

SECOND READING SPEECH

Hon Bridget Archer MP

Public Health Amendment (Emergency Powers) Bill 2026

Madam Speaker

I move that the Bill now be read a second time.

The Public Health Amendment (Emergency Powers) Bill 2026 strengthens Tasmania's legislative framework for managing public health emergencies, reflecting key lessons from the COVID-19 response.

The COVID-19 pandemic has been the greatest public health challenge of our lifetime, testing governments, health systems, communities and economies around the world.

While requiring difficult measures and significant sacrifice, Tasmania's response effectively limited transmission during critical stages of the pandemic, protecting health system capacity and providing time to achieve high levels of vaccination. Tasmania also experienced comparatively limited periods of lockdown and, particularly during the earlier stages of the pandemic, lower levels of serious illness and death than many other jurisdictions.

These outcomes were only possible because people across Tasmania stepped forward when they were needed. Health workers, state service staff, businesses, community organisations and individuals all played their part.

The Government acknowledges and sincerely thanks all those who contributed to Tasmania's response, often under extraordinary pressure and at considerable personal cost.

The exercise of emergency powers under the Public Health Act by the Director of Public Health was a central and highly effective component of the response to COVID-19 and was complemented by the use of powers by the State Controller under the Emergency Management Act. Together, the responsible use of the available legal mechanisms enabled public health and social measures, along with testing, contact

tracing, quarantine, and isolation, to limit transmission, and promoted Tasmania's high rates of vaccination.

Tasmania's public health emergency powers proved generally capable of supporting the response to a serious public health threat. However, the pandemic demonstrated that the legislative framework, and the way powers are exercised under it, must continue to evolve. The COVID-19 experience highlighted opportunities to strengthen safeguards, clarify accountability and improve transparency, helping to maintain public confidence and preparedness for future emergencies.

COVID-19 tested the emergency provisions of the Public Health Act in circumstances of a scale, impact, and duration not contemplated when they were drafted. Tasmania's public health emergency declaration for COVID-19 remained in force for 836 days. During that time, significant decisions needed to be made, reviewed, explained and adapted as the risk changed and as new evidence became available.

In practice, a number of important safeguards were adopted during the pandemic to support the integrity and transparency of decision-making. These included documenting the rationale for directions and extensions of the emergency declaration, communicating regularly with the public about public health risks and required measures, and publishing declarations and directions on government websites and in the Gazette.

Following the pandemic, the Department of Health conducted a review to identify its learnings from the emergency response. The review was informed by the experiences of hundreds of participants from across the health system and emergency response sector, generating more than 2,700 observations. It drew on lessons from other Australian jurisdictions, contemporary emergency management practice, and relevant national and international literature, delivering the blueprint for this Bill and a more transparent, accountable and resilient framework for managing future public health emergencies in Tasmania.

Today's Bill does not expand the substantive scope of emergency powers or diminish the role of expert public health advice. Rather, it makes targeted and informed changes to strengthen the safeguards governing the exercise of existing powers, ensuring that valued practices will be embedded in any future public health emergency management.

I turn now to the provisions in today's Bill.

The Bill addresses a limitation identified during the COVID-19 response in relation to compliance and enforcement activities. While Tasmania experienced high levels of compliance with public health directions, the Act currently limits the persons who could be authorised to investigate potential breaches and undertake enforcement action. In practice, this meant that compliance activities relied unduly on environmental health officers and Tasmania Police.

The Bill therefore establishes a new category of authorised officer, known as a compliance officer. The Director of Public Health may appoint suitably qualified employees of a State Government Agency as compliance officers, providing additional capability to investigate and enforce compliance with emergency directions where required. The qualifications required for compliance support in the circumstances will be at the discretion of the Director of Public Health.

Compliance officers will be authorised officers under the Act and may exercise only the powers specified in their certificates of authority. The existing requirement to produce a certificate of authority remains unchanged, but consequential amendments to the certificate of authority provisions of the Act support a class appointment of suitable state servants, reducing unnecessary impost on local government and Tasmania Police.

The Bill establishes a new requirement that a person performing a function or exercising a power under the emergency powers division is to act in a manner that is accountable, transparent, systematic and appropriate.

These principles reflect contemporary expectations for public health emergency management. Accountability supports clear roles, responsibilities and scrutiny. Transparency supports public trust through open communication and clear reasons for decisions. A systematic approach supports organised, evidence-informed decision-making, including consideration of health system impacts and the use of appropriate systems and trained personnel. Appropriate action requires decisions to be balanced, proportionate and suited to the particular emergency and the circumstances at the time.

The inclusion of these principles responds to matters raised during consultation on the Bill and places in legislation principles that are already well established in contemporary public health emergency management. The provision embeds the approach adopted during

Tasmania's COVID-19 response and is not intended to create additional administrative burden. Rather, by including these principles in the Act, the Bill promotes a clear foundation for decision-making during future public health emergencies. Emergency powers must be capable of being exercised quickly, but also carefully, consistently, and with proper regard to their impact on the Tasmanian community.

Today's Bill also proposes to transfer responsibility for declaring a public health emergency, and extending and revoking that declaration, from the Director of Public Health to the Minister for Health.

Under the current Act, the Director may determine that a public health emergency exists and then exercise the extraordinary powers activated by that declaration, including issuing public health directions that create binding rules for the period they remain in force. During the pandemic, the Director carried these significant responsibilities while navigating an exceptionally complex and rapidly evolving emergency.

As Director of Public Health during the whole of Tasmania's response, Dr Mark Veitch's leadership, expertise and commitment were vital to the success of Tasmania's COVID-19 response, working tirelessly to deliver outcomes that compared favourably with many other jurisdictions. While the existing arrangements served Tasmania well, due in no small part to Dr Veitch's diligence, the broader National response and significant community feedback demonstrate the importance of more clearly separating the decision to activate emergency powers from the exercise of those powers.

It's important to acknowledge the feedback also provided as part of the targeted consultation on the proposed amendments contained in the Bill. The Government thanks the individuals and organisations that provided submissions, including Dr Veitch, which helped shaped further amendments to strengthen the Bill.

Public health emergency powers are, quite necessarily, extraordinary and far-reaching. Their exercise can, and did, significantly affect the rights, livelihoods and daily lives of Tasmanians, as well as the operation of businesses, services and the broader community. The decision to activate them should therefore be subject to clear, democratic accountability and safeguards – in addition to the requirement that the decision is based on expert advice.

Under the Bill, the Minister for Health will be responsible for declaring, extending and revoking a public health emergency, following consultation with the Director of Public Health and the Secretary with administrative responsibility for the Tasmanian Health Service. This ensures the decision to activate emergency powers is made by an elected official who is answerable to Parliament and the Tasmanian community, while remaining informed by public health expertise and broader health system considerations.

Importantly, the Bill requires the Minister to report to Parliament on any advice provided by the Director of Public Health and the Secretary as part of the consultation process. This will give Parliament and the Tasmanian community clear visibility of the expert advice informing decisions to declare, extend or revoke a public health emergency.

The Director will continue to provide expert advice and, where required, issue public health directions to manage the public health risks arising from an emergency. This will ensure that the response, and the measures put in place to manage the public health risk, remain informed by evidence, professional judgement and public health expertise.

Separating responsibility for declaring a public health emergency from responsibility for issuing public health directions provides a clearer allocation of responsibilities and balances ministerial accountability with expert public health decision-making.

The Bill also modernises the provisions governing the length of public health emergency declarations.

The current emergency provisions were designed primarily with acute public health emergencies in mind, where extraordinary measures might be required for a short period. That is reflected in the existing seven-day limit on an initial emergency declaration, the breadth of the powers activated by a declaration, and the limited transparency requirements in the Act.

The Bill establishes a consistent maximum period of 12 weeks for a public health emergency declaration, while allowing declarations to be made for shorter periods and requiring their revocation as soon as the emergency powers are no longer necessary.

Any extension will require a fresh decision based on contemporary advice and supported by reasons. This approach provides greater

certainty in a prolonged emergency while retaining regular decision-making and oversight.

The Bill gives practical effect to these principles through stronger publication and reporting requirements.

Emergency declarations and public health directions will be required to be published on a Tasmanian Government website and in the Gazette. Statements of reasons will also be required for public health directions. Clear reasons and accessible information will help the community understand the basis for public health measures and maintain confidence in the response.

The Minister will also be required to report to Parliament whenever an emergency declaration is made, extended, revoked or otherwise ceases to be in force. These reports will include details of the emergency, the reasons for the relevant decision and any advice provided through the required consultation process. Reports will also summarise actions taken under the emergency powers division since the previous report was prepared. This will provide Parliament with oversight of the use of emergency powers.

Together, these requirements ensure that significant decisions made during a public health emergency are visible to the community and subject to parliamentary scrutiny.

The Bill also embeds the practice of the Director of Public Health consulting with the State Emergency Management Controller, clarifying that this is only applicable where the Director considers a proposed direction or revocation may affect emergency management and a state of alert or state of emergency is in effect under the *Emergency Management Act 2006*.

The Bill similarly requires the Director to consult the Secretary with the administrative responsibility for the Tasmanian Health Service, where the Director considers a proposed direction or revocation may affect the delivery of health services. This requirement ensures that potential impacts on the delivery of health services are considered before a direction is made, and reflects effective decision-making practices implemented during the pandemic response.

These consultation requirements recognise the significance of directions made under emergency powers provisions. Such directions have the

force of law and may be given with immediate effect in response to an emerging public health threat. It is therefore essential that likely impacts on emergency management arrangements and health service delivery are considered before those powers are exercised. The amendments recognise that importance while preserving the ability to act rapidly when circumstances require.

Madam Speaker, this Bill maintains Tasmania's capacity to respond swiftly and effectively to public health emergencies, while strengthening the safeguards, transparency and accountability surrounding the use of emergency powers.

It is a measured reform package. It preserves the Government's ability to respond to serious public health threats, supports informed and coordinated decision-making, and embeds contemporary public health emergency management practice as well as lessons from one of the most significant challenges in our State's history.

I commend the Bill to the House.