



2020

# **Parliament of Tasmania**

**PARLIAMENTARY JOINT STANDING COMMITTEE**

## **SUBORDINATE LEGISLATION**

### **REPORT 7**

**SCRUTINY OF NOTICE ISSUED UNDER SECTION 23 OF THE  
*COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020*  
(*WAIVE TAXI ADMINISTRATION FEES IN 2020*)**

**SCRUTINY OF NOTICE ISSUED UNDER SECTION 19 OF THE  
*COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020*  
(*WATER MANAGEMENT ACT 1999*)**

**SCRUTINY OF NOTICE ISSUED UNDER SECTION 19 OF THE  
*COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020*  
(*LAND USE PLANNING AND APPROVALS ACT 1993*)**

**SCRUTINY OF NOTICE ISSUED UNDER SECTION 13 OF THE  
*COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020*  
(*LAND USE PLANNING AND APPROVALS ACT 1993*)**

**SCRUTINY OF NOTICE ISSUED UNDER SECTION 16 OF THE  
*COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020*  
(*STATE SERVICE ACT 2000*)**

#### **Members of the Committee**

**Ms Tania Rattray MLC (*Chair*)**  
**Ms Ruth Forrest MLC (*Deputy Chair*)**  
**Ms Meg Webb MLC**

**Ms Alison Standen MP**  
**Mr Nic Street MP**  
**Mr John Tucker MP**

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## Introduction

The Committee was appointed under the provisions of Section 3 of the *Subordinate Legislation Committee Act 1969* (No. 44 of 1969). Section 8 of the Act outlines the functions of the Committee, as follows –

- (a) to examine the provisions of every regulation, with special reference to the question whether or not –
  - (i) the regulation appears to be within the regulation-making power conferred by, or in accord with the general objects of, the Act pursuant to which it is made;
  - (ii) the form or purport of the regulation calls for elucidation;
  - (iii) the regulation unduly trespasses on personal rights and liberties;
  - (iv) the regulation unduly makes rights dependent on administrative decisions and not on judicial decisions; or
  - (v) the regulation contains matters that, in the opinion of the Committee, should properly be dealt with by an Act and not by regulation; and
- (b) to make such reports and recommendations to the Legislative Council and the House of Assembly as it thinks desirable as the result of any such examination.

### ***COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020 – SCRUTINY OF NOTICES***

The Parliament of Tasmania passed the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (the Act) on 26 March 2020. The Act prescribes a role for the Joint Standing Committee on Subordinate Legislation in the scrutiny of certain notices under the Act.

In response to this new scrutiny role, the Committee has given extensive consideration to an appropriate mechanism for it to report upon its deliberations on all notices gazetted under the Act in the interest of public transparency. The Committee will:

- Meet twice weekly on Tuesdays and Fridays until further notice;
- Publish a list of the notices to be discussed by the Committee, and documentation relating to notices to be examined by the Committee, to be published on the Committee website prior to each meeting; and
- Present regular reports to Parliament, which will contain further information in relation to the completed examinations of notice.

### **Notice under Section 23 (Waive Taxi Administration Fees in 2020)**

The Committee resolved at its meeting on Tuesday 2 June 2020 to invite the Minister and/or Departmental representatives to attend a Briefing to clarify the correspondence received via email 28 May 2020. Departmental representatives attended on Friday 5 June 2020.

Following consideration of the information clarified at the Briefing and further, via correspondence dated 10 June 2020, the Committee concluded its examination of the Notice at its meeting on Friday 5 June 2020 and **Resolved** the Notice be examined, noting that it was consistent with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* and the intent of the Parliament.

The supporting documentation provided by the Minister, all relevant correspondence relating to the Notice, and Minutes of Proceedings relevant to the Notice are attached to this Report for completeness.

#### **Notice under Section 19 (Water Management Act 1999)**

At its meeting on 5 June 2020, the Committee concluded its examination of the Notice and **RESOLVED** the Notice be examined, noting that it was consistent with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

The Committee wrote to the Premier suggesting that electronic access to Division 3 Dam Permits as provided for under this Notice, could be permanently extended through legislative change to the *Water Management Act 1999*. At the time of reporting, no response had been received.

The supporting documentation provided by the Premier, all relevant correspondence relating to the Notice and Minutes of Proceedings relevant to the Notice are attached to this Report for completeness.

#### **Notice under Section 19 (Land Use Planning and Approvals Act 1993)**

At its meeting on Friday 5 June 2020, the Committee concluded its examination of the Notice and **RESOLVED** the Notice be examined, noting that it was consistent with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* and the intent of the Parliament.

The supporting documentation provided by the Premier and Minutes of Proceedings relevant to the Notice are attached to this Report for completeness.

#### **Notice under Section 13 (Land Use Planning and Approvals Act 1993)**

At its meeting on Friday 5 June 2020, the Committee concluded its examination of the Notice and **RESOLVED** the Notice be examined, noting that it was consistent with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* and the intent of the Parliament.

The supporting documentation provided by the Premier and Minutes of Proceedings relevant to the Notice are attached to this Report for completeness.

**Notice under Section 16 (State Service Act 2000)**

At its meeting on Tuesday 11 June 2020, the Committee concluded its examination of the Notice and **RESOLVED** the Notice be examined, noting that it was consistent with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

The supporting documentation provided by the Premier and Minutes of Proceedings relevant to the Notice are attached to this Report for completeness.

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

Tania Rattray MLC  
**CHAIR**

16 June 2020

Minister for Finance  
Minister for Infrastructure and Transport  
Minister for State Growth  
Minister for Science and Technology  
Leader of the House



Level 5, 4 Salamanca Place, Hobart  
Public Buildings, 53 St John Street, Launceston  
GPO Box 123, HOBART TAS 7001  
Phone: (03) 6165 7701; Email: [Michael.Ferguson@dpac.tas.gov.au](mailto:Michael.Ferguson@dpac.tas.gov.au)

07 MAY 2020

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

Dear Chair

The current COVID-19 restrictions have created difficulties for various elements of the Tasmanian economy and the Government has sought to ease the pressure on businesses and individuals through various measures.

Please find attached a Notice under the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* to waive certain annual administration fees for the taxi industry. The Notice was approved by the Treasurer on 1 May 2020 and the notice is expected to be published in the Tasmanian Government Gazette on 13 May 2020.

I provide the Notice for the scrutiny of the Standing Committee as required under *the Subordinate Legislation Act 1992*.

Yours sincerely

Michael Ferguson MP  
Minister for Infrastructure and Transport

**Attachments:**

1. Copy of Notice under s. 23 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*
2. Advice of the Deputy Chief Parliamentary Counsel
3. Fact Sheet

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)(b) 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 sections 13, 29, 47 and 75 of the *Taxi and Hire Vehicle Industries Act 2008* ("the Act") –

- (a) an annual administration fee, payable under section 13 of the Act, is not payable by the owner of a perpetual taxi licence for the year commencing on 1 January 2020; and
- (b) an annual administration fee, payable under section 29 of the Act, is not payable by the holder of an owner-operator taxi licence for the year commencing on 1 January 2020; and
- (c) an annual administration fee, payable under section 47 of the Act, is not payable by the holder of a wheelchair-accessible taxi licence for the year commencing on 1 January 2020; and
- (d) an annual administration fee, payable under section 75 of the Act, is not payable by the holder of a luxury hire car licence for the year commencing on 1 January 2020.

Dated: 1.5.20

Signed:   
Treasurer

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**ADVICE OF DEPUTY 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 24 April, 2020.



K Woodward  
**Deputy Chief Parliamentary Counsel**

## **Standing Committee on Subordinate Legislation**

### **FACT SHEET**

#### **Notice to Waive Annual Taxi Administration Fees in 2020 under the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020***

The *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (COVID-19 Act) provides the power for the Treasurer to declare certain fees and charges not payable in order to provide relief from financial hardship resulting from the impacts of the coronavirus.

The taxi and hire vehicle industry has seen a reduction in usage in excess of 60 per cent, as travel across the community has been reduced in keeping with the Directions made by the Director of Public Health.

The attached Notice approved by the Treasurer was prepared by the Office of Parliamentary Counsel, and provides relief from annual administration fees for 2020 under the *Taxi and Hire Vehicle Industries Act 2008* for holders of:

- Perpetual taxi licences (section 13)
- Owner-operator taxi licences (section 29)
- Wheelchair-accessible taxi licences (section 47)
- Luxury hire car licences (section 75).

Section 24 of the COVID-19 Act allows the Transport Commission to refund or defer administration fees for taxi licences. It does not, however, provide the power for the Transport Commission to waive the fees completely.

As the annual fees were due on 31 March 2020, the Transport Commission has exercised this power and approved deferral of those fees until later in the year, and the refunding of any amounts already paid. While this provides an interim solution, the full waiver can only be actioned in the short term through a Notice issued by the Treasurer as provided for in section 23 of the COVID-19 Act.



## Joint Standing Committee Subordinate Legislation

12 May 2020

The Michael Ferguson MP  
Minister for Infrastructure and Transport  
Level 5  
4 Salamanca Place  
HOBART 7000

Dear Minister

**Notice issued under section 23 of the  
COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020  
(Waive Taxi Administration Fees in 2020)**

The Joint Standing Committee on Subordinate Legislation has recently considered the above Notice. At its meeting today, the Committee resolved that I write to clarify whether the passing of the recent *COVID-19 Disease Emergency (Miscellaneous Provisions) (No.2) Act 2020* dealt with the following sections in the Notice:

*Perpetual taxi licenses (section 13);  
Owner-operator taxi licenses (section 29);  
Wheelchair-accessible taxi licenses (section 34); and  
Luxury hire car licenses (section 75).*

If so, therefore making the Notice 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

**From:** subleg  
**Sent:** Monday, 25 May 2020 9:53 AM  
**To:** Michael Ferguson <[michael.ferguson@parliament.tas.gov.au](mailto:michael.ferguson@parliament.tas.gov.au)>  
**Cc:** Tania. Rattray <[tania.rattray@parliament.tas.gov.au](mailto:tania.rattray@parliament.tas.gov.au)>; Julie Thompson <[julie.thompson@parliament.tas.gov.au](mailto:julie.thompson@parliament.tas.gov.au)>  
**Subject:** Subordinate Legislation Committee Correspondence

Good Morning Minister

The Subordinate Legislation Committee has requested that I follow up with you in relation to the attached letter as it appears a response to date has not been received.

Thank you for your assistance with this matter.

Regards  
Stuart



---

**Stuart Wright**

Clerk-Assistant and Usher of the Black Rod  
Chair, ANZACATT Education Committee  
Legislative Council  
Parliament of Tasmania  
Email: [stuart.wright@parliament.tas.gov.au](mailto:stuart.wright@parliament.tas.gov.au)  
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Minister for Finance  
Minister for Infrastructure and Transport  
Minister for State Growth  
Minister for Science and Technology  
Leader of the House



Level 5, 4 Salamanca Place, Hobart  
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Phone: (03) 6165 7701; Email: [Michael.Ferguson@dpac.tas.gov.au](mailto:Michael.Ferguson@dpac.tas.gov.au)

Hon Tania Rattray MLC  
Chair  
Parliamentary Standing Committee on Subordinate Legislation  
By email: [tania.rattray@parliament.tas.gov.au](mailto:tania.rattray@parliament.tas.gov.au)

Dear Chair *Tania*

Thank you for your letter regarding the Notice to Waive Taxi Administration Fees in 2020 and your query regarding its relationship to the measures that were included in the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act (No. 2) 2020*.

A review has been underway for some time working with stakeholders to design a new framework for the taxi industry. This led to the preparation of a draft On-demand Passenger Transport Services Industry (Miscellaneous Amendments) Bill, which was released for consultation with industry in late 2019, with feedback sought by 21 February 2020.

The Government had intended to finalise and introduce the Bill earlier this year, however, the legislative calendar was disrupted due to the coronavirus pandemic and Parliament temporarily adjourning.

To help mitigate the impacts of the coronavirus and respond to the challenges it posed, as you are aware the Government presented Parliament with two COVID-19 Miscellaneous Provisions Bills, which have since been passed and come into effect. These Acts include measures to reduce the financial hardship faced by the taxi industry as a result of the coronavirus pandemic, and also capture a time critical element of the On-demand Passenger Transport Bill.

In the first *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, mechanisms were included to provide support to the taxi industry to reduce the financial hardship faced due to the coronavirus pandemic.

Section 24 of the COVID-19 Act enabled the Transport Commission to refund or defer the annual administration fees for taxi licenses. These were due on 31 March 2020. This power was used and provided timely and interim relief.

However, the Government decided to take the further step of not only deferring the administration fee, but to waive the fees in full.

The Notice to Waive Taxi Administration Fees in 2020 approved by the Treasurer was prepared using section 23 of the COVID-19 Act to waive the annual administration fees for taxi license holders. It applies to taxi license holders described under the *Taxi and Hire Vehicle Industries Act 2008*, specifically:

- Perpetual taxi licenses (section 13)
- Owner-operator taxi licences (section 29)
- Wheelchair-accessible taxi licences (section 47)
- Luxury hire car licences (section 75)

As you noted in your letter, we have also included further support for the taxi industry in the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act (No. 2) 2020*. While complementary, these are separate measures and seek to address different matters.

Included in the COVID-19 Act (No.2) are the following provisions that provide support for the taxi industry:

1. **the annual release of taxi owner-operator licenses will not go ahead in 2020 as is normally required through the *Taxi and Hire Vehicle Industries Act 2008* (section 13)**

This section provides that the requirement under section 23(1) of the *Taxi and Hire Vehicle Industries Act 2008* to make available new licenses for issue each year does not apply in 2020.

The temporary halt on the release of new owner-operator taxi licenses was part of the framework discussed with the taxi industry and was included in the draft On-demand Passenger Transport Bill released for consultation earlier this year.

Including this measure in the COVID-19 Act (No.2) has enabled the implementation of the revised framework to continue despite the delay of the introduction of the draft On-demand Passenger Bill. It provides certainty and clarity to industry, is consistent with consultation to date and expectations set, and avoids the introduction of new licenses to the market at a time when the industry is facing a reduction in patronage due to the coronavirus pandemic.

2. **age limitations on taxi vehicles are temporarily waived (section 14)**

This mechanism will allow those taxies, including wheelchair accessible taxies, that will exceed the normal maximum vehicle age operating requirements (between five and seven years depending on the type of taxi) to continue operating during the emergency period.

This is a temporary measure and will reduce financial pressures on affected license holders, allowing them to make business investment decisions when the market situation is clearer. It will also help maintain a fleet of wheelchair accessible taxies for those in the community that rely on those services.

I trust this provides clarity on the purpose of the Notice, and the support that was included in the COVID-19 Acts for the taxi industry.

Yours sincerely



Michael Ferguson MP  
**Minister for Infrastructure and Transport**



## Joint Standing Committee Subordinate Legislation

3 June 2020

Hon Michael Ferguson MP  
Minister for Infrastructure and Transport  
via email: [michael.ferguson@parliament.tas.gov.au](mailto:michael.ferguson@parliament.tas.gov.au)

Dear Minister

**NOTICE UNDER SECTION 23**  
**COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020**  
**(WAIVE TAXI ADMINISTRATION FEES IN 2020)**

The Joint Standing Committee on Subordinate Legislation is currently considering the above Notice.

The Committee considered the correspondence received 28 May 2020 and requested that a briefing be arranged to provide Members further clarity regarding the contents of this correspondence (please find a copy attached).

It would be appreciated if this briefing could please take place at the Committee's next meeting on Friday, 5 June 2020 at 12.00 noon in Committee Room 2 or via Webex.

It would be appreciated if you would please confirm the availability of yourself or Departmental Officers who are available to attend to the Acting Secretary, Ms Julie Thompson on 0488 060 687 or via email at [subleg@parliament.tas.gov.au](mailto:subleg@parliament.tas.gov.au).

Yours sincerely

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

**TANIA RATTRAY MLC**  
CHAIR

w. 03 6212 2250 f. 03 6212 2345 m. 0488 009 642 e. [subleg@parliament.tas.gov.au](mailto:subleg@parliament.tas.gov.au)

*Encl. Copy of letter received 28 May 2020.*



**Minister for Finance**  
**Minister for Infrastructure and Transport**  
**Minister for State Growth**  
**Minister for Science and Technology**  
**Leader of the House**



Level 5, 4 Salamanca Place, Hobart  
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**10 JUN 2020**

Hon Tania Rattray MLC  
Chair  
Parliamentary Standing Committee on Subordinate Legislation  
By email: [tania.rattray@parliament.tas.gov.au](mailto:tania.rattray@parliament.tas.gov.au)

Dear Chair

Thank you for your letter regarding the Notice to Waive Taxi Administration Fees in 2020 and your query regarding its relationship to the measures that were included in the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act (No. 2) 2020*.

A review has been underway for some time working with stakeholders to design a new framework for the taxi industry. This led to the preparation of a draft On-demand Passenger Transport Services Industry (Miscellaneous Amendments) Bill, which was released for consultation with industry in late 2019, with feedback sought by 21 February 2020.

The Government had intended to finalise and introduce the Bill earlier this year, however, the legislative calendar was disrupted due to the coronavirus pandemic and Parliament temporarily adjourning.

To help mitigate the impacts of the coronavirus and respond to the challenges it posed, as you are aware the Government presented Parliament with two COVID-19 Miscellaneous Provisions Bills, which have since been passed and come into effect. These Acts include measures to reduce the financial hardship faced by the taxi industry as a result of the coronavirus pandemic, and also capture a time critical element of the On-demand Passenger Transport Bill.

In the first *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, mechanisms were included to provide support to the taxi industry to reduce the financial hardship faced due to the coronavirus pandemic.

Section 24 of the *COVID-19 Act* enabled the Transport Commission to refund or defer the annual administration fees for taxi licenses. These were due on 31 March 2020. This power was used and provided timely and interim relief.

However, the Government decided to take the further step of not only deferring the administration fee, but to waive the fees in full.



The Notice to Waive Taxi Administration Fees in 2020 approved by the Treasurer was prepared using section 23 of the COVID-19 Act to waive the annual administration fees for taxi license holders. It applies to taxi license holders described under the *Taxi and Hire Vehicle Industries Act 2008*, specifically:

- Perpetual taxi licenses (section 13)
- Owner-operator taxi licences (section 29)
- Wheelchair-accessible taxi licences (section 47)
- Luxury hire car licences (section 75)

As you noted in your letter, we have also included further support for the taxi industry in the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act (No. 2) 2020*. While complementary, these are separate measures and seek to address different matters.

Included in the COVID-19 Act (No.2), specifically sections 13 and 14, are the following provisions that provide support for the taxi industry:

**1. the annual release of taxi owner-operator licenses will not go ahead in 2020 as is normally required through the *Taxi and Hire Vehicle Industries Act 2008***

This section provides that the requirement under section 23(1) of the *Taxi and Hire Vehicle Industries Act 2008* to make available new licenses for issue each year does not apply in 2020.

The temporary halt on the release of new owner-operator taxi licenses was part of the framework discussed with the taxi industry and was included in the draft On-demand Passenger Transport Bill released for consultation earlier this year.

Including this measure in the COVID-19 Act (No.2) has enabled the implementation of the revised framework to continue despite the delay of the introduction of the draft On-demand Passenger Bill. It provides certainty and clarity to industry, is consistent with consultation to date and expectations set, and avoids the introduction of new licenses to the market at a time when the industry is facing a reduction in patronage due to the coronavirus pandemic.

**2. age limitations on taxi vehicles are temporarily waived**

This mechanism will allow those taxis, including wheelchair accessible taxis, that will exceed the normal maximum vehicle age operating requirements (between five and seven years depending on the type of taxi) to continue operating during the emergency period.

This is a temporary measure and will reduce financial pressures on affected license holders, allowing them to make business investment decisions when the market situation is clearer. It will also help maintain a fleet of wheelchair accessible taxis for those in the community that rely on those services.

I trust this provides clarity on the purpose of the Notice, and the support that was included in the COVID-19 Acts for the taxi industry.

Yours sincerely



Michael Ferguson MP  
Minister for Infrastructure and Transport

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**TUESDAY 12 MAY 2020**

**COMMENCEMENT**

The Committee at 11.02 am 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)*

**STAFF PRESENT**

*Stuart Wright, Secretary*

*Julie Thompson, Executive Assistant*

**SUPPORTING  
CORRESPONDENCE  
(NOTICE)**

***Resolved***, that the following supporting correspondence be received:

1. Letter dated 7 May 2020 from the Hon Michael Ferguson MP, Minister for Infrastructure and Transport regarding a Notice issued under *Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (Waive Annual Tax Administration Fees in 2020).

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

That the following Notices be held-over —

3. Notice under section 23 (Waive Tax Administration Fees in 2020)

The Committee had a discussion.

The Committee **RESOLVED** that the Chair write to the Minister seeking clarification as to whether the *COVID-19 Disease Emergency (Miscellaneous Provisions) (No.2) Act 2020* dealt with the sections listed in the Notice, therefore making the Notice redundant.

**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*)

**OUTWARDS  
CORRESPONDENCE**

***RESOLVED***, that the following outwards correspondence be endorsed:

2. Letter dated 12 May 2020 to the Hon Michael Ferguson MP, Minister for Infrastructure and Transport seeking advice as to whether the Notice issued under section 23 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) (No.2) Act 2020* dealt with the sections listed in the Notice, therefore making the Notice redundant.

Ms Standen took her place at 11.24 am.

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

That the following Notices be held-over —

1. Notice under section 23 (Waive Taxi Administration Fees in 2020)

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**FRIDAY 22 MAY 2020**

**COMMENCEMENT**

The Committee at 9.30 am in Committee Room 2.

**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 (Waive Taxi Administration Fees in 2020)

***RESOLVED***, that the Secretary follow-up on a response (by email) to correspondence dated 12/5.

**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)*

**OUTWARDS  
CORRESPONDENCE**

***Resolved***, that the following outwards correspondence be endorsed:

3. Email dated 25 May 2020 to Minister Ferguson MP, following-up on a response regarding Notice under section 23 (Waive Taxi Administration Fees in 2020).

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

That the following Notices be held-over—

2. Notice under section 23 (Waive Taxi Administration Fees in 2020).

**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)*

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

That the following Notices be held-over—

2. Notice under section 23 (Waive Taxi Administration Fees in 2020)

The *Chair* advised a response had been received from the Minister and will forward to Committee Members for consideration at the next meeting.

**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*

**GENERAL  
CORRESPONDENCE**

***Resolved***, that the following general correspondence be received:

1. Letter (no date) (email attaching letter received 28 May 2020) from Minister for Infrastructure and Transport, the Hon M D J Ferguson MP providing a response to question regarding redundancy of Notice section 23 of the *Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (Waive Taxi Administration Fees in 2020).

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

That the following Notices be held-over—

2. Notice under section 23 (Waive Taxi Administration Fees in 2020)

The Committee ***RESOLVED*** to invite the Minister and Departmental Officials to brief the Committee on Friday 5 June 2020 at 12 pm in relation to the correspondence received from the Minister (no date), email attaching correspondence received 28 May 2020.

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**FRIDAY 5 JUNE 2020**

**COMMENCEMENT**

The Committee met at 9.00 am in Committee Room 2, Parliament House, Hobart

**MEMBERS PRESENT**

**Legislative Council**

*Ms Forrest (Deputy Chair and took her seat at 10.54 am)*  
*Ms Rattray (Chair and took her seat at 10.54 am)*  
*Ms Meg Webb*

**House of Assembly**

*Ms Standen*  
*Mr Street*  
*Mr Tucker (Temporary Chair from 9.00am-10.33am)*

**OUTWARDS  
CORRESPONDENCE**

***Resolved***, that the following outwards correspondence be endorsed:

3. Letter dated 3 June 2020 to the Minister for Infrastructure and Transport, the Hon Michael Ferguson MP requesting a briefing in relation to correspondence received 28 May 2020 regarding Notice under section 23 *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (Waive Taxi Administration Fees in 2020).

**BRIEFING  
NOTICE UNDER  
SECTION 23 OF THE  
COVID-19 DISEASE  
EMERGENCY  
(MISCELLANEOUS  
PROVISIONS)  
ACT 2020 (WAIVE TAXI  
ADMINISTRATION  
FEES IN 2020)**

At 12.00 pm Babette Moate, Director Passenger Transport, Department of State Growth (via webex), Anne Beach, Director Projects and Policy, Department of State Growth (CR2) and Jodi De Cesare, Senior Adviser, Office of the Hon Michael Ferguson MP (via webex) briefed the Committee.

Briefing concluded at 12.12 pm.

The Committee ***AGREED*** to write to the Department requesting that a revised letter be provided clarifying matters identified in the Briefing.

The Acting Secretary drafted a letter.

The Committee **RESOLVED**, that the letter be adopted and sent.

The Committee **RESOLVED**, that the following Notice be examined—

1. Notice under section 23 (Waive Taxi Administration Fees in 2020)

The Acting Secretary to prepare a draft report.

The Committee **AGREED** to include clarification letter from the Department in draft report.

#### **JOINT STANDING COMMITTEE**

### **SUBORDINATE LEGISLATION**

**THURSDAY 11 JUNE 2020**

#### **COMMENCEMENT**

The Committee met at 10.32 am via Webex and Committee Room 2, Parliament House, Hobart.

#### **MEMBERS PRESENT**

##### **Legislative Council**

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

##### **House of Assembly**

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

#### **OUTWARDS CORRESPONDENCE**

**Resolved**, that the following outwards correspondence be endorsed:

2. Letter dated 5 June 2020 to the Minister for Infrastructure and Transport, the Hon Michael Ferguson MP clarifying matters identified in today's briefing regarding Notice under section 23 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (Waive Taxi Administration Fees in 2020).

#### **GENERAL CORRESPONDENCE**

**Resolved**, that the following general correspondence be received:

2. Letter dated 10 June 2020 from the Minister for Infrastructure and Transport, the Hon Michael Ferguson MP providing a further response to clarify the correspondence received via email 28 May 2020.



**DRAFT REPORT**  
**No. 7**  
**SECTION 23**  
**(WAIVE TAXI**  
**ADMINISTRATION**  
**FEES IN 2020);**  
**SECTION 19**  
**(WATER MANAGEMENT**  
**ACT 1999);**  
**SECTION 19**  
**(LAND USE PLANNING**  
**AND APPROVALS ACT**  
**1993); AND**  
**SECTION 13**  
**(LAND USE PLANNING**  
**AND APPROVALS ACT**  
**1993)**

The Committee considered Draft Report No. 7.

The Committee amended Draft Report No. 7.

The Committee **RESOLVED** to hold-over Draft Report No. 7.

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**TUESDAY 16 JUNE 2020**

**COMMENCEMENT**

The Committee met at 1.30 pm via Webex and Committee Room 2, Parliament House, Hobart.

**MEMBERS PRESENT**

**Legislative Council**

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

**House of Assembly**

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

**DRAFT REPORT**  
**No. 7**  
**SECTION 23**  
**(WAIVE TAXI**  
**ADMINISTRATION**  
**FEES IN 2020);**  
**SECTION 19**  
**(WATER MANAGEMENT**  
**ACT 1999);**  
**SECTION 19**  
**(LAND USE PLANNING**  
**AND APPROVALS ACT**  
**1993);**  
**SECTION 13**  
**(LAND USE PLANNING**  
**AND APPROVALS ACT**

**1993); AND**  
**SECTION 16**  
**(STATE SERVICE**  
**ACT 2000)**

The Committee considered Draft Report No. 7.

The Committee amended Draft Report No. 7.

The Committee ***RESOLVED*** —

1. Draft Report No. 7 as amended, be adopted with all relevant attachments including today's Minutes (once confirmed); and
2. Presented to the President out of session by Ms *Webb* and tabled by Mr *Tucker* in the House Assembly.



PREMIER OF TASMANIA

28 MAY 2020

Mr Stuart Wright  
Secretary  
Joint Standing Committee on Subordinate Legislation  
Parliament House  
HOBART TAS 7000

Dear Mr Wright

**Notice Under Section 19 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* for the consideration of the Joint Standing Committee on Subordinate Legislation**

On 20 May 2020, a Notice under Section 19 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (the COVID-19 Act) were published in the *Tasmanian Government Gazette*. The Notices provides for the public exhibition of Division 3 dam applications under the *Water Management Act 1999* to be published via electronic means – namely a website, during the COVID-19 pandemic emergency.

Section 7(3) of the Act specifies that, if a Minister issues a notice under the Act, he or she, within 14 days, is to send to the Joint Standing Committee on Subordinate Legislation (the Committee) a copy of the notice.

Section 7 (4) of the Act specifies that, sections 7(4), 8 and 9 of the *Subordinate Legislation Committee Act 1969* apply to a copy of a notice sent to the Committee under section 7(3) of the COVID-19 Act as if the notice were regulations.

Please find attached copies of the following documents:

- Notice Under Section 19 of the COVID-19 Act (refer to Attachment 1);
- Ministerial Notice Statement outlining the rationale for, and effect of, the Notice (refer to Attachment 2); and
- the advice given by the Chief Parliamentary Counsel in respect of the notice (refer to Attachment 3).

Yours sincerely

Peter Gutwein MP  
**Premier**

*Attachments*

- A Letter to Joint Standing Committee on Subordinate Legislation
- 1 Notice Under Section 19
  - 2 Ministerial Statement Notice
  - 3 Advice of Chief Parliamentary Counsel regarding the Notice under section 19

TASMANIA

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*

**NOTICE UNDER SECTION 19**

I, PETER CARL GUTWEIN, the Premier, in pursuance of section 19 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 –

- (a) despite section 145 of the *Water Management Act 1999*, a requirement specified in that provision for a document, or information, to be available for inspection, or displayed, is taken to be satisfied if the document, or information, is available –
  - (i) for viewing by members of the public, at a website of the Department of Primary Industries, Parks, Water and Environment (the Department); or
  - (ii) in hard copy, on request by telephone to the Department and for a fee representing the cost of reproducing the document or information, by posting the hard copy to the person who requested the copy; and
- (b) despite section 146 of the *Water Management Act 1999*, if submissions may be made, or withdrawn, in respect of a document or information, it is sufficient if those submissions, in addition to any other method, are made, or withdrawn, by an electronic method.

Dated:.....15.5.20.....

Signed:.....

Premier

# Standing Committee on Subordinate Legislation

## *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*

### Ministerial Notice Statement

The attached Ministerial Notice is issued pursuant to sections 19 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (the Act).

The State Controller has approved the issuing of the Notice as required under section 6 of the Act.

The Notice was Gazetted and commenced on 20 May 2020. The Notice will be in force for a period of 12 months from its commencement date, unless it is earlier revoked.

Officers from the Department of Primary Industries, Parks, Water and Environment's Water and Marine Resources Division are available to brief the Committee on the effect of the Notice in more detail, if requested.

### **Reasons for the Notice**

Section 145 and 146 of the *Water Management Act 1995* provide for the public inspection of applications for a Division 3 Dam Permit, and the making of representations in relation to those applications.

The process normally involves publishing a Public Notice in the local newspaper and inviting interested parties to physically inspect the Division 3 Dam Permit application and supporting documentation at an office of the Department of Primary Industries, Parks, Water and Environment.

Due to the current COVID-19 restrictions on non-essential travel and social distancing, it is not possible to provide for the physical inspection of the Division 3 Dam Permit application and supporting information. Further it is not possible to assess and approve Division 3 Dam Permit applications without providing for the public inspection of the applications before granting the permit.

The Department will make Division 3 Dam Permit Applications and supporting information available to the public via a Departmental website. Applications will be available via a time

limited link that will expire at the end of the 14 days of the exhibition period. Copies of the Division 3 Dam Permit Application and supporting documentation will also be made available in hard copy and posted to interested parties on request for a fee.

The Department will by Public Notice in the relevant local newspaper advise the public of the public exhibition period for a Division 3 Dam Permit Application, and advising of the web address the applications can be viewed at, or where to request a hard copy, and the date by which representations are to be received.

## **Effect of the Notice**

The Ministerial Notices provide for the following:

1. **Documents associated with Division 3 Dam permit applications that are required to be available for inspection at Department of Primary Industries, Parks, Water and Environment premises under the *Water Management Act 1999* can instead be made accessible on a Departmental website, or in hard copy for a fee upon request (section 19).**

## ADVICE OF DEPUTY CHIEF PARLIAMENTARY COUNSEL

***Notice under section 19 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 May, 2020.



Katherine Woodward  
Deputy Chief Parliamentary Counsel



## Joint Standing Committee Subordinate Legislation

5 June 2020

The Hon Peter Gutwein MP  
Premier of Tasmania  
c/o email

Dear Premier

**Notice issued under section 19 of the  
COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020  
(WATER MANAGEMENT ACT 1999)**

The Joint Standing Committee on Subordinate Legislation is currently considering the above Notice. At its meeting on 2 June, the Committee discussed this Notice, acknowledging that the provision created under this Notice that enables the access of Division 3 Dam Permits to be accessed via the Department of Primary Industries, Parks, Water and Environment (DPIPWE) website. The Committee noted the positive impact of this decision that removed the requirement for individuals to physically visit a DPIPWE office to access the documents related to these Permits and expressed the view this provision should be an ongoing option.

The Committee resolved that I seek your consideration of providing this access following the end of the application of this Notice. If this is to be supported, will you give consideration to amending the *Water Management Act 1999* to include a similar provision as to the effect that this Notice establishes in a timely manner?

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

w. 03 6212 2250 f. 03 6212 2345 m. 0488 060 e. [subleg@parliament.tas.gov.au](mailto:subleg@parliament.tas.gov.au)

Cc Minister for Primary Industries and Water, the Hon Guy Barnett MP



**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**FRIDAY 22 MAY 2020**

**COMMENCEMENT**

The Committee at 9.30 am in Committee Room 2.

**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 —

4. Notice under section 19 (*Water Management Act 1999*)

**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)*

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

That the following Notices be held-over—

4. Notice under section 19 (*Water Management Act 1999*)

**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)

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

That the following Notices be held-over—

4. Notice under section 19 (*Water Management Act 1999*)

**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

**SUPPORTING  
CORRESPONDENCE  
(Notice)**

***Resolved***, that the following supporting correspondence be received:

2. Letter dated 28 May 2020 from the Premier, the Hon Peter Gutwein MP providing supporting paperwork regarding Notice under section 19 of the *Covid-19 Disease*

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

That the following Notices be held-over—

4. Notice under section 19 (*Water Management Act 1999*)

The Committee **RESOLVED** to write to the Minister regarding consideration of including an amendment to the *Water Management Act 1999*. to enable ongoing electronic access to relevant Dam Permits beyond the emergency period.

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**FRIDAY 5 JUNE 2020**

**COMMENCEMENT**

The Committee met at 9.00 am in Committee Room 2, Parliament House, Hobart

**MEMBERS PRESENT**

**Legislative Council**

*Ms Forrest (Deputy Chair and took her seat at 10.54 am)  
Ms Rattray (Chair and took her seat at 10.54 am)  
Ms Meg Webb*

**House of Assembly**

*Ms Standen  
Mr Street  
Mr Tucker (Temporary Chair from 9.00am-10.33am)*

**DRAFT  
CORRESPONDENCE**

The Committee considered the draft correspondence.

1. Letter to the Premier regarding section 19 Notice (*Water Management Act 1999*).

The Committee **RESOLVED** that the draft correspondence be adopted and sent to the Premier.

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

That the following Notices be examined —

1. Notice under section 19 (*Water Management Act 1999*)

**RESOLVED**, that the Acting Secretary prepare draft Reports.

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**THURSDAY 11 JUNE 2020**

**COMMENCEMENT**

The Committee met at 10.32 am via Webex and Committee Room 2, Parliament House, Hobart.

**MEMBERS PRESENT**

**Legislative Council**

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

**House of Assembly**

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

**OUTWARDS  
CORRESPONDENCE**

**Resolved**, that the following outwards correspondence be endorsed:

1. Letter dated 5 June 2020 to the Premier, the Hon Peter Gutwein MP regarding section 19 Notice (*Water Management Act 1999*) regarding consideration of including an amendment to the *Water Management Act 1999* to enable ongoing electronic access to relevant Dam Permits beyond the emergency period.

**DRAFT REPORT  
No. 7  
SECTION 23  
(WAIVE TAXI  
ADMINISTRATION  
FEES IN 2020);  
SECTION 19  
(WATER MANAGEMENT  
ACT 1999);  
SECTION 19  
(LAND USE PLANNING  
AND APPROVALS ACT  
1993); AND  
SECTION 13**

**(LAND USE PLANNING  
AND APPROVALS ACT  
1993)**

The Committee considered Draft Report No. 7.

The Committee amended Draft Report No. 7.

The Committee **RESOLVED** to hold-over Draft Report No. 7.

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**TUESDAY 16 JUNE 2020**

**COMMENCEMENT**

The Committee met at 1.30 pm via Webex and Committee Room 2, Parliament House, Hobart.

**MEMBERS PRESENT**

**Legislative Council**

*Ms Rattray (Chair) (via Webex)*

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

*Ms Meg Webb (via Webex)*

**House of Assembly**

*Ms Standen (via Webex)*

*Mr Street (via Webex)*

*Mr Tucker (via Webex)*

**DRAFT REPORT**

**No. 7**

**SECTION 23**

**(WAIVE TAXI**

**ADMINISTRATION**

**FEES IN 2020);**

**SECTION 19**

**(WATER MANAGEMENT**

**ACT 1999);**

**SECTION 19**

**(LAND USE PLANNING**

**AND APPROVALS ACT**

**1993);**

**SECTION 13**

**(LAND USE PLANNING**

**AND APPROVALS ACT**

**1993); AND**

**SECTION 16**

**(STATE SERVICE**

**ACT 2000)**

The Committee considered Draft Report No. 7.

The Committee amended Draft Report No. 7.

The Committee **RESOLVED** —

1. Draft Report No 7 as amended, be adopted with all relevant attachments including today's Minutes (once confirmed); and
2. Presented to the President out of session by Ms Webb and tabled by Mr Tucker in the House Assembly.



PREMIER OF TASMANIA

27 MAY 2020

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

By Email - [tania.rattray@parliament.tas.gov.au](mailto:tania.rattray@parliament.tas.gov.au)

Dear Ms Rattray

Please find enclosed a copy of Notices issued by me as Premier pursuant to sections 13 and 19 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

The Notices were signed on 15 May 2020 and were published in the Gazette on 22 May 2020.

The Notices provide for the following:

- 1. 6 month extension to the current timeframe required to substantially commence a use or development in accordance with a permit issued under the Land Use Planning and Approvals Act 1993 (Section 13 Notice)**

Section 53(5) of the Land Use Planning and Approvals Act 1993 provides 2 years from the granting of a planning permit for the proponent to substantially commence the approved use or development. A further 4 years may be granted by the local council administering the permit in 2 year increments, providing a total of 6 years to substantially commence. Failure to substantially commence the use or development within this specified period means that the planning permit lapses and the proponent must then reapply to the local council for a new permit.

Proponents having difficulty in commencing developments under existing permits have started approaching the Government seeking extensions of time. Issues include difficulties in gaining secondary approvals and the restrictions on the movement of people and the reduced numbers of people available to carry out development activity during the COVID-19 emergency.

The Notice provides an additional 6 months to the final 2 year extension that may be granted by local councils under section 53(5)(c) of the Land Use Planning and Approvals Act 1993.

- 2. The public exhibition of relevant documents for draft Local Provisions Schedules and amendments to Local Provisions Schedules and the State Planning Provisions, required under the Land Use Planning and Approvals Act 1993 and the Land Use Planning and Approvals Regulations 2014, to be undertaken in an alternate 'approved manner' (Section 19 Notice)**

The Land Use Planning and Approvals Act 1993 (LUPAA) and Land Use Planning and Approvals Regulations 2014 (LUPA Regulations) require the relevant exhibition documents for draft Local Provisions Schedules (LPSs) and amendments to LPSs to be available for viewing at the councils offices in addition to the Tasmanian Planning Commission's offices. LUPAA requires the relevant exhibition documents for amendments to the State Planning Provisions (SPPs) to be available for viewing at the Commission's offices.

The majority of council offices are now closed to the public, which has implications for the public exhibition of documents for draft LPSs. While the Commission's office is currently open to the public, and many council offices are likely to reopen to the public in the coming weeks, alternative exhibition arrangements are still required to assist those who may feel uncomfortable with using council facilities, or are unable to leave their homes, during the COVID-19 emergency.

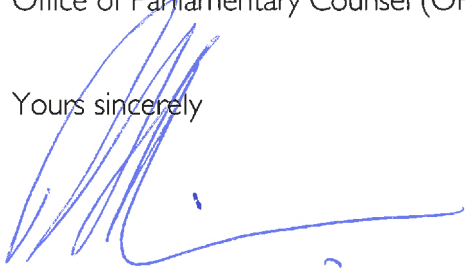
The section 19 Notice provides alternative arrangements for public exhibition of the relevant exhibition documents for draft LPSs and provides the same arrangements for any amendments proposed to the LPSs, once approved, along with any amendments that may be proposed to the State Planning Provisions during the COVID-19 emergency.

For draft LPSs and amendments to LPSs, the relevant exhibition documents can be viewed at the council's website and the Commission's website, or can be made available in a digital or hardcopy format on request for a fee. Similarly, the relevant exhibition documents for amendments to the SPPs can be viewed on the Commission's website, or can be made available in a digital or hardcopy format on request for a fee.

This approach is similar to the recently issued section 19 Notice providing alternative arrangements for the public exhibition of development applications and amendments to existing planning schemes. This section 19 Notice provides an addition option of providing the relevant exhibition documents in a digital format (e.g. on a CD/DVD or USB drive), which will assist if there is large volume of documents available.

I enclose a fact sheet to provide further information on the Notices and the Advice provided by the Office of Parliamentary Counsel (OPC) under section 7(2) of the *Subordinate Legislation Act 1992*.

Yours sincerely



Peter Gutwein MP  
**Premier**

Attachments –

- Signed Notices for s13 and s19
- Fact Sheet
- OPC Advice for Notices under s13 and s19

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 further period specified in section 53(5)(c) of the *Land Use Planning and Approvals Act 1993*, at the end of which a permit lapses, is extended by a period of 6 months if the permit was in effect immediately before the day on which the making of this notice is published in the *Gazette*.

Dated:  .....

Signed: 15.5.20 .....

Premier

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TASMANIA

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*

**NOTICE UNDER SECTION 19**

I, PETER CARL GUTWEIN, the Premier, in pursuance of section 19 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 –

- (a) despite any provision specified in Schedule 1 to this notice, a requirement specified in the provision for a document, or information, to be available for inspection, or displayed, is taken to be satisfied if –
  - (i) the document, or the information, is available in hard copy or in a digital format, on request by telephone and for a fee representing the cost of reproducing the document or information, either –
    - (A) for collection from a place nominated by an officer of the relevant planning authority; or
    - (B) by posting the copy of the document or information to the person who requested the copy; and
  - (ii) the document, or the information, is available for viewing by members of the public at a website of the relevant planning authority; and
  - (iii) if submissions may be made in respect of the document, or information, under section 80Q of the *Land Use Planning and Approvals Act 1993*, persons may make such submissions by electronic means or by document delivered to the relevant planning authority; and
- (b) despite any provision specified in Schedule 2 to this notice, a requirement specified in the provision for a document, or information, to be available for inspection, or displayed, is taken to be satisfied if –
  - (i) the document, or the information, is available in hard copy or in a digital format, on request by telephone and for a fee representing the cost of reproducing the document or information, either –

- (A) for collection from a place nominated by the Executive Commissioner; or
- (B) by posting the copy of the document or information to the person who requested the copy; and
- (ii) the document, or the information, is available for viewing by members of the public at a website of the Commission; and
- (iii) if submissions may be made in respect of the document, or information, under section 80Q of the *Land Use Planning and Approvals Act 1993*, persons may make such submissions by electronic means or by document delivered to the Commission; and
- (c) unless the contrary intention appears, an expression used in this notice that is defined in the *Land Use Planning and Approvals Act 1993* has the same meaning in this notice as it has in that Act.

Dated: 15/5/20

Signed:

Premier

## **SCHEDULE 1**

1. Section 35C(4)(b) of the *Land Use Planning and Approvals Act 1993*.
2. Section 35D(1)(a) and (b) of the *Land Use Planning and Approvals Act 1993*.
3. Section 40G(3)(b) of the *Land Use Planning and Approvals Act 1993*.
4. Section 40H(a) and (b) of the *Land Use Planning and Approvals Act 1993*.
5. Regulation 5(1)(b) of the *Land Use Planning and Approvals Regulations 2014*.
6. Regulation 8A(1)(b) of the *Land Use Planning and Approvals Regulations 2014*.

## **SCHEDULE 2**

1. Section 30K(3)(b) and (6) of the *Land Use Planning and Approvals Act 1993*.
2. Section 35D(2) of the *Land Use Planning and Approvals Act 1993*.

**ADVICE OF DEPUTY CHIEF PARLIAMENTARY COUNSEL*****Notice under section 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 13 May, 2020.



Katherine Woodward  
**Deputy Chief Parliamentary Counsel**

**ADVICE OF DEPUTY CHIEF PARLIAMENTARY COUNSEL*****Notice under section 19 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 13 May, 2020.



Katherine Woodward  
**Deputy Chief Parliamentary Counsel**

## MINISTERIAL NOTICE - FACT SHEET

The attached draft Ministerial Notices are issued pursuant to sections 13 and 19 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (the COVID-19 Act). The State Controller has approved the issuing of the Notices, as required under section 6 of the Act.

### Reasons for Notice(s)

The Tasmanian Government has been working to ensure continuity of government (including local government) services and administrative functions and to assist in mitigating certain financial and operational circumstances affecting business during the COVID-19 emergency.

The key areas that to be addressed include providing:

- an extension to the current timeframe required to substantially commence a use or development under a permit issued under the *Land Use Planning and Approvals Act 1993*; and
- providing alternative arrangements for the public exhibition of documents relating to draft Local Provisions Schedules and amendments to Local Provisions Schedules and the State Planning Provisions.

The Premier considers that the issuing of the attached Notices is necessary to effectively manage immediate business continuity for State and local government for implementing the current planning reforms and to assists businesses commencing works under existing planning permits. The attached Notices are considered to be consistent with the objectives of the COVID-19 Act and the emergency circumstances specified in sections 5(2)(c) and 5(2)(d) of the COVID-19 Act are considered to exist in relation to the Notices.

Consultation with the local government sector and the business community regarding continuity of services and functions during the COVID-19 emergency is ongoing.

### Effect of Notice(s)

The Ministerial Notices provide for the following:

- 1. 6 month extension to the current timeframe required to substantially commence a use or development in accordance with a permit issued under the *Land Use Planning and Approvals Act 1993* (Section 13 Notice)**

Section 53(5) of the *Land Use Planning and Approvals Acts 1993* provides 2 years from the granting of a planning permit for the proponent to substantially commence the approved use or development. A further 4 years may be granted by the local council administering

the permit in 2 year increments, providing a total of 6 years to substantially commence. Failure to substantially commence the use or development within this specified period means that the planning permit lapses and the proponent must then reapply to the local council for a new permit.

Proponents having difficulty in commencing developments under existing permits have started approaching the Government seeking extensions of time. Issues include difficulties in gaining secondary approvals and the restrictions on the movement of people and the reduced numbers of people available to carry out development activity during the COVID-19 emergency.

The Notice provides an additional 6 months to the final 2 year extension that may be granted by local councils under section 53(5)(c) of the *Land Use Planning and Approvals Act 1993*.

**2. the public exhibition of relevant documents for draft Local Provisions Schedules and amendments to Local Provisions Schedules and the State Planning Provisions, required under the *Land Use Planning and Approvals Act 1993* and the *Land Use Planning and Approvals Regulations 2014*, to be undertaken in an alternate ‘approved manner’ (Section 19 Notice)**

The *Land Use Planning and Approvals Act 1993* (LUPAA) and *Land Use Planning and Approvals Regulations 2014* (LUPA Regulations) require the relevant exhibition documents for draft Local Provisions Schedules (LPSs) and amendments to LPSs to be available for viewing at the councils offices in addition to the Tasmanian Planning Commission’s offices. LUPAA requires the relevant exhibition documents for amendments to the State Planning Provisions (SPPs) to be available for viewing at the Commission’s offices.

The majority of council offices are now closed to the public, which has implications for the public exhibition of documents for draft LPSs. While the Commission’s office is currently open to the public, and many council offices are likely to reopen to the public in the coming weeks, alternative exhibition arrangements are still required to assist those who may feel uncomfortable with using council facilities, or are unable to leave their homes, during the COVID-19 emergency.

The section 19 Notice provides alternative arrangements for public exhibition of the relevant exhibition documents for draft LPSs and provides the same arrangements for any amendments proposed to the LPSs, once approved, along with any amendments that may be proposed to the State Planning Provisions during the COVID-19 emergency.

For draft LPSs and amendments to LPSs, the relevant exhibition documents can be viewed at the council’s website and the Commission’s website, or can be made available in a digital or hardcopy format on request for a fee. Similarly, the relevant exhibition documents for amendments to the SPPs can be viewed on the Commission’s website, or can be made available in a digital or hardcopy format on request for a fee.

This approach is similar to the recently issued section 19 Notice providing alternative arrangements for the public exhibition of development applications and amendments to existing planning schemes. This section 19 Notice provides an addition option of providing the relevant exhibition documents in a digital format (e.g. on a CD/DVD or USB drive), which will assist if there is large volume of documents available.

**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)

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

That the following Notices be held-over—

5. Notice under section 19 (*Land Use Planning and Approvals Act 1993*)

**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)

**SUPPORTING  
CORRESPONDENCE  
(Notice)**

***Resolved***, that the following supporting correspondence be received:

1. Letter dated 27 May 2020 from the Premier, the Hon Peter Gutwein MP providing supporting paperwork



regarding Notices under sections 13 and 19 of the *Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (*Land Use Planning and Approvals Act 1993*).

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

That the following Notices be held-over—

6. Notice under section 19 (*Land Use Planning and Approvals Act 1993*)

**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

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

That the following Notices be held-over—

5. Notice under section 19 (*Land Use Planning and Approvals Act 1993*)

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**FRIDAY 5 JUNE 2020**

**COMMENCEMENT**

The Committee met at 9.00 am in Committee Room 2, Parliament House, Hobart

## **MEMBERS PRESENT**

### **Legislative Council**

Ms Forrest (*Deputy Chair and took her seat at 10.54 am*)  
Ms Rattray (*Chair and took her seat at 10.54 am*)  
Ms Meg Webb

### **House of Assembly**

Ms Standen  
Mr Street  
Mr Tucker (*Temporary Chair from 9.00am-10.33am*)

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

That the following Notices be examined —

2. Notice under section 19 (*Land Use Planning and Approvals Act 1993*)

**RESOLVED**, that the Acting Secretary prepare draft Reports.

## **JOINT STANDING COMMITTEE**

# **SUBORDINATE LEGISLATION**

**THURSDAY 11 JUNE 2020**

## **COMMENCEMENT**

The Committee met at 10.32 am via Webex and Committee Room 2, Parliament House, Hobart.

## **MEMBERS PRESENT**

### **Legislative Council**

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

### **House of Assembly**

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

## **DRAFT REPORT**

**No. 7**

**SECTION 23**

**(WAIVE TAXI**

**ADMINISTRATION**

**FEES IN 2020);**

**SECTION 19**

**(WATER MANAGEMENT**

**ACT 1999);**

**SECTION 19**

**(LAND USE PLANNING**

**AND APPROVALS ACT**

**1993); AND**

**SECTION 13**

**(LAND USE PLANNING**

**AND APPROVALS ACT**

**1993)**

The Committee considered Draft Report No. 7.

The Committee amended Draft Report No. 7.

The Committee **RESOLVED** to hold-over Draft Report No. 7.

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**TUESDAY 16 JUNE 2020**

**COMMENCEMENT**

The Committee met at 1.30 pm via Webex and Committee Room 2, Parliament House, Hobart.

**MEMBERS PRESENT**

**Legislative Council**

*Ms Rattray (Chair) (via Webex)*

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

*Ms Meg Webb (via Webex)*

**House of Assembly**

*Ms Standen (via Webex)*

*Mr Street (via Webex)*

*Mr Tucker (via Webex)*

**DRAFT REPORT**

**No. 7**

**SECTION 23**

**(WAIVE TAXI**

**ADMINISTRATION**

**FEES IN 2020);**

**SECTION 19**

**(WATER MANAGEMENT**

**ACT 1999);**

**SECTION 19**

**(LAND USE PLANNING**

**AND APPROVALS ACT**

**1993);**

**SECTION 13**

**(LAND USE PLANNING**

**AND APPROVALS ACT**

**1993); AND**

**SECTION 16**

**(STATE SERVICE**

**ACT 2000)**

The Committee considered Draft Report No. 7.

The Committee amended Draft Report No. 7.

The Committee **RESOLVED** —

1. Draft Report No 7 as amended, be adopted with all relevant attachments including today's Minutes (once confirmed); and
2. Presented to the President out of session by Ms Webb and tabled by Mr Tucker in the House Assembly.



PREMIER OF TASMANIA

27 MAY 2020

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

By Email - [tania.rattray@parliament.tas.gov.au](mailto:tania.rattray@parliament.tas.gov.au)

Dear Ms Rattray

Please find enclosed a copy of Notices issued by me as Premier pursuant to sections 13 and 19 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

The Notices were signed on 15 May 2020 and were published in the Gazette on 22 May 2020.

The Notices provide for the following:

- 1. 6 month extension to the current timeframe required to substantially commence a use or development in accordance with a permit issued under the Land Use Planning and Approvals Act 1993 (Section 13 Notice)**

Section 53(5) of the Land Use Planning and Approvals Act 1993 provides 2 years from the granting of a planning permit for the proponent to substantially commence the approved use or development. A further 4 years may be granted by the local council administering the permit in 2 year increments, providing a total of 6 years to substantially commence. Failure to substantially commence the use or development within this specified period means that the planning permit lapses and the proponent must then reapply to the local council for a new permit.

Proponents having difficulty in commencing developments under existing permits have started approaching the Government seeking extensions of time. Issues include difficulties in gaining secondary approvals and the restrictions on the movement of people and the reduced numbers of people available to carry out development activity during the COVID-19 emergency.

The Notice provides an additional 6 months to the final 2 year extension that may be granted by local councils under section 53(5)(c) of the Land Use Planning and Approvals Act 1993.

- 2. The public exhibition of relevant documents for draft Local Provisions Schedules and amendments to Local Provisions Schedules and the State Planning Provisions, required under the Land Use Planning and Approvals Act 1993 and the Land Use Planning and Approvals Regulations 2014, to be undertaken in an alternate 'approved manner' (Section 19 Notice)**

The Land Use Planning and Approvals Act 1993 (LUPAA) and Land Use Planning and Approvals Regulations 2014 (LUPA Regulations) require the relevant exhibition documents for draft Local Provisions Schedules (LPSs) and amendments to LPSs to be available for viewing at the councils offices in addition to the Tasmanian Planning Commission's offices. LUPAA requires the relevant exhibition documents for amendments to the State Planning Provisions (SPPs) to be available for viewing at the Commission's offices.

The majority of council offices are now closed to the public, which has implications for the public exhibition of documents for draft LPSs. While the Commission's office is currently open to the public, and many council offices are likely to reopen to the public in the coming weeks, alternative exhibition arrangements are still required to assist those who may feel uncomfortable with using council facilities, or are unable to leave their homes, during the COVID-19 emergency.

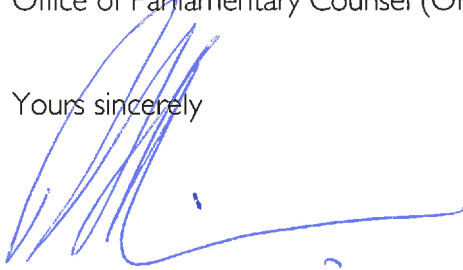
The section 19 Notice provides alternative arrangements for public exhibition of the relevant exhibition documents for draft LPSs and provides the same arrangements for any amendments proposed to the LPSs, once approved, along with any amendments that may be proposed to the State Planning Provisions during the COVID-19 emergency.

For draft LPSs and amendments to LPSs, the relevant exhibition documents can be viewed at the council's website and the Commission's website, or can be made available in a digital or hardcopy format on request for a fee. Similarly, the relevant exhibition documents for amendments to the SPPs can be viewed on the Commission's website, or can be made available in a digital or hardcopy format on request for a fee.

This approach is similar to the recently issued section 19 Notice providing alternative arrangements for the public exhibition of development applications and amendments to existing planning schemes. This section 19 Notice provides an addition option of providing the relevant exhibition documents in a digital format (e.g. on a CD/DVD or USB drive), which will assist if there is large volume of documents available.

I enclose a fact sheet to provide further information on the Notices and the Advice provided by the Office of Parliamentary Counsel (OPC) under section 7(2) of the *Subordinate Legislation Act 1992*.

Yours sincerely



Peter Gutwein MP  
**Premier**

Attachments –

- Signed Notices for s13 and s19
- Fact Sheet
- OPC Advice for Notices under s13 and s19

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 further period specified in section 53(5)(c) of the *Land Use Planning and Approvals Act 1993*, at the end of which a permit lapses, is extended by a period of 6 months if the permit was in effect immediately before the day on which the making of this notice is published in the *Gazette*.

Dated:  .....

Signed: 15.5.20 .....

Premier

---

TASMANIA

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*

**NOTICE UNDER SECTION 19**

I, PETER CARL GUTWEIN, the Premier, in pursuance of section 19 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 –

- (a) despite any provision specified in Schedule 1 to this notice, a requirement specified in the provision for a document, or information, to be available for inspection, or displayed, is taken to be satisfied if –
  - (i) the document, or the information, is available in hard copy or in a digital format, on request by telephone and for a fee representing the cost of reproducing the document or information, either –
    - (A) for collection from a place nominated by an officer of the relevant planning authority; or
    - (B) by posting the copy of the document or information to the person who requested the copy; and
  - (ii) the document, or the information, is available for viewing by members of the public at a website of the relevant planning authority; and
  - (iii) if submissions may be made in respect of the document, or information, under section 80Q of the *Land Use Planning and Approvals Act 1993*, persons may make such submissions by electronic means or by document delivered to the relevant planning authority; and
- (b) despite any provision specified in Schedule 2 to this notice, a requirement specified in the provision for a document, or information, to be available for inspection, or displayed, is taken to be satisfied if –
  - (i) the document, or the information, is available in hard copy or in a digital format, on request by telephone and for a fee representing the cost of reproducing the document or information, either –

- (A) for collection from a place nominated by the Executive Commissioner; or
- (B) by posting the copy of the document or information to the person who requested the copy; and
- (ii) the document, or the information, is available for viewing by members of the public at a website of the Commission; and
- (iii) if submissions may be made in respect of the document, or information, under section 80Q of the *Land Use Planning and Approvals Act 1993*, persons may make such submissions by electronic means or by document delivered to the Commission; and
- (c) unless the contrary intention appears, an expression used in this notice that is defined in the *Land Use Planning and Approvals Act 1993* has the same meaning in this notice as it has in that Act.

Dated: 15/5/20

Signed: 

Premier

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## **SCHEDULE 1**

1. Section 35C(4)(b) of the *Land Use Planning and Approvals Act 1993*.
2. Section 35D(1)(a) and (b) of the *Land Use Planning and Approvals Act 1993*.
3. Section 40G(3)(b) of the *Land Use Planning and Approvals Act 1993*.
4. Section 40H(a) and (b) of the *Land Use Planning and Approvals Act 1993*.
5. Regulation 5(1)(b) of the *Land Use Planning and Approvals Regulations 2014*.
6. Regulation 8A(1)(b) of the *Land Use Planning and Approvals Regulations 2014*.

## **SCHEDULE 2**

1. Section 30K(3)(b) and (6) of the *Land Use Planning and Approvals Act 1993*.
2. Section 35D(2) of the *Land Use Planning and Approvals Act 1993*.

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**ADVICE OF DEPUTY CHIEF PARLIAMENTARY COUNSEL*****Notice under section 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 13 May, 2020.



Katherine Woodward  
**Deputy Chief Parliamentary Counsel**

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

I advise that this statutory rule –

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  - (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 13 May, 2020.



Katherine Woodward  
**Deputy Chief Parliamentary Counsel**

## MINISTERIAL NOTICE - FACT SHEET

The attached draft Ministerial Notices are issued pursuant to sections 13 and 19 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (the COVID-19 Act). The State Controller has approved the issuing of the Notices, as required under section 6 of the Act.

### Reasons for Notice(s)

The Tasmanian Government has been working to ensure continuity of government (including local government) services and administrative functions and to assist in mitigating certain financial and operational circumstances affecting business during the COVID-19 emergency.

The key areas that to be addressed include providing:

- an extension to the current timeframe required to substantially commence a use or development under a permit issued under the *Land Use Planning and Approvals Act 1993*; and
- providing alternative arrangements for the public exhibition of documents relating to draft Local Provisions Schedules and amendments to Local Provisions Schedules and the State Planning Provisions.

The Premier considers that the issuing of the attached Notices is necessary to effectively manage immediate business continuity for State and local government for implementing the current planning reforms and to assists businesses commencing works under existing planning permits. The attached Notices are considered to be consistent with the objectives of the COVID-19 Act and the emergency circumstances specified in sections 5(2)(c) and 5(2)(d) of the COVID-19 Act are considered to exist in relation to the Notices.

Consultation with the local government sector and the business community regarding continuity of services and functions during the COVID-19 emergency is ongoing.

### Effect of Notice(s)

The Ministerial Notices provide for the following:

- 1. 6 month extension to the current timeframe required to substantially commence a use or development in accordance with a permit issued under the *Land Use Planning and Approvals Act 1993* (Section 13 Notice)**

Section 53(5) of the *Land Use Planning and Approvals Acts 1993* provides 2 years from the granting of a planning permit for the proponent to substantially commence the approved use or development. A further 4 years may be granted by the local council administering

the permit in 2 year increments, providing a total of 6 years to substantially commence. Failure to substantially commence the use or development within this specified period means that the planning permit lapses and the proponent must then reapply to the local council for a new permit.

Proponents having difficulty in commencing developments under existing permits have started approaching the Government seeking extensions of time. Issues include difficulties in gaining secondary approvals and the restrictions on the movement of people and the reduced numbers of people available to carry out development activity during the COVID-19 emergency.

The Notice provides an additional 6 months to the final 2 year extension that may be granted by local councils under section 53(5)(c) of the *Land Use Planning and Approvals Act 1993*.

**2. the public exhibition of relevant documents for draft Local Provisions Schedules and amendments to Local Provisions Schedules and the State Planning Provisions, required under the *Land Use Planning and Approvals Act 1993* and the *Land Use Planning and Approvals Regulations 2014*, to be undertaken in an alternate ‘approved manner’ (Section 19 Notice)**

The *Land Use Planning and Approvals Act 1993* (LUPAA) and *Land Use Planning and Approvals Regulations 2014* (LUPA Regulations) require the relevant exhibition documents for draft Local Provisions Schedules (LPSs) and amendments to LPSs to be available for viewing at the councils offices in addition to the Tasmanian Planning Commission’s offices. LUPAA requires the relevant exhibition documents for amendments to the State Planning Provisions (SPPs) to be available for viewing at the Commission’s offices.

The majority of council offices are now closed to the public, which has implications for the public exhibition of documents for draft LPSs. While the Commission’s office is currently open to the public, and many council offices are likely to reopen to the public in the coming weeks, alternative exhibition arrangements are still required to assist those who may feel uncomfortable with using council facilities, or are unable to leave their homes, during the COVID-19 emergency.

The section 19 Notice provides alternative arrangements for public exhibition of the relevant exhibition documents for draft LPSs and provides the same arrangements for any amendments proposed to the LPSs, once approved, along with any amendments that may be proposed to the State Planning Provisions during the COVID-19 emergency.

For draft LPSs and amendments to LPSs, the relevant exhibition documents can be viewed at the council’s website and the Commission’s website, or can be made available in a digital or hardcopy format on request for a fee. Similarly, the relevant exhibition documents for amendments to the SPPs can be viewed on the Commission’s website, or can be made available in a digital or hardcopy format on request for a fee.

This approach is similar to the recently issued section 19 Notice providing alternative arrangements for the public exhibition of development applications and amendments to existing planning schemes. This section 19 Notice provides an addition option of providing the relevant exhibition documents in a digital format (e.g. on a CD/DVD or USB drive), which will assist if there is large volume of documents available.

**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)

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

That the following Notices be held-over—

6. Notice under section 13 (*Land Use Planning and Approvals Act 1993*)

**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)

**SUPPORTING  
CORRESPONDENCE  
(Notice)**

***Resolved***, that the following supporting correspondence be received:

1. Letter dated 27 May 2020 from the Premier, the Hon Peter Gutwein MP providing supporting paperwork

regarding Notices under sections 13 and 19 of the *Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (*Land Use Planning and Approvals Act 1993*).

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

That the following Notices be held-over—

8. Notice under section 13 (*Land Use Planning and Approvals Act 1993*)

**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

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

That the following Notices be held-over—

6. Notice under section 13 (*Land Use Planning and Approvals Act 1993*)

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**FRIDAY 5 JUNE 2020**

**COMMENCEMENT**

The Committee met at 9.00 am in Committee Room 2, Parliament House, Hobart

## **MEMBERS PRESENT**

### **Legislative Council**

Ms Forrest (*Deputy Chair and took her seat at 10.54 am*)  
Ms Rattray (*Chair and took her seat at 10.54 am*)  
Ms Meg Webb

### **House of Assembly**

Ms Standen  
Mr Street  
Mr Tucker (*Temporary Chair from 9.00am-10.33am*)

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

That the following Notices be examined —

2. Notice under section 13 (*Land Use Planning and Approvals Act 1993*)

**RESOLVED**, that the Acting Secretary prepare draft Reports.

## **JOINT STANDING COMMITTEE**

# **SUBORDINATE LEGISLATION**

**THURSDAY 11 JUNE 2020**

## **COMMENCEMENT**

The Committee met at 10.32 am via Webex and Committee Room 2, Parliament House, Hobart.

## **MEMBERS PRESENT**

### **Legislative Council**

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

### **House of Assembly**

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

## **DRAFT REPORT**

**No. 7**

**SECTION 23**

**(WAIVE TAXI**

**ADMINISTRATION**

**FEES IN 2020);**

**SECTION 19**

**(WATER MANAGEMENT**

**ACT 1999);**

**SECTION 19**

**(LAND USE PLANNING**

**AND APPROVALS ACT**

**1993); AND**

**SECTION 13**

**(LAND USE PLANNING**

**AND APPROVALS ACT**

**1993)**

The Committee considered Draft Report No. 7.



The Committee amended Draft Report No. 7.

The Committee **RESOLVED** to hold-over Draft Report No. 7.

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**TUESDAY 16 JUNE 2020**

**COMMENCEMENT**

The Committee met at 1.30 pm via Webex and Committee Room 2, Parliament House, Hobart.

**MEMBERS PRESENT**

**Legislative Council**

*Ms Rattray (Chair) (via Webex)*

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

*Ms Meg Webb (via Webex)*

**House of Assembly**

*Ms Standen (via Webex)*

*Mr Street (via Webex)*

*Mr Tucker (via Webex)*

**DRAFT REPORT**

**No. 7**

**SECTION 23**

**(WAIVE TAXI**

**ADMINISTRATION**

**FEES IN 2020);**

**SECTION 19**

**(WATER MANAGEMENT**

**ACT 1999);**

**SECTION 19**

**(LAND USE PLANNING**

**AND APPROVALS ACT**

**1993);**

**SECTION 13**

**(LAND USE PLANNING**

**AND APPROVALS ACT**

**1993); AND**

**SECTION 16**

**(STATE SERVICE**

**ACT 2000)**

The Committee considered Draft Report No. 7.

The Committee amended Draft Report No. 7.

The Committee **RESOLVED** —

1. Draft Report No 7 as amended, be adopted with all relevant attachments including today's Minutes (once confirmed); and
2. Presented to the President out of session by Ms Webb and tabled by Mr Tucker in the House Assembly.



PREMIER OF TASMANIA

1 JUN 2020

Mr Stuart Wright  
Secretary  
Joint Standing Committee on Subordinate Legislation  
Email: [subleg@parliament.tas.gov.au](mailto:subleg@parliament.tas.gov.au)

Dear Mr Wright

**Notice under Section 16 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020**

On 29 May 2020 a Notice under Section 16 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (the Act) was published in the *Tasmanian Government Gazette*.

The Notice facilitates the continued employment of fixed-term casual (however named) employees throughout the COVID-19 pandemic who have applied for the Expression of Interest for interoperability and but for COVID-19, the employment would not have continued past the current employment term. The effect of the Notice is to extend the employment on the same terms of the previous arrangement until the emergency cessation date or until the Notice is otherwise revoked.

Section 7(3) of the Act specifies that, if a Minister issues a notice under the Act, they must send a copy of the notice to the Joint Standing Committee on Subordinate Legislation (the Committee) within 14 days.

Section 7(4) of the Act specifies that sections 7(4), 8 and 9 of the *Subordinate Legislation Committee Act 1969* apply to a copy of a notice sent to the Committee under section 7(3) of the COVID-19 Act as if the notice were regulations.

Please find attached for the Committee's consideration the Notice under Section 16 of the Act (refer to Attachment 1) and the advice provided by the Chief Parliamentary Counsel in respect of the Notice (refer to Attachment 2).

Yours sincerely

Peter Gutwein MP  
Premier

Attachments

- 1 Notice under Section 16
- 2 Advice from the Chief Parliamentary Counsel

TASMANIA

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*

**NOTICE UNDER SECTION 16**

I, PETER CARL GUTWEIN, the Premier, in pursuance of section 16 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* ("the Act"), 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, despite the provisions of the *State Service Act 2000*, the period of employment of a person, who is employed in an Agency, within the meaning of that Act, and whose employment in the Agency is fixed-term casual, sessional, seasonal or relief in nature –

- (a) is taken to remain in force, on the same terms and conditions, if –
  - (i) the person is employed under an instrument of appointment which –
    - (A) is in force; but
    - (B) expires before the emergency cessation day is declared under the Act; and
  - (ii) the appointment of the person is not extended or renewed; and
  - (iii) the person has applied, and been accepted as eligible, through the State Service Expression of Interest for such employees to be made available for emergency management purposes; and
  - (iv) the person falls within the classes of persons listed in Schedule to the direction of the State Controller, made under the *Emergency Management Act 2006* on 8 May 2020 as amended or substituted from time to time, that directs such persons to be made available for emergency management purposes until further notice; and
- (b) is extended until the first of the following occurs:
  - (i) the emergency cessation day is declared under the Act;
  - (ii) the direction of the State Controller, made under the *Emergency Management Act 2006* on 8 May 2020, is revoked, if that direction is not substituted for a direction that is substantially similar in content;

- (iii) the direction of the State Controller, made under the *Emergency Management Act 2006* on 8 May 2020, ceases to apply to the person;
- (iv) the person resigns, or his or her appointment is terminated, in accordance with the *State Service Act 2000*.

Dated: 25-8-20

Signed: 

Premier

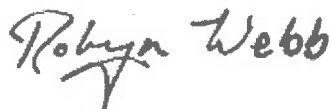
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**ADVICE OF CHIEF PARLIAMENTARY COUNSEL*****Notice under section 16 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020***

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 22 May, 2020.



Robyn Webb  
**Chief Parliamentary Counsel**

## FACT SHEET

### Notice under section 16

#### *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*

- The Premier, Peter Gutwein MP, gave a public commitment in April 2020 regarding continued support for casual employees (however named, including fixed term casual, seasonal, relief and sessional employees) throughout the period of the COVID-19 pandemic.
- In support of this commitment, the State Service released an Expression of interest (EOI) process so that existing fixed-term casuals working in the State Service could be made available to Interoperability (IA) and have meaningful opportunities for work during COVID-19.
- A direction has been issued by the State Controller under the *Emergency Management Act 2006* to enable all State Service fixed term casual employees that have applied to the EOI and been successful, to be used for the purposes of IA.
- There are three classes of fixed-term casual employment:
  - 1. Fixed-term casuals with a current instrument of appointment (IOA) whose term of appointment is not due to expire until after the expected emergency cessation date.
  - 2. Fixed term casuals with a current IOA whose term of appointment is due to expire in the foreseeable future, however but for COVID-19 they would have received a further term of fixed-term casual employment, and the Agency will honour this commitment due to the commitment of the Premier.
  - 3. Fixed term casuals with a current IOA whose term of appointment is due to expire prior to the current emergency cessation date and but for COVID-19 would not have been offered a further IOA.
- Section 16 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (COVID-19 Act) enables a Notice to be issued to extend periods of employment to carry out activities on behalf of the Crown.
- The Notice concerns those employees in class three circumstances, and will extend their employment by way of the Notice until the emergency cessation date.
- The Deputy State Controller approved the Notice on 21 May 2020, as required under section 6 of the COVID-19 Act.
- On 25 May 2020 the Premier signed the Notice pursuant to Section 16 of the COVID-19 Act, and the Notice was gazetted on the 29 May 2020.

**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*

**NOTICE UNDER**  
**COVID-19 DISEASE**  
**EMERGENCY**  
**(MISCELLENEOUS**  
**PROVISIONS)**  
**ACT 2020**  
**(additional)**

That the following Notice be held over:

1. Notice under section 16 (*State Service Act 2000*)

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**FRIDAY 5 JUNE 2020**

**COMMENCEMENT**

The Committee met at 9.00 am in Committee Room 2, Parliament House, Hobart

**MEMBERS PRESENT**

**Legislative Council**

*Ms Forrest (Deputy Chair and took her seat at 10.54 am)*  
*Ms Rattray (Chair and took her seat at 10.54 am)*  
*Ms Meg Webb*

**House of Assembly**

*Ms Standen*  
*Mr Street*  
*Mr Tucker (Temporary Chair from 9.00am-10.33am)*

**CORRESPONDENCE**  
**(Notice)**

***Resolved***, that the following supporting correspondence be received:

1. Letter dated 1 June 2020 from the Premier, the Hon Peter Gutwein MP providing supporting correspondence Notice under section 16 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (*State Service Act 2000*).

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

That the following Notices be held-over—

4. Notice under section 16 (*State Service Act 2000*)

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**THURSDAY 11 JUNE 2020**

**COMMENCEMENT**

The Committee met at 10.32 am via Webex and Committee Room 2, Parliament House, Hobart.

**MEMBERS PRESENT**

**Legislative Council**

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

**House of Assembly**

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

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

That the following Notice be examined—

1. Notice under section 16 (*State Service Act 2000*)

The Committee **RESOLVED** that the Acting Secretary prepare a draft report.

The Committee **AGREED** to include the draft report relating to this Notice be included in Draft Report No. 7.

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**TUESDAY 16 JUNE 2020**

**COMMENCEMENT**

The Committee met at 1.30 pm via Webex and Committee Room 2, Parliament House, Hobart.



**MEMBERS PRESENT**

**Legislative Council**

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

**House of Assembly**

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

**DRAFT REPORT**

**No. 7**

**SECTION 23**

**(WAIVE TAXI**

**ADMINISTRATION**

**FEES IN 2020);**

**SECTION 19**

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**1993);**

**SECTION 13**

**(LAND USE PLANNING**

**AND APPROVALS ACT**

**1993); AND**

**SECTION 16**

**(STATE SERVICE**

**ACT 2000)**

The Committee considered Draft Report No. 7.

The Committee amended Draft Report No. 7.

The Committee ***RESOLVED*** —

1. Draft Report No 7 as amended, be adopted with all relevant attachments including today's Minutes (once confirmed); and
2. Presented to the President out of session by Ms Webb and tabled by Mr Tucker in the House Assembly.