

Summary of Powers Adopted State by State Regarding Enforcement of Social Distancing Rules by Authorities (Incl Police)

Jurisdiction	Law	Notes
NSW	<ul style="list-style-type: none"> • Public Health Act 2010 (NSW) • Ministerial Public Health Order- Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020 	<p>A Public Health Order has been made by the Minister to address the risks of COVID-19, under the terms of the NSW Public Health Act.</p> <p>Breaches of the PHA attract criminal penalties, and accordingly enforcement is the responsibility of the NSW Police.</p> <p>A summary document/website has been prepared by NSW Department of Health, located here.</p>
ACT	<ul style="list-style-type: none"> • Public Health Act 1997 	<p>A Public Health Emergency has been declared in the ACT, under the Public Health Act 1997.</p> <p>When a state of Public health Emergency has been declared, the Chief Medical Officer may issue public health emergency directions.</p> <p>The ACT Government has committed to matching those actions that are taken in NSW, given the close border relationship. However, it should be noted that it is extremely difficult to locate the Public Health (Emergency) Declarations – these seem to not yet have been uploaded to the ACT Legislation Register. Some are located here, however.</p> <p>Breach of public health orders attract fines of up to \$8,000 for individuals and \$40,500 for body corporates. These are criminal offences enforceable by ACT Policing.</p>

<p>Victoria</p>	<ul style="list-style-type: none"> • State of Emergency declaration • Public Health and Wellbeing Act 2008 	<p>A State of Emergency has been declared by the Chief Health Officer. Unlike other states, this includes distinct and separate Directions (rather than a broader direction) which can be found here. These include directions to do things in relation to:</p> <ul style="list-style-type: none"> - Stay at home - Restrict Activity - Adhere to detention conditions - Restrain airport and cruise ship travel - Undertake certain actions on arrival of aircraft - Aged care - Hospital visitors - Isolation upon diagnosis of COVID-19. <p>The Department of Health and Human Services has advised that this Business and industry closures will be advised of on this same page.</p> <p>Penalties for non-compliance with these directions are up to 120 penalty units (\$19,800) for a natural person, and 600 penalty units for a body corporate (\$99,000).</p> <p>Offences are criminal and are enforced by Vic. Police.</p>
<p>Queensland</p>	<ul style="list-style-type: none"> • Public Health Act 2005 • CHO Public Health Directions • Public Health and Other legislation (Public Health Emergency) Amendment Bill 2020 	<p>The Queensland Government has declared a public health emergency under Part 2 of the Public Health Act 2005 (on 31 January 2020). This allows the Queensland Premier to make 'Public Health Directions', all of which are currently presented here.</p> <p>Penalties can be imposed for breaches of the public health directions under the PHA of up to 200 penalty units (\$26,800) (see Division 3).</p>

		Note that there is currently a Bill before the QLD Parliament in response to the Coronavirus emergency, which proposes to make a raft of changes to licensing, service industry, and PHA laws (to name a few).
South Australia	<ul style="list-style-type: none"> • Emergency Management (Gatherings) (COVID-19) Direction 2020 • Emergency Management Act 2004 (SA) 	<p>An Emergency Management Direction has been issued under the Emergency Management Act, section 25.</p> <p>Part 5- Offences – of the Emergency Management Act prescribes that, where an order has been made under the Act, it is an offence to breach that order, and may attract a penalty of up to \$250,000.</p> <p>Section 28 also prescribes that, by delegation of Ministerial powers, an SA Police Officer may make a direction for a person or body corporate to comply with the terms of that order, and failure to comply may attract a fine of up to \$20,000, or \$75,000 for a body corporate.</p>
Northern Territory	<ul style="list-style-type: none"> • Chief Health Officer Directions • Public Health and Environment Act 2011 	<p>The Northern Territory Government has issued a range of Public health Directions in response to COVID-19. These are all enforceable under the Public Health and Environment Act 2011, which prescribes Police Officers and any authorised officer (set by the Minister) may enforce the directions.</p> <p>Similar to WA below, an array of offences exist under the Act, however each Direction identifies the possible associated penalties for failure to comply.</p>
Western Australia	<ul style="list-style-type: none"> • WA Gov't Fact Sheet • Public Health Act 2016 (WA) • Emergency Management Act 2005 • State of Emergency Declaration • Declaration of Public health Emergency 	The State Government has declared a State of Emergency under the Emergency Management Act and a Public Health Emergency under the Public Health Act.

	<ul style="list-style-type: none"> • Extension of Western Australia Declaration (no.) of Public Health State of Emergency • Statement from the Commissioner of WA Police 	<p>The Emergency Management Act prescribes a range of ‘General powers’ (s75) to ‘authorised officers’ (a role which is delegated under a declaration), including to make a range of directions under the Act to do certain things including cease business operations.</p> <p>Under the Public Health Declaration a large range of offences exist. Many of these are very general in nature (for example ‘not engaging in conduct that is likely to cause a public health risk’), and can attract fines of up to \$200,000 and 3 years imprisonment (see sections 37 and 38 for example).</p> <p>Noting the declaration of a public health emergency, the ministerial direction and guidance on actions to take will feed directly into determining whether one may be liable for committing an offence under this Act.</p>
<p>Tasmania</p>	<ul style="list-style-type: none"> • Government Gazette • Public Health Act 1997 	<p>The Tasmania Government has declared a State of Emergency under the Public Health Act 1997 (Tas). This allows the Tasmanian Government to issue directions in order to manage the public threat posed by Coronavirus, which at present include restrictions on:</p> <ul style="list-style-type: none"> - Gatherings - Isolation - Travel <p>No fines are prescribed under the Tasmanian law; instead, warrants for arrest may be issued and orders made by Magistrates to achieve the necessary public health outcome.</p> <p>Regulations may be prescribed to establish fines, however none seem to have yet been made.</p>