



2020

Parliament of Tasmania

PARLIAMENTARY STANDING COMMITTEE

SUBORDINATE LEGISLATION

SCRUTINY OF NOTICES ISSUED UNDER THE COVID-19
DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT
2020 – REPORT 3 *(No. 9)*

ADDENDUM

Please note: *the following attachments were inadvertently omitted from Report 3.
The following Appendices should be considered in conjunction with the previous Report.*

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PREMIER OF TASMANIA

17 APR 2020

Hon Tania Rattray MLC
Chair
Parliamentary Standing Committee on Subordinate Legislation
by email: subleg@parliament.tas.gov.au

Dear Ms Rattray

COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020
Notice under section 23 to waive certain liquor and gaming licence fees

In accordance with section 7(3) of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, I enclose for the Committee's consideration a notice made under section 23 of that Act, notified in the *Tasmanian Government Gazette* on 3 April 2020, to waive certain liquor and gaming licensing fees.

I also enclose a fact sheet outlining the reasons why I am of the opinion that the economic effects of the current COVID-19 emergency circumstances are such that it is necessary to issue the notice.

Yours sincerely

Peter Gutwein MP
Premier
Treasurer

TASMANIA

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020***NOTICE UNDER SECTION 23**

I, PETER CARL GUTWEIN, the Treasurer, in pursuance of section 23(1)(a) of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, being of the opinion that the economic effects of the relevant emergency circumstances are such that it is necessary or desirable to issue this notice, declare that, despite any of the provisions specified in a Schedule to this notice –

- (a) a fee specified in a provision specified in Schedule 1 to this notice is not payable, from 1 January 2020, by the persons specified in that schedule in respect of the fee; and
- (b) a fee specified in a provision specified in Schedule 2 to this notice is not payable, from 15 March 2020, by the persons specified in that schedule in respect of the fee; and
- (c) a fee specified in a provision specified in Schedule 3 to this notice is not payable, from 31 March 2020, by the persons specified in that schedule, in respect of the fee.

Dated: 3.4.20

Signed



Treasurer

SCHEDULE 1

1. An application fee payable, under section 23 of the *Liquor Licensing Act 1990*, by an applicant for any one or more of the following licences:
 - (a) a general licence referred to in section 7 of that Act;
 - (b) an on-licence, within the meaning of that Act;
 - (c) a club licence, within the meaning of that Act;
 - (d) a special licence, within the meaning of that Act.

2. A fee payable, under section 25 of the *Liquor Licensing Act 1990*, by the applicant for any one or more of the following licences, on the grant of that licence:
 - (a) a general licence referred to in section 7 of that Act;
 - (b) an on-licence, within the meaning of that Act;
 - (c) a club licence, within the meaning of that Act;
 - (d) a special licence, within the meaning of that Act.

3. An application fee payable, under section 25D of the *Liquor Licensing Act 1990*, by an applicant for a variation of any one or more of the following licences:
 - (a) a general licence referred to in section 7 of that Act;
 - (b) an on-licence, within the meaning of that Act;
 - (c) a club licence, within the meaning of that Act;
 - (d) a special licence, within the meaning of that Act.

4. An annual liquor licence fee payable, under section 26A of the *Liquor Licensing Act 1990*, by the applicant for, or the holder of, any one or more of the following licences:
 - (a) a general licence referred to in section 7 of that Act;
 - (b) an on-licence, within the meaning of that Act;
 - (c) a club licence, within the meaning of that Act;
 - (d) a special licence, within the meaning of that Act.

5. An application fee payable, under section 28 of the *Liquor Licensing Act 1990*, by an applicant, for the transfer of any one or more of the following licences:
 - (a) a general licence referred to in section 7 of that Act;
 - (b) an on-licence, within the meaning of that Act;
 - (c) a club licence, within the meaning of that Act;
 - (d) a special licence, within the meaning of that Act.

6. An application fee payable, under section 30A of the *Liquor Licensing Act 1990*, by an applicant, for the authority to act as interim licensee for any one or more of the following licences:
 - (a) a general licence referred to in section 7 of that Act;
 - (b) an on-licence, within the meaning of that Act;
 - (c) a club licence, within the meaning of that Act;
 - (d) a special licence, within the meaning of that Act.

7. An application fee payable, under section 32 of the *Liquor Licensing Act 1990*, by an applicant for a special permit within the meaning of that Act.

8. An application fee payable, under section 34C of the *Liquor Licensing Act 1990*, by an applicant for a variation of a condition of a special permit within the meaning of that Act.

SCHEDULE 2

1. An application fee payable, under section 15 of the *Gaming Control Act 1993*, by an applicant for the redefining of the boundaries of a casino, or a gaming operator's premises, under that section.

2. An application fee payable, under section 36 of the *Gaming Control Act 1993*, by an applicant for a licensed premises gaming licence.

3. An application fee payable, under section 43B of the *Gaming Control Act 1993*, by the holder of a licensed premises gaming licence, for the renewal of that licence.
4. A fee payable, under section 44(8) of the *Gaming Control Act 1993*, by the holder of a licensed premises gaming licence, in relation to a proposal to amend the licence.
5. The annual licence fee payable, under section 148 of the *Gaming Control Act 1993*, by the holder of a licensed premises gaming licence.
6. An application fee payable, under section 60 of the *Gaming Control Act 1993*, by a special employee, for the renewal of the special employee's licence of the employee, if that fee is payable in the calendar year starting 1 January 2020.
7. An application fee payable, under section 60 of the *Gaming Control Act 1993*, by a technician, for the renewal of the technician's licence of the technician, if that fee is payable in the calendar year starting 1 January 2020.
8. An application fee payable, under section 76ZZN of the *Gaming Control Act 1993*, by an applicant for a minor gaming permit.

SCHEDULE 3

1. The casino licence fee payable, under section 146 of the *Gaming Control Act 1993*, by the holder of a casino licence.
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TASMANIA

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020***NOTICE UNDER SECTION 23**

I, PETER CARL GUTWEIN, the Treasurer, in pursuance of section 23(1)(a) of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, being of the opinion that the economic effects of the relevant emergency circumstances are such that it is necessary or desirable to issue this notice, declare that, despite any of the provisions specified in a Schedule to this notice --

- (a) a fee specified in a provision specified in Schedule 1 to this notice is not payable, from 1 January 2020, by the persons specified in that schedule in respect of the fee; and
- (b) a fee specified in a provision specified in Schedule 2 to this notice is not payable, from 15 March 2020, by the persons specified in that schedule in respect of the fee; and
- (c) a fee specified in a provision specified in Schedule 3 to this notice is not payable, from 31 March 2020, by the persons specified in that schedule, in respect of the fee.

Dated: 3.4.20

Signed: 

Treasurer

SCHEDULE 1

1. An application fee payable, under section 23 of the *Liquor Licensing Act 1990*, by an applicant for any one or more of the following licences:
 - (a) a general licence referred to in section 7 of that Act;
 - (b) an on-licence, within the meaning of that Act;
 - (c) a club licence, within the meaning of that Act;
 - (d) a special licence, within the meaning of that Act.

2. A fee payable, under section 25 of the *Liquor Licensing Act 1990*, by the applicant for any one or more of the following licences, on the grant of that licence:
 - (a) a general licence referred to in section 7 of that Act;
 - (b) an on-licence, within the meaning of that Act;
 - (c) a club licence, within the meaning of that Act;
 - (d) a special licence, within the meaning of that Act.

3. An application fee payable, under section 25D of the *Liquor Licensing Act 1990*, by an applicant for a variation of any one or more of the following licences:
 - (a) a general licence referred to in section 7 of that Act;
 - (b) an on-licence, within the meaning of that Act;
 - (c) a club licence, within the meaning of that Act;
 - (d) a special licence, within the meaning of that Act.

4. An annual liquor licence fee payable, under section 26A of the *Liquor Licensing Act 1990*, by the applicant for, or the holder of, any one or more of the following licences:
 - (a) a general licence referred to in section 7 of that Act;
 - (b) an on-licence, within the meaning of that Act;
 - (c) a club licence, within the meaning of that Act;
 - (d) a special licence, within the meaning of that Act.

5. An application fee payable, under section 28 of the *Liquor Licensing Act 1990*, by an applicant, for the transfer of any one or more of the following licences:
 - (a) a general licence referred to in section 7 of that Act;
 - (b) an on-licence, within the meaning of that Act;
 - (c) a club licence, within the meaning of that Act;
 - (d) a special licence, within the meaning of that Act.

6. An application fee payable, under section 30A of the *Liquor Licensing Act 1990*, by an applicant, for the authority to act as interim licensee for any one or more of the following licences:
 - (a) a general licence referred to in section 7 of that Act;
 - (b) an on-licence, within the meaning of that Act;
 - (c) a club licence, within the meaning of that Act;
 - (d) a special licence, within the meaning of that Act.

7. An application fee payable, under section 32 of the *Liquor Licensing Act 1990*, by an applicant for a special permit within the meaning of that Act.

8. An application fee payable, under section 34C of the *Liquor Licensing Act 1990*, by an applicant for a variation of a condition of a special permit within the meaning of that Act.

SCHEDULE 2

1. An application fee payable, under section 15 of the *Gaming Control Act 1993*, by an applicant for the redefining of the boundaries of a casino, or a gaming operator's premises, under that section.

2. An application fee payable, under section 36 of the *Gaming Control Act 1993*, by an applicant for a licensed premises gaming licence.

3. An application fee payable, under section 43B of the *Gaming Control Act 1993*, by the holder of a licensed premises gaming licence, for the renewal of that licence.
4. A fee payable, under section 44(8) of the *Gaming Control Act 1993*, by the holder of a licensed premises gaming licence, in relation to a proposal to amend the licence.
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6. An application fee payable, under section 60 of the *Gaming Control Act 1993*, by a special employee, for the renewal of the special employee's licence of the employee, if that fee is payable in the calendar year starting 1 January 2020.
7. An application fee payable, under section 60 of the *Gaming Control Act 1993*, by a technician, for the renewal of the technician's licence of the technician, if that fee is payable in the calendar year starting 1 January 2020.
8. An application fee payable, under section 76ZZN of the *Gaming Control Act 1993*, by an applicant for a minor gaming permit.

SCHEDULE 3

1. The casino licence fee payable, under section 146 of the *Gaming Control Act 1993*, by the holder of a casino licence.
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TASMANIA

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020***NOTICE UNDER SECTION 23**

I, PETER CARL GUTWEIN, the Treasurer, in pursuance of section 23(1)(a) of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, being of the opinion that the economic effects of the relevant emergency circumstances are such that it is necessary or desirable to issue this notice, declare that, despite any of the provisions specified in a Schedule to this notice –

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3. An application fee payable, under section 43B of the *Gaming Control Act 1993*, by the holder of a licensed premises gaming licence, for the renewal of that licence.
4. A fee payable, under section 44(8) of the *Gaming Control Act 1993*, by the holder of a licensed premises gaming licence, in relation to a proposal to amend the licence.
5. The annual licence fee payable, under section 148 of the *Gaming Control Act 1993*, by the holder of a licensed premises gaming licence.
6. An application fee payable, under section 60 of the *Gaming Control Act 1993*, by a special employee, for the renewal of the special employee's licence of the employee, if that fee is payable in the calendar year starting 1 January 2020.
7. An application fee payable, under section 60 of the *Gaming Control Act 1993*, by a technician, for the renewal of the technician's licence of the technician, if that fee is payable in the calendar year starting 1 January 2020.
8. An application fee payable, under section 76ZZN of the *Gaming Control Act 1993*, by an applicant for a minor gaming permit.

SCHEDULE 3

1. The casino licence fee payable, under section 146 of the *Gaming Control Act 1993*, by the holder of a casino licence.
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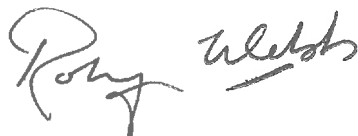
ADVICE OF CHIEF PARLIAMENTARY COUNSEL

Notice under section 23 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020

I advise that this statutory rule –

- (a) appears to be within the powers conferred by the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*; and
- (b) does not appear, without clear and express authority being provided by any Act, to –
 - (i) have any retrospective effect; or
 - (ii) impose any tax, fee, fine, imprisonment or other penalty; or
 - (iii) sub-delegate powers delegated by the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*; and
- (c) appears to be within the general objectives of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*; and
- (d) is expressed in as clear and unambiguous language as is reasonably possible.

Dated 3 April, 2020.



Robyn Webb
Chief Parliamentary Counsel

Notice under section 23 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* - temporary waiver of fees payable for certain classes of liquor and gaming licences

- The *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* provides measures to reduce the risk and hardship associated with the coronavirus pandemic, including allowing the Treasurer to temporarily waive fees or charges imposed under legislative instruments.
- The *Liquor Licensing Act 1990* and the *Gaming Control Act 1993* impose a range of fees related to the licensing of businesses engaged in the sale of liquor and/or the conduct of gaming in Tasmania, as well as certain employees of some of these businesses.
- Tasmanian businesses licensed under the liquor and gaming legislation have been severely impacted by the COVID-19 pandemic. Many of these businesses cannot trade at all under escalating social distancing and self-isolation measures designed to contain the spread of the virus. Those who are still trading are doing so under very challenging conditions, with significantly adapted business models and reduced turnover.
- As these businesses are unable to generate any income or sufficient income from the activity for which they are licensed, the Treasurer has declared by Notice made under section 23 of the Act that certain licensing fees for most classes of liquor and gaming licences are not payable during specified periods.
- The Notice provides for the following waiver of fees:
 - Liquor licensing fees for specified classes of liquor licences and permits falling due in the 2020 calendar year are waived from 1 January 2020. The waiver includes fees relating to licence applications, grant of licence, applications for variation of conditions, applications to transfer licence, annual liquor licence fees, applications for an authority to act as licensee, and applications for special permits and variation of conditions of special permits. Annual liquor licence fees fall due on 1 January each year and must be paid by 31 March. Treasury will refund licence holders for any annual liquor licence fees already paid for the 2020 calendar year.
 - Fees for specified gaming licences, permits and special employees and technicians are waived from 15 March 2020 until the emergency cessation day (unless otherwise stated). The waiver includes fees relating to applications, renewals, amendment of a licence, annual licence fees and redefining boundaries of a casino or gaming operator's premises. The effective date aligns with the date of the first National Cabinet meeting and the first announcement of significant controls which would ultimately force the closure of gambling operations.
 - Monthly casino licence fees are waived from 31 March 2020 until the emergency cessation day. Casino licence fees fall due on the first day of each month and the first

fees payable after the casinos suspended operations were due on 1 April 2020.

- The Notice is consistent with the objects of the Act, providing financial relief to assist hundreds of local businesses and individuals impacted by the social distancing restrictions designed to inhibit the spread of COVID-19. In particular, it will assist licensed bars, restaurants, pubs, clubs and gaming venues that have been forced to close their doors and individual licensed employees impacted by the closure of these businesses.
- The closure and reduced trading activities of these businesses means that there will be a corresponding reduction in the administrative and compliance activities of the Commissioner for Licensing and Tasmanian Liquor and Gaming Commission during the COVID-19 emergency period, reducing the justification for collecting fees to recover the costs of regulating the activities of these businesses.



Parliament of Tasmania, Hobart, TAS, 7000
www.parliament.tas.gov.au

Joint Standing Committee Subordinate Legislation

28 April 2020

Mr Jonathon Root
Deputy Secretary
Department of Treasury and Finance

Dear Mr Root

NOTICE UNDER SECTION 23 (LIQUOR AND GAMING LICENCE FEES)
COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020

Thank you for briefing the Committee today, in relation to the above Notice.

I confirm that you undertook to provide the following information on notice:

1. It appears that Schedule 2(6) only refers to section 60 of the Act in relation to the application fee payable by a special employee and the renewal fee for special employee's licence. However the application fee is dealt with in section 51 of the Act and the renewal fee in section 60 – does the Notice require amendment to clarify this?
2. It appears that Schedule 2(7) refers to section 60 of the Act in relation to the application fee payable by a technician and the renewal fee for a technician's licence. However, both the application and renewal fee for technicians is dealt with in section 68 of the Act – does the Notice require amendment to clarify this?

The Committee would be pleased to receive this information by email to the Secretary, Mr Stuart Wright – subleg@parliament.tas.gov.au

The Committee looks forward to receiving a response at your early convenience.

Yours sincerely

A handwritten signature in black ink, reading "Tania Rattray". The script is cursive and fluid, with the first name "Tania" and last name "Rattray" clearly distinguishable.

TANIA RATTRAY MLC

CHAIR

w. 03 6212 2250 f. 03 6212 2345 m. 0488 009 642 e. subleg@parliament.tas.gov.au

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

TUESDAY 21 APRIL 2020

COMMENCEMENT

The Committee met at 11.02 am via tele-conference.

MEMBERS PRESENT

Legislative Council

Ms Forrest (Deputy Chair)

Ms Rattray (Chair)

Ms Webb

House of Assembly

Ms Standen

Mr Street

Mr Tucker

**SUPPORTING
CORRESPONDENCE
NOTICES**

Resolved, that the following supporting correspondence for notices be received:

3. Letter dated 17 April 2020 from the Hon Peter Gutwein MP, Premier providing paperwork for a Notice under Section 23 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 (waive certain liquor and gaming licence fees).

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

FRIDAY 24 APRIL 2020

COMMENCEMENT

The Committee met at 11.07 am via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (Deputy Chair)

Ms Rattray (Chair)

Ms Webb

House of Assembly

Ms Standen

Mr Street

Mr Tucker

**NOTICES UNDER
COVID-19 DISEASE
EMERGENCY
(MISCELLEANEOUS
PROVISIONS)
ACT 2020
(held-over)**

That the following Notices be held-over —

2. Notice under section 23 (liquor and gaming licence fees)

RESOLVED, that the Committee request a briefing be provided at the next meeting.

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

TUESDAY 28 APRIL 2020

COMMENCEMENT

The Committee met at 11.00 am via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (Deputy Chair)

Ms Rattray (Chair)

Ms Webb

House of Assembly

Ms Standen

Mr Street

Mr Tucker

BRIEFING

NOTICE ISSUED

UNDER SECTION 23

OF COVID-19

DISEASE EMERGENCY

(MISCELLANEOUS

PROVISIONS) ACT 2020

(LIQUOR AND GAMING

LICENCE FEES)

At 11.15 am Jonathon Root, Deputy Secretary, Department of Treasury and Finance briefed the Committee via Webex.

The briefing concluded at 11.35 am.

Questions on notice:

1. It appears that Schedule 2(6) only refers to section 60 of the Act in relation to the application fee payable by a special employee and the renewal fee for special employee's licence. However the application fee is dealt with in section 51 of the Act and the renewal fee in section 60 – does the Notice require amendment to clarify this?
2. It appears that Schedule 2(7) refers to section 60 of the Act in relation to the application fee payable by a technician and the renewal fee for a technician's licence. However, both the application and renewal fee for technicians is dealt with in section 68 of the Act – does the Notice require amendment to clarify this?

**NOTICES UNDER
COVID-19 DISEASE
EMERGENCY
(MISCELLEANEOUS
PROVISIONS)
ACT 2020
(held-over)**

That the following Notices be held-over —

1. Notice under section 23 (liquor and gaming licence fees)

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

FRIDAY 1 MAY 2020

COMMENCEMENT

The Committee at 11.02 am in Committee Room 2 and via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (Deputy Chair)
Ms Rattray (Chair)
Ms Webb (via Webex)

House of Assembly

Ms Standen (via Webex)
Mr Street
Mr Tucker

**OUTWARDS
CORRESPONDENCE**

Resolved, that the following correspondence be endorsed:

1. Letter to Jonathon Root, Deputy Secretary, Department of Treasury and Finance regarding additional information requested from briefing.

**NOTICES UNDER
COVID-19 DISEASE
EMERGENCY
(MISCELLEANEOUS
PROVISIONS)
ACT 2020
(examined)**

That the following Notices be examined —

1. Notice under section 23 (liquor and gaming licence fees)

The Committee **AGREED** that the draft report include the outwards and inwards associated correspondence and briefing received details.

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

TUESDAY 5 MAY 2020

COMMENCEMENT

The Committee at 11.02 am in Committee Room 2 and via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (*Deputy Chair*)
(*via Webex*)
Ms Rattray (*Chair*) (*via Webex*)
Ms Webb (*via Webex*)

House of Assembly

Ms Standen (*via Webex*)
Mr Street (*via Webex*)
Mr Tucker (*via Webex*)

**DRAFT REPORT 3 –
NOTICES UNDER
COVID-19 DISEASE
EMERGENCY
(MISCELLEANEOUS
PROVISIONS)
ACT 2020**

The Committee considered the draft report.

RESOLVED, that the draft report be adopted with amendments.

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

TUESDAY 26 MAY 2020

COMMENCEMENT

The Committee at 1.30 pm in Committee Room 2 and via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (*Deputy Chair*)(*via Webex*)
Ms Rattray (*Chair*) (*via Webex*)
Ms Webb (*via Webex*)

House of Assembly

Ms Standen (*via Webex*)
Mr Street (*via Webex*)
Mr Tucker (*via Webex*)

**ATTACHMENTS
ADDED TO DRAFT
REPORTS**

The Committee considered the proposed motions circulated in advance of today's meeting.

The *Deputy Chair* moved Motion No. 1 with amendments:

1. That each Report released by the Committee related to a Notice under the *COVID-19 Disease Emergency*

(Miscellaneous Provisions) Act 2020, that all information provided to the committee related to the Notice be considered and agreed to, including incoming and outgoing correspondence, relevant Hansard and Minutes to be published with and as part of the Report.

The Committee **RESOLVED** to adopt Motion No. 1.

The *Deputy Chair* moved Motion No. 2:

2. That when any Report, prepared as in Motion 1 above, is tabled, either with the President or tabled in Parliament, as soon as is practicable the Report be published on the website as Reported and the Notice and supporting documents be removed from the section of the website where Notices under consideration are listed.

The Committee **RESOLVED** to adopt Motion No. 2.

The *Deputy Chair* moved Motion No. 3 with amendments:

3. That Reports 2, 3 and 4 of the Committee related to Notices under the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* be reconsidered and amended to include all relevant information, related to the Notices as per Motion 1 above and be reissued as the Reports of the Committee.

The Committee **RESOLVED** to adopt Motion No. 3.

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

FRIDAY 29 MAY 2020

COMMENCEMENT

The Committee at 11.00 am in Committee Room 2 and via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (*Deputy Chair*)(*via Webex*)
Ms Rattray (*Chair*) (*via Webex*)

House of Assembly

Ms Standen (*via Webex*)
Mr Street (*via Webex*)
Mr Tucker (*via Webex*)

Ms Webb took her place at 11.05 am (*via Webex*)

DRAFT ADDENDUM REPORTS 2,3, & 4

The Acting Secretary provided advice regarding the possible process to follow when reissuing Reports 2, 3 and 4 related to COVID-19 Notices. The additional information not attached to the previous Reports 2, 3 and 4 be included in an Addendum

to each Report (to be considered and agreed to) and further, the Addendum Reports can then be tabled.

The Committee considered Draft Addendum Report 3.

The Committee **RESOLVED**, to adopt Draft Addendum Report 3.

The Committee **RESOLVED**, to table the Addendums to Reports 2, 3 and 4 next Wednesday, 3 June 2020.

Further, the Committee **RESOLVED**, that Addendums to Reports 2, 3 and 4 as agreed to, include today's minutes (once confirmed).

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

TUESDAY 2 JUNE 2020

COMMENCEMENT

The Committee met at 1.30 pm in Committee Room 2, Parliament House, Hobart

MEMBERS PRESENT

Legislative Council

Ms Forrest (Deputy Chair)
Ms Rattray (Chair)
Ms Meg Webb

House of Assembly

Ms Standen
Mr Street
Mr Tucker

MINUTES ATTACHED TO ADDENDUM REPORTS 2, 3 AND 4; REPORTS 5 AND 6 AND FUTURE REPORTS OF THE COMMITTEE

The Committee **RESOLVED** —

Minutes to be attached to Reports be confined to sections of the Minutes related to the notices under consideration for Addendum Reports 2, 3 and 4; Reports 5 and 6; and future Reports of the Committee.

Attorney-General
Minister for Justice
Minister for Corrections
Minister for Building and Construction
Minister for the Arts
Minister for Heritage

Level 10 15 Murray Street HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: +61 3 6165 7739
Email Minister.Archer@dpac.tas.gov.au



23 APR 2020

HonTania Rattray MLC
Chair
Parliamentary Standing Committee on Subordinate Legislation
Parliament House
HOBART TAS 7000

Tania

Dear Ms Rattray

The *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (the COVID-19 Act) requires that any Notice, other than a Notice given under section 27(1), be provided to the Subordinate Legislation Committee within 14 days of being issued.

To this end, I am writing to provide you with the Notice issued by the Premier under section 22 of the COVID-19 Act (the Notice) relating to commercial tenancies (see Attachment 1). The Notice was signed by the Premier and published in the Special Government Gazette on 9 April 2020 (No. 21971).

This Notice relates to the implementation of the Mandatory Code of Conduct for commercial tenancies (the Code) announced by the Prime Minister on 7 April 2020. The Code is to be implemented by states and territories through legislation or other means.

In Tasmania, a Notice under the COVID-19 Act has been used as an interim measure to implement aspects of the Code. Specifically, section 22 of that Act allows the Minister to issue a Notice relating to a lease or class of leases to prevent termination or rent increases.

The Notice issued under section 22 of the COVID-19 Act:

- applies to any commercial lease that was in place at 1 February 2020, including (but not limited to) retail, office and industrial leases;
- applies only to tenants that are eligible businesses for the purposes of the Code:
 - this includes businesses with a turnover of \$50 million or less which have seen a reduction in turnover of 30 per cent (for at least one month);
 - this includes sole traders and charities, consistent with the Commonwealth Government JobKeeper program;
- prevents the termination of a lease for non-payment of rent during the emergency period:
 - a lease will be able to be terminated for a breach of other provisions of the contract (consistent with the Code);
- prevents the increase of rents (not including turnover rents):
 - rent will not be waived during the period. However, once implemented, the Code will allow for waiver or deferral;

The Notice will be in place for an initial 90 days for the 'emergency period' but is able to be extended. It is expected that the Notice will be revoked when legislation to give effect to the Code passes the Parliament.

The Notice was prepared by the Office of Parliamentary Counsel. I attach the advice of the Chief Parliamentary Counsel as required under section 7(2) of the *Subordinate Legislation Act 1992* (see Attachment 2).

I further enclose a fact sheet to provide further information on the Notice and its effects (see Attachment 3). Should you have any queries or require further information regarding this matter, please do not hesitate to contact Peter Graham on (03) 6165 4757 or peter.j.graham@justice.tas.gov.au

Yours sincerely



Hon Elise Archer MP
Minister for Building and Construction

TASMANIA

COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020

NOTICE UNDER SECTION 22

I, PETER CARL GUTWEIN, the Premier, in pursuance of section 22 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, declare that, despite any provision of a lease in relation to premises, or a part of premises, if –

- (a) the premises, or the part of premises, to which the lease relates are being used (or were, at any time during the period from 1 February 2020 to the date of this notice, being used) by the tenant, wholly or predominantly for the carrying on of any business, trade or profession, whether or not by a person for profit, by a charitable organisation or by a body of persons that is not predominantly established for the purpose of profit; and
- (b) the turnover, in a continuous one month period since 1 February 2020, in relation to the carrying on of any such business, trade or profession by the tenant, has reduced by more than 30% in at least one continuous one month period since 1 February 2020; and
- (c) the turnover in relation to any such business, trade or profession carried on by the tenant for the period from 1 February 2019 to 31 January 2020 is not more than \$50 000 000 –

then –

- (d) the lease in relation to the premises, or the part of premises, must not, within the emergency period, be terminated on the grounds that rent or any other moneys due and payable in relation to the premises, or the part of the premises, have not been paid; and
- (e) the rent in relation to the premises, or the part of the premises, may not be increased other than by virtue of the rent increasing, under the lease, because the turnover in relation to any such business, trade or profession carried out by the tenant increases.

Dated.....9.4.20.....

Signed..........

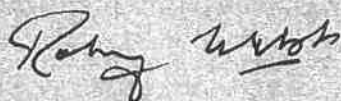
ADVICE OF CHIEF PARLIAMENTARY COUNSEL

Notice under s 22 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020

I advise that this statutory rule –

- (a) appears to be within the powers conferred by the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*; and
- (b) does not appear, without clear and express authority being provided by any Act, to –
 - (i) have any retrospective effect; or
 - (ii) impose any tax, fee, fine, imprisonment or other penalty; or
 - (iii) sub-delegate powers delegated by the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*; and
- (c) appears to be within the general objectives of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*; and
- (d) is expressed in as clear and unambiguous language as is reasonably possible.

Dated 9 April 2020.



Robyn Webb
Chief Parliamentary Counsel

Fact sheet - Notice under section 22 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* relating to commercial tenancies

Background:

- Section 22 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (the Act) provides for the Minister, by Notice, to provide further protections to prevent terminations or rent increases, for a lease or class of leases.
- On 7 April 2020 the Prime Minister announced a Mandatory Code of Conduct for commercial tenancies (the Code).
- On 9 April 2020, the Premier approved and published a Notice (the Notice) under section 22 of the Act to partially implement the Code in Tasmania.

Scope of the Notice:

- The Notice applies to all commercial leases, including (but not limited to) retail, office and industrial leases.
- It applies only to tenants that are eligible businesses for the purposes of the Code.
 - This includes businesses with a turnover of \$50 million or less which have seen a reduction in turnover of 30 per cent (for at least one month)
 - It is proposed that the definition of businesses include sole traders and charities, consistent with the JobKeeper program.
- The Notice will prevent the termination of a lease for non-payment of rent during the emergency period.
 - A lease will be able to be terminated for a breach of other provisions of the contract (consistent with the Code).
- The Notice will also prevent the increase of rents (not including turnover rents)
 - Rent will not be waived during the period. However, once implemented, the Code will allow for waiver or deferral.
- The Notice will be in place for an initial 90 days but may be extended during the Covid 19 emergency period.



Joint Standing Committee Subordinate Legislation

5 May 2020

The Hon Elise Archer MP
Attorney-General
10th Floor
15 Murray Street
HOBART 7000

Dear Attorney-General

**Notices issued under sections 13 and 22 of the
COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020
(Periodical Election of Members of the Legislative Council) and (Provision of a
Lease in relation to Premises, or part of a Premises)**

The Joint Standing Committee on Subordinate Legislation has recently considered the above Notices. At its meeting on 5 May 2020, the Committee resolved that I write to clarify whether the passing of the recent Covid-19 Disease Emergency Management (Miscellaneous Provisions) Bill (No. 2) may make the Notices redundant?

It would be appreciated if you would please provide a response at your early convenience.

Yours sincerely

A handwritten signature in black ink, reading 'Tania Rattray'.

TANIA RATTRAY MLC
CHAIR

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

TUESDAY 28 APRIL 2020

COMMENCEMENT

The Committee met at 11.00 am via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (*Deputy Chair*)
Ms Rattray (*Chair*)
Ms Webb

House of Assembly

Ms Standen
Mr Street
Mr Tucker

**SUPPORTING
CORRESPONDENCE
(NOTICE)**

Resolved, that the following supporting correspondence be received:

1. Letter dated 23 April 2020 from the Hon Elise Archer MP, Minister for Building and Construction regarding Notice under section 22 of the COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020 (provision of a lease in relation to premises, or a part of premises)

**NOTICES UNDER
COVID-19 DISEASE
EMERGENCY
(MISCELLANEOUS
PROVISIONS)
ACT 2020
(held-over)**

That the following Notices be held-over —

2. Notice under section 22 (provision of a lease in relation to premises, or a part of premises)

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

FRIDAY 1 MAY 2020

COMMENCEMENT

The Committee at 11.02 am in Committee Room 2 and via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (*Deputy Chair*)
Ms Rattray (*Chair*)
Ms Webb (*via Webex*)

House of Assembly

Ms Standen (*via Webex*)
Mr Street
Mr Tucker

**NOTICES UNDER
COVID-19 DISEASE
EMERGENCY
(MISCELLEANEOUS
PROVISIONS)
ACT 2020
(examined)**

That the following Notices be examined —

2. Notice under section 22 (provision of a lease in relation to premises, or a part of premises)

The Committee **AGREED** that the draft report make reference to the forthcoming legislation that may make the Notice redundant.

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

TUESDAY 5 MAY 2020

COMMENCEMENT

The Committee at 11.02 am in Committee Room 2 and via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (*Deputy Chair*)
(*via Webex*)
Ms Rattray (*Chair*) (*via Webex*)
Ms Webb (*via Webex*)

House of Assembly

Ms Standen (*via Webex*)
Mr Street (*via Webex*)
Mr Tucker (*via Webex*)

**DRAFT REPORT 3 –
NOTICES UNDER
COVID-19 DISEASE
EMERGENCY
(MISCELLEANEOUS
PROVISIONS)
ACT 2020**

The Committee considered the draft report.

RESOLVED, that the draft report be adopted with amendments.

The Committee **AGREED** to write to the Attorney-General to seek clarification as to whether the following Notices may be made redundant:

1. Notice under Section 22 (Provision of a Lease in relation to Premises, or part of a Premises); and

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

FRIDAY 8 MAY 2020

COMMENCEMENT

The Committee at 11.00 am in Committee Room 2 and via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (*Deputy Chair*)
Ms Rattray (*Chair*)
Ms Webb

House of Assembly

Ms Standen (*via Webex*)
Mr Street
Mr Tucker

**OUTWARDS
CORRESPONDENCE**

Resolved, that the following correspondence be endorsed:

3. Letter dated 5 May 2020 to the Hon Elise Archer MP, Attorney General regarding Notices under Section 13 (Periodical Election of Members of the Legislative Council and section 22 (Provision of a Lease in relation to Premises, or part of a Premises) of the *Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

TUESDAY 26 MAY 2020

COMMENCEMENT

The Committee at 1.30 pm in Committee Room 2 and via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (*Deputy Chair*) (*via Webex*)
Ms Rattray (*Chair*) (*via Webex*)
Ms Webb (*via Webex*)

House of Assembly

Ms Standen (*via Webex*)
Mr Street (*via Webex*)
Mr Tucker (*via Webex*)

**ATTACHMENTS
ADDED TO DRAFT
REPORTS**

The Committee considered the proposed motions circulated in advance of today's meeting.

The *Deputy Chair* moved Motion No. 1 with amendments:

1. That each Report released by the Committee related to a Notice under the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, that all information

provided to the committee related to the Notice be considered and agreed to, including incoming and outgoing correspondence, relevant Hansard and Minutes to be published with and as part of the Report.

The Committee **RESOLVED** to adopt Motion No. 1.

The *Deputy Chair* moved Motion No. 2:

2. That when any Report, prepared as in Motion 1 above, is tabled, either with the President or tabled in Parliament, as soon as is practicable the Report be published on the website as Reported and the Notice and supporting documents be removed from the section of the website where Notices under consideration are listed.

The Committee **RESOLVED** to adopt Motion No. 2.

The *Deputy Chair* moved Motion No. 3 with amendments:

3. That Reports 2, 3 and 4 of the Committee related to Notices under the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* be reconsidered and amended to include all relevant information, related to the Notices as per Motion 1 above and be reissued as the Reports of the Committee.

The Committee **RESOLVED** to adopt Motion No. 3.

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

FRIDAY 29 MAY 2020

COMMENCEMENT

The Committee at 11.00 am in Committee Room 2 and via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (*Deputy Chair*) (via Webex)
Ms Rattray (*Chair*) (via Webex)

House of Assembly

Ms Standen (via Webex)
Mr Street (via Webex)
Mr Tucker (via Webex)

Ms Webb took her place at 11.05 am (via Webex)

DRAFT ADDENDUM REPORTS 2,3, & 4

The Acting Secretary provided advice regarding the possible process to follow when reissuing Reports 2, 3 and 4 related to COVID-19 Notices. The additional information not attached to the previous Reports 2, 3 and 4 be included in an Addendum to each Report (to be considered and agreed to) and further, the Addendum Reports can then be tabled.

The Committee considered Draft Addendum Report 3.

The Committee **RESOLVED**, to adopt Draft Addendum Report 3.

The Committee **RESOLVED**, to table the Addendums to Reports 2, 3 and 4 next Wednesday, 3 June 2020.

Further, the Committee **RESOLVED**, that Addendums to Reports 2, 3 and 4 as agreed to, include today's minutes (once confirmed).

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

TUESDAY 2 JUNE 2020

COMMENCEMENT

The Committee met at 1.30 pm in Committee Room 2, Parliament House, Hobart

MEMBERS PRESENT

Legislative Council

Ms Forrest (Deputy Chair)
Ms Rattray (Chair)
Ms Meg Webb

House of Assembly

Ms Standen
Mr Street
Mr Tucker

MINUTES ATTACHED TO ADDENDUM REPORTS 2, 3 AND 4; REPORTS 5 AND 6 AND FUTURE REPORTS OF THE COMMITTEE

The Committee **RESOLVED** —

Minutes to be attached to Reports be confined to sections of the Minutes related to the notices under consideration for Addendum Reports 2, 3 and 4; Reports 5 and 6; and future Reports of the Committee.

Attorney-General
Minister for Justice
Minister for Corrections
Minister for Building and Construction
Minister for the Arts
Minister for Heritage

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Ph: +61 3 6165 7739
Email Minister.Archer@dpac.tas.gov.au



27 APR 2020

Hon Tania Rattray MLC
Chair
Parliamentary Standing Committee on Subordinate Legislation
Parliament House
HOBART TAS 7000

Tania

Dear Ms ~~Rattray~~

Please find enclosed a copy of a Notice (the Notice) issued by the Premier pursuant to section 13 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

The Notice was issued by the Premier on 15 April 2020 and was published in *Gazette* No 21 974 on the same date.

The Notice relates to the fixing of a polling day for Legislative Council periodic elections in 2020. The Notice extends the period of time, under section 19 of the *Constitution Act 1934*, which Her Excellency, the Governor, can fix for a polling day, so that the polling day for this year's Legislative Council periodic elections can be fixed as a Saturday in June, July, or August 2020.

I enclose a fact sheet to provide further information on the Notice.

Yours sincerely

Hon Elise Archer MP
Attorney-General
Minister for Justice

TASMANIA

COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020

NOTICE UNDER SECTION 13

I, PETER CARL GUTWEIN, the Premier, in pursuance of section 13 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, being of the opinion that the relevant emergency circumstances exist in relation to this notice and with the approval of the emergency manager, declare that the Saturday in the month that the Governor may by proclamation appoint under section 19(4) of the *Constitution Act 1934* in behalf of the next periodical election, of Members of the Council, to be held in the year 2020, shall be extended to a Saturday as fixed in the month of June, July or August in that year.

Dated.....15.4.20

Signed.....

ADVICE OF CHIEF PARLIAMENTARY COUNSEL***Notice under s 13 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020***

I advise that this statutory rule –

- (a) appears to be within the powers conferred by the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*; and
- (b) does not appear, without clear and express authority being provided by any Act, to –
 - (i) have any retrospective effect; or
 - (ii) impose any tax, fee, fine, imprisonment or other penalty; or
 - (iii) sub-delegate powers delegated by the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*; and
- (c) appears to be within the general objectives of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*; and
- (d) is expressed in as clear and unambiguous language as is reasonably possible.

Dated 8 April 2020.



Robyn Webb

Chief Parliamentary Counsel

Fact sheet

Notice under section 13 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* – Legislative Council periodic elections

Background:

- Legislative Council periodic elections occur in compliance with the *Constitution Act 1934* and the *Electoral Act 2004*.
- Polling days for periodic elections for the Legislative Council are either on the first Saturday in May, or, if proclaimed by the Governor, on another Saturday in May.
- In 2020, periodic elections were scheduled to be held for the Legislative Council divisions of Huon and Rosevears, with the polling day fixed as 30 May 2020.
- On 5 April 2020, the Government announced that the Legislative Council periodic elections for the divisions of Huon and Rosevears would be deferred as part of measures to protect Tasmanians against the spread of coronavirus.
- On 15 April 2020, the Governor revoked the proclamation fixing 30 May 2020 as the polling day for the periodic elections.
- On 17 April 2020, the Tasmanian Electoral Commission resolved not to conduct the Legislative Council periodic elections in May 2020.

Notice:

- Section 13 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (the Act) allows the Minister to declare, by notice, that a period by which an action must be taken under a provision of an Act is reduced or extended.
- A notice issued under section 13 of the Act requires the approval of the emergency manager.
- The notice under section 13 of the Act, issued by the Premier on 15 April 2020, allows the polling day for the Legislative Council periodic elections for Huon and Rosevears to be a Saturday in either June, July or August 2020, as fixed by proclamation. The notice was issued with the approval of the emergency manager.



Joint Standing Committee Subordinate Legislation

5 May 2020

The Hon Elise Archer MP
Attorney-General
10th Floor
15 Murray Street
HOBART 7000

Dear Attorney-General

**Notices issued under sections 13 and 22 of the
COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020
(Periodical Election of Members of the Legislative Council) and (Provision of a
Lease in relation to Premises, or part of a Premises)**

The Joint Standing Committee on Subordinate Legislation has recently considered the above Notices. At its meeting on 5 May 2020, the Committee resolved that I write to clarify whether the passing of the recent Covid-19 Disease Emergency Management (Miscellaneous Provisions) Bill (No. 2) may make the Notices redundant?

It would be appreciated if you would please provide a response at your early convenience.

Yours sincerely

A handwritten signature in black ink, reading "Tania Rattray".

TANIA RATTRAY MLC
CHAIR

Attorney-General
Minister for Justice
Minister for Corrections
Minister for Building and Construction
Minister for the Arts
Minister for Heritage

Level 10 15 Murray Street HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: +61 3 6165 7739
Email Minister.Archer@dpac.tas.gov.au



12 MAY 2020

Hon Tania Rattray MLC
Chair
Joint Standing Committee on Subordinate Legislation
Parliament House
HOBART TAS 7000


Dear Chair

Thank you for your letter dated 5 May 2020 about the notice issued by the Premier relating to the Legislative Council periodical elections.

I fully expect that the polling day for the Legislative Council periodical elections for the divisions of Huon and Rosevears will be appointed by proclamation relying on the provisions of Part 2 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act (No. 2) 2020* and the *Constitution Act 1934*. For that reason, I consider it likely that a proclamation issued by Her Excellency, the Governor, appointing a polling day, will not rely on the notice issued by the Premier on 15 April 2020 pursuant to section 13 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

The effect of the notice issued by the Premier was to extend the time in which the Governor could make a proclamation under section 19 of the *Constitution Act 1934*. It did not, however, require the Governor to make a proclamation within the extended period.

In those circumstances, the notice issued by the Premier on 15 April 2020 relating to the Legislative Council periodical elections will be redundant.

Yours sincerely



Hon Elise Archer MP
Attorney-General
Minister for Justice

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

TUESDAY 28 APRIL 2020

COMMENCEMENT

The Committee met at 11.00 am via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (Deputy Chair)

Ms Rattray (Chair)

Ms Webb

House of Assembly

Ms Standen

Mr Street

Mr Tucker

**NOTICES UNDER
COVID-19 DISEASE
EMERGENCY
(MISCELLENEOUS
PROVISIONS)
ACT 2020
(held-over)**

That the following Notices be held-over —

3. Notice under section 13 (periodical election, of Members of the Council)

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

FRIDAY 1 MAY 2020

COMMENCEMENT

The Committee at 11.02 am in Committee Room 2 and via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (Deputy Chair)

Ms Rattray (Chair)

Ms Webb (via Webex)

House of Assembly

Ms Standen (via Webex)

Mr Street

Mr Tucker

**SUPPORTING
CORRESPONDENCE
(NOTICE)**

Resolved, that the following supporting correspondence be received:

1. Letter dated 27 April 2020 from the Hon Elise Archer MP, Attorney-General and Minister for Justice regarding Notice under section 13 of the COVID-19 DISEASE EMERGENCY (MISCELLENEOUS PROVISIONS) ACT 2020 (periodical election, of Members of the Council)

**NOTICES UNDER
COVID-19 DISEASE
EMERGENCY
(MISCELLEANEOUS
PROVISIONS)
ACT 2020
(examined)**

That the following Notices be examined —

3. Notice under section 13 (periodical election, of Members of the Council)

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

TUESDAY 5 MAY 2020

COMMENCEMENT

The Committee at 11.02 am in Committee Room 2 and via Webex.

MEMBERS PRESENT

Legislative Council

*Ms Forrest (Deputy Chair)
(via Webex)
Ms Rattray (Chair) (via Webex)
Ms Webb (via Webex)*

House of Assembly

*Ms Standen (via Webex)
Mr Street (via Webex)
Mr Tucker (via Webex)*

**DRAFT REPORT 3 –
NOTICES UNDER
COVID-19 DISEASE
EMERGENCY
(MISCELLEANEOUS
PROVISIONS)
ACT 2020**

The Committee considered the draft report.

RESOLVED, that the draft report be adopted with amendments.

The Committee **AGREED** to write to the Attorney-General to seek clarification as to whether the following Notices may be made redundant:

2. Notice under Section 13 (Periodical Election of Members of the Council).

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

FRIDAY 8 MAY 2020

COMMENCEMENT

The Committee at 11.00 am in Committee Room 2 and via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (*Deputy Chair*)
Ms Rattray (*Chair*)
Ms Webb

House of Assembly

Ms Standen (*via Webex*)
Mr Street
Mr Tucker

**OUTWARDS
CORRESPONDENCE**

Resolved, that the following correspondence be endorsed:

3. Letter dated 5 May 2020 to the Hon Elise Archer MP, Attorney General regarding Notices under Section 13 (Periodical Election of Members of the Legislative Council and section 22 (Provision of a Lease in relation to Premises, or part of a Premises) of the *Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

FRIDAY 15 MAY 2020

COMMENCEMENT

The Committee at 11.02 am in Committee Room 2 and via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (*Deputy Chair*) (*via Webex*)
Ms Rattray (*Chair*)
Ms Webb (*via Webex*)

House of Assembly

Mr Street (*via Webex*)
Mr Tucker (*via Webex*)

Ms Standen took her place at 11.24 am.

**GENERAL
CORRESPONDENCE**

Resolved, that the following general correspondence be received:

3. Letter dated 12 May 2020 from Hon Elise Archer MP, Attorney General providing a response as to whether the section 13 Notice issued under *Covid-19 Disease*

Emergency (Miscellaneous Provisions) Act 2020 (Periodical Election of Members of the Legislative Council) will be redundant.

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

TUESDAY 26 MAY 2020

COMMENCEMENT

The Committee at 1.30 pm in Committee Room 2 and via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (*Deputy Chair*)(*via Webex*)
Ms Rattray (*Chair*) (*via Webex*)
Ms Webb (*via Webex*)

House of Assembly

Ms Standen (*via Webex*)
Mr Street (*via Webex*)
Mr Tucker (*via Webex*)

**ATTACHMENTS
ADDED TO DRAFT
REPORTS**

The Committee considered the proposed motions circulated in advance of today's meeting.

The *Deputy Chair* moved Motion No. 1 with amendments:

1. That each Report released by the Committee related to a Notice under the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, that all information provided to the committee related to the Notice be considered and agreed to, including incoming and outgoing correspondence, relevant Hansard and Minutes to be published with and as part of the Report.

The Committee ***RESOLVED*** to adopt Motion No. 1.

The *Deputy Chair* moved Motion No. 2:

2. That when any Report, prepared as in Motion 1 above, is tabled, either with the President or tabled in Parliament, as soon as is practicable the Report be published on the website as Reported and the Notice and supporting documents be removed from the section of the website where Notices under consideration are listed.

The Committee ***RESOLVED*** to adopt Motion No. 2.

The *Deputy Chair* moved Motion No. 3 with amendments:

3. That Reports 2, 3 and 4 of the Committee related to Notices under the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* be reconsidered and amended to include all relevant information,

related to the Notices as per Motion 1 above and be reissued as the Reports of the Committee.

The Committee **RESOLVED** to adopt Motion No. 3.

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

FRIDAY 29 MAY 2020

COMMENCEMENT

The Committee at 11.00 am in Committee Room 2 and via Webex.

MEMBERS PRESENT

Legislative Council

Ms Forrest (*Deputy Chair*)(*via Webex*)
Ms Rattray (*Chair*) (*via Webex*)

House of Assembly

Ms Standen (*via Webex*)
Mr Street (*via Webex*)
Mr Tucker (*via Webex*)

Ms Webb took her place at 11.05 am (*via Webex*)

**DRAFT ADDENDUM
REPORTS 2,3, & 4**

The Acting Secretary provided advice regarding the possible process to follow when reissuing Reports 2, 3 and 4 related to COVID-19 Notices. The additional information not attached to the previous Reports 2, 3 and 4 be included in an Addendum to each Report (to be considered and agreed to) and further, the Addendum Reports can then be tabled.

The Committee considered Draft Addendum Report 3.

The Committee **RESOLVED**, to adopt Draft Addendum Report 3.

The Committee **RESOLVED**, to table the Addendums to Reports 2, 3 and 4 next Wednesday, 3 June 2020.

Further, the Committee **RESOLVED**, that Addendums to Reports 2, 3 and 4 as agreed to, include today's minutes (once confirmed).

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

TUESDAY 2 JUNE 2020

COMMENCEMENT

The Committee met at 1.30 pm in Committee Room 2, Parliament House, Hobart

MEMBERS PRESENT

Legislative Council

Ms Forrest (Deputy Chair)
Ms Rattray (Chair)
Ms Meg Webb

House of Assembly

Ms Standen
Mr Street
Mr Tucker

MINUTES

ATTACHED TO

ADDENDUM REPORTS

2, 3 AND 4; REPORTS

5 AND 6 AND FUTURE

REPORTS OF THE

COMMITTEE

The Committee ***RESOLVED*** —

Minutes to be attached to Reports be confined to sections of the Minutes related to the notices under consideration for Addendum Reports 2, 3 and 4; Reports 5 and 6; and future Reports of the Committee.