**Notification for breach of religious, political and economic rights**

 involuntary restraint

 all rights reserved

 **notice to agent is notice to principle**

 **notice the principle is notice to agent**

 **(Chain of command doctrine)**

**Notification date served: / /2021**

**Attention: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **(name of company/business)**

**Address of Business: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Western Australia**

**Holder in due course**

**Manager/Director/Agent/Employee/Employer name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

To the **employee** and employer and business owner and A class shareholders and Directors of the above named company/business

**Notification**

It has now been brought to your attention “within this Notification” your business is in violation of Federal Legislation being the *Bio security Act 2015* (see: Acts breach below) and may be in violation of Commonwealth Constitution 1900UK section 69 by operating under State Legislation and not Federal Legislation as is required and

The corona/covid 19 rules is not Federally Legislated by the Australian Parliament and you are now acting without the rule of law or legislated statute acts and

We/I may have been restrained from entering your business and forced to wear a mask against my will and religious rights and this being a violation of my civil and political liberties, without probable cause and without any evidence that we/I may have been in contact with the corona virus / COVID 19 and

**Toilet paper scam**

Most people believe in the tell lie vision and accepted the tv programs and most had a programmed response and that was a test to see if we all where able to be programmed to wear the face mask and

**Wearing** **Masks**

The wearing of face mask can create hypoxia: **Hypoxia** is a condition in which the body or a region of the body is deprived of adequate oxygen supply at the tissue level. **Hypoxia** may be classified as either generalised, affecting the whole body, or local, affecting a region of the body and

Now having knowledge of the facts about wearing masks and hypoxia you, the employee and employer and business owner and A class shareholders and Directors will have full commercial liability for any adverse reaction from wearing a mask and maybe seen as the war crimes (see below war crimes) and

**Forced sign in**

Forcing people to sign in is a clear breach of the *Privacy Act 1988* and displaying people’s private details breach’s the *Privacy Act 1988* (see below: Acts breach) and

**Medical exception**

Denying people with a disability is in breach of the *Disability service Act 1993* and requesting the medical certificate is the breach of the *Privacy Act 1988* and CRIMINAL CODE 1995 (see below: Acts breach)

Etymology:

Co = together

Vid = view

1 = A

 9 = I

Therefore co-vid 19 means together view by Artificial Intelligence which maybe the 5G and

**Etymology**:

Corona = 1650s, "a crown," from Latin *corona* "a crown, a garland," in ancient Rome especially "a crown or garland bestowed for distinguished military service," from suffixed form of PIE root **\*sker-** (2) "to turn, bend.

We/I will be willing to submit this claim to the international criminal court for war crimes by not following the federal legislation and that is the breach of political, religious rights and

**Maxim of law which still endures in Australian law is:**

***Ignorantia juris non excusat:* ignorance of the law does not excuse**

***Ignorantia legis neminem excusat:* ignorance of the law excuses no one**

**<http://www.austlii.edu.au/au/journals/FedJSchol/2009/2.html>**

**Liability claim**

I/We will require the name of your Insurer and your Professional Indemnity Number and Public Liability Insurance Number as we may claim for losses injury loss and or harm from your lack of understanding and that is caused by the actions of your Subordinate employees and employer and business owner and A class shareholders and Directors that have forced their will upon myself and is against my free will and is the breach of political rights and duty and

**Legal team**

I/we may require to engage your legal team to avoid yourself from indictment for war crimes and

Email to the attorney in fact: a.gent.le.man.swift@gmail.com

**Public safety**

We/I have no problem submitting to any ratified law in the interest of public safety and if we/I show flu like symptoms, we/I would not have attempted to enter your place of business without a mask and

We/I have no problem adhering to the rule of laws constructed in accordance with the Commonwealth Constitution and its letters patent and

Security Offices who are employees or under instructions have hindered our conveyance and interfered with our: “all rights reserved” by preventing myself from executing my duty and performance to achieve any Contractual Obligations that are requirements of mine and this appears to be a violation of my human rights by interfering with the free exercise and performance:

It appears your place of business and its employees and employers and business owner and A class shareholders and security agents have violated our rights by Interfering with our political liberty and can be seen as torture: (See below: Acts breached) **Crimes act** 1914 sections 28: Book, Commonwealth acts 1901 to 1935-page number 459. <https://www.unodc.org/res/cld/document/aus/1914/crimes_act_1914_html/Crimes_Act_1914_Volume_2.pdf>

**Cure and prevention**

Simple dose of Ivermectin may fix the problem. <https://www.thepharmaletter.com/article/ivermectin-can-kill-covid-19-within-48-hours-monash-university-study-finds>

Glen 20 disinfectant spray claims to kill corona and covid 19 and is claimed to be 99.9% affect (google it) and

Hydroxychloroquine is band because it is nature and affective (google it) and

**War crimes**

It is my duty, as the concerned civilian to inform you of the above and below and it maybe in your best interest to seek independent legal advice of war crimes and the breach of the statute act below and

**WAR CRIMES**

Gough Whitlam in 1973 Acting for the Labour Party and the then Prime-“Minister” for Australia people signed the Geneva Convention Treaty in 1973 and that placed the Australian citizen-ships and civilians under the governance of the United Nations and the Liber Code [not to be confused with the Lieber Code created by Abraham Lincoln] in the American civil war, and; that the Geneva convention after WW2 the Nazis Germans were commanded to appear at the Geneva Convention “The Hague” and “The Hague” it was stated that nobody is able to shield themselves from war crimes by simply stating they were following orders and as that is all hung for war crimes for following orders and or directions from an officer from an office (eg police officer, port officer, chief executive officer )

GENEVA CONVENTION

 RELATIVE TO THE PROTECTION OF

CIVILIAN PERSONS IN TIME OF WAR OF 12 AUGUST 1949

**PART I**

GENERAL PROVISIONS

**Article 1.** — The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

**Article 2.**— In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power if the latter accepts and applies the provisions thereof.

**Article 51 of the United Nations Charter entitles:** man/woman to “individuale or collective self defence” by “any means necessary” as allowed under: the rules of war: against actions of: illegal Govern-ments or: Courts administering: foreign-law and

United Nations Liber Code:

[not to be mistake for the Lieber Code Created by Abraham Lincoln in the civil wars]

**Liber Code Article. 10.** Martial Law affects chiefly the police and collection of public revenue and taxes, whether imposed by the expelled government or by the invader and refers mainly to the support and efficiency of the army, its safety, and the safety of its operations.

**Liber Code Article. 13.** Military jurisdiction is of two kinds: First, that which is conferred and **defined by statute**; second, that which is derived from the common law of war. Military offences under the **statute law** must be tried in the manner therein directed; but military offences which do not come within the **statute** must be tried and punished under the common law of war. The character of the courts which exercise these jurisdictions depends upon the local laws of each particular country. In the armies of the United States the first is exercised by courts-martial, while cases which do not come within the "Rules and Articles of War," or the jurisdiction conferred by **statute** on courts-martial, are tried by **military** commissions.

**Liber Code Article. 26.** Commanding generals may cause the **magistrates** and civil **officers** of the hostile country to take the **oath of temporary allegiance or an oath of fidelity to their own victorious** government or rulers, and they may expel everyone who declines to do so. But whether they do so or not, the people and their civil officers owe strict obedience to them as long as they hold sway over the district or country, at the peril of their lives.

**Liber Code Article. 38.** Private property, unless forfeited by crimes or by offenses of the owner, can be seized only by way of military necessity, for the support or other benefit of the army or of the United States. If the owner has not fled, the commanding officer will cause receipts to be given, which may serve the spoliated owner to obtain indemnity.

**Liber Code Article.** **149.** Insurrection is the rising of people in arms against their government, or a portion of it, or against one or more of its laws, or against an officer or officers of the government. It may be confined to mere armed resistance, or it may have greater ends in view.

**Liber Code Art.** **150.** Civil war is war between two or more portions of a country or state, each contending for the mastery of the whole, and each claiming to be the legitimate government. The term is also sometimes applied to war of rebellion, when the rebellious provinces or portions of the state are contiguous to those containing the seat of government.

THE KING v. CASEMENT [1917] (Breach of allegiance is treason).

NUREMBURG TRIALS 1945 to 1949 **International law** (the Nuremberg trials established that individuals cannot shield themselves from liability for war crimes by asserting that they were simply following orders)

The Nazi at the GENEVA CONVENTION stated: I was only following Orders: they all hung for war crimes.

THE KING v. CASEMENT [1917] (Breach of allegiance is treason).

Note:

 That the Liber Code clearly states that this private spiritual war and secret occupation may-be: considered to: be undertaken with-out the public declaration and the magistrate swear the secret oath to this occupying foreign force (United States and **Pine Gap**) and the legislators statute acts is military and ‘Ye the being that has been gifted/given this Lis Pendents notice ‘is now noted’ as participant/s in this hostile tactical military manoeuvre by the dark over lords, and;

**Definition of war crimes**

**List of war crimes**

Rome statute of the International Criminal Court

**Article 8**

**War Crimes**

1. *The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.*
2. *For the purpose of this Statute, ‘war crimes’ means:*
	* *Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:*
		+ *Wilful killing*
		+ *Torture or inhuman treatment, including biological experiments;*
		+ *Wilfully causing great suffering, or serious injury to body or health;*
		+ *Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;*
		+ *Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;*
		+ *Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;*
		+ *Unlawful deportation or transfer or unlawful confinement;*
		+ *Taking of hostages.*
	* *Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:*
		+ *Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;*
		+ *Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;*
		+ *Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;*
		+ *Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;*
		+ *Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;*
		+ *Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;*
		+ *Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;*
		+ *The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;*
		+ *Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;*
		+ *Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;*
		+ *Killing or wounding treacherously individuals belonging to the hostile nation or army;*
		+ *Declaring that no quarter will be given;*
		+ *Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;*
		+ *Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;*
		+ *Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;*
		+ *Pillaging a town or place, even when taken by assault;*
		+ *Employing poison or poisoned weapons;*
		+ *Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;*
		+ *Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;*
		+ *Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;*
		+ *Committing outrages upon personal dignity, in particular humiliating and degrading treatment;*
		+ *Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;*
		+ *Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;*
		+ *Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;*
		+ *Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;*
		+ *Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.*
	* *In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:*
		+ *Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;*
		+ *Committing outrages upon personal dignity, in particular humiliating and degrading treatment;*
		+ *Taking of hostages;*
		+ *The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.*
	* *Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.*
	* *Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:*
		+ *Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;*
		+ *Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;*
		+ *Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;*
		+ *Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;*
		+ *Pillaging a town or place, even when taken by assault;*
		+ *Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;*
		+ *Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;*
		+ *Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;*
		+ *Killing or wounding treacherously a combatant adversary;*
		+ *Declaring that no quarter will be given;*
		+ *Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;*
		+ *Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;*
	* *Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.*
3. *Nothing in paragraph 2 (c) and (e) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means.*

**Elements of the Crime**

War crimes are those violations of international humanitarian law (treaty or customary law) that incur individual criminal responsibility under international law. As a result, and in contrast to the crimes of genocide and crimes against humanity, war crimes must always take place in the context of an armed conflict, either international or non-international.

What constitutes a war crime may differ, depending on whether an armed conflict is international or non-international. For example, Article 8 of the [Rome Statute](https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf) categorises war crimes as follows:

* Grave breaches of the 1949 Geneva Conventions, related to international armed conflict;
* Other serious violations of the laws and customs applicable in international armed conflict;
* Serious violations of Article 3 common to the four 1949 Geneva Conventions, related to armed conflict not of an international character;
* Other serious violations of the laws and customs applicable in armed conflict not of an international character.

From a more substantive perspective, war crimes could be divided into: a) war crimes against persons requiring particular protection; b) war crimes against those providing humanitarian assistance and peacekeeping operations; c) war crimes against property and other rights; d) prohibited methods of warfare; and e) prohibited means of warfare.

Some examples of prohibited acts include: murder; mutilation, cruel treatment and torture; taking of hostages; intentionally directing attacks against the civilian population; intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historical monuments or hospitals; pillaging; rape, sexual slavery, forced pregnancy or any other form of sexual violence; conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities.

War crimes contain two main elements:

1. A *contextual element*: “the conduct took place in the context of and was associated with an international/non-international armed conflict”;
2. A *mental element*: intent and knowledge both with regards to the individual act and the contextual element.

In contrast to genocide and crimes against humanity, war crimes can be committed against a diversity of victims, either combatants or non-combatants, depending on the type of crime.

In international armed conflicts, victims include wounded and sick members of armed forces in the field and at sea, prisoners of war and civilian persons. In the case of non-international armed conflicts, protection is afforded to persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed ‘hors de combat’ by sickness, wounds, detention, or any other cause. In both types of conflicts protection is also afforded to medical and religious personnel, humanitarian workers and civil defence staff.

**Acts breached**

**PRIVACY ACT 1988 - SECT 94H**

**Requiring the use of COVIDSafe**

             (1)  A person commits an offence if the person requires another person to:

                     (a)  download [COVIDSafe](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#covidsafe) to a [communication device](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#communication_device); or

                     (b)  have [COVIDSafe](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#covidsafe) in operation on a [communication device](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#communication_device); or

                     (c)  [consent](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#consent) to uploading [COVID app data](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#covid_app_data) from a [communication device](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#communication_device) to the [National](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#national_covidsafe_data_store) [COVIDSafe Data Store](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#national_covidsafe_data_store).

[Penalty](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s94h.html#penalty):  Imprisonment for 5 years or 300 [penalty units](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#penalty_unit), or both.

             (2)  A person commits an offence if the person:

                     (a)  refuses to enter into, or continue, a contract or arrangement with another person (including a contract of employment); or

                     (b)  takes adverse action (within the meaning of the [Fair Work Act 2009](http://www.austlii.edu.au/au/legis/cth/consol_act/fwa2009114/)) against another person; or

                     (c)  refuses to allow another person to enter:

                              (i)  premises that are otherwise accessible to the public; or

                             (ii)  premises that the other person has a right to enter; or

                     (d)  refuses to allow another person to participate in an activity; or

                     (e)  refuses to receive goods or services from another person, or insists on providing less monetary consideration for the goods or services; or

                      (f)  refuses to provide goods or services to another person, or insists on receiving more monetary consideration for the goods or services;

on the ground that, or on grounds that include the ground that, the other person:

                     (g)  has not downloaded [COVIDSafe](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#covidsafe) to a [communication device](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#communication_device); or

                     (h)  does not have [COVIDSafe](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#covidsafe) in operation on a [communication device](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#communication_device); or

                      (i)  has not [consented](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#consent) to uploading [COVID app data](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#covid_app_data) from a [communication device](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#communication_device) to the [National COVIDSafe Data Store](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#national_covidsafe_data_store).

[Penalty](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s94h.html#penalty):  Imprisonment for 5 years or 300 [penalty units](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#penalty_unit), or both.

             (3)  To avoid doubt:

                     (a)  [subsection](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s99a.html#subsection) (2) is a workplace law for the purposes of the *Fair Work Act 2009* ; and

                     (b)  the benefit that the other person derives because of an obligation of the person under [subsection](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s99a.html#subsection) (2) is a workplace right within the meaning of Part 3-1 of that Act.

***Emergency Management Act 2005***

**3. Terms used**

 In this Act, unless the contrary intention appears —

 ***authorised officer*** means —

 (a) the State Emergency Coordinator; and

 (b) a person authorised under section 61;

 ***combat agency*** has the meaning given by section 6(1);

 ***district emergency management committee*** means a district emergency management committee established under section 31(1);

 ***emergency*** means the occurrence or imminent occurrence of a hazard which is of such a nature or magnitude that it requires a significant and coordinated response;

**4. Hazard management agencies may be prescribed**

 (1) A public authority, or other person, may be prescribed by the regulations to be a hazard management agency for emergency management, or an emergency management aspect prescribed by the regulations, of a hazard prescribed by the regulations.

 (2) The regulations may prescribe the whole of the State, or an area of the State, as the area for which the public authority or person is a hazard management agency.

 (3) A hazard management agency prescribed under subsection (1) is to be a public authority or other person who or which, because of that agency’s functions under any written law or specialised knowledge, expertise and resources, is responsible for emergency management, or the prescribed emergency management aspect, in the area prescribed of the hazard for which it is prescribed.

 (4) If the hazard management agency is not an individual or a body corporate, the regulations are to designate —

 (a) one or more persons who are authorised to act in the name of the hazard management agency for the purposes of sections 50 and 53; and

 (b) one or more persons who are authorised to act in the name of the hazard management agency for the purposes of authorising under section 55 persons to act as hazard management officers.

 (5) In sections 50, 53 and 55 a reference to a hazard management agency is to be taken to include a reference to a person who is designated to act in the name of a hazard management agency under subsection (4) for the purposes of that section.

**5. Delegation by hazard management agency**

 (1) A hazard management agency, with the approval of the State Emergency Coordinator, may delegate to an officer or employee of the agency any power or duty of the hazard management agency under sections 50, 53 and 55, or any of those sections.

 (2) The delegation is to be in writing.

 (3) A delegate exercising or performing a power or duty that has been delegated under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.

 (4) Nothing in this section limits the ability of a hazard management agency to act through an officer or person representing the agency.

***Commonwealth Disability Discrimination Act 1992***

 **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.

**7 Discrimination in relation to associates**

 (1) This Act applies in relation to a person who has an associate with a disability in the same way as it applies in relation to a person with the disability.

Example: It is unlawful, under section 15, for an employer to discriminate against an employee on the ground of a disability of any of the employee’s associates.

 (2) For the purposes of subsection (1), but without limiting that subsection, this Act has effect in relation to a person who has an associate with a disability as if:

 (a) each reference to something being done or needed because of a disability were a reference to the thing being done or needed because of the fact that the person has an associate with the disability; and

 (b) each other reference to a disability were a reference to the disability of the associate.

 (3) This section does not apply to section 53 or 54 (combat duties and peacekeeping services) or subsection 54A(2) or (3) (assistance animals).

Note: The combined effect of sections 7 and 8 is that this Act applies in relation to a person who has an associate who has a carer, assistant, assistance animal or disability aid in the same way as it applies in relation to a person with a disability.

**Part 5—Other offences**

**107 Failure to provide actuarial data or statistical data**

 (1) If a person has engaged in an act of discrimination that would, apart from section 46, be unlawful, the President or the Commission may, by notice in writing served on the person as prescribed, require the person within 28 days after service of the notice on the person, to disclose to the President or to the Commission, as the case may be, the source of the actuarial or statistical data on which the act of discrimination was based and, where the President or the Commission, as the case may be, makes such a requirement of a person, the person must not fail to comply with the requirement.

Penalty: 10 penalty units.

 (1A) Subsection (1) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

 (1B) Subsection (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

**Criminal Code 1995 <https://www.legislation.gov.au/Details/C2018C00298>**

**Section: 83.4 Interference with political rights and duties**

             (1)  A person commits an offence if:

                     (a)  the person engages in conduct; and

                     (b)  the conduct involves the use of force or violence, **or intimidation, or the making of threats of any kind**; and

                     (c)  the conduct results in interference with the exercise or performance, in Australia by any other person, of **an Australian democratic or political right or duty**; and

                     (d)  the right or duty arises under the Constitution or a law of the Commonwealth.

Note:          The defence in section 80.3 for acts done in good faith applies to this offence.

**Penalty:  Imprisonment for 3 years.**

             (2)  Absolute liability applies to paragraph (1)(d).

**Division 270—Slavery and slavery like conditions**

**Subdivision A—Preliminary**

**Section: 270.1A Definitions for Division 270**

                   In this Division:

***coercion*** includes coercion by any of the following:

                     (a)  force;

                     (b)  duress;

                     (c)  detention;

                     (d)  psychological oppression;

                     (e)  abuse of power;

                      (f)  taking advantage of a person’s vulnerability.

***conducting a business*** includes:

                     (a)  taking any part in the management of the business; and

                     (b)  exercising control or direction over the business; and

                     (c)  providing finance for the business.

***deceive*** has the same meaning as in Division 271 (see section 271.1).

Note:          ***Deception*** has a corresponding meaning (see section 18A of the *Acts Interpretation Act 1901*).

***forced labour*** has the meaning given by section 270.6.

***forced marriage*** has the meaning given by section 270.7A.

***servitude*** has the meaning given by section 270.4.

***slavery*** has the meaning given by section 270.1.

***slaverylike offence*** means an offence against any of the following provisions:

                     (a)  section 270.5 (servitude offences);

                     (b)  section 270.6A (forced labour offences);

                     (c)  section 270.7 (deceptive recruiting for labour or services);

                     (d)  section 270.7B (forced marriage offences).

***threat*** means:

                     (a)  a threat of coercion; or

                     (b)  a threat to cause a person’s deportation or removal from Australia; or

                     (c)  a threat of any other detrimental action, unless there are reasonable grounds for the threat of that action in connection with the provision of labour or services by a person.

Note:          ***Threat*** includes a threat made by any conduct, whether express or implied and whether conditional or unconditional (see the definition in the Dictionary).

**Subdivision B—Slavery**

**Section: 270.1 Definition of *slavery***

                   For the purposes of this Division, ***slavery*** is the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person.

**Section: 270.2 Slavery is unlawful**

                   Slavery remains unlawful and its abolition is maintained, despite the repeal by the *Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999* of Imperial Acts relating to slavery.

**Section: 270.3 Slavery offences**

             (1)  A person who, whether within or outside Australia, intentionally:

                    (aa) reduces a person to slavery; or

                     (a)  possesses a slave or exercises over a slave any of the other powers attaching to the right of ownership; or

                     (b)  engages in slave trading; or

                     (c)  enters into any commercial transaction involving a slave; or

                     (d)  exercises control or direction over, or provides finance for:

                              (i)  any act of slave trading; or

                             (ii)  any commercial transaction involving a slave;

commits an offence.

**Penalty:  Imprisonment for 25 years.**

             (2)  A person who:

                     (a)  whether within or outside Australia:

                              (i)  enters into any commercial transaction involving a slave; or

                             (ii)  exercises control or direction over, or provides finance for, any commercial transaction involving a slave; or

                            (iii)  exercises control or direction over, or provides finance for, any act of slave trading; and

                     (b)  is reckless as to whether the transaction or act involves a slave, slavery, slave trading or the reduction of a person to slavery;

commits an offence.

**Penalty:  Imprisonment for 17 years.**

             (3)  In this section:

***commercial transaction involving a slave*** includes a commercial transaction by which a person is reduced to slavery.

***slave trading*** includes:

                     (a)  the capture, transport or disposal of a person with the intention of reducing the person to slavery; or

                     (b)  the purchase or sale of a slave.

             (4)  A person who engages in any conduct with the intention of securing the release of a person from slavery does not commit an offence against this section.

             (5)  The defendant bears a legal burden of proving the matter mentioned in subsection (4).

**Section: 274.2 Torture**

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

                     (a)  engages in conduct that inflicts severe physical or mental pain or suffering on a person (the ***victim***); and

                     (b)  the conduct is engaged in:

                              (i)  for the purpose of obtaining from the victim or from a third person information or a confession; or

                             (ii)  for the purpose of punishing the victim for an act which the victim or a third person has committed or is suspected of having committed; or

                            (iii)  for the purpose of intimidating or coercing the victim or a third person; or

                            (iv)  for a purpose related to a purpose mentioned in subparagraph (i), (ii) or (iii); and

                     (c)  the perpetrator engages in the conduct:

                              (i)  in the capacity of a public official; or

                             (ii)  acting in an official capacity; or

                            (iii)  acting at the instigation, or with the consent or acquiescence, of a public official or other person acting in an official capacity.

**Penalty:  Imprisonment for 20 years.**

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

                     (a)  engages in conduct that **inflicts** severe **physical or mental** pain or suffering on a person; and

                     (b)  the conduct is engaged in for any reason based on discrimination of any kind; and

                     **(c)  the perpetrator engages in the conduct:**

**(i)  in the capacity of a public official; or**

**(ii)  acting in an official capacity; or**

**(iii)  acting at the instigation, or with the consent or acquiescence, of a public official or other person acting in an official capacity.**

**Penalty:  Imprisonment for 20 years.**

             (3)  Absolute liability applies to paragraphs (1)*(*c) and (2)(c).

Note:          For absolute liability, see section 6.2.

             (4)  Subsections (1) and (2) do not apply to conduct arising only from, inherent in or incidental to lawful sanctions that are not inconsistent with the Articles of the International Covenant on Civil and Political Rights (a copy of the English text of which is set out in Schedule 2 to the *Australian Human Rights Commission Act 1986*).

             (5)  Section 15.4 (extended geographical jurisdiction—category D) applies to an offence against subsection (1) or (2).

Commonwealth constitution act 1900 UK.

Status: This is the original version (as it was originally enacted). This item of legislation is currently

only available in its original format. <https://www.legislation.gov.uk/ukpga/Vict/63-64/12/section/108/enacted>

***Bio security Act 2015***

**human biosecurity control orders**

**Division 1—Introduction**

**59. Simplified outline of this Part**

Under Division 2, a human biosecurity control order can be imposed on an individual if the individual may have a listed human disease.

A human biosecurity control order that is in force in relation to an **individual may require** the individual to comply with **certain biosecurity measures**. Division 3 sets out what those measures are, and they include vaccination, **restricting the individual’s behaviour and ordering the individual** to remain isolated.

An individual may consent to a biosecurity measure included in a human biosecurity control order that is in force in **relation to the individual**.

An individual who refuses to consent to such a measure **(other than an isolation measure or traveller movement measure) is not required to comply unless a direction has been given by the Director of Human Biosecurity requiring the individual to do so**. **An individual must comply with an isolation measure or a traveller movement measure for the first 72 hours while a direction from the Director of Human Biosecurity is being sought**. **After that time, the individual is required to comply with the measure only if a direction is given by the Director**.

Biosecurity measures that are included in a human biosecurity control order are treated in one of 2 ways. For some biosecurity measures, an individual who is given a direction **from the Director of Human Biosecurity** to comply with the measure must do so immediately. For other biosecurity measures, an individual is given a period to apply for judicial review before being required to comply with the measure.

**Division 2—Imposing human biosecurity control orders on individuals**

**Subdivision A—Imposing, varying and revoking human biosecurity control orders**

**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).

**64. Varying a human biosecurity control order**

*Who may vary a human biosecurity control order*

             (1)  The following officers may vary a human biosecurity control order in accordance with this section:

                     (a)  a chief human biosecurity officer;

                     (b)  a human biosecurity officer;

                     (c)  a biosecurity officer (subject to subsection 82(2)).

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

Note 2:       The Director of Human Biosecurity must be notified of a variation of a human biosecurity control order (see section 67).

*Test for varying human biosecurity control order*

             (2)  An officer may vary a human biosecurity control order only if the officer is satisfied that:

                     (a)  the variation contributes to reducing the risk of:

                              (i)  contagion of a listed human disease; or

                             (ii)  a listed human disease entering, or emerging, establishing itself or spreading in, Australian territory or a part of Australian territory; or

                     (b)  the variation removes or varies a provision that no longer contributes to reducing such a risk; or

                     (c)  the variation is of a minor technical nature.

*When variation takes effect*

             (3)  A variation of a human biosecurity control order takes effect immediately after the variation is made.

**65. Giving notice of a variation of a human biosecurity control order**

             (1)  An officer who varies a human biosecurity control order that is in force in relation to an individual must cause the individual to be given a copy of the varied order as soon as reasonably practicable.

             (2)  The officer who varies the order must ensure that the variations of the order are read out to the individual.

             (3)  The order ceases to be in force if:

                     (a)  a copy of the varied order **is not given** to the **individual within 24 hours** of the variation taking effect; or

                     (b)  the **variations of the order are not read out in accordance with subsection** (2).

**Subdivision B—Powers if officer intends to impose human biosecurity control order**

**68. Requiring an individual to remain at a place**

             (1)  An officer who intends to impose a human biosecurity control order on an individual may require the individual to remain, for a period of no more than 6 hours, at the place where the individual was when the officer became satisfied that a human biosecurity control order should be imposed on the individual.

Note 1:       A nonAustralian citizen who is required to remain at a place is entitled to consular assistance under section 102.

Note 2:       A person who does not comply with the requirement to remain at a place may be detained under Subdivision B of Division 4.

             (2)  Once the period has ended, the individual must not be required under subsection (1) to remain at that place any longer.

Note:          However, the individual may be required under subsection 74(4) to remain at that place in order to comply with an isolation measure.

**69. Providing contact information**

             (1)  An officer who intends to impose a human biosecurity control order on an individual may require the individual to provide the officer **with prescribed contact information for the individual.**

             (2)  **The individual** **must comply with the requirement immediately**.

Note 1:       A person may commit an offence or contravene a civil penalty provision if the person provides false or misleading information or documents (see sections 137.1 and 137.2 of the *Criminal Code*and sections 532 and 533 of this Act).

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

*Offence*

             (3)  An individual commits an offence if:

                     (a)  the individual is required to provide an officer with contact information under this section; and

                     (b)  the individual fails to comply with the requirement.

Penalty:  Imprisonment for 12 months or 60 penalty units, or both.

**74. When individual is required to comply with a biosecurity measure**

*Biosecurity measures where compliance is not required before review period has ended*

             (1)  Subsection (2) sets out when an individual is required to comply with a biosecurity measure included, under one of the following sections, in a human biosecurity control order that is in force in relation to the individual:

                     (a)  section 85 (managing contacts);

                     (b)  section 89 (decontamination);

                     (c)  section 90 (examination);

                     (d)  section 91 (body samples);

                     (e)  section 92 (vaccination or treatment).

             (2)  The individual is required to comply with the measure **only if**:

                     (a)  the individual **consents** to the measure; or

                     (b)  **the Director of Human Biosecurity has given a direction for the individual to comply** with the measure in accordance with paragraph 72(5)(a), and either:

                              (i)  the period of 7 business days referred to in section 80 has ended, and the individual has not made an application under the *Administrative Decisions (Judicial Review) Act 1977*; or

                             (ii)  the individual has made an application in accordance with section 80 for an order of review of the decision to give the direction, the application has been finally determined, and as a result of the order made in relation to the application the individual is required to comply with the measure.

Note 1:       A person who fails to comply with a biosecurity measure that the person is required to comply with may commit an offence (see section 107).

Note 2:       For expenses incurred in complying with a human biosecurity control order, see section 108.

Note 3:       Generally, force must not be used to require compliance with a biosecurity measure (see section 95).

*Biosecurity measures where compliance is required without review*

             (3)  Subsection (4) sets out when an individual is required to comply with a biosecurity measure included, under one of the following sections, in a human biosecurity control order that is in force in relation to the individual:

                     (a)  section 86 (contacting officer with health status);

                     (b)  section 87 (restricting behaviour);

                     (c)  section 88 (risk minimisation interventions);

                     (d)  section 93 (medication);

                     (e)  section 96 (traveller movement measure);

                      (f)  section 97 (isolation measure).

             (4)  The individual is required to comply with the measure only if:

                     (a)  the individual consents to the measure; or

                     (b)  both of the following apply:

                              (i)  the Director of Human Biosecurity has given a direction for the individual to comply with the measure in accordance with paragraph 72(5)(a);

                             (ii)  the direction is still in force (see section 73); or

                     (c)  if the measure is an isolation measure or a traveller movement measure—the individual refuses to consent to the measure, and the period of 72 hours from the time when the individual refused to consent to the measure has not yet ended.

Note 1:       A person who fails to comply with a biosecurity measure that the person is required to comply with may commit an offence (see section 107).

Note 2:       An individual who has applied for merits or judicial review of a decision to give a direction requiring the individual to comply with a biosecurity measure referred to in subsection (3) must comply with the direction while the review is occurring.

Note 3:       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.

**Subdivision B—Biosecurity measures that may be included in a human biosecurity control order**

**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 selfincrimination (see section 635).

**86. Contacting officer with health status**

             (1)  An individual may be required by a human biosecurity control order to contact a specified human biosecurity officer or chief human biosecurity officer during a specified period to advise the officer of the individual’s health.

             (2)  The order:

                     (a)  must require the individual to report specified signs or symptoms of the listed human disease; and

                     (b)  may require the individual to report if specified signs or symptoms disappear.

**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.

**94. Appropriate medical or other standards to be applied**

                   A biosecurity measure set out in section 90 (examination), 91 (body samples), 92 (vaccination or treatment) or 93 (medication) must be carried out in a manner consistent with either or both of the following (as the case requires):

                     (a)  appropriate medical standards;

                     (b)  appropriate other relevant professional standards.

**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).

**475: GovernorGeneral may declare that a human biosecurity emergency exists**

             (1)  The GovernorGeneral may declare that a human biosecurity emergency exists if the Health Minister is satisfied that:

                     (a)  a listed human disease is posing a severe and immediate threat, or is causing harm, to human health on a nationally significant scale; and

                     (b)  the declaration is necessary to prevent or control:

                              (i)  the entry of the listed human disease into Australian territory or a part of Australian territory; or

                             (ii)  the emergence, establishment or spread of the listed human disease in Australian territory or a part of Australian territory.

Note 1:       The declaration is a ***human*** ***biosecurity emergency declaration*** (see section 9).

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

Note 3:       A human biosecurity emergency declaration may be varied under section 476. Subsection 33(3) of the *Acts Interpretation Act 1901* does not apply in relation to variation of a human biosecurity emergency declaration.

             (2)  A human biosecurity emergency declaration is a legislative instrument, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to the declaration.

*Requirements for human biosecurity emergency declaration*

             (3)  A human biosecurity emergency declaration must specify:

                     (a)  the listed human disease to which the declaration relates; and

                     (b)  the nature of the human biosecurity emergency and the conditions that gave rise to it; and

                     (c)  the period during which the declaration is in force.

Note 1:       The listed human disease specified under paragraph (3)(a) is the ***declaration listed human disease*** (see section 9).

Note 2:       The period specified under paragraph (3)(c) is the ***human biosecurity emergency period*** (see section 9).

             (4)  A human biosecurity emergency period:

                     (a)  must not be longer than the period that the Health Minister considers necessary 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; and

                     (b)  in any case, must not be longer than 3 months.

**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.

**Criminal Code 1995 Cth**

<http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html>

**Division 270 -- Slavery and slavery-like offences**

**Subdivision A--Preliminary**

270.1A   Definitions for Division 270

                   In this Division:

***"coercion"***includes coercion by any of the following:

                     (a)  force;

                     (b)  duress;

                     (c)  detention;

                     (d)  psychological oppression;

                     (e)  abuse of power;

                      (f)  taking advantage of a person's vulnerability.

***"conducting a business"***includes:

                     (a)  taking any part in the management of the business; and

                     (b)  exercising control or direction over the business; and

                     (c)  providing finance for the business.

***"debt bondage***is the condition of a person (the ***first person”)*** if:

                     (a)  the condition arises from a pledge:

                              (i)  by the first person of the personal services of the first person; or

                             (ii)  by another person of the personal services of the first person, and the first person is under the other person's control; or

                            (iii)  by the first person of the personal services of another person who is under the first person's control; and

                     (b)  the pledge is made as security for a debt owed, or claimed to be owed, (including any debt incurred, or claimed to be incurred, after the pledge is given) by the person making the pledge; and

                     (c)  any of the following apply:

                              (i)  the debt owed or claimed to be owed is manifestly excessive;

                             (ii)  the reasonable value of those services is not applied toward the liquidation of the debt or purported debt;

                            (iii)  the length and nature of those services are not respectively limited and defined.

***"deceive"***has the same meaning as in Division 271 (see section 271.1).

Note:          ***Deception***has a corresponding meaning (see [section 18A](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/aia1901230/s18a.html) of the *[Acts Interpretation Act 1901](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/aia1901230/)*).

***"forced labour"***has the meaning given by section 270.6.

***"forced marriage"***has the meaning given by section 270.7A.

***"servitude"***has the meaning given by section 270.4.

***"slavery"***has the meaning given by section 270.1.

***"slavery-like offence"***means an offence against any of the following provisions:

                     (a)  section 270.5 (servitude offences);

                     (b)  section 270.6A (forced labour offences);

                     (c)  section 270.7 (deceptive recruiting for labour or services);

                     (d)  section 270.7B (forced marriage offences);

                     (e)  section 270.7C (debt bondage).

***"threat"***means:

                     (a)  a threat of coercion; or

                     (b)  a threat to cause a person's deportation or removal from Australia; or

                     (c)  a threat of any other detrimental action, unless there are reasonable grounds for the threat of that action in connection with the provision of labour or services by a person.

Note:          ***Threat*includes a threat made by any conduct, whether express or implied and whether conditional or unconditional (see the definition in the Dictionary).**

Subdivision B--Slavery

270.1   Definition of *slavery*

                   For the purposes of this Division, ***slavery***is the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person.

270.2   Slavery is unlawful

                   Slavery remains unlawful and its abolition is maintained, despite the repeal by the *Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999*of Imperial Acts relating to slavery.

270.3   Slavery offences

             (1)  A person who, whether within or outside Australia, intentionally:

                    (aa) reduces a person to slavery; or

                     (a)  possesses a slave or exercises over a slave any of the other powers attaching to the right of ownership; or

                     (b)  engages in slave trading; or

                     (c)  enters into any commercial transaction involving a slave; or

                     (d)  exercises control or direction over, or provides finance for:

                              (i)  any act of slave trading; or

                             (ii)  any commercial transaction involving a slave;

commits an offence.

**Penalty:  Imprisonment for 25 years.**

274.1   Definitions

             (1)  In this Division:

***"Convention"***means the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly of the United Nations at New York on 10 December 1984.

Note:          The text of the Convention is set out in Australian Treaty Series 1989 No. 21 ([1989] ATS 21). In 2010, the text of a Convention in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

             (2)  An expression that is used both in this Division and in the Convention (whether or not a particular meaning is given to it by the Convention) has, in this Division, the same meaning as it has in the Convention.

**274.2   Torture**

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

                     (a)  engages in conduct that inflicts severe physical or **mental pain** or suffering on a person (the ***victim***); and

                     (b)  the conduct is engaged in:

                              (i)  for the purpose of **obtaining** from the victim or from a **third person information or a confession**; or

                             (ii)  for the purpose of **punishing the victim** for an act which the victim or a third person has committed or is suspected of having committed; or

                            (iii)  for the purpose of **intimidating or coercing** the victim or a third person; or

                            (iv)  for a purpose related to a purpose mentioned in subparagraph (i), (ii) or (iii); and

                     (c)  the perpetrator engages in the conduct:

                              (i)  in the capacity of a **public official**; or

                             (ii)  acting in an **official capacity;** or

                            (iii)  acting at **the instigation**, or with the **consent or acquiescence**, of a **public official** **or other person** **acting in an official capacity**.

**Penalty:  Imprisonment for 20 years.**

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

                     (a)  engages in conduct that inflicts severe physical or mental pain or suffering on a person; and

                     (b)  the conduct is engaged in for any reason based on discrimination **of any kind**; and

                     (c)  the perpetrator engages in the conduct:

                              (i)  in the capacity of a **public official**; or

                             (ii)  acting in an **official capacity**; or

                            (iii)  acting at the instigation, or with the **consent or acquiescence**, of a **public official or other person acting in an official capacity**.

**Penalty:  Imprisonment for 20 years.**

             (3)  Absolute liability applies to paragraphs (1)(c) and (2)(c).

Note:          For absolute liability, see section 6.2.

             (4)  Subsections (1) and (2) do not apply to conduct arising only from, inherent in or incidental to lawful sanctions that are not inconsistent with the Articles of the International Covenant on Civil and Political Rights (a copy of the English text of which is set out in Schedule 2 to the *[Australian Human Rights Commission Act 1986](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/ahrca1986373/)*).

             (5)  Section 15.4 (extended geographical jurisdiction--category D) applies to an offence against subsection (1) or (2).

**CORPORATIONS ACT 2001 - SECT 1041E**

**False or misleading statements**

             (1)  A [person](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s761a.html%23person) must not (whether in [this jurisdiction](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23this_jurisdiction) or elsewhere) [make](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1551.html%23make) a [statement](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23statement), or disseminate [information](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23information), if:

                     (a)  the [statement](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23statement) or [information](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23information) is false in a material particular or is materially misleading; and

                     (b)  the [statement](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23statement) or [information](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23information) is likely:

                              (i)  to induce [persons](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s761a.html%23person) in [this](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23this_jurisdiction) [jurisdiction](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23this_jurisdiction) to apply for [financial products](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1023b.html%23financial_product); or

                             (ii)  to induce [persons](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s761a.html%23person) in [this](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23this_jurisdiction) [jurisdiction](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23this_jurisdiction) to [dispose](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23dispose) of or [acquire](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23acquire) [financial products](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1023b.html%23financial_product); or

                            (iii)  to [have](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23have) the effect of increasing, reducing, maintaining or stabilising the price for trading in [financial products](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1023b.html%23financial_product) on a [financial market](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23financial_market) [operated in this jurisdiction](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23operated_in_this_jurisdiction); and

                     (c)  when the [person](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s761a.html%23person) [makes](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1551.html%23make) the [statement](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23statement), or disseminates the [information](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23information):

                              (i)  the [person](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s761a.html%23person) does not care whether the [statement](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23statement) or [information](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23information) is true or false; or

                             (ii)  the [person](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s761a.html%23person) knows, or ought reasonably to [have](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23have) known, that the [statement](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23statement) or [information](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23information) is false in a material particular or is materially misleading.

Note 1:       Failure to comply with this [subsection](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1041k.html%23subsection) is an [offence](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23offence) (see [subsection](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1041k.html%23subsection) 1311(1)). For defences to a prosecution based on this [subsection](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1041k.html%23subsection), see Division 4.

Note 2:       Failure to comply with this [subsection](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1041k.html%23subsection) may also lead to civil [liability](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1371.html%23liability) under [section 1041I.](http://www.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1041i.html) For relief from [liability](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1371.html%23liability) under that section, see Division 4.

             (2)  For the purposes of the application of the *Criminal Code*in relation to an [offence based on](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23offence_based_on) [subsection](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1041k.html%23subsection) (1), [paragraph](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1041k.html%23paragraph) (1)(a) is a physical element, the fault element for which is as specified in [paragraph](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1041k.html%23paragraph) (1)(c).

             (3)  For the purposes of an [offence based on](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html%23offence_based_on) [subsection](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1041k.html%23subsection) (1), strict [liability](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1371.html%23liability) applies to subparagraphs (1)(b)(i), (ii) and (iii).

Note:          For ***strict [liability](http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1371.html%23liability)***, see section 6.1 of the *Criminal Code*.

***Privacy Act 1988***

**Section.4 Act to bind the Crown**

(1) This Act binds the Crown in right of the Commonwealth, of each

of the States, of the Australian Capital Territory, of the Northern

Territory and of Norfolk Island. (2) Nothing in this Act renders the Crown in right of the

Commonwealth, of a State, of the Australian Capital Territory, of

the Northern Territory or of Norfolk Island liable to be prosecuted

for an offence. (3) Nothing in this Act shall be taken to have the effect of making the

Crown in right of a State, of the Australian Capital Territory, of the

Northern Territory or of Norfolk Island an agency for the purposes

of this Act.

**Norfolk Island Justice Minister means** the Norfolk Island Minister who is responsible, or principally responsible, for the administration of the Interpretation Act 1979 of Norfolk Island.

**Norfolk Island Minister** means a Minister of Norfolk Island

**Ombudsman** means the Commonwealth Ombudsman.

***Commonwealth contract*** means a contract, to which the Commonwealth, Norfolk Island or an agency is or was a party, under which services are to be, or were to be, provided to an agency.

Note: See also subsection (9) about provision of services to an agency.

**Section 6**

**sensitive information means:**

(a) information or an opinion about an individual’s:

 (i) racial or ethnic origin; or (ii) political opinions; or

 (iii) membership of a political association; or

 (iv) religious beliefs or affiliations; or

 (v) philosophical beliefs; or (vi) membership of a professional or trade association; or

 (vii) membership of a trade union; or (viii) sexual orientation or practices; or

 (ix) criminal record; that is also personal information; or

(b) health information about an individual; or (c) genetic information about an individual that is not otherwise

health information; or (d) biometric information that is to be used for the purpose of

automated biometric verification or biometric identification;

or

(e) biometric templates.

**28A *Monitoring related functions* of the Commissioner**

*Credit reporting and tax file number information*

 (1) The following are the ***monitoring related functions*** of the Commissioner:

 (a) monitoring the security and accuracy of information held by an entity that is information to which Part IIIA applies;

 (b) examining the records of entities to ensure that the entities:

 (i) are not using information to which Part IIIA applies for unauthorised purposes; and

 (ii) are taking adequate measures to prevent the unlawful disclosure of such information;

 (c) examining the records of the Commissioner of Taxation to ensure that the Commissioner:

 (i) is not using tax file number information for purposes beyond his or her powers; and

 (ii) is taking adequate measures to prevent the unlawful disclosure of the tax file number information that he or she holds;

 (d) evaluating compliance with the rules issued under section 17;

 (e) monitoring the security and accuracy of tax file number information kept by file number recipients.

*Other matters*

 (2) The following are also the ***monitoring related functions*** of the Commissioner:

 (a) examining a proposed enactment that would require or authorise acts or practices of an entity that might otherwise be interferences with the privacy of individuals, or which may otherwise have any adverse effects on the privacy of individuals;

 (b) examining a proposal for data matching or linkage that may involve an interference with the privacy of individuals, or which may otherwise have any adverse effects on the privacy of individuals;

 (c) ensuring that any adverse effects of the proposed enactment or the proposal on the privacy of individuals are minimised;

 (d) undertaking research into, and monitoring developments in, data processing and technology (including data matching and linkage) to ensure that any adverse effects of such developments on the privacy of individuals are minimised;

 (e) reporting to the Minister the results of that research and monitoring;

 (f) monitoring and reporting on the adequacy of equipment and user safeguards.

 (3) The functions referred to in paragraphs (2)(a) and (b) may be performed by the Commissioner:

 (a) on request by a Minister or Norfolk Island Minister; or

 (b) on the Commissioner’s own initiative.

 (4) If the reporting referred to in paragraph (2)(e) or (f) is done in writing, the instrument is not a legislative instrument.

**2 Extension of certain obligations of confidence**

 Where a person has acquired personal information about another person and the firstmentioned person knows or ought reasonably to know that the person from whom he or she acquired the information was subject to an obligation of confidence with respect to the information, the firstmentioned person, whether he or she is in the Australian Capital Territory or not, is subject to a like obligation.

**93 Relief for breach etc. of certain obligations of confidence**

 (1) A confider may recover damages from a confidant in respect of a breach of an obligation of confidence with respect to personal information.

 (2) Subsection (1) does not limit or restrict any other right that the confider has to relief in respect of the breach.

 (3) Where an obligation of confidence exists with respect to personal information about a person other than the confider, whether the obligation arose under a contract or otherwise, the person to whom the information relates has the same rights against the confidant in respect of a breach or threatened breach of the obligation as the confider has.

**PRIVACY ACT 1988 - SECT 94H**

**Requiring the use of COVIDSafe**

             (1)  A person commits an offence if the person requires another person to:

                     (a)  download [COVIDSafe](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#covidsafe) to a [communication device](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#communication_device); or

                     (b)  have [COVIDSafe](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#covidsafe) in operation on a [communication device](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#communication_device); or

                     (c)  [consent](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#consent) to uploading [COVID app data](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#covid_app_data) from a [communication device](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#communication_device) to the [National](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#national_covidsafe_data_store) [COVIDSafe Data Store](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#national_covidsafe_data_store).

[Penalty](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s94h.html#penalty):  Imprisonment for 5 years or 300 [penalty units](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#penalty_unit), or both.

             (2)  A person commits an offence if the person:

                     (a)  refuses to enter into, or continue, a contract or arrangement with another person (including a contract of employment); or

                     (b)  takes adverse action (within the meaning of the [Fair Work Act 2009](http://www.austlii.edu.au/au/legis/cth/consol_act/fwa2009114/)) against another person; or

                     (c)  refuses to allow another person to enter:

                              (i)  premises that are otherwise accessible to the public; or

                             (ii)  premises that the other person has a right to enter; or

                     (d)  refuses to allow another person to participate in an activity; or

                     (e)  refuses to receive goods or services from another person, or insists on providing less monetary consideration for the goods or services; or

                      (f)  refuses to provide goods or services to another person, or insists on receiving more monetary consideration for the goods or services;

on the ground that, or on grounds that include the ground that, the other person:

                     (g)  has not downloaded [COVIDSafe](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#covidsafe) to a [communication device](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#communication_device); or

                     (h)  does not have [COVIDSafe](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#covidsafe) in operation on a [communication device](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#communication_device); or

                      (i)  has not [consented](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#consent) to uploading [COVID app data](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#covid_app_data) from a [communication device](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#communication_device) to the [National COVIDSafe Data Store](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#national_covidsafe_data_store).

[Penalty](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s94h.html#penalty):  Imprisonment for 5 years or 300 [penalty units](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html#penalty_unit), or both.

             (3)  To avoid doubt:

                     (a)  [subsection](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s99a.html#subsection) (2) is a workplace law for the purposes of the *Fair Work Act 2009* ; and

                     (b)  the benefit that the other person derives because of an obligation of the person under [subsection](http://classic.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s99a.html#subsection) (2) is a workplace right within the meaning of Part 3-1 of that Act.

***Disability Service Act 1993***

***53. Offence of illtreatment***

 A person who illtreats or wilfully neglects a person with disability while that person is under his or her care, supervision or authority commits an offence.

 Penalty: $4 000 or imprisonment for 12 months.

Dr Kylie Wagstaff: Appears to be contradictory in her findings as shown below

**[https://www.monash.edu/discovery-institute/news-and-events/news/2020-articles/Lab-experiments-show-anti-parasitic-drug,-Ivermectin,-eliminates-SARS-CoV-2-in-cells-in-48-hours](https://www.monash.edu/discovery-institute/news-and-events/news/2020-articles/Lab-experiments-show-anti-parasitic-drug%2C-Ivermectin%2C-eliminates-SARS-CoV-2-in-cells-in-48-hours)**

**03 April 2020**

 Dr Kylie Wagstaff

* **Do NOT self-medicate with Ivermectin and do NOT use Ivermectin intended for animals**. [Read the FDA caution online](https://www.fda.gov/animal-veterinary/product-safety-information/fda-letter-stakeholders-do-not-use-ivermectin-intended-animals-treatment-covid-19-humans).
* Whilst shown to be effective in the lab environment, Ivermectin **cannot be used in humans for COVID-19** until further testing and clinical trials have been completed to establish the effectiveness of the drug at levels safe for human dosing.
* **For any medical questions you have about your health, please consult your health care provider.**
* **The potential use of Ivermectin to combat COVID-19 remains unproven**, and depends on pre-clinical testing and clinical trials to progress the work.
* A Monash University-led study has shown that an anti-parasitic drug already available around the world can kill the virus within 48 hours in cell culture.
* Scientists showed that a single dose of the drug, Ivermectin, could stop the SARS-CoV-2 virus growing in cell culture.
* The next steps are to determine the correct human dosage – ensuring the doses shown to effectively treat the virus *in vitro* are safe for humans.
* The use of Ivermectin to combat COVID-19 depends on pre-clinical testing and clinical trials, with funding urgently required to progress the work.
* Ivermectin is an FDA-approved anti-parasitic drug that has also been shown to be effective *in vitro* against a broad range of viruses including HIV, Dengue, Influenza and Zika virus.
* This Monash University-led collaborative study was published in *Antiviral Research*, a peer-reviewed medical journal published by Elsevier. Please see the study DOI here:

<https://doi.org/10.1016/j.antiviral.2020.104787>

A collaborative study led by the [Monash Biomedicine Discovery Institute (BDI)](https://www.monash.edu/discovery-institute) with the Peter Doherty Institute of Infection and Immunity (Doherty Institute), a joint venture of the University of Melbourne and Royal Melbourne Hospital, has shown that an anti-parasitic drug already available around the world kills the virus within 48 hours.

The Monash Biomedicine Discovery Institute’s [Dr Kylie Wagstaff](https://www.monash.edu/discovery-institute/wagstaff-lab/home), who led the study, said the scientists showed that the drug, Ivermectin, stopped the SARS-CoV-2 virus growing in cell culture within 48 hours.

“We found that even a single dose could essentially remove all viral RNA by 48 hours and that even at 24 hours there was a really significant reduction in it,” Dr Wagstaff said.

Ivermectin is an FDA-approved anti-parasitic drug that has also been shown to be effective *in vitro* against a broad range of viruses including HIV, Dengue, Influenza and Zika virus.

Dr Wagstaff cautioned that the tests conducted in the study were *in vitro* and that trials needed to be carried out in people.

“Ivermectin is very widely used and seen as a safe drug. We need to figure out now whether the dosage you can use it at in humans will be effective – that’s the next step,” Dr Wagstaff said.

“In times when we’re having a global pandemic and there isn’t an approved treatment, if we had a compound that was already available around the world then that might help people sooner. Realistically it’s going to be a while before a vaccine is broadly available.

Although the mechanism by which Ivermectin works on the virus is not known, it is likely, based on its action in other viruses, that it works to stop the virus ‘dampening down’ the host cells’ ability to clear it, Dr Wagstaff said.

Royal Melbourne Hospital’s Dr Leon Caly, a Senior Medical Scientist at the Victorian Infectious Diseases Reference Laboratory (VIDRL) at the Doherty Institute where the experiments with live coronavirus were conducted, is the study’s first author.

“As the virologist who was part of the team who were first to isolate and share SARS-COV2 outside of China in January 2020, I am excited about the prospect of Ivermectin being used as a potential drug against COVID-19,”  Dr Caly said.

Dr Wagstaff made a previous breakthrough finding on Ivermectin in 2012 when she identified the drug and its antiviral activity with Monash Biomedicine Discovery Institute’s [Professor David Jans](https://www.monash.edu/discovery-institute/jans-lab), also an author on this paper. Professor Jans and his team have been researching Ivermectin for more than 10 years with different viruses.

Dr Wagstaff and Professor Jans started investigating whether it worked on the SARS-CoV-2 virus as soon as the pandemic was known to have started.

The use of Ivermectin to combat COVID-19 would depend on the results of further pre-clinical testing and ultimately clinical trials, with funding urgently required to keep progressing the work, Dr Wagstaff said.

Read the full paper in Antiviral Research titled: *[The FDA-approved Drug Ivermectin inhibits the replication of SARS-CoV-2 in vitro](https://www.sciencedirect.com/science/article/pii/S0166354220302011)*