



Australian Capital Territory

COVID-19 Emergency Response Act 2020

A2020-11

Republication No 7

Effective: 10 December 2022 – 29 December 2022

Republication date: 10 December 2022

Last amendment made by [A2022-21](#)

About this republication

The republished law

This is a republication of the *COVID-19 Emergency Response Act 2020* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 10 December 2022. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 10 December 2022.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

COVID-19 Emergency Response Act 2020

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R7
10/12/22

COVID-19 Emergency Response Act 2020
Effective: 10/12/22-29/12/22

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Australian Capital Territory

COVID-19 Emergency Response Act 2020

An Act to provide for emergency measures in response to the COVID-19 emergency, and for other purposes

1 Name of Act

This Act is the *COVID-19 Emergency Response Act 2020*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act.

Note 2 A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

2A Notes

A note included in this Act is explanatory and is not part of this Act.

2B Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

3 Reports for Legislative Assembly

- (1) For each reporting period that a COVID-19 declaration is in force, the responsible Minister for a COVID-19 measure must prepare a report for the Legislative Assembly on the application of the measure.
- (2) However, subsection (1) does not apply in relation to a COVID-19 measure if—
 - (a) the provision of an Act or regulation inserted or amended by the measure has been subsequently amended by another Act or regulation (a *subsequent amendment*); and
 - (b) the effect of the subsequent amendment is to continue the operation of the measure to a time when a COVID-19 declaration is no longer in force.
- (3) Also, subsection (1) does not apply in relation to a COVID-19 measure if the provision of an Act or regulation inserted or amended by the measure has been repealed and not remade, the same in substance, in the Act or regulation or another law.
- (4) The Minister must present the report to the Legislative Assembly—
 - (a) 1 month after the end of the reporting period to which the report applies; or
 - (b) if the 1-month period coincides with part of the pre-election period for a general election of members of the Assembly—on the second sitting day after the election is held.
- (5) If a report to which subsection (4) (a) applies has not been presented to the Legislative Assembly before the last 7 days of the 1-month period, and there are no sitting days of the Legislative Assembly during those 7 days—
 - (a) the responsible Minister must give the report, and a copy for each member of the Legislative Assembly, to the Speaker before the end of the 1-month period; and

- (b) the Speaker must arrange for a copy of the report to be given to each member of the Legislative Assembly on the day the responsible Minister gives it to the Speaker; and
 - (c) the responsible Minister must present the report to the Legislative Assembly—
 - (i) on the next sitting day after the end of the 1-month period; or
 - (ii) if the next sitting day is the first meeting of the Legislative Assembly after a general election of members of the Assembly—on the second sitting day after the election.
- (6) In this section:

COVID-19 measure—each of the following is a ***COVID-19 measure***:

- (a) an amendment of another Act or regulation made by this Act;

Note These amendments can be found in the ‘as notified’ version of this Act on the ACT legislation register.

- (b) an amendment of another Act or regulation made by the ***COVID—19 Emergency Response Legislation Amendment Act 2020***.

Note These amendments can be found in the ‘as notified’ version of that Act on the ACT legislation register.

pre-election period—see the ***Electoral Act 1992***, dictionary.

remade includes re-enacted.

reporting period means—

- (a) for a period in 2020—a month; and
- (b) for a period in 2021 or later—a quarter.

responsible Minister, for a COVID-19 measure, means the Minister allocated responsibility for the Act in which the measure is made under the administrative arrangements under the *Public Sector Management Act 1994*.

Speaker includes—

- (a) if the Speaker is unavailable—the Deputy Speaker; and
- (b) if both the Speaker and Deputy Speaker are unavailable—the clerk of the Legislative Assembly.

unavailable—the Speaker or Deputy Speaker is *unavailable* if—

- (a) he or she is absent from duty; or
- (b) there is a vacancy in the office of Speaker or Deputy Speaker.

3A Presentation of subordinate laws and disallowable instruments

- (1) This section applies to a subordinate law or disallowable instrument made after the commencement of this section under a power given under a COVID-19 measure.
- (2) The [Legislation Act](#), section 64 (1) applies in relation to the subordinate law or disallowable instrument as if the reference in that subsection to 6 sitting days were a reference to the second sitting day.
- (3) In this section:

COVID-19 measure—see section 3 (6).

4 Witnessing and attestation of certain documents

- (1) This section applies during the COVID-19 emergency period.
- (2) Despite any other territory law—
 - (a) if the signature of a relevant document is required under a territory law to be witnessed, the signature may be witnessed by audiovisual link; and

- (b) arrangements in relation to witnessing signatures and the attestation of documents, including the following, may be made by audiovisual link:
 - (i) certifying matters required under a territory law;
 - (ii) swearing or affirming the contents of an affidavit; and
 - (c) a requirement in a territory law for the presence of a witness, signatory or other person is satisfied if the witness, signatory or other person is present by audiovisual link.
- (3) A person witnessing the signing of a relevant document by audiovisual link (the *witness*) must—
- (a) observe the person signing the document (the *signatory*) sign the document in real time; and
 - (b) confirm the signature was witnessed by signing the document or a copy of the document; and
 - (c) be reasonably satisfied the document the witness signs is the same document, or a copy of the document, signed by the signatory; and
 - (d) endorse the document, or the copy of the document, with a statement—
 - (i) of the method used to witness the signature of the signatory; and
 - (ii) that the document was witnessed in accordance with this section.
- (4) Without limiting how a witness may confirm a signature was witnessed for subsection (3) (b), the witness may—
- (a) sign a counterpart of the document as soon as practicable after witnessing the signing of the document; or

(b) if the signatory scans and sends the witness a copy of the signed document electronically—countersign the document as soon as practicable after witnessing the signing of the document.

(5) In this section:

audiovisual link means a system of 2-way communication linking different places so that a person at any of them can be seen and heard at the other places.

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

COVID-19 emergency period means the period—

- (a) beginning on the day this section commences; and
- (b) ending at the end of a 3-month period during which no COVID-19 emergency has been in force.

relevant document means—

- (a) an affidavit; or
- (b) a will; or
- (c) a health direction under the *Medical Treatment (Health Directions) Act 2006*; or
- (d) a general power of attorney or an enduring power of attorney under the *Powers of Attorney Act 2006*.

(6) This section expires at the end of the COVID-19 emergency period.

4A Regulation-making power

The Executive may make regulations for this Act.

5 Expiry—Act

This Act expires at the end of a 12-month period during which no COVID-19 declaration has been in force.

Dictionary

(see s 2)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACT
- may (see s 146)
- must (see s 146).

COVID-19 means the coronavirus disease 2019 (COVID-19) caused by the novel coronavirus SARS-CoV-2.

COVID-19 declaration means—

- (a) a declaration of a state of emergency under the [Emergencies Act 2004](#), section 156 because of COVID-19; or
- (b) a declaration of an emergency under the [Public Health Act 1997](#), section 119 (including any extension or further extension) because of COVID-19.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

| | |
|---|---|
| A = Act | NI = Notifiable instrument |
| AF = Approved form | o = order |
| am = amended | om = omitted/repealed |
| amdt = amendment | ord = ordinance |
| AR = Assembly resolution | orig = original |
| ch = chapter | par = paragraph/subparagraph |
| CN = Commencement notice | pres = present |
| def = definition | prev = previous |
| DI = Disallowable instrument | (prev...) = previously |
| dict = dictionary | pt = part |
| disallowed = disallowed by the Legislative Assembly | r = rule/subrule |
| div = division | reloc = relocated |
| exp = expires/expired | renum = renumbered |
| Gaz = gazette | R[X] = Republication No |
| hdg = heading | RI = reissue |
| IA = Interpretation Act 1967 | s = section/subsection |
| ins = inserted/added | sch = schedule |
| LA = Legislation Act 2001 | sdiv = subdivision |
| LR = legislation register | SL = Subordinate law |
| LRA = Legislation (Republication) Act 1996 | sub = substituted |
| mod = modified/modification | <u>underlining</u> = whole or part not commenced or to be expired |

3 Legislation history

COVID-19 Emergency Response Act 2020 A2020-11

notified LR 7 April 2020

s 1, s 2 commenced 7 April 2020 (LA s 75 (1))

amdt 1.35 commenced 8 April 2020 (s 2 (2))

remainder commenced 8 April 2020 (s 2 (1))

Note Act exp at the end of a 12-month period during which no COVID-19 declaration has been in force (s 5)

as amended by

COVID-19 Emergency Response Legislation Amendment Act 2020 A2020-14 sch 1 pt 1.6

notified LR 13 May 2020

s 1, s 2 taken to have commenced 30 March 2020 (LA s 75 (2))

sch 1 pt 1.6 commenced 14 May 2020 (s 2 (1))

COVID-19 Emergency Response Legislation Amendment Act 2021 A2021-1 sch 1 pt 1.4

notified LR 19 February 2021

s 1, s 2 commenced 19 February 2021 (LA s 75 (1))

sch 1 pt 1.4 commenced 20 February 2021 (s 2 (1))

COVID-19 Emergency Response (Check-in Information) Amendment Act 2021 A2021-20

notified LR 21 September 2021

s 1, s 2 commenced 21 September 2021 (LA s 75 (1))

s 5, so far as it inserts s 2D, s 2E (1)-(3), s 2G (1), (2) commenced 21 October 2021 (s 2 (1))

remainder commenced 22 September 2021 (s 2 (2))

Public Health Amendment Act 2022 A2022-9 sch 1 pt 1.1

notified LR 17 June 2022

s 1, s 2 commenced 17 June 2022 (LA s 75 (1))

sch 1 pt 1.1 commenced 24 June 2022 (s 2 (1))

Justice and Community Safety Legislation Amendment Act 2022 A2022-21 pt 4

notified LR 9 December 2022

s 1, s 2 commenced 9 December 2022 (LA s 75 (1))

pt 4 commenced 10 December 2022 (s 2)

Endnotes

4 Amendment history

4 Amendment history

Preliminary

pt 1 hdg ins [A2021-20](#) s 4
om [A2022-9](#) amdt 1.1

Dictionary

s 2 om LA s 89 (4)
ins [A2021-20](#) s 5

Notes

s 2A ins [A2021-20](#) s 5

Offences against Act—application of Criminal Code etc

s 2B ins [A2021-20](#) s 5

Check-in information

pt 2 hdg ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.1

Definitions—pt 2

s 2C ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.2
def **authorised collector** ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.2
def **authorised person** ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.2
def **Check In CBR app** ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.2
def **check-in information** ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.2
def **contact tracing** ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.2
def **court** ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.2
def **permitted purpose** ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.2
def **public health direction** ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.2
def **statistical or summary information** ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.2
def **use** ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.2

Collection of check-in information

s 2D ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.2

Use of check-in information

s 2E ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.2

Check-in information not admissible in court

s 2F ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.2

Check-in information not admissible in court

s 2G ins [A2021-20](#) s 5
om [A2022-9](#) amdt 1.2

Reports for Legislative Assembly

s 3 am [A2020-14](#) amdt 1.42, amdt 1.43; [A2021-1](#) amdts 1.8-1.10;
[A2021-20](#) s 6; [A2022-21](#) s 12, s 13; ss renum R7 LA

Presentation of subordinate laws and disallowable instruments

s 3A ins [A2020-14](#) amdt 1.44
am [A2021-1](#) amdt 1.11

Witnessing and attestation of certain documents

s 4 om LA s 89 (3)
ins [A2020-14](#) amdt 1.45
exp at the end of the COVID-19 emergency period (s 4 (6))

Miscellaneous

pt 3 hdg ins [A2021-20](#) s 7
om [A2022-9](#) amdt 1.3

Regulation-making power

s 4A ins [A2021-20](#) s 7

Expiry—Act

s 5 ins [A2020-14](#) amdt 1.45
am [A2021-20](#) s 8

COVID-19 emergency response—Amendments

sch 1 om LA s 89 (3)

Dictionary

dict ins [A2021-20](#) s 9
am [A2022-9](#) amdt 1.4
def **authorised collector** ins [A2021-20](#) s 9
om [A2022-9](#) amdt 1.5
def **authorised person** ins [A2021-20](#) s 9
om [A2022-9](#) amdt 1.5
def **Check In CBR app** ins [A2021-20](#) s 9
om [A2022-9](#) amdt 1.5
def **check-in information** ins [A2021-20](#) s 9
om [A2022-9](#) amdt 1.5
def **contact tracing** ins [A2021-20](#) s 9
om [A2022-9](#) amdt 1.5

Endnotes

4 Amendment history

- def **court** ins [A2021-20](#) s 9
om [A2022-9](#) amdt 1.5
- def **COVID-19** ins [A2021-20](#) s 9
- def **COVID-19 declaration** ins [A2021-20](#) s 9
- def **permitted purpose** ins [A2021-20](#) s 9
om [A2022-9](#) amdt 1.5
- def **public health direction** ins [A2021-20](#) s 9
om [A2022-9](#) amdt 1.5
- def **statistical or summary information** ins [A2021-20](#) s 9
om [A2022-9](#) amdt 1.5
- def **use** ins [A2021-20](#) s 9
om [A2022-9](#) amdt 1.5

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

| Republication No and date | Effective | Last amendment made by | Republication for |
|---------------------------|------------------------------|--------------------------|---|
| R1 8 Apr 2020 | 8 Apr 2020– 13 May 2020 | not amended | new Act |
| R2 14 May 2020 | 14 May 2020– 19 Feb 2021 | A2020-14 | amendments by A2020-14 |
| R3 20 Feb 2021 | 20 Feb 2021– 21 Sept 2021 | A2021-1 | amendments by A2021-1 |
| R4 22 Sept 2021 | 22 Sept 2021– 20 Oct 2021 | A2021-20 | amendments by A2021-20 |
| R5 21 Oct 2021 | 21 Oct 2022– 23 June 2022 | A2021-20 | amendments by A2021-20 |
| R6 24 June 2022 | 24 June 2022– 9 Dec 2022 | A2022-9 | amendments by A2022-9 |

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