



Western Australia

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

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

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Western Australia

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

No. 33 of 2022

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

[Assented to 21 October 2022]

The Parliament of Western Australia enacts as follows:

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).

Part 2 — Amendments commencing on day fixed by proclamation

Division 1 — *Emergency Management Act 2005* amended

3. Act amended

This Division amends the *Emergency Management Act 2005*.

4. Long title amended

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

and the management of COVID-19

5. Part 6 Division 1A heading inserted

Before section 72A insert:

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

6. Section 72A amended

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

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

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

Part 2 Amendments commencing on day fixed by proclamation

Division 1 Emergency Management Act 2005 amended

s. 7

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

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

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

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

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

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

7. Part 6A inserted

After section 77 insert:

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

Division 1 — Preliminary

77A. Overview of Part

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

- (a) the State Emergency Coordinator may make a COVID-19 declaration in relation to the whole or any area or areas of the State; and
- (b) if a COVID-19 declaration is in force, powers can be exercised by authorised COVID-19

officers for the purposes of COVID-19 management.

Note for this section:

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

77B. Terms used

In this Part —

authorised COVID-19 officer means —

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

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

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

COVID-19 management —

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

declaration area, in relation to a COVID-19 declaration, means the area to which the declaration applies.

Division 2 — Power to make COVID-19 declaration

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

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

77D. Duration of COVID-19 declaration

A COVID-19 declaration —

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

77E. Extension of COVID-19 declaration

- (1) The State Emergency Coordinator may by declaration in writing extend, or from time to time further extend, the duration of a COVID-19 declaration.
- (2) The State Emergency Coordinator must not make a declaration extending, or further extending, a COVID-19 declaration unless the State Emergency Coordinator continues to be satisfied of the matters referred to in section 77C(2)(a) and (b).
- (3) A declaration extending, or further extending, the duration of a COVID-19 declaration —
 - (a) must include the time when, and date on which, the declaration is made; and
 - (b) must state the period by which the duration of the COVID-19 declaration is extended; and
 - (c) remains in force until the end of the period stated under paragraph (b) unless the COVID-19 declaration is sooner revoked under section 77F.
- (4) The period by which the duration of a COVID-19 declaration is extended must not exceed 3 months.

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

77F. Revocation of COVID-19 declaration

- (1) The State Emergency Coordinator may revoke a COVID-19 declaration at any time.
- (2) The State Emergency Coordinator must revoke a COVID-19 declaration as soon as the State Emergency Coordinator is satisfied that it is no longer necessary for the powers under Division 4 to be exercised in relation to COVID-19 management in the declaration area.
- (3) The revocation must be made by declaration in writing and must include the time when, and date on which, it is made.
- (4) The revocation declaration has effect on and from the time it is made, or any later time that is specified in the revocation declaration.
- (5) Despite any other written law, the revocation of a COVID-19 declaration does not affect —
 - (a) any penalty or punishment incurred, imposed, or liable to be incurred or imposed, before the revocation; or
 - (b) any investigation or legal proceedings in respect of such a penalty or punishment.

77G. Consultation with and advice from Chief Health Officer

- (1) A COVID-19 declaration, or a declaration under section 77E or 77F, cannot be made unless —
 - (a) the State Emergency Coordinator has consulted the Chief Health Officer; and

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

77H. Publication of notice of declaration and advice

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

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

Division 3 — Authorised COVID-19 officers

77L. Authorised COVID-19 officers

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

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

Division 4 — Powers during COVID-19 declaration

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

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

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;

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

77M. Powers to control and use property and related powers

- (1) For the purposes of COVID-19 management while a COVID-19 declaration is in force, an authorised COVID-19 officer may take control of or make use of any place, vehicle or other thing.
- (2) The place, vehicle or other thing may be in, or outside, the declaration area.
- (3) For the purposes of exercising a power under subsection (1), an authorised COVID-19 officer may enter, or if necessary break into and enter, any place or vehicle.
- (4) An authorised COVID-19 officer may direct the owner or occupier, or the person apparently in charge, of a place, vehicle or other thing to give the authorised COVID-19 officer reasonable assistance to exercise the officer's powers under this section.
- (5) An authorised COVID-19 officer may exercise the powers under this section without a warrant or the consent of the owner or occupier, or the person apparently in charge, of the place, vehicle or other thing.
- (6) If an authorised COVID-19 officer takes control of or makes use of any place, vehicle or other thing under this section, the authorised COVID-19 officer must ensure that, as soon as is reasonably practicable in the circumstances and no later than 7 days after the place,

vehicle or thing is taken control of or made use of, a notice is given to the owner or occupier, or the person formerly in charge, of the place, vehicle or thing stating —

- (a) that the place, vehicle or thing has been taken control of or made use of under this section; and
- (b) the name of the authorised COVID-19 officer who has taken control of or made use of the place, vehicle or thing.

77N. Powers of officers in relation to persons exposed to SARS-CoV-2 virus

- (1) While a COVID-19 declaration is in force, for the purpose of limiting the spread of the SARS-CoV-2 virus, an authorised COVID-19 officer may direct any person who has been exposed, or any class of person who may have been exposed, to the SARS-CoV-2 virus to do all or any of the following —
 - (a) to remain in an area specified by the officer for such period as is specified by the officer;
 - (b) to remain quarantined from other persons for such period, and in such reasonable manner, as is specified by the officer;
 - (c) to submit to infection prevention and control procedures within such reasonable period, and in such reasonable manner, as is specified by the officer.
- (2) The period specified under subsection (1)(a) or (b) must not be more than 24 hours unless —
 - (a) the State Emergency Coordinator gives the direction; or

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

770. Powers of police to direct closure of places and concerning movement and evacuation

- (1) For the purposes of COVID-19 management while a COVID-19 declaration is in force, a police officer may direct the owner, occupier or the person apparently in charge of any place of business, worship or entertainment in the declaration area to close that place to the public for the period specified in the direction.
- (2) A direction under subsection (1) may be given in relation to a class of place.
- (3) Subject to subsection (4), while a COVID-19 declaration is in force a police officer may exercise any of the powers of an authorised COVID-19 officer under section 77L.
- (4) A police officer must not exercise a power under subsection (3) in a manner that is contrary to or in conflict with —
 - (a) a direction given to the police officer by the State Emergency Coordinator; or
 - (b) the exercise of a power by an authorised COVID-19 officer under section 77L.
- (5) When exercising powers under this section a police officer has all the immunities of an authorised COVID-19 officer.

77P. Exchange of information

(1) In this section —

relevant information means the following —

- (a) the personal details of a person;
- (b) information about the whereabouts of a person;
- (c) information about the state of health of a person;
- (d) information about any recent travel undertaken by a person;
- (e) information about persons with whom a person has been in close contact;
- (f) information of a kind prescribed by the regulations;

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

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

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

- (a) an authorised COVID-19 officer may disclose relevant information —
 - (i) to an emergency management agency; and
 - (ii) if the regulations so provide, to a person or entity engaged by an emergency management agency to provide welfare services, in accordance with those regulations;

and

- (b) if the regulations so provide, an agency, person or entity to whom relevant information is disclosed under paragraph (a) may further disclose the information in accordance with those regulations.
- (3) For the purposes of COVID-19 management while a COVID-19 declaration is in force, an authorised COVID-19 officer may request an emergency management agency that holds relevant information to disclose the information to the authorised COVID-19 officer.
- (4) An emergency management agency may comply with a request under subsection (3) despite any law of this State relating to secrecy or confidentiality.
- (5) If information is disclosed, in good faith, under subsection (2) or in compliance with a request under subsection (3) —
 - (a) no civil or criminal liability is incurred in respect of the disclosure; and
 - (b) the disclosure is not to be regarded as a breach of any duty of confidentiality or secrecy imposed by law; and
 - (c) the disclosure is not to be regarded as a breach of professional ethics or standards or as unprofessional conduct.
- (6) The SEMC must establish procedures for the disclosure of information under subsection (2)(a)(i).
- (7) The regulations may include provisions about —
 - (a) the circumstances in which information may be disclosed under this section; and

- (b) the agencies, persons and entities to whom information may be disclosed under this section; and
- (c) the conditions subject to which information may be disclosed under this section; and
- (d) the receipt and storage of information disclosed under this section; and
- (e) the restriction of access to such information.

77Q. General powers during COVID-19 declaration

- (1) In this section —
relevant information means —
 - (a) relevant information as defined in section 77P(1); or
 - (b) information of a kind specified by the State Emergency Coordinator as relevant to COVID-19 management.
- (2) While a COVID-19 declaration is in force, an authorised COVID-19 officer may take, or direct a person or a class of person to take, any action that the officer considers is reasonably necessary to prevent, control or abate risks associated with COVID-19.
- (3) For the purposes of COVID-19 management while a COVID-19 declaration is in force, an authorised COVID-19 officer may direct a person to —
 - (a) give to the officer relevant information about the person or any other person closely associated with the person; or
 - (b) answer questions intended to elicit relevant information about the person or any other person closely associated with the person.

- (4) A person is not excused from complying with a direction given to the person under subsection (3) on the ground that giving the information or answering the question might tend to incriminate the person or expose the person to a criminal penalty.
- (5) However, any information or answer given by a person in compliance with a direction given to the person under subsection (3) is not admissible in evidence in any criminal proceedings against the person other than proceedings for an offence under section 89.
- (6) The powers conferred by this section are in addition to the powers conferred by sections 77K to 77P and nothing in those sections or in Part 6 limits the powers conferred by this section.

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

- (1) A power under this Division cannot be exercised —
 - (a) to prohibit or prevent persons from entering the State from any other State or any Territory; or
 - (b) to require persons to make an application, or obtain a pass or permit, to enter the State from any other State or any Territory.
- (2) Subsection (1) applies whether or not the exercise of the power is subject to exceptions or applies only to a class of persons entering from the other State or Territory (for example, to persons entering from a particular area of the other State or Territory).
- (3) Nothing in this section affects the powers that can be exercised under Part 6 during an emergency situation or state of emergency.

Division 5 — Miscellaneous

77S. General provisions regarding powers

- (1) In this section —
officer means an authorised COVID-19 officer or a police officer.
- (2) If a person does not comply with a direction under this Part, an officer may do all such things as are reasonably necessary to ensure compliance with the direction, using such force as is reasonable in the circumstances.
- (3) An officer may exercise a power under this Part with the help, and using the force, that is reasonable in the circumstances.
- (4) The powers of an officer under this Part are in addition to, and not in derogation from, the powers the person may have under another written law or other law.

77T. General provisions regarding directions

- (1) A direction may be given under this Part orally or in writing.
- (2) A direction given orally must be confirmed in writing within 2 working days after it is given, unless within that period it is complied with or cancelled.
- (3) A direction under section 77L, 77N, 77O or 77Q(2) that is given in relation to a class of person, place or thing —
 - (a) need not be given directly to the persons to whom it applies; and
 - (b) despite the *Interpretation Act 1984* section 41 (to the extent to which it applies), need not be published in the *Gazette*; and

- (c) must be published in the manner that the State Emergency Coordinator considers suitable in the circumstances.
- (4) Failure to comply with subsection (2) or (3)(c) does not invalidate the direction.

77U. Establishment of State Emergency Coordination Group for COVID-19

- (1) If a COVID-19 declaration is in force, the State Emergency Coordinator may establish a State Emergency Coordination Group in relation to COVID-19.
- (2) A reference in this Act to the *State Emergency Coordination Group* includes a reference to a State Emergency Coordination Group established under subsection (1).
- (3) Despite section 26(3)(e), a State Emergency Coordination Group established under subsection (1) —
 - (a) is not required to include the person referred to in that section; and
 - (b) must instead include a person nominated by the State Emergency Coordinator as a representative of all local governments in the State.
- (4) A State Emergency Coordination Group established under subsection (1) continues until the day determined under section 26(6), even if the COVID-19 declaration referred to in subsection (1) ceases to be in force.
- (5) During any period when a COVID-19 declaration is in force, a State Emergency Coordination Group established under subsection (1) may exercise functions under section 27 as if the references in

section 27(a) and (b) to emergency management were references to COVID-19 management.

- (6) If a state of emergency in relation to COVID-19 is declared at a time when there is a State Emergency Coordination Group established under subsection (1) —
 - (a) section 26(1) does not operate to establish another State Emergency Coordination Group; and
 - (b) the State Emergency Coordination Group established under subsection (1) may exercise functions under section 27 in relation to that state of emergency.
- (7) Nothing in this section prevents the membership of a State Emergency Coordination Group established under subsection (1) from changing in accordance with this Act.

77V. Continuation of State Disaster Council for COVID-19

- (1) In this section —

2020 COVID-19 state of emergency declaration means the state of emergency declaration in relation to COVID-19 that came into effect on 16 March 2020.
- (2) The State Disaster Council established for the state of emergency declared by the 2020 COVID-19 state of emergency declaration continues until the day determined under section 63(8), even if that declaration ceases to be in force.
- (3) During any period when a COVID-19 declaration is in force, the State Disaster Council referred to in subsection (2) may exercise functions under section 64 as if a reference in that section to the state of

emergency were a reference to COVID-19 management.

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

77W. Modification of State and local arrangements

- (1) While this Part is in operation —
 - (a) the following may, but are not required to, include provision in relation to COVID-19 management —
 - (i) State emergency management policies;
 - (ii) State emergency management plans;
 - (iii) emergency management arrangements for an emergency management district;
 - (iv) local emergency management arrangements (as defined in section 41(1));and
 - (b) the SEMC, a district emergency coordinator, a district emergency management committee, a local emergency coordinator, a local emergency management committee or a local government

(as the case requires) may carry out functions under Part 2 or 3 in relation to those policies, plans and arrangements accordingly.

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

77X. Modification of other provisions of this Act

- (1) While this Part is in operation, the following provisions of this Act are modified as follows —
- (a) section 11 is to be read as if —
 - (i) a reference to an emergency included a reference to COVID-19; and
 - (ii) a reference to a state of emergency included a reference to a period when a COVID-19 declaration is in force; and
 - (iii) a reference to emergency management activities included a reference to COVID-19 management activities;
 - (b) sections 62, 85, 88 and 89 and the definition of *official* in section 100(6) are to be read as if a

- reference to an authorised officer included a reference to an authorised COVID-19 officer;
- (c) sections 78(1) and 79(1) are to be read as if a reference to a power under section 46, 47, 48, 69 or 75(1)(f) included a reference to a power under section 77M;
 - (d) section 84(1)(a) is to be read as if a reference to an emergency included a reference to COVID-19;
 - (e) section 86(1) is to be read as if a reference to a direction under section 47, 67, 70, 71, 72A or 75(1)(i) included a reference to a direction under section 77L, 77M(4), 77N, 77O or 77Q;
 - (f) section 96(1)(a) is to be read as if a reference to emergency management during an emergency situation or a state of emergency included a reference to COVID-19 management while a COVID-19 declaration is in force;
 - (g) section 99(1) and (2) are to be read as if —
 - (i) a reference to a state of emergency declaration included a reference to a COVID-19 declaration; and
 - (ii) a reference to an emergency area included a reference to a declaration area in relation to a COVID-19 declaration; and
 - (iii) a reference to an authorised officer included a reference to an authorised COVID-19 officer; and
 - (iv) a reference to a police officer authorised to act under section 71 included a reference to a police officer authorised to act under section 77O;

- (h) the definition of *prescribed emergency activity* in section 101(1) is to be read as if a reference to emergency management included a reference to COVID-19 management.
- (2) In determining whether an employee carries out an emergency management response for the purposes of Part 9, section 91(2) applies during a period when a COVID-19 declaration is in force as if COVID-19 were an emergency.

8. Section 94A inserted

At the beginning of Part 10 insert:

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

- (1) The existence of powers under any other written law that could be exercised in relation to an emergency does not affect —
 - (a) whether an emergency situation declaration may be made under section 50; or
 - (b) whether a state of emergency declaration may be made under section 56.
- (2) Without limiting subsection (1) —
 - (a) in determining for the purposes of section 50(2)(b) whether there is a need to exercise powers under Part 6, the State Emergency Coordinator or hazard management agency (as the case requires) is not required to consider powers under any other written law; and

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

Division 2 — Other Acts amended

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

9. Act amended

This Subdivision amends the *Emergency Management Amendment (COVID-19 Response) Act 2020*.

10. Section 2 amended

Delete section 2(c).

11. Section 10 deleted

Delete section 10.

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

12. Act amended

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

13. Section 64B amended

In section 64B(1):

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

(ia) a COVID-19 declaration under the
Emergency Management Act 2005
section 77C;

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

of —

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

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

Subdivision 3 — *Local Government Act 1995* amended

14. Act amended

This Subdivision amends the *Local Government Act 1995*.

15. Section 10.1 amended

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

COVID emergency declaration means —

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

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

16. Act amended

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

17. Section 3 amended

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

- (a) in paragraph (c) delete “powers;” and insert:

powers; or

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Division 2 Other Acts amended

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(b) after paragraph (c) insert:

(d) if a COVID-19 declaration is made under the *Emergency Management Act 2005* Part 6A (as that Part is in force before the coming into operation of the *Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022* section 30) — the occurrence of COVID-19 in the area to which the declaration applies while the declaration is in force;

Subdivision 5 — *Public Health Act 2016* amended

18. Act amended

This Subdivision amends the *Public Health Act 2016*.

19. Section 4 amended

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

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

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

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

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

20. Section 164 amended

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

an emergency situation declaration, a state of emergency declaration or a COVID-19 declaration

21. Section 197 amended

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

emergency, or COVID-19 management while a COVID-19 declaration is in force —

22. Section 198 amended

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

emergency, or COVID-19 declaration,

23. Section 201 amended

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

Part 6 or 6A,

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24. Section 202M amended

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

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

Subdivision 6 — *Taxation Administration Act 2003* amended

25. Act amended

This Subdivision amends the *Taxation Administration Act 2003*.

26. Section 135A amended

In section 135A(1):

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

(ia) a COVID-19 declaration under the
Emergency Management Act 2005
section 77C;

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

of —

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

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

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

Division 1 — *Emergency Management Act 2005* amended

27. Act amended

This Division amends the *Emergency Management Act 2005*.

28. Long title amended

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

29. Part 6 Division 1A deleted

Delete Part 6 Division 1A.

30. Part 6A deleted

Delete Part 6A.

31. Section 77 amended

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

71

32. Section 86 amended

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

71

33. Section 94A amended

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

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

34. Act amended

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

35. Section 64B amended

In section 64B(1):

- (a) delete paragraph (a)(iia);
- (b) in paragraph (b) delete the passage beginning with “effects of —” and ending with “relates.” and insert:

effects of the emergency to which the emergency declaration relates.

36. Section 72 inserted

At the end of Part 5 insert:

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

- (1) In this section —
commencement day means the day on which the *Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022* Part 3 comes into operation.
- (2) If 1 or more COVID-19 declarations were made under the *Emergency Management Act 2005* section 77C (as that section was in force before commencement day), section 64B applies on and after commencement day in relation to those COVID-19 declarations as if the amendments made by the *Emergency Management*

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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Part 3 Amendments commencing 2 years after day fixed by
proclamation

Division 3 Public Health Act 2016 amended

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40. Section 197 amended

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

emergency —

41. Section 198 amended

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

emergency

42. Section 201 amended

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

Part 6,

43. Section 202M amended

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

Division 1.

Division 4 — Taxation Administration Act 2003 amended

44. Act amended

This Division amends the *Taxation Administration Act 2003*.

45. Section 135A amended

In section 135A(1):

- (a) delete paragraph (a)(iia);
- (b) in paragraph (b) delete the passage beginning with “effects of — ” and ending with “relates.” and insert:

effects of the emergency to which the emergency
declaration relates.

46. Section 139 inserted

At the end of Part 11 insert:

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

- (1) In this section —
commencement day means the day on which the *Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022* Part 3 comes into operation.
- (2) If 1 or more COVID-19 declarations were made under the *Emergency Management Act 2005* section 77C (as that section was in force before commencement day), section 135A applies on and after commencement day in relation to those COVID-19 declarations as if the amendments made by the *Emergency Management*

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Act 2022***

Part 3 Amendments commencing 2 years after day fixed by
proclamation

Division 4 Taxation Administration Act 2003 amended
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*Amendment (Temporary COVID-19 Provisions)
Act 2022* section 45 had not come into operation.



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