

## CLAUSE NOTES

### *COVID-19 Disease Emergency (Miscellaneous Provisions) Amendment (Quarantine Debt Recovery) Bill 2020*

- Clause 1            Short title
- The short title is the *COVID-19 Disease Emergency (Miscellaneous Provisions) Amendment (Quarantine Debt Recovery) Act 2020*.
- Clause 2            Commencement
- This Act will commence on Royal Assent.
- Clause 3            Principal Act
- The Principal Act to which the amendments apply is the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.
- Clause 4            Part 6A inserted
- This new Part 6A will implement charging for hotel quarantine and provide the legislative framework to recover costs associated with a person's quarantine.
- Section 25A. Interpretation of Part 6A
- This section defines certain terms for the purpose of Part 6A.
- This includes the definition of *responsible person*, being the Secretary of the department responsible to the Minister in relation to the administration of the *Emergency Management Act 2006*.
- Section 25B. Quarantine debt order
- This section provides that the Secretary (as the *responsible person*) may, by order, declare that a person or class of people quarantined from 31 July 2020 are required to pay for their accommodation. It also provides authority for the Secretary to amend or revoke an order made under this section.
- Section 25C. Other orders
- This section provides for other orders to be made by the Secretary (as the *responsible person*) in relation to payment amounts and members of a family.
- The Secretary may, by order, determine another payment amount for a single person, additional person, and a child and the family rate. The Secretary may also make an order to set out the circumstances pertaining to the family rate.
- The Secretary may, by order, set the circumstances that define a family.
- The capacity to issue other orders will enable the Secretary to adjust the payment amounts as required in implementation.
- Section 25D. Certificate of exemption for requirement to pay debt
- This section provides for a person to make an application to the Secretary to seek an exemption to the fees (full or in part) prior to their travel.

A certificate of exemption may only be granted by the Secretary where there are compassionate or medical reasons for travel, where payment is likely to cause financial hardship or in other circumstances.

Subsections (4) and (5) provide that subject to the conditions of the certificate being met, the person is not liable to pay (all or part) of the payment amount.

#### Section 25E. Charging of amount for quarantine accommodation

This section provides for the Secretary to issue an invoice to a person undertaking quarantine on or after 31 July 2020. It also provides for an invoice to be provided to a person on behalf of their family.

#### Section 25F. Quarantine debt amount that person may be charged

The section sets the daily rates in which a person or family may be charged for undertaking quarantine in a quarantined premises. The following rates may apply:

- Single person: \$200 per day
- Additional adult: \$71.40 per day
- Child: \$35.70 per day

There will be no charge for children under 3 years of age, and accommodation charges will be capped at \$4,800 in total.

The Bill provides for pro-rata payment to allow for circumstances where a person or family may not be required to quarantine for the full 14 day period.

The Secretary may, by order, determine another payment amount during implementation, which is permitted under Section 25C.

#### Section 25G. Charging for quarantine period that begins before Part commences

This section provides for charging to only occur where a person or family has entered into quarantine on or after 31 July 2020. This means that any person who entered a quarantine premises before 31 July 2020 cannot be charged.

#### Section 25H. Amount specified in invoice is debt due and payable by payment date

This section specifies that the invoice is to be paid within a 30-day period.

#### Section 25I. Waivers of, and extensions of time to pay, debt

This section provides for a person to make an application to the Secretary for a waiver of all or part of the quarantine debt amount set out in an invoice, or to alter the payment date specified in an invoice (i.e. seek an extension).

Similar to section 25C, a waiver or alteration to the payment date may be granted by the Secretary on the basis of compassionate or medical reasons, financial hardship or other relevant circumstances.

#### Section 25J. Delegation by responsible person

This provides for the delegation of powers to grant a certificate of exemption (section 25D), issue an invoice (section 25E) and grant a waiver or alteration to the payment date (section 25I).

The Secretary may delegate these powers to a Deputy Commissioner or Assistant Commissioner under the *Police Service Act 2003*.

**Clause 5****Repeal of Act**

This clause automatically repeals the amending legislation after the Act commences. The provisions that the amending legislation inserts into the Principal Act still remain in force after the repeal of the Amending Act.