

FACT SHEET

COVID-19 Disease Emergency (Miscellaneous Provisions) Bill (No. 2) of 2020

The COVID-19 Disease Emergency (Miscellaneous Provisions) Bill (No. 2) of 2020 (the Bill) provides for special measures related to the effect of the COVID-19 disease emergency in Tasmania by amending or modifying the application of the *Constitution Act 1934*, *Electoral Act 2004*, *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, *Emergency Management Act 2006*, *Public Health Act 1997*, *Tasmanian Health Service Act 2018*, *Taxi and Hire Vehicle Industries Act 2008*, *Vehicle and Traffic Act 1999* and associated regulations.

Key changes in the Bill include that it:

- Modifies the application of the *Constitution Act 1934* and the *Electoral Act 2004* in relation to the Legislative Council periodical election for 2020 to enable the election to be held, so far as possible, on a day on which the holding of the election will not substantially increase the risk of the spread of the disease. These changes extend the term of the current Council members until an election can be held, and deal with related matters such as the date on which the term of the newly elected members will end, to ensure a return to the usual six (6) year term of office provided under the *Constitution Act 1934*, by the time of the 2026 election;
- Provides that the Tasmanian Health Service may enter into contracts or arrangements as required to ensure that functions, hospital services, medical services, health services and health support services that are reasonably required may be performed or provided during the emergency period;
- Provides that the requirement to make available new licences for issue under the *Taxi and Hire Vehicle Industries Act 2008* does not apply in 2020 and that the Minister may, by notice, declare that this requirement does not apply in 2021 and/or 2022 in relation to any taxi area;
- Provides that vehicles may be approved for use, and licences may be issued or transferred, for ordinary and wheelchair-accessible taxis to continue to operate where the maximum age and odometer readings set out in the *Taxi and Hire Vehicle Industries Act 2008* and associated regulations are exceeded, for and in relation to, the emergency period;
- Modifies the application of the *Vehicle and Traffic Act 1999* and any associated regulations to allow the Registrar of motor vehicles to freeze the registration of a vehicle for part or all of the emergency period, and that once the period ends, either the registration is to be extended for the period for which it was frozen or, where the owner or a registered operator requests, the registration is to be refunded to the person for the period for which the registration was frozen;
- Makes minor amendments to the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* to expand the definition of 'permit' to include a 'relevant licensing Act' and to expand the wording in relation to where a notice issued by the Minister may amend a statutory period by which an action must be taken under a relevant legislative instrument to include the period where such an action 'must be or may be' taken;

- amends the *Emergency Management Act 2006* to insert a new section 60C in Part 4 to provide for infringement offences to be prescribed by regulation and for infringement notices to be issued and served by a police officer in relation to the infringement offences. An infringement notice may not be served on an individual who is younger than 18 years of age, and may not relate to more than three (3) offences;
- amends the *Public Health Act 1997* to:
 - Extend the period for which a public health emergency declaration can be made and extended, from a maximum of seven (7) days to a maximum of 12 weeks, in relation to the COVID-19 disease emergency only;
 - Increase the penalty under section 42(2) to a fine not exceeding 100 penalty units or imprisonment for a term not exceeding six (6) months or both;
 - Amend section 169(1) to provide that in addition to an authorised officer or a council, a police officer may serve an infringement notice on a person for a prescribed offence;
 - Amend section 194 to provide that in the absence of evidence to the contrary in any proceedings for an offence of failing to comply with a direction under the Act, it is sufficient evidence that a person knew of the requirements of the direction if certain facts are established; and
 - Insert a new section 198B to provide that the emergency declaration made under the Act on 17 March 2020 in relation to the public health emergency has effect for a 12 week period from the day it was made, consistent with the extended period of 12 weeks introduced by this Bill, and may be extended under the Act.
- Provides that the Minister may, by notice, declare the emergency cessation day; and
- Provides for regulations to be made under the Act in regard to certain matters.