

Public Health Amendment Regulation 2021

Explanatory notes for SL 2021 No. 17

made under the

Public Health Act 2005

General Outline

Short title

Public Health Amendment Regulation 2021

Authorising law

Sections 461 and 362MC of the *Public Health Act 2005*

Policy objectives and the reasons for them

On 29 January 2020, a public health emergency was declared under section 319 of the *Public Health Act 2005* for COVID-19.

On 19 March 2020, the *Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020* amended the Public Health Act to include powers for the Chief Health Officer (CHO) to make public health directions to assist in containing, or to respond to, the spread of COVID-19 in the community.

Since 28 March 2020, a CHO public health direction has been in place requiring anyone arriving in Queensland from overseas to quarantine in a hotel or other premises nominated by an emergency officer appointed under the Act. The current version of the direction is the Quarantine for International Arrivals Direction (No. 6), which was made on 24 February 2021. The Border Restrictions Direction (No. 23) and its predecessors have also required certain people arriving in Queensland to quarantine in certain circumstances.

The *Community Services Industry (Portable Long Service Leave) Act 2020* amended the Public Health Act to include a head of power for fees to be charged for quarantine and the *Public Health Regulation 2018* to prescribe the fees for a person's quarantine. The amendments commenced on 1 July 2020 and were scheduled to expire on 18 March 2021.

On 8 March 2021, the *Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Act 2021* (Extension Act) amended the Public Health Act to further extend the period of a declared public health emergency to allow the Queensland Government's health response to continue for a further six months to 30 September 2021.

The Extension Act also extended part 7AA of the Public Health Act, which includes the head of power for fees to be charged for quarantine fees, to 30 September 2021.

Section 362MC of the Public Health Act provides for a regulation making power, which permits a regulation to prescribe the fees payable for a person who is required to quarantine at a place other than the person's home. These fees include the types of costs associated with the person's quarantine, for example, the cost of accommodation or the cost of meals.

Section 61A of the Public Health Regulation sets out the fees payable for quarantine. The current fees are \$135 for each night of accommodation, including cleaning. A daily fee for meals is also payable with the fee being \$65 per day for adults and \$32.50 per day for children.

In order to ensure fees for hotel quarantine continue to be payable, it is necessary to extend the expiry date for section 61A of the Public Health Regulation, consistent with the extension of the provisions of the Public Health Act.

Achievement of policy objectives

The proposed amendment to section 61A of the Public Health Regulation omits section 61A(5), which removes the expiry date from the Public Health Regulation. The effect of this amendment is that section 61A will become subject to the expiry date for the head of power in section 362MC of the Public Health Act, which is contained in section 362MG.

Consistency with policy objectives of authorising law

The Regulation is consistent with the policy objectives of the authorising Act.

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Benefits and costs of implementation

Queensland Health will continue to collect and administer quarantine fees within existing resources. The ongoing requirement for individuals subject to quarantine to pay a fee for quarantine reduces the burden on taxpayers to pay for the costs of hotel quarantine.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles, as set out in section 4 of the *Legislative Standards Act 1992*.

Consultation

Public consultation was not undertaken on the proposed amendments to the Public Health Regulation, as they are consequential on changes made to the Public Health Act. Queensland Health will continue to administer a hardship scheme for vulnerable cohorts, as well as those experiencing financial hardship. Payment plans are also available.

The amendments were self-assessed by Queensland Health, in accordance with the *Queensland Government Guide to Better Regulation*, as being excluded from further regulatory impact assessment on the basis that the amendment is consequential to the amendments made in the *Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Act 2021* (exclusion category 'a'). Therefore, consultation with the Office of Best Practice Regulation, Queensland Productivity Commission, was not required.

Notes on provisions

Short Title

Clause 1 states that the short title of the regulation is the *Public Health Amendment Regulation 2021*.

Regulation amended

Clause 2 states the regulation amends the *Public Health Regulation 2018*.

Amendment of s 61A (Fees for quarantine during COVID-19 emergency—Act, s 362MC)

Clause 3 omits subsection 61A(5). The omission of subsection 61A(5) means the provision will expire when the head of power in section 362MC of the *Public Health Act 2005* expires or is repealed.

Section 362MG currently provides that part 7AA of the *Public Health Act 2005* expires on 30 September 2021.