

Citizen's Crime Report

Complainant:.....

email:.....

Date:.....

To Queensland Police

I hereby report a number of crimes committed by the following offenders.

- 1st – Accused:** Jeannette Young, Chief Medical Officer Queensland
2nd – Accused: Annastacia Palaszczuk, Premier Queensland
3rd – Accused: Katarina Carroll, Police Commissioner Queensland
4th – Accused: Various Queensland police officers

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Crimes of the 1st – Accused: Jeannette Young, Chief Medical Officer Queensland

- (i) The 1st - Accused has urged shop owners and their employees, and other purveyors of goods or services, to urge their customers to 'check in' using the so-called Check In Qld app QR-code or to otherwise manually sign a register, *ultra vires*, knowingly being in the absence of a Biosecurity Control Order in the name of any person, contrary to ss 8, 60, 61, 62, 63, 82, 84, 85, 87, 477(1), 477(3) and 477(5) of the Biosecurity Act 2015 (Cth), hence contrary to s 11.4 of the Commonwealth Criminal Code 1993 (Cth) and s 92(1) of the Criminal Code Act 1899 (Qld) and contrary to ss 51, 69 and 109 of the Commonwealth of Australia Constitution Act 1900 (Imp) which came into force on 1 January 1901.
- (ii) In every instance in which shop owners or their employees, and other purveyors of goods or services, realised the urging of the 1st – Accused relative to (i) above, the 1st - Accused has contravened s 11.2 of the Commonwealth Criminal Code 1993 (Cth).
- (iii) Knowing that shop owners and their employees, and other purveyors of goods or services, are not public health officers and therefore have no power at law to direct or force any person to comply with State public health directives, the 1st – Accused has given arbitrary directions prejudicial to the rights of others, contrary to s 92(1) of the Criminal Code Act 1899 (Qld).
- (iv) The 1st – Accused, knowingly in absence of a Human Biosecurity Control Order in the name of any person, contrary to ss 8, 60, 61, 62, 63, 82, 84, 85, 87, 88, 477(1), 477(3) and 477(5) of the Biosecurity Act 2015 (Cth), has urged shop owners and their employees, and other purveyors of goods or services, to carry out the unlawful directives of the 1st – Accused in the absence of any or adequate provisions in place to comply with the Australian Privacy Principles, contrary to the Privacy Act 1988 (Cth), hence contrary to s 92(1) of the Criminal Code Act 1899 (Qld) and contrary to ss 11.2 and 11.4 of the Commonwealth Criminal Code 1993 (Cth).
- (v) The 1st – Accused has issued quarantine and lock-down orders and mask wearing orders *ultra vires* and urged Queensland Police to enforce said orders, being in the absence of a Human Biosecurity Control Order in the name of any person, contrary to ss 8, 60, 61, 62, 63, 82, 84, 87, 88, 96 and 97 of the Biosecurity Act 2015 (Cth) and hence contrary to ss 11.2, 11.4, 268.12 and/or 268.23 of the Commonwealth Criminal Code 1993 (Cth) and contrary to ss 92(1) and 359 of the Criminal Code Act 1899 (Qld) and contrary to ss 51, 69 and 109 of the Commonwealth of Australia Constitution Act 1900 (Imp) which came into force on 1 January 1901.
- (vi) Where any person has been quarantined against their will at the direction of the 1st – Accused in the absence of a Human Biosecurity Control Order in the name of that person, contrary to ss 8, 60, 61, 62, 63, 82, 84, 96, 97, 477(1), 477(3), 477(5) of the Biosecurity Act 2015 (Cth), the 1st – Accused has contravened s 355 of the Criminal Code Act 1899 (Qld) and has contravened ss 11.2, 11.4, 268.12 and/or 268.23 of the Commonwealth Criminal Code 1993 (Cth) and contrary to ss 51, 69 and 109 of the Commonwealth of Australia Constitution Act 1900 (Imp) which came into force on 1 January 1901.
- (vii) Where any person has been coerced to wear a mask, or has been otherwise interfered with, by police officers relative to wearing a mask, at direction of the 1st – Accused being in the absence of a Human Biosecurity Control Order in the name of any person, contrary to ss

8, 60, 61, 62, 63, 82, 84, 88 and 477(1) of the Biosecurity Act 2015 (Cth), the 1st – Accused has contravened ss 92(1) and 359 of the Criminal Code Act 1899 (Qld) and contravened ss 11.2 and 11.4 of the Commonwealth Criminal Code 1993 (Cth).

- (viii) The 1st – Accused has directed COVID-19 infection testing of persons in the absence of a Human Biosecurity Control Order in the name of any person, contrary to ss 8, 60, 61, 62, 63, 82, 84, 90, 91, 93, 95 and 477(1) of the Biosecurity Act 2015 (Cth), hence the 1st – Accused has given arbitrary directions prejudicial to the rights of others, contrary to ss 92(1) and 359 of the Criminal Code Act 1899 (Qld) and contrary to ss 11.2 and 11.4 of the Commonwealth Criminal Code 1993 (Cth).
- (ix) In signing COVID-19 health directives in the absence of a Human Biosecurity Order in the name of any person, contrary to ss 8, 60, 61, 62, 63, 82, 84, 85, 87, 88, 90, 91, 92, 93, 95, 96, 97, 477(1), 477(3) and 477(5) of the Biosecurity Act 2015 (Cth), the 1st-Accused has acted without authority, in contravention of ss 92(1) and 96(c) of the Criminal Code Act 1899 (Qld).
- (x) The 1st-Accused, knowingly acting in the absence of a Human Biosecurity Control Order in the name of any person and therefore without any legal authority, and urging all persons in or entering or exiting Queensland to avail of themselves of COVID-19 testing and/or COVID-19 ‘vaccinations’ and compelling certain persons to undergo testing and compelling certain persons to be COVID-19 vaccinated, to the financial benefit of the manufacturers and suppliers of test swabs, RT-PCR test kits and vaccines commissioned to supply by the Department of Health Queensland and/or by other Queensland public authorities, has contravened of ss 87(a) and 92A of the Criminal Code Act 1899 (Qld).
- (xi) In the absence of any evidence of a purified isolated of the so-called SARS-CoV-2 contagion and hence in the absence of any valid genetic sequence of the said contagion the 1st – Accused has publicly claimed on numerous occasions various numbers of ‘cases’ of COVID-19 from COVID-19 RT-PCR testing, in the absence of any genetic primer unique to the so-called SARS-CoV-2 contagion for the RT-PCR kits (see Annexure 1 page 1), and therefore without any basis for any alleged tested case. Moreover, numerous cases have been claimed by the 1st – Accused where the alleged cases are assigned to persons presenting without any symptoms of the alleged disease when a case of any medical condition is in fact a person demonstrating physical signs of illness as specified by the Biosecurity Act 2015 (Cth); and in so doing the 1st-Accused has made false or misleading representations prejudicial to the rights of persons, contrary to s 92(1) of the Criminal Code Act 1899 (Qld).
- (xii) The 1st-Accused has urged or compelled or otherwise directed persons, including Queensland police officers, in or entering or exiting Queensland, as the case may be to take alleged COVID-19 vaccinations, without any authority to so direct, being in the absence of a Human Biosecurity Control Order contrary to ss 60, 61, 92 and 93 of the Biosecurity Act 2015 (Cth), thereby making directives prejudicial to the rights of persons, contrary to s 92(1) of the Criminal Code Act 1899 (Qld) and in contravention of s 359 of the Criminal Code Act 1899 (Qld).
- (xiii) The 1st-Accused has directed COVID-19 vaccines mandatory for some groups by threatening them with the loss of their job, inability to cross the border and other threats to coerce them to give away their right to informed consent, without any authority to so direct, being in the absence of a Human Biosecurity Control Order in the name of any person,

contrary to ss 60, 61, 92 and 93 of the Biosecurity Act 2015 (Cth), thereby making directives prejudicial to the rights of persons, contrary to s 92(1) of the Criminal Code Act 1899 (Qld) and in contravention of s 359 of the Criminal Code Act 1899 (Qld).

(xiv) In every instance where the unlawful directions of the 1st – Accused have been realised the 1st – Accused has committed a crime in contravention of 11.2 of the Commonwealth Criminal Code 1993 (Cth).

(xv) The 1st-Accused has alleged both explicitly and impliedly, in numerous public addresses, that Queensland, and Australia as a whole, is in the grip of a dangerous COVID-19 pandemic. However, data supplied by the Therapeutic Goods Administration (TGA) has revealed that since January 2021 there has been only 1 alleged death from COVID-19 in Australia, which does not constitute a pandemic, and that as at 22 June 2021 there have been over 31,600 reports of adverse reactions to the alleged COVID-19 ‘vaccines’ with more than 300 deaths reported relative thereto across the country (see Annexure 3 pages 1 and 4). The TGA, suspiciously, no longer reports deaths following the so-called COVID-19 vaccine rollout (see Annexure 3 page 2). In contrast, during the alleged swine-flue pandemic of 2009, 53 people died in Australia due to swine-flue vaccinations causing the said vaccinations to be removed from the marketplace. Yet with more than 300 deaths following COVID-19 vaccine rollout and more than 31,600 reported adverse COVID-19 vaccine affects as at 22 June 2021, the push to COVID-19 vaccinate Australians continues with ever greater vigour. Many adverse affects and numerous deaths following COVID-19 vaccination have occurred in Queensland, aided and abetted by the statements and directives of the 1st-Accused. Professor John Skerritt of the TGA has stated in Parliament that the COVID-19 vaccines rollout is “*an experiment*”. Federal Minister for Health, Mr. Greg Hunt, has publicly stated that the vaccine rollout is “*the greatest clinical trial in history*”, that is, an experiment. The 1st-Accused has withheld from people in Queensland that when taking the alleged vaccine they are participating in a medical experiment, the outcomes of which are therefore unknown. Knowing the foregoing reported facts and figures the 1st-Accused continues to insist that people in Queensland undergo COVID-19 vaccination. People in Queensland have acted in accordance with the advice and directives of the 1st-Accused. Knowingly acting without the authority of a Human Biosecurity Control Order in the name of any person, contrary to ss 60 and 61 of the Biosecurity Act 2015 (Cth) and s 92(1) of the Criminal Code Act 1899 (Qld), the 1st-Accused is thereby responsible for harm to some people, contrary to s 328 of the Criminal Code Act 1899 (Qld). Knowingly acting without the authority of a Human Biosecurity Control Order in the name of any person, contrary to ss 60 and 61 of the Biosecurity Act 2015 (Cth) and s 92(1) of the Criminal Code Act 1899 (Qld), the 1st-Accused is thereby responsible for grievously bodily harm to some people, contrary to s 320 of the Criminal Code Act 1899 (Qld). Knowingly acting without the authority of a Human Biosecurity Control Order in the name of any person, contrary to ss 60 and 61 of the Biosecurity Act 2015 (Cth) and s 92(1) of the Criminal Code Act 1899 (Qld), the 1st-Accused is thereby responsible for the deaths of some people, contrary to s 303 of the Criminal Code Act 1899 (Qld), by unlawful acts or, in the alternative, by gross negligence.

Crimes of the 2nd – Accused: Anastacia Palaszczuk, Premier Queensland

- (i) The 2nd – Accused has urged shop owners and their employees, and other purveyors of goods and services, in a press conference broadcast to the public by television and other media, in the words, “*Now another thing, shop owners please, please don't let customers in unless they scan the QR-code*”, in the absence of a Human Biosecurity Control Order in the name of any person, contrary to ss 60, 61, 62, 63, 85, 87, 477(1), 477(3) and 477(5) of the Biosecurity Act 2015 (Cth) and hence in violation of s 11.4 of the Commonwealth Criminal Code 1993 (Cth) and in violation of s 359 of the Criminal Code 1899 (Qld).
- (ii) The 2nd - Accused has urged shop owners and their employees, and other purveyors of goods or services, to carry out the unlawful directives of the 1st – Accused in the absence of any or adequate provisions in place to comply with the Australian Privacy Principles, contrary to the Privacy Act 1988 (Cth) and hence in violation of s 11.4 of the Commonwealth Criminal Code 1993 (Cth) and in violation of s 359 of the Criminal Code 1899 (Qld).
- (iii) In every instance in which shop owners or their employees, and other purveyors of goods or services, realised the urging of the 2nd – Accused, the 2nd-Accused has contravened s 11.2 of the Commonwealth Criminal Code 1993 (Cth).

Crimes of the 3rd – Accused: Katarina Carroll, Police Commissioner Queensland

- (i) The 3rd – Accused has urged Queensland police officers to enforce the unlawful directives of the 1st – Accused in matters of quarantine, wearing of masks, social distancing, tracking and tracing including by means of the Check In Qld app QR-code, in the absence of a Human Biosecurity Control Order in the name of any person, contrary to ss 8, 60, 61, 62, 63, 82, 84, 85, 87, 88, 90, 91, 92, 93, 96, 97, 477(1), 477(3) and 477(5) of the Biosecurity Act 2015 (Cth) and hence in violation of s 11.4 of the Commonwealth Criminal Code 1993 (Cth) and in violation of s 359 of the Criminal Code 1899 (Qld).
- (ii) The 3rd- Accused has urged shop owners and their employees, and other purveyors of goods or services, in trade or commerce, to carry out the unlawful directives of the 1st – Accused in the absence of any or adequate provisions in place to comply with the Australian Privacy Principles, contrary to the Privacy Act 1988 (Cth) and hence contrary to s 11.4 of the Commonwealth Criminal Code 1993 (Cth) and in violation of s 359 of the Criminal Code 1899 (Qld).
- (iii) In urging Queensland police officers to enforce the unlawful directives of the 1st – Accused, the 3rd – Accused has given arbitrary directions prejudicial to the rights of persons, contrary to s 92(1) of the Criminal Code Act 1899 (Qld).
- (iv) Where any person has been quarantined or otherwise detained or confined to any place against their will by a police officer at the direction of the 3rd – Accused, in the absence of a Human Biosecurity Control Order in the name of the quarantined or otherwise detained or confined person, contrary to ss 8, 60, 61, 96, 97, 477(1), 477(3) and 477(5) of the Biosecurity Act 2015 (Cth), the 3rd - Accused commits a crime, in contravention of s 355 of the Criminal Code Act 1999 (Qld) and s 11.4 of the Criminal Code 1993 (Cth).
- (v) Where any person has been arrested, intimidated, terrorised or threatened in any way or otherwise interfered with by a police officer in relation to wearing a mask, in the absence of a Human Biosecurity Control Order in the name of that person in accordance with ss 60 and 61 of the Biosecurity Act 2015 (Cth), at the direction of the 3rd – Accused, the 3rd-Accused commits a crime, in contravention of ss 357 and 359 of Criminal Code Act 1999 (Qld).
- (vi) In every instance where the unlawful directions of the 1st – Accused have been realised in the directions of the 3rd – Accused, the 3rd – Accused has committed a crime, in contravention of 11.2 of the Commonwealth Criminal Code 1993 (Cth).

Crimes of the 4th – Accused: Various Queensland Police Officers

- (i) Where any person is quarantined or otherwise detained or confined to any place against their will by a Queensland police officer at the direction of the 1st – Accused or the 3rd – Accused, or otherwise, in the absence of a Human Biosecurity Control Order in the name of the person quarantined or otherwise detained and confined to any place against their will, contrary to ss 60, 61, 96, 97 of the Biosecurity Act 2015 (Cth), that police officer commits a crime, by contravention of ss 92(1) and 355 of the Criminal Code Act 1899 (Qld).
- (ii) Where any person is arrested, intimidated, terrorised or threatened in any way, or otherwise interfered with by a police officer in relation to not wearing a mask, in the absence of a Human Biosecurity Control Order in the name of the person, contrary to ss 60, 61 and 88 of the Biosecurity Act 2015 Cth), that police officer commits a crime in contravention of ss 92(1) and 359 of Criminal Code Act 1899 (Qld).
- (iii) Where any person asserting a medical exemption from wearing a mask is arrested, intimidated, terrorised or threatened in any way, or otherwise interfered with by a police officer for not wearing a mask, that police officer contravenes ss 5 and 6 of the Disability Discrimination Act 1992 (Cth) and commits a crime by contravention of ss 92(1) and 359 of the Criminal Code Act 1899 (Qld).
- (iv) Where any person asserting a medical exemption from wearing a mask is prevented by a police officer from entering any premises the person has a lawful right to access, for not wearing a mask, that police officer contravenes s 23 of the Disability Discrimination Act 1992 (Cth) and commits a crime by contravention of ss 92(1) and 359 of the Criminal Code Act 1899 (Qld).

Criminal Code Act 1899 (Qld)

87 Official corruption

(1) Any person who-

- (a) being employed in the public service, or being the holder of any public office, and being charged with the performance of any duty by virtue of such employment or office, not being a duty touching the administration of justice, corruptly asks for, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself, herself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by the person in the discharge of the duties of the person's office;

is guilty of a crime, and is liable to imprisonment for 7 years, and to be fined at the discretion of the court.

92 Abuse of office

(1) Any person who, being employed in the public service, does or directs to be done, in abuse of the authority of the person's office, any act prejudicial to the rights of another is guilty of a misdemeanour, and is liable to imprisonment for 2 years.

92A Misconduct in relation to public office

(1) A public officer who, with intent to dishonestly gain a benefit for the officer or another person or to dishonestly cause a detriment to another person-

- (a) deals with information gained because of office; or
- (b) performs or fails to perform a function of office; or
- (c) without limiting paragraphs (a) and (b), does an act or makes an omission in abuse of the authority of office;

is guilty of a crime.

Maximum penalty – 7 years imprisonment.

96 False assumption of authority

Any person who-

(c) represents himself or herself to be a person authorised by law to sign a document testifying to the contents of any register or record document kept by lawful authority, or testifying to any fact or event, and signs such document as being so authorised, when the person is not, and knows that the person is not, in fact, so authorised;

is guilty of a misdemeanour, and is liable to imprisonment for 3 years.

288 Duty of persons doing dangerous acts

It is the duty of every person who, except in a case of necessity, undertakes to administer surgical or medical treatment to any other person, or to do any other lawful act which is or

may be dangerous to human life or health, to have reasonable skill and to use reasonable care in doing such act, and the person is held to have caused any consequences which result to the life or health of any person by reason of any omission to observe or perform that duty.

289 Duty of persons in charge of dangerous things

It is the duty of every person who has in the person's charge or under the person's control anything, whether living or inanimate, and whether moving or stationary, of such a nature that, in the absence of care or precaution in its use or management, the life, safety, or health, of any person may be endangered, to use reasonable care and take reasonable precautions to avoid such danger, and the person is held to have caused any consequences which result to the life or health of any person by reason of any omission to perform that duty.

290 Duty to do certain acts

When a person undertakes to do any act the omission to do which is or may be dangerous to human life or health, it is the person's duty to do that act: and the person is held to have caused any consequences which result to the life or health of any person by reason of any omission to perform that duty.

291 Killing of a human being unlawful

It is unlawful to kill any person unless such killing is authorised or justified or excused by law.

293 Definition of *killing*

Except as hereinafter set forth, any person who causes the death of another, directly or indirectly, by any means whatever, is deemed to have killed that other person.

295 Causing death by threats

A person who, by threats or intimidation of any kind, or by deceit, causes another person to do an act or make an omission which results in the death of that other person, is deemed to have killed the other person.

303 Definition of *manslaughter*

(1) A person who unlawfully kills another under such circumstances as not to constitute murder is guilty of *manslaughter*.

(2) An indictment charging an offence against this section with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q may not be presented without the consent of a Crown Law Officer.

320 Grievous bodily harm

(1) Any person who unlawfully does grievous bodily harm to another is guilty of a crime, and is liable to imprisonment for 14 years.

328 Negligent acts causing harm

(1) Any person who unlawfully does any act, or omits to do any act which it is the person's duty to do, by which act or omission bodily harm is actually caused to any person, is guilty of a misdemeanour, and is liable to imprisonment for 2 years.

355 Deprivation of liberty

Any person who unlawfully confines or detains another in any place against the other

person's will, or otherwise unlawfully deprives another of the other person's personal liberty, is guilty of a misdemeanour, and is liable to imprisonment for 3 years.

359 Threats

(1) A person (the *first person*) who threatens to cause a detriment to a second person with intent to prevent or hinder any person (the *other person*) other than the first person from doing any act which the other person is lawfully entitled to do, or with intent to compel the other person to do any act which the other person is lawfully entitled to abstain from doing, or with intent to cause public alarm or anxiety, commits a crime.

Maximum penalty – 5 years imprisonment

Commonwealth Criminal Code 1993 (Cth)

11.2 Complicity and common purpose

(1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.

11.4 Incitement

(1) A person who urges the commission of an offence commits the offence of incitement.

268.12 Crime against humanity—imprisonment or other severe deprivation of physical liberty

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator imprisons one or more persons or otherwise severely deprives one or more persons of physical liberty; and
- (b) the perpetrator's conduct violates article 9, 14 or 15 of the Covenant; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 17 years.

(2) Strict liability applies to paragraph (1)(b).

268.23 Crime against humanity—other inhumane act

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act; and
- (b) the act is of a character similar to another proscribed inhumane act as defined by the Dictionary; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 25 years.

Dictionary

attack directed against a civilian population means a course of conduct involving the multiple commission of any one or more proscribed inhumane acts against any civilian population pursuant to, or in furtherance of, a state or organisational policy to engage in that course of conduct.

harm means physical harm or harm to a person's mental health, whether temporary or permanent. However, it does not include being subjected to any force or impact that is within the limits of what is acceptable as incidental to social interaction or to life in the community.

harm to a person's mental health includes significant psychological harm, but does not include mere ordinary emotional reactions such as those of only distress, grief, fear or anger.

proscribed inhumane act means any of the following acts:

- (a) an act that is described in paragraph 268.8(a);
- (b) an act that is described in paragraph 268.9(1)(a) and is committed as mentioned in paragraph 268.9(1)(b);
- (c) an act that is described in paragraph 268.10(1)(a);
- (d) an act that is described in paragraph 268.11(1)(a) and to which paragraph 268.11(1)(b) applies;
- (e) an act that is described in paragraph 268.12(1)(a) and to which paragraph 268.12(1)(b) applies;
- (f) an act that is described in paragraph 268.13(a) and to which paragraph 268.13(b) applies;
- (g) an act that is described in paragraph 268.14(1)(a) or (2)(a);
- (h) an act that is described in paragraph 268.15(1)(a);
- (i) an act that is described in paragraph 268.16(1)(a) and to which paragraph 268.16(1)(b) applies;
- (j) an act that is described in paragraph 268.17(1)(a) and to which paragraph 268.17(1)(b) applies;
- (k) an act that is described in paragraphs 268.18(1)(a) and (b) and to which paragraph 268.18(1)(c) applies;
- (l) an act that is described in paragraph 268.19(1)(a) and is of the gravity mentioned in paragraph 268.19(1)(b);
- (m) an act that is described in paragraph 268.20(1)(a) and is committed as mentioned in paragraphs 268.20(1)(c), (d) and (e);
- (n) an act that is described in paragraph 268.21(1)(a) and to which paragraphs 268.21(1)(b) and (c) apply;
- (o) an act that is described in paragraph 268.21(2)(c) and is committed as mentioned in paragraph 268.21(2)(d);
- (p) an act that is described in paragraph 268.22(a) and is committed as mentioned in paragraph 268.22(b);
- (q) an act that is described in paragraph 268.23(a) and to which paragraph 268.23(b) applies.

International Covenant on Civil and Political Rights

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Biosecurity Act 2015 (Cth)

8 Concurrent operation of State and Territory laws

- (1) This Act does not exclude or limit the operation of a law of a State or Territory that is capable of operating concurrently with this Act (except as referred to in subsection (2)).
- (2) Subsection (1) is subject to the following provisions:
 - (a) section 172 (prohibited goods);
 - (b) section 265 (ballast water);
 - (c) subsections 445(4), 446(4), 477(5) and 478(4) (biosecurity emergencies and human biosecurity emergencies).

60 Imposing a human biosecurity control order on an individual

- (1) The following officers may impose a human biosecurity control order on an individual:
 - (a) a chief human biosecurity officer;
 - (b) a human biosecurity officer;
 - (c) a biosecurity officer.

Note 1: An officer who intends to impose a human biosecurity control order on an individual has certain powers under sections 68 and 69.

Note 2: Before imposing a human biosecurity control order, an officer must be satisfied of the matters referred to in section 34 (the principles).

Note 3: The Director of Human Biosecurity must be notified of the imposition of a human biosecurity control order (see section 67).

- (2) A human biosecurity control order may be imposed on an individual only if the officer is satisfied that:
 - (a) the individual has one or more signs or symptoms of a listed human disease; or
 - (b) the individual has been exposed to:
 - (i) a listed human disease; or
 - (ii) another individual who has one or more signs or symptoms of a listed human disease; or
 - (c) the individual has failed to comply with an entry requirement in subsection 44(6) in relation to a listed human disease.
- (3) To avoid doubt, an individual may fail to comply with an entry requirement in subsection 44(6) even if the individual is not able to comply with the requirement.
- (4) An officer may include one or more biosecurity measures specified in Subdivision B of Division 3 in a human biosecurity control order.

Note: For the biosecurity measures that each kind of officer can impose, see section 82.

61 Contents of a human biosecurity control order

- (1) A human biosecurity control order that is in force in relation to an individual must specify the following:
 - (a) the ground in subsection 60(2) under which the order is imposed on the individual;

- (b) the listed human disease in relation to which the order is imposed on the individual;
- (c) any signs or symptoms of the listed human disease;
- (d) the prescribed contact information provided by the individual under section 69 or 70 (as the case requires);
- (e) a unique identifier for the order;
- (f) each biosecurity measure (specified in Subdivision B of Division 3) with which the individual must comply, and an explanation of:
 - (i) why each biosecurity measure is required; and
 - (ii) in relation to a biosecurity measure included under section 89 (decontamination), 90 (examination), 91 (body samples) or 92 (vaccination or treatment)—how the biosecurity measure is to be undertaken;
- (g) any information required to be included in the order by Subdivision B of Division 3;
- (h) the period during which the order is in force, which must not be more than 3 months;
- (i) the following:
 - (i) the effect of section 70 (requirement to notify of changes to contact information);
 - (ii) the effect of section 74 (when an individual is required to comply with a biosecurity measure);
 - (iii) the rights of review in relation to the human Biosecurity control order under this Act, the *Administrative Appeals Tribunal Act 1975* and the *Administrative Decisions (Judicial Review) Act 1977*;
 - (iv) the effect of section 107 (offence for failing to comply with an order);
- (j) details of a chief human biosecurity officer who can be contacted for information and support in relation to the order;
- (k) any other information that the officer imposing the order considers appropriate;
- (l) any other information required by the regulations.

Note: Despite paragraph (1)(h), an individual might be required to comply with a biosecurity measure for a more limited period of time (see for example section 96 (traveller movement measure)).

(2) If a human biosecurity control order ceases to be in force, paragraph (1)(h) does not prevent another human Biosecurity control order from being imposed on the same individual.

(3) To avoid doubt, a human biosecurity control order that is varied must comply with subsection (1).

62 Form of a human biosecurity control order

- (1) A human biosecurity control order must be in the form approved, in writing, by the Director of Human Biosecurity.
- (2) A human biosecurity control order is not a legislative instrument.

63 Giving a human biosecurity control order to an individual

- (1) An officer who imposes a human biosecurity control order on an individual must cause the individual to be given a copy of the order as soon as reasonably practicable.
- (2) The officer who imposes the order on the individual must ensure that the contents of the order are read out to the individual.
- (3) The order ceases to be in force if:
 - (a) a copy of the order is not given to the individual within 24 hours of the order beginning to be in force; or
 - (b) the contents of the order are not read out in accordance with subsection (2).

82 Who can include a biosecurity measure in a human Biosecurity control order

Chief human biosecurity officers and human biosecurity officers

- (1) A chief human biosecurity officer or human biosecurity officer may include any biosecurity measure set out in Subdivision B of this Division in a human biosecurity control order.

Note: Under Division 6 of Part 2 of this Chapter, an officer may ask questions, or require written information, of an individual in relation to whom a human biosecurity control order is in force.

Biosecurity officers

- (2) A biosecurity officer may include in a human biosecurity control order either of the biosecurity measures set out in the following provisions:
 - (a) section 85 (managing contacts);
 - (b) section 88 (risk minimisation interventions).

84 Test for including a biosecurity measure in a human Biosecurity control order

An officer may include a biosecurity measure in a human biosecurity control order only if the officer is satisfied that the biosecurity measure contributes to managing the risk of:

- (a) contagion of a listed human disease; or
- (b) a listed human disease entering, or emerging, establishing itself or spreading in, Australian territory or a part of Australian territory.

Note 1: Before including a biosecurity measure in a human biosecurity control order, an officer must be satisfied of the matters referred to in section 34 (the principles).

Note 2: For when an individual is required to comply with a biosecurity measure included in a human biosecurity control order, see Subdivision C of Division 2.

85 Managing contacts

An individual may be required by a human biosecurity control order to provide to a specified biosecurity officer, human biosecurity officer or chief human biosecurity officer the prescribed contact information for any individual with whom the individual has been, or will be, in close proximity.

Note 1: This section constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws.

Note 2: This section is not subject to the privilege against self-incrimination (see section 635).

87 Restricting behaviour

(1) An individual may be required by a human biosecurity control order to go to, and remain at, the individual's intended place of residence for a specified period.

(2) Without limiting subsection (1), if an individual does not reside in Australian territory, the individual's intended place of residence includes a place at which the individual intends to stay while in Australian territory.

(3) An individual may be required by a human biosecurity control order not to do either or both of the following for a specified period:

(a) visit a specified place, or class of place, where there is an increased risk of contagion of the listed human disease;

(b) come into close proximity with a specified class of individuals, where there is an increased risk that the individuals in that class might contract the listed human disease.

88 Risk minimisation interventions

(1) An individual may be required by a human biosecurity control order to wear either or both specified clothing and equipment that is designed to prevent a disease from emerging, establishing itself or spreading.

(2) The order must specify the following:

(a) the circumstances in which the individual is required to wear the clothing and equipment;

(b) the period during which, or the times at which, the individual is required to wear the clothing and equipment;

(c) instructions for wearing the clothing and equipment.

90 Undergoing an examination

An individual may be required by a human biosecurity control order to undergo, at a specified medical facility, a specified kind of examination relating to determining the presence in the individual of:

(a) the listed human disease specified in the order; and

(b) any other listed human disease.

Note: For the manner in which this biosecurity measure must be carried out, see section 94.

91 Requiring body samples for diagnosis

(1) This section applies if an individual has undergone an examination under section 90.

(2) The individual may be required by a human biosecurity control order to provide, at a specified medical facility, specified body samples for the purpose of determining the presence in the individual of:

- (a) the listed human disease specified in the order; and
- (b) any other listed human disease.

Note: For the manner in which this biosecurity measure must be carried out, see section 94.

Requirements for samples

(3) The regulations must prescribe requirements for taking, storing, transporting, labelling and using body samples provided under subsection (2).

Note: The regulations may prescribe offences and civil penalties in relation to a failure to comply with a prescribed requirement (see subsection 645(2)).

Giving samples to the World Health Organization

(4) The Health Minister may, at the request of the World Health Organization, give all or part of a sample provided under subsection (2) to the Organization for the purposes of detecting, assessing or responding to a listed human disease.

92 Receiving a vaccination or treatment

An individual may be required by a human biosecurity control order to receive, at a specified medical facility:

- (a) a specified vaccination; or
- (b) a specified form of treatment; in order to manage the listed human disease specified in the order, and any other listed human disease.

Note: For the manner in which this biosecurity measure must be carried out, see section 94.

93 Receiving medication

(1) An individual may be required by a human biosecurity control order to receive specified medication in order to manage the listed human disease specified in the order, and any other listed human disease.

Note: For the manner in which this biosecurity measure must be carried out, see section 94.

(2) The order must specify:

- (a) how much medication is to be taken; and
- (b) how long the medication is to be taken for.

95 No use of force to require compliance with certain Biosecurity measures

Force must not be used against an individual to require the individual to comply with a biosecurity measure imposed under any of sections 85 to 93.

Note: Force may be used in preventing an individual leaving Australian territory in contravention of a traveller movement measure (see section 101) or in detaining a person who fails to comply with an isolation measure (see section 104).

96 Traveller movement measure

(1) An individual may, for a specified period of no more than 28 days, be required by a human biosecurity control order not to leave Australian territory on an outgoing passenger aircraft or vessel.

Note: For provisions relating to traveller movement measures, see Subdivision C.

Traveller movement measure ceasing to be in force before human biosecurity control order

(2) If a traveller movement measure ceases to be in force, subsection (1) does not prevent another traveller movement measure from being included in the same human biosecurity control order.

When traveller movement measure ceases to be in force

(3) A traveller movement measure ceases to be in force at the earliest of the following times:

- (a) at the end of the period specified under subsection (1);
- (b) the time when the human biosecurity control order ceases to be in force;
- (c) the time when the order is varied to remove the measure;
- (d) the time when the order is revoked.

97 Isolation measure

(1) An individual may be required by a human biosecurity control order to remain isolated at a specified medical facility.

Note 1: A non-Australian citizen who is required to remain isolated is entitled to consular assistance under section 102.

Note 2: A person who does not comply with an isolation measure that the person is required to comply with may be detained under Subdivision B of Division 4.

(2) An isolation measure included in a human biosecurity control order under subsection (1) may be made conditional on a person refusing to consent to another biosecurity measure included in the human biosecurity control order.

477 Health Minister may determine emergency requirements during human biosecurity emergency period

(1) During a human biosecurity emergency period, the Health Minister may determine any requirement that he or she is satisfied is necessary:

(a) to prevent or control:

- (i) the entry of the declaration listed human disease into Australian territory or a part of Australian territory; or
- (ii) the emergence, establishment or spread of the declaration listed human disease in Australian territory or a part of Australian territory; or

(b) to prevent or control the spread of the declaration listed human disease to another country; or

(c) if a recommendation has been made to the Health Minister by the World Health Organization under Part III of the International Health Regulations in relation to the declaration listed human disease—to give effect to the recommendation.

Note 1: A person who fails to comply with a requirement determined under this subsection may commit an offence (see section 479).

Note 2: For variation and revocation, see subsections 33(3) and (3AA) of the *Acts Interpretation Act 1901*.

(2) A determination made under subsection (1) is a legislative instrument, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to the determination.

(3) Without limiting subsection (1), the requirements that the Health Minister may determine include the following:

(a) requirements that apply to persons, goods or conveyances when entering or leaving specified places;

(b) requirements that restrict or prevent the movement of persons, goods or conveyances in or between specified places;

(c) requirements for specified places to be evacuated;

(d) if a recommendation has been made as referred to in paragraph (1)(c)— requirements for the purposes of giving effect to the recommendation.

(4) Before determining a requirement under subsection (1), the Health Minister must be satisfied of all of the following:

(a) that the requirement is likely to be effective in, or to contribute to, achieving the purpose for which it is to be determined;

(b) that the requirement is appropriate and adapted to achieve the purpose for which it is to be determined;

(c) that the requirement is no more restrictive or intrusive than is required in the circumstances;

(d) that the manner in which the requirement is to be applied is no more restrictive or intrusive than is required in the circumstances;

(e) that the period during which the requirement is to apply is only as long as is necessary.

(5) A requirement determined under subsection (1) applies despite any provision of any other Australian law.

(6) A determination made under subsection (1) must not require an individual to be subject to a biosecurity measure of a kind set out in Subdivision B of Division 3 of Part 3 of Chapter 2.

Note: Subdivision B of Division 3 of Part 3 of Chapter 2 sets out the biosecurity measures that may be included in a human Biosecurity control order.

When determination ceases to have effect

(7) A determination made under subsection (1) ceases to have effect at the end of the human biosecurity emergency period, unless it is revoked earlier.

Privacy Act 1988 (Cth)

Schedule 1 Australian Privacy Principles

Part 1—Consideration of personal information privacy

1 Australian Privacy Principle 1—open and transparent management of personal information

1.1 The object of this principle is to ensure that APP entities manage personal information in an open and transparent way.

Compliance with the Australian Privacy Principles etc.

1.2 An APP entity must take such steps as are reasonable in the circumstances to implement practices, procedures and systems relating to the entity's functions or activities that:

(a) will ensure that the entity complies with the Australian Privacy Principles and a registered APP code (if any) that binds the entity; and

(b) will enable the entity to deal with inquiries or complaints from individuals about the entity's compliance with the Australian Privacy Principles or such a code.

APP Privacy policy

1.3 An APP entity must have a clearly expressed and up-to-date policy (the *APP privacy policy*) about the management of personal information by the entity.

1.4 Without limiting subclause 1.3, the APP privacy policy of the APP entity must contain the following information:

(a) the kinds of personal information that the entity collects and holds;

(b) how the entity collects and holds personal information;

(c) the purposes for which the entity collects, holds, uses and discloses personal information;

(d) how an individual may access personal information about the individual that is held by the entity and seek the correction of such information;

(e) how an individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds the entity, and how the entity will deal with such a complaint;

(f) whether the entity is likely to disclose personal information to overseas recipients;

(g) if the entity is likely to disclose personal information to overseas recipients—the countries in which such recipients are likely to be located if it is practicable to specify those countries in the policy.

Availability of APP privacy policy etc.

1.5 An APP entity must take such steps as are reasonable in the circumstances to make its APP privacy policy available:

(a) free of charge; and

(b) in such form as is appropriate.

Note: An APP entity will usually make its APP privacy policy available on the entity's website.

1.6 If a person or body requests a copy of the APP privacy policy of an APP entity in a particular form, the entity must take such steps as are reasonable in the circumstances to give the person or body a copy in that form.

2 Australian Privacy Principle 2—anonymity and pseudonymity

2.1 Individuals must have the option of not identifying themselves, or of using a pseudonym, when dealing with an APP entity in relation to a particular matter.

2.2 Subclause 2.1 does not apply if, in relation to that matter:

- (a) the APP entity is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves; or
- (b) it is impracticable for the APP entity to deal with individuals who have not identified themselves or who have used a pseudonym.

Part 2—Collection of personal information

3 Australian Privacy Principle 3—collection of solicited personal information

Personal information other than sensitive information

3.1 If an APP entity is an agency, the entity must not collect personal information (other than sensitive information) unless the information is reasonably necessary for, or directly related to, one or more of the entity's functions or activities.

3.2 If an APP entity is an organisation, the entity must not collect personal information (other than sensitive information) unless the information is reasonably necessary for one or more of the entity's functions or activities.

Sensitive information

3.3 An APP entity must not collect sensitive information about an individual unless:

- (a) the individual consents to the collection of the information and:
 - (i) if the entity is an agency—the information is reasonably necessary for, or directly related to, one or more of the entity's functions or activities; or
 - (ii) if the entity is an organisation—the information is reasonably necessary for one or more of the entity's functions or activities; or
- (b) subclause 3.4 applies in relation to the information.

3.4 This subclause applies in relation to sensitive information about an individual if:

- (a) the collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- (b) a permitted general situation exists in relation to the collection of the information by the APP entity; or
- (c) the APP entity is an organisation and a permitted health situation exists in relation to the collection of the information by the entity; or

(d) the APP entity is an enforcement body and the entity reasonably believes that:

- (i) if the entity is the Immigration Department—the collection of the information is reasonably necessary for, or directly related to, one or more enforcement related activities conducted by, or on behalf of, the entity; or
- (ii) otherwise—the collection of the information is reasonably necessary for, or directly related to, one or more of the entity’s functions or activities; or

(e) the APP entity is a non-profit organisation and both of the following apply:

- (i) the information relates to the activities of the organisation;
- (ii) the information relates solely to the members of the organisation, or to individuals who have regular contact with the organisation in connection with its activities.

Note: For *permitted general situation*, see section 16A. For *permitted health situation*, see section 16B.

Means of collection

3.5 An APP entity must collect personal information only by lawful and fair means.

3.6 An APP entity must collect personal information about an individual only from the individual unless:

(a) if the entity is an agency:

- (i) the individual consents to the collection of the information from someone other than the individual; or
- (ii) the entity is required or authorised by or under an Australian law, or a court/tribunal order, to collect the information from someone other than the individual; or

(b) it is unreasonable or impracticable to do so.

Solicited personal information

3.7 This principle applies to the collection of personal information that is solicited by an APP entity.

4 Australian Privacy Principle 4—dealing with unsolicited personal information

4.1 If:

- (a) an APP entity receives personal information; and
- (b) the entity did not solicit the information; the entity must, within a reasonable period after receiving the information, determine whether or not the entity could have collected the information under Australian Privacy Principle 3 if the entity had solicited the information.

4.2 The APP entity may use or disclose the personal information for the purposes of making the determination under subclause 4.1.

4.3 If:

- (a) the APP entity determines that the entity could not have collected the personal information; and

(b) the information is not contained in a Commonwealth record; the entity must, as soon as practicable but only if it is lawful and reasonable to do so, destroy the information or ensure that the information is de-identified.

4.4 If subclause 4.3 does not apply in relation to the personal information, Australian Privacy Principles 5 to 13 apply in relation to the information as if the entity had collected the information under Australian Privacy Principle 3.

5 Australian Privacy Principle 5—notification of the collection of personal information

5.1 At or before the time or, if that is not practicable, as soon as practicable after, an APP entity collects personal information about an individual, the entity must take such steps (if any) as are reasonable in the circumstances:

- (a) to notify the individual of such matters referred to in subclause 5.2 as are reasonable in the circumstances; or
- (b) to otherwise ensure that the individual is aware of any such matters.

5.2 The matters for the purposes of subclause 5.1 are as follows:

- (a) the identity and contact details of the APP entity;
- (b) if:
 - (i) the APP entity collects the personal information from someone other than the individual; or
 - (ii) the individual may not be aware that the APP entity has collected the personal information; the fact that the entity so collects, or has collected, the information and the circumstances of that collection;
- (c) if the collection of the personal information is required or authorised by or under an Australian law or a court/tribunal order—the fact that the collection is so required or authorised (including the name of the Australian law, or details of the court/tribunal order, that requires or authorises the collection);
- (d) the purposes for which the APP entity collects the personal information;
- (e) the main consequences (if any) for the individual if all or some of the personal information is not collected by the APP entity;
- (f) any other APP entity, body or person, or the types of any other APP entities, bodies or persons, to which the APP entity usually discloses personal information of the kind collected by the entity;
- (g) that the APP privacy policy of the APP entity contains information about how the individual may access the personal information about the individual that is held by the entity and seek the correction of such information;

(h) that the APP privacy policy of the APP entity contains information about how the individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds the entity, and how the entity will deal with such a complaint;

(i) whether the APP entity is likely to disclose the personal information to overseas recipients;

(j) if the APP entity is likely to disclose the personal information to overseas recipients—the countries in which such recipients are likely to be located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them.

Part 3—Dealing with personal information

6 Australian Privacy Principle 6—use or disclosure of personal information

Use or disclosure

6.1 If an APP entity holds personal information about an individual that was collected for a particular purpose (the *primary purpose*), the entity must not use or disclose the information for another purpose (the *secondary purpose*) unless:

- (a) the individual has consented to the use or disclosure of the information; or
- (b) subclause 6.2 or 6.3 applies in relation to the use or disclosure of the information.

Note: Australian Privacy Principle 8 sets out requirements for the disclosure of personal information to a person who is not in Australia or an external Territory.

6.2 This subclause applies in relation to the use or disclosure of personal information about an individual if:

(a) the individual would reasonably expect the APP entity to use or disclose the information for the secondary purpose and the secondary purpose is:

- (i) if the information is sensitive information—directly related to the primary purpose; or
- (ii) if the information is not sensitive information—related to the primary purpose; or

(b) the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or

(c) a permitted general situation exists in relation to the use or disclosure of the information by the APP entity; or

(d) the APP entity is an organisation and a permitted health situation exists in relation to the use or disclosure of the information by the entity; or

(e) the APP entity reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

Note: For *permitted general situation*, see section 16A. For *permitted health situation*, see section 16B.

6.3 This subclause applies in relation to the disclosure of personal information about an individual by an APP entity that is an agency if:

- (a) the agency is not an enforcement body; and
- (b) the information is biometric information or biometric templates; and
- (c) the recipient of the information is an enforcement body; and
- (d) the disclosure is conducted in accordance with the guidelines made by the Commissioner for the purposes of this paragraph.

6.4 If:

- (a) the APP entity is an organisation; and
- (b) subsection 16B(2) applied in relation to the collection of the personal information by the entity;

the entity must take such steps as are reasonable in the circumstances to ensure that the information is de-identified before the entity discloses it in accordance with subclause 6.1 or 6.2.

Written note of use or disclosure

6.5 If an APP entity uses or discloses personal information in accordance with paragraph 6.2(e), the entity must make a written note of the use or disclosure.

Related bodies corporate

6.6 If:

- (a) an APP entity is a body corporate; and
- (b) the entity collects personal information from a related body corporate; this principle applies as if the entity's primary purpose for the collection of the information were the primary purpose for which the related body corporate collected the information.

Exceptions

6.7 This principle does not apply to the use or disclosure by an organisation of:

- (a) personal information for the purpose of direct marketing; or
- (b) government related identifiers.

7 Australian Privacy Principle 7—direct marketing

Direct marketing

7.1 If an organisation holds personal information about an individual, the organisation must not use or disclose the information for the purpose of direct marketing.

Note: An act or practice of an agency may be treated as an act or practice of an organisation, see section 7A.

Exceptions—personal information other than sensitive information

7.2 Despite subclause 7.1, an organisation may use or disclose personal information (other than sensitive information) about an individual for the purpose of direct marketing if:

- (a) the organisation collected the information from the individual; and
- (b) the individual would reasonably expect the organisation to use or disclose the information for that purpose; and
- (c) the organisation provides a simple means by which the individual may easily request not to receive direct marketing communications from the organisation; and
- (d) the individual has not made such a request to the organisation.

7.3 Despite subclause 7.1, an organisation may use or disclose personal information (other than sensitive information) about an individual for the purpose of direct marketing if:

- (a) the organisation collected the information from:
 - (i) the individual and the individual would not reasonably expect the organisation to use or disclose the information for that purpose; or
 - (ii) someone other than the individual; and
- (b) either:
 - (i) the individual has consented to the use or disclosure of the information for that purpose; or
 - (ii) it is impracticable to obtain that consent; and
- (c) the organisation provides a simple means by which the individual may easily request not to receive direct marketing communications from the organisation; and
- (d) in each direct marketing communication with the individual:
 - (i) the organisation includes a prominent statement that the individual may make such a request; or
 - (ii) the organisation otherwise draws the individual's attention to the fact that the individual may make such a request; and
- (d) the individual has not made such a request to the organisation.

Exception—sensitive information

7.4 Despite subclause 7.1, an organisation may use or disclose sensitive information about an individual for the purpose of direct marketing if the individual has consented to the use or disclosure of the information for that purpose.

Exception—contracted service providers

7.5 Despite subclause 7.1, an organisation may use or disclose personal information for the purpose of direct marketing if:

- (a) the organisation is a contracted service provider for a Commonwealth contract; and
- (b) the organisation collected the information for the purpose of meeting (directly or indirectly) an obligation under the contract; and
- (c) the use or disclosure is necessary to meet (directly or indirectly) such an obligation.

Individual may request not to receive direct marketing communications etc.

7.6 If an organisation (the **first organisation**) uses or discloses personal information about an individual:

- (a) for the purpose of direct marketing by the first organisation; or
- (b) for the purpose of facilitating direct marketing by other organisations; the individual may:
- (c) if paragraph (a) applies—request not to receive direct marketing communications from the first organisation; and
- (d) if paragraph (b) applies—request the organisation not to use or disclose the information for the purpose referred to in that paragraph; and
- (e) request the first organisation to provide its source of the information.

7.7 If an individual makes a request under subclause 7.6, the first organisation must not charge the individual for the making of, or to give effect to, the request and:

- (a) if the request is of a kind referred to in paragraph 7.6(c) or (d)—the first organisation must give effect to the request within a reasonable period after the request is made; and
- (b) if the request is of a kind referred to in paragraph 7.6(e)—the organisation must, within a reasonable period after the request is made, notify the individual of its source unless it is impracticable or unreasonable to do so.

Interaction with other legislation

7.8 This principle does not apply to the extent that any of the following apply:

- (aa) Division 5 of Part 7B of the *Interactive Gambling Act 2001*;
- (a) the *Do Not Call Register Act 2006*;

(b) the *Spam Act 2003*;

(c) any other Act of the Commonwealth, or a Norfolk Island enactment, prescribed by the regulations.

8 Australian Privacy Principle 8—cross-border disclosure of personal information

8.1 Before an APP entity discloses personal information about an individual to a person (the *overseas recipient*):

(a) who is not in Australia or an external Territory; and

(b) who is not the entity or the individual; the entity must take such steps as are reasonable in the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles (other than Australian Privacy Principle 1) in relation to the information.

Note: In certain circumstances, an act done, or a practice engaged in, by the overseas recipient is taken, under section 16C, to have been done, or engaged in, by the APP entity and to be a breach of the Australian Privacy Principles.

8.2 Subclause 8.1 does not apply to the disclosure of personal information about an individual by an APP entity to the overseas recipient if:

(a) the entity reasonably believes that:

- (i) the recipient of the information is subject to a law, or binding scheme, that has the effect of protecting the information in a way that, overall, is at least substantially similar to the way in which the Australian Privacy Principles protect the information; and
- (ii) there are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme; or

(b) both of the following apply:

- (i) the entity expressly informs the individual that if he or she consents to the disclosure of the information, subclause 8.1 will not apply to the disclosure;
- (ii) after being so informed, the individual consents to the disclosure; or

(c) the disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or

(d) a permitted general situation (other than the situation referred to in item 4 or 5 of the table in subsection 16A(1)) exists in relation to the disclosure of the information by the APP entity; or

(e) the entity is an agency and the disclosure of the information is required or authorised by or under an international agreement relating to information sharing to which Australia is a party; or

(f) the entity is an agency and both of the following apply:

- (i) the entity reasonably believes that the disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body;
- (ii) the recipient is a body that performs functions, or exercises powers, that are similar to those performed or exercised by an enforcement body.

Note: For *permitted general situation*, see section 16A.

9 Australian Privacy Principle 9—adoption, use or disclosure of government related identifiers

Adoption of government related identifiers

9.1 An organisation must not adopt a government related identifier of an individual as its own identifier of the individual unless:

(a) the adoption of the government related identifier is required or authorised by or under an Australian law or a court/tribunal order; or

(b) subclause 9.3 applies in relation to the adoption.

Note: An act or practice of an agency may be treated as an act or practice of an organisation, see section 7A.

Use or disclosure of government related identifiers

9.2 An organisation must not use or disclose a government related identifier of an individual unless:

(a) the use or disclosure of the identifier is reasonably necessary for the organisation to verify the identity of the individual for the purposes of the organisation's activities or functions; or

(b) the use or disclosure of the identifier is reasonably necessary for the organisation to fulfil its obligations to an agency or a State or Territory authority; or

(c) the use or disclosure of the identifier is required or authorised by or under an Australian law or a court/tribunal order; or

(d) a permitted general situation (other than the situation referred to in item 4 or 5 of the table in subsection 16A(1)) exists in relation to the use or disclosure of the identifier; or

(e) the organisation reasonably believes that the use or disclosure of the identifier is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or

(f) subclause 9.3 applies in relation to the use or disclosure.

Note 1: An act or practice of an agency may be treated as an act or practice of an organisation, see section 7A.

Note 2: For *permitted general situation*, see section 16A.

Regulations about adoption, use or disclosure

9.3 This subclause applies in relation to the adoption, use or disclosure by an organisation of a government related identifier of an individual if:

- (a) the identifier is prescribed by the regulations; and
- (b) the organisation is prescribed by the regulations, or is included in a class of organisations prescribed by the regulations; and
- (c) the adoption, use or disclosure occurs in the circumstances prescribed by the regulations.

Note: There are prerequisites that must be satisfied before the matters mentioned in this subclause are prescribed, see subsections 100(2) and (3).

10 Australian Privacy Principle 10—quality of personal information

10.1 An APP entity must take such steps (if any) as are reasonable in the circumstances to ensure that the personal information that the entity collects is accurate, up-to-date and complete.

10.2 An APP entity must take such steps (if any) as are reasonable in the circumstances to ensure that the personal information that the entity uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant.

11 Australian Privacy Principle 11—security of personal information

11.1 If an APP entity holds personal information, the entity must take such steps as are reasonable in the circumstances to protect the information:

- (a) from misuse, interference and loss; and
- (b) from unauthorised access, modification or disclosure.

11.2 If:

- (a) an APP entity holds personal information about an individual; and
- (b) the entity no longer needs the information for any purpose for which the information may be used or disclosed by the entity under this Schedule; and
- (c) the information is not contained in a Commonwealth record; and
- (d) the entity is not required by or under an Australian law, or a court/tribunal order, to retain the information; the entity must take such steps as are reasonable in the circumstances to destroy the information or to ensure that the information is de-identified.

Part 5—Access to, and correction of, personal information

12 Australian Privacy Principle 12—access to personal information

Access

12.1 If an APP entity holds personal information about an individual, the entity must, on request by the individual, give the individual access to the information.

Exception to access—agency

12.2 If:

- (a) the APP entity is an agency; and
- (b) the entity is required or authorised to refuse to give the individual access to the personal information by or under:
 - (i) the Freedom of Information Act; or
 - (ii) any other Act of the Commonwealth, or a Norfolk Island enactment, that provides for access by persons to documents; then, despite subclause 12.1, the entity is not required to give access to the extent that the entity is required or authorised to refuse to give access.

Exception to access—organisation

12.3 If the APP entity is an organisation then, despite subclause 12.1, the entity is not required to give the individual access to the personal information to the extent that:

- (a) the entity reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
- (b) giving access would have an unreasonable impact on the privacy of other individuals; or
- (c) the request for access is frivolous or vexatious; or
- (d) the information relates to existing or anticipated legal proceedings between the entity and the individual, and would not be accessible by the process of discovery in those proceedings; or
- (e) giving access would reveal the intentions of the entity in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- (f) giving access would be unlawful; or
- (g) denying access is required or authorised by or under an Australian law or a court/tribunal order; or
- (h) both of the following apply:
 - (i) the entity has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the entity's functions or activities has been, is being or may be engaged in;
 - (ii) giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
- (i) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- (j) giving access would reveal evaluative information generated within the entity in connection with a commercially sensitive decision-making process.

Dealing with requests for access

12.4 The APP entity must:

- (a) respond to the request for access to the personal information:
 - (i) if the entity is an agency—within 30 days after the request is made; or
 - (ii) if the entity is an organisation—within a reasonable period after the request is made; and
- (b) give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so.

Other means of access

12.5 If the APP entity refuses:

- (a) to give access to the personal information because of subclause 12.2 or 12.3; or
- (b) to give access in the manner requested by the individual; the entity must take such steps (if any) as are reasonable in the circumstances to give access in a way that meets the needs of the entity and the individual.

12.6 Without limiting subclause 12.5, access may be given through the use of a mutually agreed intermediary.

Access charges

12.7 If the APP entity is an agency, the entity must not charge the individual for the making of the request or for giving access to the personal information.

12.8 If:

- (a) the APP entity is an organisation; and
- (b) the entity charges the individual for giving access to the personal information; the charge must not be excessive and must not apply to the making of the request.

Refusal to give access

12.9 If the APP entity refuses to give access to the personal information because of subclause 12.2 or 12.3, or to give access in the manner requested by the individual, the entity must give the individual a written notice that sets out:

- (a) the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; and
- (b) the mechanisms available to complain about the refusal; and
- (c) any other matter prescribed by the regulations.

12.10 If the APP entity refuses to give access to the personal information because of paragraph 12.3(j), the reasons for the refusal may include an explanation for the commercially sensitive decision.

13 Australian Privacy Principle 13—correction of personal information

Correction

13.1 If:

- (a) an APP entity holds personal information about an individual; and
- (b) either:
 - (i) the entity is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out-of-date, incomplete, irrelevant or misleading; or
 - (ii) the individual requests the entity to correct the information; the entity must take such steps (if any) as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up-to-date, complete, relevant and not misleading.

Notification of correction to third parties

13.2 If:

- (a) the APP entity corrects personal information about an individual that the entity previously disclosed to another APP entity; and
- (b) the individual requests the entity to notify the other APP entity of the correction; the entity must take such steps (if any) as are reasonable in the circumstances to give that notification unless it is impracticable or unlawful to do so.

Refusal to correct information

13.3 If the APP entity refuses to correct the personal information as requested by the individual, the entity must give the individual a written notice that sets out:

- (a) the reasons for the refusal except to the extent that it would be unreasonable to do so; and
- (b) the mechanisms available to complain about the refusal; and
- (c) any other matter prescribed by the regulations.

Request to associate a statement

13.4 If:

- (a) the APP entity refuses to correct the personal information as requested by the individual; and
- (b) the individual requests the entity to associate with the information a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading; the entity must take such steps as are reasonable in the circumstances to associate the statement in such a way that will make the statement apparent to users of the information.

Dealing with requests

13.5 If a request is made under subclause 13.1 or 13.4, the APP entity:

- (a) must respond to the request:

- (i) if the entity is an agency—within 30 days after the request is made; or
- (ii) if the entity is an organisation—within a reasonable period after the request is made; and

(b) must not charge the individual for the making of the request, for correcting the personal information or for associating the statement with the personal information (as the case may be).

Disability Discrimination Act 1992 (Cth)

5 Direct disability discrimination

(1) For the purposes of this Act, a person (the *discriminator*) *discriminates* against another person (the *aggrieved person*) on the ground of a disability of the aggrieved person if, because of the disability, the discriminator treats, or proposes to treat, the aggrieved person less favourably than the discriminator would treat a person without the disability in circumstances that are not materially different.

(2) For the purposes of this Act, a person (the *discriminator*) also *discriminates* against another person (the *aggrieved person*) on the ground of a disability of the aggrieved person if:

(a) the discriminator does not make, or proposes not to make, reasonable adjustments for the person; and

(b) the failure to make the reasonable adjustments has, or would have, the effect that the aggrieved person is, because of the disability, treated less favourably than a person without the disability would be treated in circumstances that are not materially different.

(3) For the purposes of this section, circumstances are not *materially different* because of the fact that, because of the disability, the aggrieved person requires adjustments.

6 Indirect disability discrimination

(1) For the purposes of this Act, a person (the *discriminator*) *discriminates* against another person (the *aggrieved person*) on the ground of a disability of the aggrieved person if:

(a) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition; and

(b) because of the disability, the aggrieved person does not or would not comply, or is not able or would not be able to comply, with the requirement or condition; and

(c) the requirement or condition has, or is likely to have, the effect of disadvantaging persons with the disability.

(2) For the purposes of this Act, a person (the *discriminator*) also *discriminates* against another person (the *aggrieved person*) on the ground of a disability of the aggrieved person if:

(a) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition; and

(b) because of the disability, the aggrieved person would comply, or would be able to comply, with the requirement or condition only if the discriminator made reasonable adjustments for the person, but the discriminator does not do so or proposes not to do so; and

(c) the failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the disability.

(3) Subsection (1) or (2) does not apply if the requirement or condition is reasonable, having regard to the circumstances of the case.

(4) For the purposes of subsection (3), the burden of proving that the requirement or condition is reasonable, having regard to the circumstances of the case, lies on the person who requires, or proposes to require, the person with the disability to comply with the requirement or condition.

12A Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* (except Part 2.5) applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

23 Access to premises

It is unlawful for a person to discriminate against another person on the ground of the other person's disability:

- (a) by refusing to allow the other person access to, or the use of, any premises that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not); or
- (b) in the terms or conditions on which the first-mentioned person is prepared to allow the other person access to, or the use of, any such premises; or
- (c) in relation to the provision of means of access to such premises; or
- (d) by refusing to allow the other person the use of any facilities in such premises that the public or a section of the public is entitled or allowed to use (whether for payment or not); or
- (e) in the terms or conditions on which the first-mentioned person is prepared to allow the other person the use of any such facilities; or
- (f) by requiring the other person to leave such premises or cease to use such facilities.

24 Goods, services and facilities

It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to discriminate against another person on the ground of the other person's disability:

- (a) by refusing to provide the other person with those goods or services or to make those facilities available to the other person; or
- (b) in the terms or conditions on which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person; or
- (c) in the manner in which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person.

Commonwealth of Australia Constitution Act 1900 (Imp) **which came into force on 1 January 1901**

(Note: Under s 51 of the Commonwealth of Australia Constitution Act 1900 (Imp) which came into force on 1 January 1901, only the Commonwealth can legislate on quarantine.)

51. Legislative powers of the Parliament The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

·
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(ix) quarantine;

(Note: Under s 69 of the Commonwealth of Australia Constitution Act 1900 (Imp) which came into force on 1 January 1901, quarantine devolved to the control of the Commonwealth.)

69. Transfer of certain departments On a date or dates to be proclaimed by the Governor-General after the establishment of the Commonwealth the following departments of the public service in each State shall become transferred to the Commonwealth:

Posts, telegraphs, and telephones;
Naval and military defence;
Lighthouses, lightships, beacons, and buoys;
Quarantine.

But the departments of custom and of excise in each State shall become transferred to the Commonwealth on its establishment.

(Note: Under s 109 of the Commonwealth of Australia Constitution Act 1900 (Imp) which came into force on 1 January 1901, where the laws of the State and Territories conflict with laws of the Commonwealth, the Commonwealth laws prevail.)

109. Inconsistency of laws When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

(Note: All the COVID-19 health directives under the laws of the states and territories that do not run concurrently with the Biosecurity Act 2015 (Cth) are invalid due to s 109 of the Commonwealth of Australia Constitution Act 1900 (Imp) which came into force on 1 January 1901, and s 8 of the Biosecurity Act 2015 (Cth).)