

TASMANIA

**COVID-19 DISEASE EMERGENCY
(MISCELLANEOUS PROVISIONS) AMENDMENT
(QUARANTINE DEBT RECOVERY) BILL 2020**

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**COVID-19 DISEASE EMERGENCY
(MISCELLANEOUS PROVISIONS) AMENDMENT
(QUARANTINE DEBT RECOVERY) BILL 2020**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
20 August 2020

*(Brought in by the Minister for Human Services, the
Honourable Roger Charles Jaensch)*

A BILL FOR

**An Act to amend the *COVID-19 Disease Emergency
(Miscellaneous Provisions) Act 2020***

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *COVID-19 Disease
Emergency (Miscellaneous Provisions)
Amendment (Quarantine Debt Recovery) Act
2020*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

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3. Principal Act

In this Act, the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020** is referred to as the Principal Act.

4. Part 6A inserted

After section 25 of the Principal Act, the following Part is inserted:

**PART 6A – CHARGING FOR QUARANTINE
ACCOMMODATION**

25A. Interpretation of Part 6A

In this Part –

accommodation agreement means an agreement, between the Crown and an owner or occupier of a hotel or motel, under which the owner or occupier provides accommodation, goods and services to persons at the request of the Crown or an agent of the Crown;

invoice means an invoice that is served on a person under section 25E(1);

member of a family means a person who is within a class of persons

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who are, in accordance with an order under section 25C(2), to be taken for the purposes of this Part to be members of a family;

payment day, in relation to an invoice, means –

- (a) the day specified in the invoice to be the day by which the person on whom the invoice is served is required to pay to the Crown the amount specified in the invoice; or
- (b) if another day is specified in an instrument under section 25I(2) to be the payment day in relation to the invoice – the payment day so specified;

quarantine debt amount, in relation to a person, means the amount specified in an invoice served on the person under section 25E(1);

quarantine debt order means an order made under section 25B(1);

quarantine direction means a direction that –

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- (a) is given by an authorised officer under the *Emergency Management Act 2006* in accordance with an authorisation under section 40 of that Act; and
- (b) is given because of the risk in the State of the transmission of the disease; and
- (c) requires a person to temporarily reside, in quarantine or isolation, in quarantine premises;

quarantine period, in relation to a quarantined person, means a period in which the quarantined person temporarily resides in quarantine premises in accordance with a quarantine direction;

quarantined person means a person who, on or after 31 July 2020, temporarily resides in quarantine premises in accordance with a quarantine direction, whether or not the direction requires the person to temporarily reside in those particular quarantine premises;

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quarantine premises, in relation to a quarantined person, means a part of premises –

- (a) in which part the quarantined person temporarily resides in accordance with a quarantine direction; and
- (b) that is a part, of premises, to which an accommodation agreement relates or that is owned, leased, or sub-leased, by the Crown;

relevant family circumstances means circumstances specified in an order under section 25C(2)(b);

responsible person means the Secretary of the department that is responsible to the Minister in relation to the administration of the *Emergency Management Act 2006*.

25B. Quarantine debt order

- (1) The responsible person may, by order, declare that each person –

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(a) who is or was a quarantined person on or after 31 July 2020; and

(b) who is a member of a class of persons specified in the order –

may be required under this Part to pay to the Crown an amount of money in relation to each day, that is a day on or after 31 July 2020, in which the person temporarily resided, in accordance with a quarantine direction, in quarantine premises.

(2) The responsible person may, by order, amend or revoke an order made under this section.

25C. Other orders

(1) The responsible person may, from time to time, by order, declare an amount of money for the purpose of any or all of the following:

(a) section 25F(1);

(b) section 25F(3)(b);

(c) section 25F(4)(a);

(d) section 25F(4)(b);

(e) section 25F(4)(c).

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- (2) The responsible person may, by order, declare the circumstances in which –
 - (a) persons are to be taken for the purposes of this Part to be members of a family; and
 - (b) one member of a family who is a quarantined person on a day may be required to pay an amount of money under this Part in respect of all members of that family who are also quarantined persons on that day.
- (3) The responsible person may, by order, amend or revoke an order made under this section.

25D. Certificate of exemption from requirement to pay debt

- (1) A person may apply to the responsible person for a certificate of exemption in relation to a period in which the person expects to be a quarantined person.
- (2) The responsible person may, on receiving under subsection (1) an application from a person, grant to the person a certificate of exemption in relation to a period in which the person may be a quarantined person.

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- (3) The responsible person may only grant to a person a certificate of exemption under subsection (2) in relation to a period if the responsible person is satisfied that it is appropriate to do so because –
- (a) the period to which the certificate relates is to begin immediately after the person –
 - (i) enters the State for compassionate or medical reasons; or
 - (ii) returns to the State after having left it for compassionate or medical reasons; or
 - (b) the requirement for the person –
 - (i) to pay all or part of the quarantine debt amount specified in an invoice that may be served on the person; or
 - (ii) to pay all or part of the quarantine debt amount by the payment day specified in an invoice that may be served on the person –
- is likely to cause financial hardship to the person; or

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- (c) there are circumstances in relation to the person such that it is appropriate to grant the certificate of exemption.
- (4) A certificate of exemption granted under subsection (2) to a person is to certify that, if the conditions, if any, specified in the certificate are complied with, the person is not liable to pay under section 25H(1), in accordance with an invoice that may be served on the person, an amount, specified in the certificate, that is all or part of the quarantine debt amount specified in the invoice.
- (5) A person to whom a certificate of exemption is granted under subsection (2) is, if the conditions specified in the certificate are complied with, not liable to pay under section 25H(1) an amount –
 - (a) that is all or part of a quarantine debt amount specified in an invoice, that may be served on the person, in relation to a period that is specified in the certificate; and
 - (b) that is specified in the certificate.

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25E. Charging of amount for quarantine accommodation

- (1) The responsible person may cause to be served on a person an instrument in writing (an *invoice*) that specifies that the person on whom it is served is required to pay to the Crown, by the day specified in the invoice (the *payment day*), the amount specified in the invoice (the *quarantine debt amount*).
- (2) Subject to this section, an invoice may only be served on a person under subsection (1) if –
 - (a) the person was a quarantined person on or after 31 July 2020; and
 - (b) the person is, on the day on which the invoice is served on the person, a member of a class of persons that is specified in a quarantine debt order that is in force on that day.
- (3) If –
 - (a) an invoice is served on a person under subsection (1) in relation to a day; and
 - (b) the relevant family circumstances apply in relation to the person in respect of that day –

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no invoice in relation to that day may be served on any of the other members of that family.

25F. Quarantine debt amount that person may be charged

- (1) The quarantine debt amount, specified in an invoice served on a person under section 25E(1) in respect of a period in which the person was a quarantined person, is to be, for each day, in the period, in which the person was a quarantined person –
 - (a) \$200; or
 - (b) another amount specified for the purposes of this subsection in an order under section 25C(1) –

unless subsection (2) applies to the person in respect of the period.

- (2) This subsection applies to a person in respect of a period if –
 - (a) the person is a quarantined person on each day in the period; and
 - (b) the relevant family circumstances apply in relation to the person for each day in the period; and

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- (c) an invoice in relation to the period is served under section 25E(1) on the person.
- (3) If subsection (2) applies to a person in respect of a period, the quarantine debt amount specified in an invoice served on the person in respect of the period is to be whichever is the lesser of the following amounts:
 - (a) the amount determined by calculating, in respect of each day in the period in which the person is a quarantined person, the family debt amount calculated in accordance with subsection (4) for that day;
 - (b) \$4,800, or another amount specified for the purposes of this paragraph in an order under section 25C(1).
- (4) The family debt amount, in relation to a quarantined person, for a day, is the total of –
 - (a) \$200, or another amount specified for the purposes of this paragraph in an order under section 25C(1); and
 - (b) \$71.40, or another amount specified for the purposes of this paragraph in an order under

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section 25C(1), in respect of each other member, of the family of the quarantined person, who is on that day a quarantined person and who has, by that day, attained the age of 18 years; and

- (c) \$35.70, or another amount specified for the purposes of this paragraph in an order under section 25C(1), in respect of each other member, of the family of the quarantined person, who is on that day a quarantined person and who has, by that day, attained the age of 3 years but has not attained the age of 18 years.

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

- (1) A quarantine debt amount specified in an invoice served on a person under section 25E(1) may not relate to a day that is part of a continuous period, beginning before 31 July 2020, in which the person temporarily resided in quarantine premises in accordance with a quarantine direction.
- (2) Subsection (1) applies even if an invoice served on a person under section 25E(1) only applies to a day that occurs after 31 July 2020.

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- (3) A quarantine debt amount specified in an invoice served on a person under section 25E(1) may relate to a day that occurred before the day on which this Part commences, if the day is 31 July 2020 or a later day and subsection (1) does not apply in relation to the day.

25H. Amount specified in invoice is debt due and payable by payment day

- (1) Subject to section 25D(5) and section 25I(5), if an invoice is served on a person under section 25E(1), the quarantine debt amount specified in the invoice is a debt due and payable to the Crown by the person, by the payment day specified in the invoice.
- (2) The payment day specified in an invoice in relation to a person is to be after the end of the 30-day period from the day on which the invoice is served on the person.

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

- (1) A person on whom an invoice is served under section 25E(1) may apply to the responsible person for either or both of the following:

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- (a) a waiver of all or part of the quarantine debt amount specified in the invoice;
 - (b) an alteration of the payment day specified in the invoice.
- (2) The responsible person may, by instrument in writing served on a person on whom an invoice is served under section 25E(1), take one or more of the following actions:
 - (a) waive all or part of the quarantine debt amount specified in the invoice;
 - (b) specify to be the payment day, in relation to the invoice, a day that is after the end of the 30-day period from the day on which the invoice was served on the person.
- (3) The responsible person may serve on a person under subsection (2) an instrument in writing of his or her own motion or on receiving an application under subsection (1) from the person.
- (4) The responsible person may serve on a person under subsection (2) an instrument in writing in relation to an invoice served on the person in relation to a quarantine period, if the responsible person is satisfied that it is appropriate to do so because –

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- (a) the quarantine period began immediately after the person or one of the members of the family of the person –
 - (i) entered the State for compassionate or medical reasons; or
 - (ii) returned to the State after having left it for compassionate or medical reasons; or
- (b) the requirement for the person –
 - (i) to pay all or part of the quarantine debt amount specified in the invoice; or
 - (ii) to pay all or part of the quarantine debt amount by the payment day specified in the invoice –

is likely to cause financial hardship to the person; or
- (c) there are circumstances in relation to the person such that it is appropriate to serve the instrument on the person.

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- (5) If the responsible person specifies, in an instrument served on a person under subsection (2), that –
- (a) all of a quarantine debt amount specified in an invoice served on the person is waived – section 25E(1) does not apply in relation to the amount; or
 - (b) part of the quarantine debt amount specified in an invoice served on the person is waived – section 25E(1) only applies in relation to the part of the quarantine debt amount that has not been waived.

25J. Delegation by responsible person

The responsible person may delegate, to a person who, under the *Police Service Act 2003*, is a Deputy Commissioner or Assistant Commissioner, a power of the responsible person specified in section 25D, section 25E or section 25I.

5. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.