

COVID-19 Public Health Emergency Directions

Compliance and enforcement framework for the issue of infringement notices

Introduction

The Compliance and enforcement framework for the issue of infringement notices (compliance framework) was developed to assist ACT Government agencies in performing compliance functions for any public health emergency directions made in response to the novel coronavirus Sars-Cov-2 (COVID-19) public health emergency. All public health emergency directions are published on the [ACT Legislation Register](#).

The compliance framework was developed by ACT Health in consultation with other key regulatory agencies including the Justice and Community Safety Directorate, Access Canberra, Transport Canberra and City Services, the ACT Human Rights Commission, and ACT Policing.

Infringement notices

Infringement notice penalties of \$1,000 for individuals or \$5,000 for businesses may be issued by authorised officers under the [Magistrates Court \(Public Health \(COVID-19\) Infringement Notices\) Regulation 2020](#). Infringement notices can only be issued by police officers and authorised public health officers (authorised officers) for a failure to comply with a public health emergency direction without reasonable excuse.

In accordance with the compliance framework, authorised officers favour consumer education and engagement measures to achieve compliance with a public health emergency direction over the use of infringement notices. When making any decision about a compliance action, authorised officers consider the circumstances giving rise to the non-compliance (including any reasonable excuse provided, human rights and public health impacts) to ensure the action is a proportionate and justifiable response.

Review or Appeal Rights

Any business or individual served with an infringement notice has the right to dispute liability for the notice. This includes requesting the decision to issue the infringement notice be reviewed by the agency that issued it. Formal reviews may be conducted through the [ACT Civil and Administrative Tribunal \(ACAT\)](#). In addition, a person who has a complaint about a decision can contact the [ACT Ombudsman](#).

Failure to pay or dispute liability or an issued infringement notice may result in the matter being referred to the ACT Magistrates Court for determination.