

Serial 129

Public and Environmental Health Legislation Amendment Bill 2020

Ms Fyles

A Bill for an Act to amend the *Public and Environmental Health Act 2011* and
the *Public and Environmental Health Regulations 2014*

NORTHERN TERRITORY OF AUSTRALIA

PUBLIC AND ENVIRONMENTAL HEALTH LEGISLATION AMENDMENT ACT 2020

Act No. [] of 2020

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2020

An Act to amend the *Public and Environmental Health Act 2011* and the
Public and Environmental Health Regulations 2014

[Assented to [] 2020]
[Introduced [] 2020]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Public and Environmental Health Legislation Amendment Act 2020*.

2 Commencement

- (1) This Act (except sections 5, 6, 7, 10 and 11) is taken to have commenced on 4 April 2020.
- (2) Sections 5, 6, 7, 10 and 11 commence on the day after the day on which the Administrator's assent to this Act is declared.

Part 2 Amendment of Public and Environmental Health Act 2011

3 Act amended

This Part amends the *Public and Environmental Health Act 2011*.

4 Section 52A inserted

After section 52

insert

52A CHO's power to charge fees during emergencies

- (1) The CHO may charge a fee, of an amount decided by the CHO but no greater than the amount prescribed by regulation, to a person or class of persons for any action taken under section 52(1) that requires the person or class to enter and remain quarantined at a place after entering the Territory from a place outside the Territory.
- (2) A person or class of persons must pay any fee determined under subsection (1) that is charged to the person or class.
- (3) The fee is recoverable as a debt due to the Territory from the person or class of persons so charged.
- (4) A fee charged under this section may have effect from the day this section commences in respect of any quarantine that begins on or after that day.

5 Section 56 amended (Contravention of emergency declaration or direction)

- (1) Section 56(1)(a)

omit, insert

- (a) the CHO takes an action under section 52(1) that involves giving a direction, whether oral or written and whether specified in section 52(3) or otherwise; and

- (2) Section 56(1)(b)

omit

declaration or

6 Section 113A inserted

After section 113, in Part 9, Division 1

insert

113A Coughing or spitting on certain workers

- (1) A person commits an offence if:
- (a) the person intentionally coughs, spits or expectorates on or at another person; and
 - (b) the other person is:
 - (i) a police officer; or
 - (ii) an emergency worker as defined in section 187(2) of the Criminal Code; or
 - (iii) a worker within the meaning of section 188A of the Criminal Code; and
 - (c) the conduct specified in paragraph (a) is likely to cause a reasonable person to fear that COVID-19 will be transmitted to the person specified in paragraph (b).

Maximum penalty: 100 penalty units or imprisonment for 12 months.

- (2) Strict liability applies to subsection (1)(b).
- (3) Absolute liability applies to subsection (1)(c).
- (4) In this section:

COVID-19 means the Coronavirus disease named "COVID-19" by the World Health Organization.

7 Part 11, Division 4 inserted

After section 140

insert

Division 4 Transitional matters for Public and Environmental Health Legislation Amendment Act 2020**141 Offences**

- (1) Section 56, as amended by the *Public and Environmental Health Legislation Amendment Act 2020*, applies only in relation to offences committed after the commencement of section 5 of that Act (the **commencement**).
- (2) For subsection (1), if any of the conduct constituting an offence occurred before the commencement, the offence is taken to have been committed before the commencement.

Part 3 Amendment of Public and Environmental Health Regulations 2014**8 Regulations amended**

This Part amends the *Public and Environmental Health Regulations 2014*.

9 Regulation 4A inserted

After regulation 4

insert

4A Prescribed maximum fee – CHO's emergency powers

For section 52A(1) of the Act, the prescribed maximum fee is \$10 000.

10 Regulation 102 amended (When infringement notice may be given)

- (1) Regulation 102, before "reasonably"

insert

or an authorised officer

(2) Regulation 102, before "may"

insert

or authorised officer

11 Schedule 5 amended (Infringement notices and prescribed amounts)

Schedule 5, after entry for section 56(1) of the Act

insert

section 113A

35

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Part 4 Repeal

12 Repeal of Act

This Act is repealed on the day after it commences.