

## FACT SHEET

### *COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) BILL 2020*

The COVID-19 Disease Emergency (Miscellaneous Provisions) Bill 2020 (the Bill) is designed to ensure the continuity of government services and allow the Government to support the Tasmanian community in the context of the COVID-19 emergency response.

The Bill will ensure that key regulatory requirements of the State and the administration of law can adapt to the unique challenges presented to Government and society by the COVID-19 pandemic.

It introduces a number of crucial provisions that will allow the Government to offer a range of supports to those Tasmanians who suffer financial hardship as a result of the emergency.

The Bill also includes a number of targeted consequential amendments to the *Emergency Management Act 2006* (EMA) to support Tasmania Police's role in the emergency response.

The Bill provides broad heads of power for the Premier, the Treasurer and the Attorney-General, or delegated Ministers, to make declarations by public notice to adjust the operation of a range of statutory requirements, on the basis that compliance may not be prudent, or even possible, in a pandemic response situation.

Under the Bill, notices may be issued in relation to the following:

- The extension or reduction of statutory timeframes;
- The amendment of provisions of planning permits (or other permits, as prescribed by regulation);
- The application of planning law in relation to land that is developed or used to support actions taken consistent with a requirement direction or authorisation under the EMA or the *Public Health Act 1997* (PHA);
- The extension of State Service and statutory office appointments (up to a maximum of 12 months);
- Allows for actions (including meetings) that would otherwise be required by law to be taken or conducted in person and/or in the public (including local council meetings) to be dealt with electronically and by other means;
- The conduct of court and tribunal proceedings;
- The waiver or deferral of fees and charges set by legislative instrument;
- The application of certain shop trading hour restrictions (e.g. Good Friday trading); and
- Processes for the public exhibition of documents and Gazettal requirements.

To ensure the continuous operation of Tasmanian laws, the Bill also provides that regulations that are due to expire in 2020 will be extended for up to a further 12 months.

There are strong checks and balances built into the Bill regarding the use of notice powers. These include that notices (except those relating to economic hardship) may only be made on the advice of either the State Controller or the Director of Public Health and may only be made based on clearly defined reasons that are linked to the pandemic and the emergency

response, or impacts in relation to financial and economic hardship. Notices will also be subject to public and Parliamentary scrutiny and will only have effect for a maximum of 12 months.

In addition to the broader power to defer or waive certain taxes, fees and charges, the Bill contains specific financial hardship provisions which can be used to protect residential and commercial tenants during the emergency period and provide for the waiver and refund of the annual administration fee for taxis and hire vehicles for 2020.

Finally, there are a number of consequential amendments in the Bill to support emergency response efforts at the operational level include the following:

- A power of arrest for failures to comply with directions/requirements made under emergency powers in the EMA or PHA;
- Increasing the maximum term of imprisonment for offences under the EMA to equate with those under the PHA;
- Extending to 12 weeks the time for operation for directions issued under the EMA; and
- The suspension of the operation of the *Personal Information Act 2004* in relation to the exchange of information between State agencies and between State agencies and Commonwealth agencies in relation to the emergency.