

House of Assembly—No 73

As introduced under suspension of Standing Orders, read a first time and passed remaining stages, reported with an amendment, 21 July 2020

South Australia

Emergency Management (Quarantine Fees and Penalty) Amendment Bill 2020

A BILL FOR

An Act to amend the *Emergency Management Act 2004*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Emergency Management (Quarantine Fees and Penalty) Amendment Act 2020*.

2—Commencement

- (1) Subject to subsection (2), this Act comes into operation on the day on which it is assented to by the Governor.
- (2) Section 5 will be taken to have come into operation on 18 July 2020.

10 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Emergency Management Act 2004*

15 4—Amendment of section 25—Powers of State Co-ordinator and authorised officers

Section 25—before subsection (3) insert:

- 20 (2a) A direction or requirement under this section must not prohibit travel into or out of the State where the travel is for the purpose of escaping domestic violence or providing support to a family member who is experiencing domestic violence, or is otherwise reasonably necessary for the purpose of dealing with circumstances arising out of domestic violence (but a direction may impose conditions in relation to such travel).

5—Insertion of section 25AA

After section 25 insert:

25AA—Fees relating to quarantine during declared emergencies

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- (1) The following persons (*liable persons*) must pay a fee determined by the State Co-ordinator, by notice in the Gazette, relating to their quarantine or isolation at a place in South Australia:
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- (a) a prescribed arrival, or a class of prescribed arrival, specified in the notice;
- (b) a designated person, or a class of designated person, specified in the notice.
- (2) A notice under subsection (1) may specify differential fees according to the class of liable person or any other factor specified in the notice.
- (3) A notice under subsection (1) has effect—
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- (a) if the notice specifies the day from which it has effect (which may be a day earlier than the day on which the notice is published in the Gazette)—from that day; or
- (b) in any other case—from the day on which it is published in the Gazette.
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- (4) To avoid doubt, a fee imposed on a liable person by a notice under subsection (1) is required to be paid by the liable person—
- (a) in the case of a prescribed arrival—whether or not they arrive in South Australia before or after the day on which the notice is published in the Gazette; or
- 25
- (b) in the case of a designated person—whether or not the refusal or failure to comply occurs before or after the day on which the notice is published in the Gazette.
- (5) The State Co-ordinator may, by further notice in the Gazette, vary or revoke a notice under subsection (1).
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- (6) The State Co-ordinator may waive, reduce or refund a fee imposed under this section if the State Co-ordinator considers it appropriate to do so.
- (7) A fee imposed under this section is recoverable as a debt due to the Crown.
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- (8) The State Co-ordinator may delegate a power or function under this section to an Assistant State Co-ordinator.
- (9) A delegation under subsection (8)—
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- (a) must be in writing; and
- (b) is revocable at will and does not derogate from the power of the State Co-ordinator to act in any matter.

(10) In this section—

designated person means a person who, on or after the day on which this section commences—

- 5 (a) refuses or fails to comply with a direction or requirement under section 25 (whether applying to persons generally or otherwise) to remain quarantined or isolated at a place in South Australia; and
- 10 (b) as a result of the refusal or failure, is directed or required to remain quarantined or isolated at a place determined by an authorised officer;

prescribed arrival means a person—

- 15 (a) who arrives in South Australia on or after the day on which this section commences; and
- (b) who is obliged, in accordance with a direction or requirement under section 25 (whether applying to persons generally or otherwise), to remain quarantined or isolated at a place after entering South Australia from a place outside South Australia.

6—Amendment of section 28—Failure to comply with directions

20 Section 28(1), penalty provision, (b)—after "\$20 000" insert:
or imprisonment for 2 years