

Queensland

Public Health Act 2005.

23 Public health orders

(1) If an authorised person reasonably believes that a person is responsible for a public health risk at a place, the authorised person may give a public health order to the person (the *recipient*).

(2) The public health order must state—

- (a) the name and address of the recipient; **and**
- (b) the nature of the public health risk; **and**
- (c) the address of the place of the public health risk; **and**
- (d) the steps the recipient must take, or action the recipient must stop, at the place to remove or reduce the risk to public health from the public health risk, or prevent the risk to public health from recurring; **and**
- (e) the period within which the steps must be taken or the action must be stopped; **and**
- (f) the name of the authorised person; **and**
- (g) the name, address and contact details of the issuing authority; **and**
- (h) that it is an offence for the recipient not to comply with the order, unless the recipient has a reasonable excuse; **and**
 - (i) that if the order is not complied with an application may be made to a magistrates court for an enforcement order.

Maximum penalty—200 penalty units

New South Wales

Public Health Act 2010 No 127 [NSW]

62 Making of public health orders relating to person with Category 4 or 5 condition or contact order condition (cf 1991 Act, s 23)

(1) An authorised medical practitioner may make a public health order in respect of a person if satisfied, on reasonable grounds, that—

(a) the person has a Category 4 or 5 condition and because of the way the person behaves may, as a consequence of that condition, be a risk to public health, or

(b) the person—

(i) has been exposed to a contact order condition, and

(ii) is at risk of developing the contact order condition, and

(iii) because of the way the person behaves, may be a risk to public health.

(2) A public health order—

(a) must be in writing, and

(b) must name the person subject to the order, and

(c) must state the grounds on which it is made, and

(d) must state that, unless sooner revoked, it expires—

(i) if the public health order is made in **respect of a person** referred to in subsection

(1)(b)—at the end of the period specified opposite the relevant condition in Schedule 1A, or

(ii) in any other case—at the end of a specified period (not exceeding 28 days), after it is served on the person subject to the order.

(8) A public health order does not take effect until it is served personally on the person subject to the order.

Victoria

Public Health and Wellbeing Act 2008

Division 2—Examination and testing orders and public health orders

112 Least restrictive measure to be chosen

If in giving effect to this Division alternative measures are available which are equally effective in minimising the risk that a person poses to public health, the measure which is the least restrictive of the rights of the person should be chosen.

113 Chief Health Officer may make examination and testing order relating to infectious disease

(1) The Chief Health Officer may make an examination and testing order if the Chief Health Officer believes that—

- (a) a person has an infectious disease or has been exposed to an infectious disease in circumstances where a person is likely to contract the disease; **and**
- (b) if infected with that infectious disease, the person is likely to transmit that disease; **and**
- (c) if infected with that infectious disease, a serious risk to public health is constituted by—
 - (i) the infectious disease; or
 - (ii) the combination of the infectious disease and the likely behaviour of that person; **and**
- (d) the making of an order under this section is necessary to ascertain whether the person has the infectious disease; **and**

(2) An examination and testing order **must**—

- (a) **be in writing;**
- (b) **identify the person to whom the order applies;**
- (c) specify the purpose of the order;
- (d) specify the infectious disease which the Chief Health Officer believes the person has or has been exposed to; **and**
- (e) a reasonable attempt has been made to provide that person with information relating to the effect of the infectious disease on the person's health and the risk posed to public health or it is not practicable to provide this information before making the order.

117 Chief Health Officer may make public health order

(3) A public health order **must**—

- (a) **be in writing;**
- (b) **identify the person to whom the order applies**

(4) The period for which a public health order continues to have effect **must**—

- (a) not exceed 6 months from the day on which the order is made;
- (b) be proportionate with the risk that the person poses to public health.

118 Provisions applying to public health orders

(1) A public health order has effect from the time that it is **served on the person to whom it applies.**

South Australia

Emergency Management Act 2004

(2) A declaration under this section—

- (a) must be in writing and published in a manner and form determined by the Minister; and
- (b) remains in force for a period specified in the declaration (**which must not exceed 48 hours**); and
- (c) may, with the approval of the Governor, be renewed or extended.

The updated Emergency management Act 2004 – July 2020

2) A declaration under this section—

- (a) must be in writing and published in a manner and form determined by the Minister; and
- (b) remains in force for the period specified in the declaration (**which must not exceed 14 days**) and for such further periods (which may be of any length) as may be approved by the Governor.

30—Impersonating an authorised officer etc

(1) A person must not falsely represent that he or she is an authorised officer or other person with responsibilities under this Act.

Maximum penalty: \$10 000.

Western Australia

Public Health Act 2016

Part 3 — General public health duty

34. General public health duty

(2) In determining what is reasonable and practicable for the purposes of subsection (1), regard must be had, amongst other things, to the objects of this Act, and to the following —

- (a) the potential impact of a failure to comply with the duty;
- (b) any environmental, social, economic or practical implications;
- (c) **any degrees of risk that may be involved;**
- (d) **the nature, extent and duration of any harm**

(3) A person **will be taken not to be in breach** of subsection (1) if the person is acting —

- (a) in a manner or in circumstances that accord with **generally accepted practices** taking into account community expectations and prevailing environmental, social and economic practices and standards;

35. Consequences of failure to comply with general public health duty

(1) A **failure to comply** with the general public health duty **does not** of itself —

- (a) give rise to any right or remedy; or
- (b) **constitute an offence.**

37. Offences relating to serious public health risks

(1) A person must not —

- (a) engage in conduct that the person knows will cause, or is likely to cause, a serious public health risk; or
- (b) engage in conduct in a manner that the person knows will cause, or is likely to cause, a serious public health risk;

Penalty for an offence under this subsection: a fine of \$250 000 and imprisonment for 3 years

Daily penalty for an offence under this subsection: a fine of \$50 000.

Division 5 — Public health orders

116. Chief Health Officer may make public health orders

(1) The Chief Health Officer may make a public health order in respect of a person if the Chief Health Officer reasonably believes that —

- (a) **the person** —
 - (i) **has a notifiable infectious disease;** or
 - (ii) has been exposed to a notifiable infectious disease, and may develop that disease;

and

- (b) the person is behaving, or may behave, in a way that (if the person has or develops the disease) will transmit, or is likely to transmit, the disease to another person; **and**

- (c) there is a material public health risk; **and**

(2) A public health order must —

- (a) **be in writing** in the approved form; and
 - (b) **name the person to whom it applies; and**
 - (c) name the notifiable infectious disease the person is believed to have or to which the person is believed to have been exposed, as the case requires; **and**
 - (d) set out the details of what the order requires the person to whom it applies to do or refrain from doing; **and**
 - (e) give details of the circumstances that the Chief Health Officer considers justify making the order; **and**
 - (f) set out the following information —
 - (i) an explanation of the person’s obligations under section 88(2) to (4);
 - (ii) an explanation of the person’s rights under section 88(5);
 - (iii) a statement that the person has the right under section 127 to apply to the State Administrative Tribunal for a review of the decision to make the order;
 - (iv) a statement that the person has the right to obtain legal advice and to communicate with a lawyer;
- and**
- (g) state that force may be used to enforce the order; **and**
 - (h) contain a warning that failure to comply with the order is an offence; **and**
 - (i) include any matters prescribed by the regulations

118. Personal service of orders required

(1) A public health order, and any variation to or revocation of a public health order, **must be served personally on the person to whom it applies.**

(3) A public health order, or a variation to or revocation of a public health order, **does not take effect until it is served personally** in accordance with subsection (1) or (2), as the case requires.

Tasmania

Public Health Act 1997

PART 3 – PREVENTION AND CONTROL OF DISEASE

Division 1 – Notifiable diseases and notifiable contaminants

41. Medical examination

(1) The Director, by **notice in writing**, may require **a person** to undergo a medical examination by a registered medical practitioner if the Director is **aware or suspects on reasonable grounds that the person has a notifiable disease**.

42. Directions of Director

(1) The Director, by **notice served on a person** who the Director is **aware or suspects on reasonable grounds** has, or may have been exposed to, a notifiable disease, may require the person to comply with any one or more of the following directions:

61. Disclosure of information relating to notifiable disease

(1) A person, unless authorised to do so under section 147, must not disclose any information in relation to –

- (a) any notification relating to a notifiable disease; or
- (b) any investigation or inquiry into a notifiable disease; or
- (c) **the identity of any person** to whom any notification, investigation or inquiry relates.

Penalty: Fine not exceeding 100 penalty units.

147. Disclosure of information

(3) A disclosure to a person of information relating to another person (a **relevant person**) that is information from which the identity of the other person is apparent or reasonably ascertainable is authorised **if –**

- (a) the relevant person **gives his or her WRITTEN CONSENT** to the disclosure or, where he or she is a child, or a person with a guardian, who is incapable of giving consent, a parent or guardian of the relevant person gives written consent to the disclosure;

Penalty: Fine not exceeding 100 penalty units.

157. Offences by corporations

If a body corporate is guilty of an offence under this Act, **each director** of the body corporate is guilty of the offence unless it is proved that the director could not have reasonably prevented the commission of the offence by the body corporate.

193. False and misleading statements

A person, in making an application, giving any information or advice or producing any record under this Act, must not –

- (a) make a statement knowing it to be false or misleading; or
- (b) omit any matter from a statement knowing that without that matter the statement is false or misleading. Penalty: Fine not exceeding 50 penalty units.