —

6 *relevant information* means —

7 (a) relevant information as defined in
8 section 77P(1); or

9 (b) information of a kind specified by the State
10 Emergency Coordinator as relevant to
11 COVID-19 management.

12 (2) While a COVID-19 declaration is in force, an
13 authorised COVID-19 officer may take, or direct a
14 person or a class of person to take, any action that the
15 officer considers is reasonably necessary to prevent,
16 control or abate risks associated with COVID-19.

17 (3) For the purposes of COVID-19 management while a
18 COVID-19 declaration is in force, an authorised
19 COVID-19 officer may direct a person to —

20 (a) give to the officer relevant information about
21 the person or any other person closely
22 associated with the person; or

23 (b) answer questions intended to elicit relevant
24 information about the person or any other
25 person closely associated with the person.

26 (4) A person is not excused from complying with a
27 direction given to the person under subsection (3) on
28 the ground that giving the information or answering the
29 question might tend to incriminate the person or expose
30 the person to a criminal penalty.

1 (5) However, any information or answer given by a person
2 in compliance with a direction given to the person
3 under subsection (3) is not admissible in evidence in
4 any criminal proceedings against the person other than
5 proceedings for an offence under section 89.

6 (6) The powers conferred by this section are in addition to
7 the powers conferred by sections 77K to 77P and
8 nothing in those sections or in Part 6 limits the powers
9 conferred by this section.

10 **77R. Powers under this Division cannot be exercised to**
11 **effect interstate border closure**

12 (1) A power under this Division cannot be exercised —
13 (a) to prohibit or prevent persons from entering the
14 State from any other State or any Territory; or
15 (b) to require persons to make an application, or
16 obtain a pass or permit, to enter the State from
17 any other State or any Territory.

18 (2) Subsection (1) applies whether or not the exercise of
19 the power is subject to exceptions or applies only to a
20 class of persons entering from the other State or
21 Territory (for example, to persons entering from a
22 particular area of the other State or Territory).

23 (3) Nothing in this section affects the powers that can be
24 exercised under Part 6 during an emergency situation
25 or state of emergency.

26 **Division 5 — Miscellaneous**

27 **77S. General provisions regarding powers**

28 (1) In this section —
29 *officer* means an authorised COVID-19 officer or a
30 police officer.

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Division 1 Emergency Management Act 2005 amended

s. 7

- 1 (2) If a person does not comply with a direction under this
2 Part, an officer may do all such things as are
3 reasonably necessary to ensure compliance with the
4 direction, using such force as is reasonable in the
5 circumstances.
- 6 (3) An officer may exercise a power under this Part with
7 the help, and using the force, that is reasonable in the
8 circumstances.
- 9 (4) The powers of an officer under this Part are in addition
10 to, and not in derogation from, the powers the person
11 may have under another written law or other law.
- 12 **77T. General provisions regarding directions**
- 13 (1) A direction may be given under this Part orally or in
14 writing.
- 15 (2) A direction given orally must be confirmed in writing
16 within 2 working days after it is given, unless within
17 that period it is complied with or cancelled.
- 18 (3) A direction under section 77L, 77N, 77O or 77Q(2)
19 that is given in relation to a class of person, place or
20 thing —
- 21 (a) need not be given directly to the persons to
22 whom it applies; and
- 23 (b) despite the *Interpretation Act 1984* section 41
24 (to the extent to which it applies), need not be
25 published in the *Gazette*; and
- 26 (c) must be published in the manner that the State
27 Emergency Coordinator considers suitable in
28 the circumstances.
- 29 (4) Failure to comply with subsection (2) or (3)(c) does not
30 invalidate the direction.

- 1 **77U. Establishment of State Emergency Coordination**
2 **Group for COVID-19**
- 3 (1) If a COVID-19 declaration is in force, the State
4 Emergency Coordinator may establish a State
5 Emergency Coordination Group in relation to
6 COVID-19.
- 7 (2) A reference in this Act to the *State Emergency*
8 *Coordination Group* includes a reference to a State
9 Emergency Coordination Group established under
10 subsection (1).
- 11 (3) Despite section 26(3)(e), a State Emergency
12 Coordination Group established under
13 subsection (1) —
- 14 (a) is not required to include the person referred to
15 in that section; and
- 16 (b) must instead include a person nominated by the
17 State Emergency Coordinator as a
18 representative of all local governments in the
19 State.
- 20 (4) A State Emergency Coordination Group established
21 under subsection (1) continues until the day determined
22 under section 26(6), even if the COVID-19 declaration
23 referred to in subsection (1) ceases to be in force.
- 24 (5) During any period when a COVID-19 declaration is in
25 force, a State Emergency Coordination Group
26 established under subsection (1) may exercise
27 functions under section 27 as if the references in
28 section 27(a) and (b) to emergency management were
29 references to COVID-19 management.
- 30 (6) If a state of emergency in relation to COVID-19 is
31 declared at a time when there is a State Emergency

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- 1 Coordination Group established under
2 subsection (1) —
- 3 (a) section 26(1) does not operate to establish
4 another State Emergency Coordination Group;
5 and
- 6 (b) the State Emergency Coordination Group
7 established under subsection (1) may exercise
8 functions under section 27 in relation to that
9 state of emergency.
- 10 (7) Nothing in this section prevents the membership of a
11 State Emergency Coordination Group established
12 under subsection (1) from changing in accordance with
13 this Act.
- 14 **77V. Continuation of State Disaster Council for**
15 **COVID-19**
- 16 (1) In this section —
17 ***2020 COVID-19 state of emergency declaration***
18 means the state of emergency declaration in relation to
19 COVID-19 that came into effect on 16 March 2020.
- 20 (2) The State Disaster Council established for the state of
21 emergency declared by the 2020 COVID-19 state of
22 emergency declaration continues until the day
23 determined under section 63(8), even if that declaration
24 ceases to be in force.
- 25 (3) During any period when a COVID-19 declaration is in
26 force, the State Disaster Council referred to in
27 subsection (2) may exercise functions under section 64
28 as if a reference in that section to the state of
29 emergency were a reference to COVID-19
30 management.

- 1 (4) If a further state of emergency in relation to COVID-19
2 is declared at a time when the State Disaster Council
3 referred to in subsection (2) continues to be
4 established —
5 (a) section 63(1) does not operate to establish
6 another State Disaster Council; and
7 (b) the State Disaster Council referred to in
8 subsection (2) may exercise functions under
9 section 64 in relation to that state of emergency.
- 10 (5) Nothing in this section prevents the membership of the
11 State Disaster Council referred to in subsection (2)
12 from changing in accordance with this Act.

13 **77W. Modification of State and local arrangements**

- 14 (1) While this Part is in operation —
15 (a) the following may, but are not required to,
16 include provision in relation to COVID-19
17 management —
18 (i) State emergency management policies;
19 (ii) State emergency management plans;
20 (iii) emergency management arrangements
21 for an emergency management district;
22 (iv) local emergency management
23 arrangements (as defined in
24 section 41(1));
25 and
26 (b) the SEMC, a district emergency coordinator, a
27 district emergency management committee, a
28 local emergency coordinator, a local emergency
29 management committee or a local government
30 (as the case requires) may carry out functions
31 under Part 2 or 3 in relation to those policies,
32 plans and arrangements accordingly.

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- 1 (2) While this Part is in operation, without limiting any
2 other functions conferred by this Act —
- 3 (a) a district emergency coordinator may carry out
4 COVID-19 management functions in
5 accordance with the directions of the State
6 Emergency Coordinator; and
- 7 (b) a local emergency coordinator or local
8 emergency management committee may carry
9 out COVID-19 management activities in
10 accordance with the directions of the State
11 Emergency Coordinator; and
- 12 (c) a local emergency coordinator may assist
13 hazard management agencies in the provision
14 of a coordinated response to COVID-19 while a
15 COVID-19 declaration is in force.

16 **77X. Modification of other provisions of this Act**

- 17 (1) While this Part is in operation, the following provisions
18 of this Act are modified as follows —
- 19 (a) section 11 is to be read as if —
- 20 (i) a reference to an emergency included a
21 reference to COVID-19; and
- 22 (ii) a reference to a state of emergency
23 included a reference to a period when a
24 COVID-19 declaration is in force; and
- 25 (iii) a reference to emergency management
26 activities included a reference to
27 COVID-19 management activities;
- 28 (b) sections 62, 85, 88 and 89 and the definition of
29 *official* in section 100(6) are to be read as if a
30 reference to an authorised officer included a
31 reference to an authorised COVID-19 officer;

-
- 1 (c) sections 78(1) and 79(1) are to be read as if a
2 reference to a power under section 46, 47, 48,
3 69 or 75(1)(f) included a reference to a power
4 under section 77M;
- 5 (d) section 84(1)(a) is to be read as if a reference to
6 an emergency included a reference to
7 COVID-19;
- 8 (e) section 86(1) is to be read as if a reference to a
9 direction under section 47, 67, 70, 71, 72A
10 or 75(1)(i) included a reference to a direction
11 under section 77L, 77M(4), 77N, 77O or 77Q;
- 12 (f) section 96(1)(a) is to be read as if a reference to
13 emergency management during an emergency
14 situation or a state of emergency included a
15 reference to COVID-19 management while a
16 COVID-19 declaration is in force;
- 17 (g) section 99(1) and (2) are to be read as if —
- 18 (i) a reference to a state of emergency
19 declaration included a reference to a
20 COVID-19 declaration; and
- 21 (ii) a reference to an emergency area
22 included a reference to a declaration
23 area in relation to a COVID-19
24 declaration; and
- 25 (iii) a reference to an authorised officer
26 included a reference to an authorised
27 COVID-19 officer; and
- 28 (iv) a reference to a police officer authorised
29 to act under section 71 included a
30 reference to a police officer authorised
31 to act under section 77O;

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s. 8

1 (h) the definition of *prescribed emergency activity*
2 in section 101(1) is to be read as if a reference
3 to emergency management included a reference
4 to COVID-19 management.

5 (2) In determining whether an employee carries out an
6 emergency management response for the purposes of
7 Part 9, section 91(2) applies during a period when a
8 COVID-19 declaration is in force as if COVID-19
9 were an emergency.
10

11 **8. Section 94A inserted**

12 At the beginning of Part 10 insert:
13

14 **94A. Powers under other written laws do not affect**
15 **whether declarations can be made**

16 (1) The existence of powers under any other written law
17 that could be exercised in relation to an emergency
18 does not affect —

19 (a) whether an emergency situation declaration
20 may be made under section 50; or

21 (b) whether a state of emergency declaration may
22 be made under section 56.

23 (2) Without limiting subsection (1) —

24 (a) in determining for the purposes of
25 section 50(2)(b) whether there is a need to
26 exercise powers under Part 6, the State
27 Emergency Coordinator or hazard management
28 agency (as the case requires) is not required to
29 consider powers under any other written law;
30 and

- 1 (b) in determining for the purposes of
2 section 56(2)(c) whether extraordinary
3 measures are required, the Minister is not
4 required to consider powers under any other
5 written law.
- 6 (3) The existence of powers under any other written law
7 that could be exercised in relation to the occurrence of
8 COVID-19 does not affect whether a COVID-19
9 declaration may be made under section 77C.
- 10 (4) Without limiting subsection (3), in determining under
11 section 77C(2)(b) whether there is a need to exercise
12 powers under Part 6A Division 4, the State Emergency
13 Coordinator is not required to consider powers under
14 any other written law.
15

16 **Division 2 — Other Acts amended**

17 **Subdivision 1 — *Emergency Management Amendment (COVID-19***
18 ***Response) Act 2020* amended**

- 19 **9. Act amended**
20 This Subdivision amends the *Emergency Management*
21 *Amendment (COVID-19 Response) Act 2020*.
- 22 **10. Section 2 amended**
23 Delete section 2(c).
- 24 **11. Section 10 deleted**
25 Delete section 10.

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Division 2 Other Acts amended

s. 12

1 **Subdivision 2 — *First Home Owner Grant Act 2000* amended**

2 **12. Act amended**

3 This Subdivision amends the *First Home Owner Grant*
4 *Act 2000*.

5 **13. Section 64B amended**

6 In section 64B(1):

7 (a) after paragraph (a)(ii) insert:

8
9 (ia) a COVID-19 declaration under the
10 *Emergency Management Act 2005*
11 section 77C;

12
13 (b) in paragraph (b) delete “of the emergency to which the
14 emergency declaration relates.” and insert:

15
16 of —

17 (i) if the emergency declaration is a
18 COVID-19 declaration under the
19 *Emergency Management Act 2005*
20 section 77C — COVID-19; or

21 (ii) otherwise — the emergency to which
22 the emergency declaration relates.
23

24 **Subdivision 3 — *Local Government Act 1995* amended**

25 **14. Act amended**

26 This Subdivision amends the *Local Government Act 1995*.

1 **15. Section 10.1 amended**

2 In section 10.1 delete the definition of *COVID emergency*
3 *declaration* and insert:

4
5 ***COVID emergency declaration*** means —

- 6 (a) a state of emergency declaration made under
7 the *Emergency Management Act 2005*
8 section 56 in relation to the COVID-19
9 pandemic; or
10 (b) a COVID-19 declaration made under Part 6A of
11 that Act (as that Part is in force before the
12 coming into operation of the *Emergency*
13 *Management Amendment (Temporary*
14 *COVID-19 Provisions) Act 2022* section 30).

15
16 **Subdivision 4 — *Protection of Information (Entry Registration***
17 ***Information Relating to COVID-19 and Other Infectious Diseases)***
18 ***Act 2021* amended**

19 **16. Act amended**

20 This Subdivision amends the *Protection of Information (Entry*
21 *Registration Information Relating to COVID-19 and Other*
22 *Infectious Diseases) Act 2021*.

23 **17. Section 3 amended**

24 In section 3 in the definition of *infectious disease emergency*:

- 25 (a) in paragraph (c) delete “powers;” and insert:
26
27 powers; or
28

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Division 2 Other Acts amended

s. 18

- 1 (b) after paragraph (c) insert:
2
3 (d) if a COVID-19 declaration is made under the
4 *Emergency Management Act 2005* Part 6A (as
5 that Part is in force before the coming into
6 operation of the *Emergency Management*
7 *Amendment (Temporary COVID-19 Provisions)*
8 *Act 2022* section 30) — the occurrence of
9 COVID-19 in the area to which the declaration
10 applies while the declaration is in force;
11

12 **Subdivision 5 — *Public Health Act 2016* amended**

13 **18. Act amended**

14 This Subdivision amends the *Public Health Act 2016*.

15 **19. Section 4 amended**

16 (1) In section 4(1) insert in alphabetical order:
17

18 ***COVID-19 declaration*** has the meaning given in the
19 *Emergency Management Act 2005* section 77C(1);

20 ***COVID-19 management*** has the meaning given in the
21 *Emergency Management Act 2005* section 77B;
22

23 (2) In section 4(1) in the definition of ***quarantine direction*** delete
24 “Part 6 Division 1,” and insert:
25

26 Part 6 Division 1 or 1A or Part 6A Division 4,
27

1 **20. Section 164 amended**

2 In section 164(1) delete “an emergency situation declaration or
3 a state of emergency declaration” and insert:

4
5 an emergency situation declaration, a state of emergency
6 declaration or a COVID-19 declaration
7

8 **21. Section 197 amended**

9 In section 197(2) delete “emergency —” and insert:

10
11 emergency, or COVID-19 management while a COVID-19
12 declaration is in force —
13

14 **22. Section 198 amended**

15 In section 198(2)(c) delete “emergency” and insert:

16
17 emergency, or COVID-19 declaration,
18

19 **23. Section 201 amended**

20 In section 201 delete “Part 6,” and insert:

21
22 Part 6 or 6A,
23

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Division 2 Other Acts amended

s. 24

1 **24. Section 202M amended**

2 In section 202M(1) delete “the *Emergency Management*
3 *Act 2005* Part 6 Division 1.” and insert:

4
5 a direction under the *Emergency Management Act 2005* Part 6
6 Division 1 or 1A or Part 6A Division 4.

7
8 **Subdivision 6 — *Taxation Administration Act 2003* amended**

9 **25. Act amended**

10 This Subdivision amends the *Taxation Administration Act 2003*.

11 **26. Section 135A amended**

12 In section 135A(1):

13 (a) after paragraph (a)(ii) insert:

14
15 (ia) a COVID-19 declaration under the
16 *Emergency Management Act 2005*
17 section 77C;

18
19 (b) in paragraph (b) delete “of the emergency to which the
20 emergency declaration relates.” and insert:

21
22 of —

23 (i) if the emergency declaration is a
24 COVID-19 declaration under the
25 *Emergency Management Act 2005*
26 section 77C — COVID-19; or

27 (ii) otherwise — the emergency to which
28 the emergency declaration relates.

29

1 **Part 3 — Amendments commencing 2 years after day**
2 **fixed by proclamation**

3 **Division 1 — *Emergency Management Act 2005* amended**

4 **27. Act amended**

5 This Division amends the *Emergency Management Act 2005*.

6 **28. Long title amended**

7 In the long title delete “**and the management of COVID-19**”.

8 **29. Part 6 Division 1A deleted**

9 Delete Part 6 Division 1A.

10 **30. Part 6A deleted**

11 Delete Part 6A.

12 **31. Section 77 amended**

13 In section 77(2A) delete “71, 72A(2)” and insert:

14
15 71

16
17 **32. Section 86 amended**

18 In section 86(1) delete “71, 72A” and insert:

19
20 71

21
22 **33. Section 94A amended**

23 Delete section 94A(3) and (4).

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Part 3 Amendments commencing 2 years after day fixed by proclamation

Division 2 First Home Owner Grant Act 2000 amended

s. 34

1 **Division 2 — *First Home Owner Grant Act 2000* amended**

2 **34. Act amended**

3 This Division amends the *First Home Owner Grant Act 2000*.

4 **35. Section 64B amended**

5 In section 64B(1):

6 (a) delete paragraph (a)(iia);

7 (b) in paragraph (b) delete the passage beginning with
8 “effects of —” and ending with “relates.” and insert:

9
10 effects of the emergency to which the emergency
11 declaration relates.
12

13 **36. Section 72 inserted**

14 At the end of Part 5 insert:
15

16 **72. Transitional provision for *Emergency Management***
17 ***Amendment (Temporary COVID-19 Provisions)***
18 ***Act 2022***

19 (1) In this section —

20 ***commencement day*** means the day on which the
21 *Emergency Management Amendment (Temporary*
22 *COVID-19 Provisions) Act 2022* Part 3 comes into
23 operation.

24 (2) If 1 or more COVID-19 declarations were made under
25 the *Emergency Management Act 2005* section 77C (as
26 that section was in force before commencement day),
27 section 64B applies on and after commencement day in
28 relation to those COVID-19 declarations as if the
29 amendments made by the *Emergency Management*

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Amendment (Temporary COVID-19 Provisions)
Act 2022 section 35 had not come into operation.

Division 3 — Public Health Act 2016 amended

37. Act amended

This Division amends the *Public Health Act 2016*.

38. Section 4 amended

(1) In section 4(1) delete the definitions of:

COVID-19 declaration

COVID-19 management

(2) In section 4(1) in the definition of ***quarantine direction*** delete
“Part 6 Division 1 or 1A or Part 6A Division 4,” and insert:

Part 6 Division 1,

39. Section 164 amended

In section 164(1) delete “an emergency situation declaration, a
state of emergency declaration or a COVID-19 declaration” and
insert:

an emergency situation declaration or a state of emergency
declaration

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proclamation

Division 3 Public Health Act 2016 amended

s. 40

1 **40. Section 197 amended**

2 In section 197(2) delete “emergency, or COVID-19
3 management while a COVID-19 declaration is in force — ” and
4 insert:

5

6 emergency —

7

8 **41. Section 198 amended**

9 In section 198(2)(c) delete “emergency, or COVID-19
10 declaration,” and insert:

11

12 emergency

13

14 **42. Section 201 amended**

15 In section 201 delete “Part 6 or 6A,” and insert:

16

17 Part 6,

18

19 **43. Section 202M amended**

20 In section 202M(1) delete “Division 1 or 1A or Part 6A
21 Division 4.” and insert:

22

23 Division 1.

24

1 **Division 4 — *Taxation Administration Act 2003* amended**

2 **44. Act amended**

3 This Division amends the *Taxation Administration Act 2003*.

4 **45. Section 135A amended**

5 In section 135A(1):

6 (a) delete paragraph (a)(iia);

7 (b) in paragraph (b) delete the passage beginning with
8 “effects of — ” and ending with “relates.” and insert:

9
10 effects of the emergency to which the emergency
11 declaration relates.

12
13 **46. Section 139 inserted**

14 At the end of Part 11 insert:

15
16 **139. Transitional provision for *Emergency Management***
17 ***Amendment (Temporary COVID-19 Provisions)***
18 ***Act 2022***

19 (1) In this section —

20 ***commencement day*** means the day on which the
21 *Emergency Management Amendment (Temporary*
22 *COVID-19 Provisions) Act 2022* Part 3 comes into
23 operation.

24 (2) If 1 or more COVID-19 declarations were made under
25 the *Emergency Management Act 2005* section 77C (as
26 that section was in force before commencement day),
27 section 135A applies on and after commencement day
28 in relation to those COVID-19 declarations as if the
29 amendments made by the *Emergency Management*

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proclamation

Division 4 Taxation Administration Act 2003 amended
s. 46

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Amendment (Temporary COVID-19 Provisions)
Act 2022 section 45 had not come into operation.

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