

Emergency Management Amendment (COVID-19 Response) Bill 2020

Contents

1.	Short title	2
2.	Commencement	2
3.	Act amended	2
4.	Section 67 amended	2
5.	Section 70 amended	3
6.	Section 70A inserted	4
	70A. Electronic monitoring of persons in quarantine	4
7.	Section 71 amended	5
8.	Section 72 amended	6
9.	Section 72A inserted	6
	72A. General powers during emergency situation or state of emergency	6
10.	Section 72A deleted and consequential amendments	7
11.	Section 75 amended	8
12.	Section 77 amended	8
13.	Section 86 amended	9
14.	Section 102 amended	9

Western Australia

LEGISLATIVE ASSEMBLY

**Emergency Management Amendment
(COVID-19 Response) Bill 2020**

A Bill for

An Act to amend the *Emergency Management Act 2005* in response to the COVID-19 pandemic.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Emergency Management Amendment (COVID-19*
3 *Response) Act 2020*.

4 **2. Commencement**

5 This Act comes into operation as follows —

6 (a) sections 1 and 2 come into operation on the day on
7 which this Act receives the Royal Assent (*assent day*);

8 (b) sections 5, 7, 11 and 12(1) and (2) are deemed to have
9 come into operation on 16 March 2020;

10 (c) section 10 comes into operation on the day after the
11 period of 12 months beginning on the day after assent
12 day;

13 (d) the rest of the Act comes into operation on the day after
14 assent day.

15 **3. Act amended**

16 This Act amends the *Emergency Management Act 2005*.

17 **4. Section 67 amended**

18 In section 67:

19 (a) in paragraph (c) delete “area.” and insert:

20

21 area;

22

23 (b) after paragraph (c) insert:

24

25 (d) direct that any road, access route or area of
26 water in or leading to the emergency area be
27 closed.

28

1 **5. Section 70 amended**

2 (1) In section 70(1) delete “exposed” and insert:

3

4 exposed, or any class of person who may have been exposed,

5

6 (2) In section 70(2)(b) delete “the person” and insert:

7

8 a person

9

10 (3) In section 70(3) delete “unless the State Emergency Coordinator
11 has given authorisation for a longer period to be specified in
12 relation to the person exposed to the hazardous substance.” and
13 insert:

14

15 unless —

16 (a) the State Emergency Coordinator gives the
17 direction; or

18 (b) the State Emergency Coordinator has given
19 authorisation for a longer period to be specified
20 in relation to persons exposed to the hazardous
21 substance.

22

1 **6. Section 70A inserted**

2 After section 70 insert:

3

4 **70A. Electronic monitoring of persons in quarantine**

5 (1) In this section —

6 *approved electronic monitoring device* means —

7 (a) an electronic monitoring device that has been
8 approved by the Minister for the purposes of
9 this section; and

10 (b) any equipment, wires or other items associated
11 with such a device.

12 (2) The State Emergency Coordinator may direct that a
13 person is to be subject to electronic monitoring while
14 the person is in quarantine if satisfied that it is
15 necessary to monitor the location of the person during
16 the quarantine period.

17 (3) A person is in quarantine while they are subject to a
18 direction under section 70(1) that is or includes a
19 direction described in section 70(1)(b).

20 (4) If a person is subject to electronic monitoring, an
21 authorised officer may do any of the following —

22 (a) direct the person to wear an approved electronic
23 monitoring device;

24 (b) direct the person to permit the installation of an
25 approved electronic monitoring device at the
26 place where the person resides or, if the person
27 does not have a place of residence, at any other
28 place specified by the officer;

29 (c) give any other reasonable direction to the
30 person necessary for the proper administration
31 of the electronic monitoring of the person.

- 1 (5) An authorised officer may —
2 (a) direct the occupier of a place where an
3 approved electronic monitoring device has been
4 installed to give the device to an authorised
5 officer within the period specified by the
6 officer; and
7 (b) at any time, enter a place where an approved
8 electronic monitoring device has been installed
9 and retrieve the device.

- 10 (6) A person must not —
11 (a) fail to comply with a direction under this
12 section; or
13 (b) obstruct or hinder an authorised officer
14 exercising powers under subsection (5)(b).

15 Penalty for this subsection: imprisonment for
16 12 months or a fine of \$12 000.

- 17 (7) A person must not, without reasonable excuse, remove,
18 or interfere with, or interfere with the operation of, an
19 approved electronic monitoring device required to be
20 worn or installed under this section in such a way as to
21 prevent or impede monitoring of the location of the
22 person subject to electronic monitoring.

23 Penalty for this subsection: imprisonment for
24 12 months or a fine of \$12 000.
25

26 **7. Section 71 amended**

27 After section 71(1) insert:
28

- 29 (1A) A direction under subsection (1) may be given in
30 relation to a class of place.
31

1 **8. Section 72 amended**

2 In section 72(1) in the definition of *relevant information* after
3 paragraph (c) insert:

4
5 (ca) information about any recent travel undertaken
6 by a person;

7 (cb) information about persons with whom a person
8 has been in close contact;

9
10 **9. Section 72A inserted**

11 At the end of Part 6 Division 1 insert:

12
13 **72A. General powers during emergency situation or state**
14 **of emergency**

15 (1) In this section —

16 *relevant information* means —

17 (a) relevant information as defined in
18 section 72(1); and

19 (b) information of a kind specified by the State
20 Emergency Coordinator as relevant to the
21 emergency.

22 (2) For the purposes of emergency management during an
23 emergency situation or state of emergency, a hazard
24 management officer or authorised officer may take, or
25 direct a person or a class of person to take, any action
26 that the officer considers is reasonably necessary to
27 prevent, control or abate risks associated with the
28 emergency.

29 (3) For the purposes of emergency management during an
30 emergency situation or state of emergency, a hazard

- 1 management officer or authorised officer may direct a
2 person to —
- 3 (a) give to the officer relevant information about
4 the person or any other person closely
5 associated with the person; or
- 6 (b) answer questions intended to elicit relevant
7 information about the person or any other
8 person closely associated with the person.
- 9 (4) A person is not excused from complying with a
10 direction given to the person under subsection (3) on
11 the ground that giving the information or answering the
12 question might tend to incriminate the person or expose
13 the person to a criminal penalty.
- 14 (5) However, any information or answer given by a person
15 in compliance with a direction given to the person
16 under subsection (3) is not admissible in evidence in
17 any criminal proceedings against the person other than
18 proceedings for an offence under section 89.
19

20 **10. Section 72A deleted and consequential amendments**

- 21 (1) Delete section 72A.
- 22 (2) In section 77(2A) delete “71, 72A(2)” and insert:
23
- 24 71
25
- 26 (3) In section 86(1) delete “71, 72A” and insert:
27
- 28 71
29

s. 11

1 **11. Section 75 amended**

2 After section 75(1) insert:

3

4 (1A) A direction under subsection (1)(i) may be given in
5 relation to a class of place.

6

7 **12. Section 77 amended**

8 (1) After section 77(2) insert:

9

10 (2A) A direction under section 67, 70, 71 or 75(1)(i) that is
11 given in relation to a class of person or thing —

12 (a) need not be given directly to the persons to
13 whom it applies; and

14 (b) despite the *Interpretation Act 1984* section 41
15 (to the extent to which it applies), need not be
16 published in the *Gazette*; and

17 (c) must be published in the manner that the
18 Minister considers suitable in the circumstances
19 of the emergency.

20

21 (2) In section 77(3) after “subsection (2)” insert:

22

23 or (2A)(c)

24

25 (3) In section 77(2A) delete “71” and insert:

26

27 71, 72A(2)

28

1 **13. Section 86 amended**

2 In section 86(1):

3 (a) delete “71 or 75” and insert:

4

5 71, 72A or 75(1)(i)

6

7 (b) in the Penalty paragraph (a) before “a fine” insert:

8

9 imprisonment for 12 months or

10

11 **14. Section 102 amended**

12 After section 102(2) insert:

13

14 (3) If this Act is a prescribed Act for the purposes of the
15 *Criminal Procedure Act 2004* Part 2, regulations that
16 prescribe an offence under this Act for which an
17 infringement notice may be issued under the *Criminal*
18 *Procedure Act 2004* Part 2 have effect despite
19 section 5(2) of that Act.

20

21

