



## COVID - 19 PENALTIES

\* the below is not an exhaustive list.

OFFENCE	PENALTY
<p><b>Not complying with a Ministerial Directions</b></p> <p>Refer to the below for the <i>Ministerial Directions</i> made in March and April 2020:  <a href="https://www.legislation.nsw.gov.au/emergency/Public%20Health%20(COVID-19%20Restrictions%20on%20Gathering%20and%20Movement)%20Order%202020.pdf">https://www.legislation.nsw.gov.au/emergency/Public%20Health%20(COVID-19%20Restrictions%20on%20Gathering%20and%20Movement)%20Order%202020.pdf</a>  <a href="https://www.legislation.nsw.gov.au/emergency/Public%20Health%20(COVID-19%20Aged%20Care%20Facilities)%20Order%202020.pdf">https://www.legislation.nsw.gov.au/emergency/Public%20Health%20(COVID-19%20Aged%20Care%20Facilities)%20Order%202020.pdf</a>  <a href="https://www.legislation.nsw.gov.au/emergency/Self%20Isolation%20Order%20-%20COVID%20cases%20-%2020250320.pdf">https://www.legislation.nsw.gov.au/emergency/Self%20Isolation%20Order%20-%20COVID%20cases%20-%2020250320.pdf</a></p>	<p>Maximum penalty—  <u>An individual 1<sup>st</sup> offence</u> \$11,000 Fine and/or imprisonment for 6 months;  <u>Continuing offence</u>, a further \$5,500 for each day the offence continues</p> <p><u>A corporation</u>—\$55,000 Fine ;  <u>Continuing offence</u>, a further \$27,500 fine for each day the offence continues.</p> <p>s10 of the <i>Public Health Act 2010</i></p>
<p><b>Not complying with a Public Health Order</b></p> <p>Usually made by an authorised medical practitioner &amp; <u>must</u> be in writing</p>	<p>The Order can ask you to comply, submit, engage, refrain, or undergo to do things.</p> <p>Maximum penalty—  \$11,000 Fine and/or imprisonment for 6 months;</p> <p><i>Note: Police can arrest an individual pursuant to COVID-19 contravention and you can be returned to your place of residence.</i></p> <p>Ss 62-71A of the <i>Public Health Act 2010</i></p>
<p><b>Fail to comply with a Direction under Part 8</b></p>	<p>Maximum penalty—  \$5,500 fine</p> <p>s113 <i>Public Health Act 2010</i></p>
<p><b>Giving false information purporting to comply with a Direction under Part 8</b></p>	<p>Maximum penalty—  \$11,000 Fine and/or imprisonment for 6 months</p> <p>s113 of the <i>Public Health Act 2010</i></p>
<p><b>Coughing or spitting on health workers, police, pharmacists, paramedics, taxi/uber drivers, guards, postal delivery personnel, or other public officials</b></p>	<p>\$5,000 on the spot fine</p> <p><a href="https://www.health.nsw.gov.au/news/Pages/20200419_01.aspx">https://www.health.nsw.gov.au/news/Pages/20200419_01.aspx</a></p>



Commenced on 20 April 2020 <a href="https://www.legislation.nsw.gov.au/emergency/PublicHealth(COVID-19)SpittingandCoughing%20Order%2020as%20amended.pdf">https://www.legislation.nsw.gov.au/emergency/PublicHealth(COVID-19)SpittingandCoughing%20Order%2020as%20amended.pdf</a>	
<b>Taking precautions against spread of certain medical conditions</b>	Must not fail to take <i>reasonable</i> precautions against spreading a Category 2,3,4, and 5 condition in public place.  Maximum penalty— \$11,000 Fine and/or imprisonment for 6 months.  <i>s52 Public Health Act 2010</i>

### **THINGS TO NOTE:**

**\*\* search and seize powers:** an authorised officer may enter premises and seize material only if they have a search warrant or certificate of authority and they show you a copy of the search warrant.

Section 108 (2) *Public Health Act 2010*

<https://www.legislation.nsw.gov.au/#/view/act/2010/127/part8/div1/sec108>

**\*\*name and address:** authorised officer (including a police officer) can ask an individual to provide their full name and residential address, if they suspect there is a contravention of the *Public Health Act 2010*. *S112 Public Health Act 2010*.

<https://www.legislation.nsw.gov.au/#/view/act/2010/127/part8/div2/sec112>

**\*\*notification after death:** COVID19 is a **Scheduled Medical Condition** (Part 4, *Public Health Act 2010*) and after registering the death of an individual you must notify the Secretary of the Registrar of Births, Deaths and Marriages in an approved form, of the following:

- (a) the name, address and age of the deceased, and
- (b) the name of the scheduled medical condition, and
- (c) the name of the person who certified the cause of death, and
- (d) such other particulars as may be prescribed by the regulations.

<https://www.legislation.nsw.gov.au/#/view/act/2010/127/part4>