

Department of Health

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

Email: subleg@parliament.tas.gov.au

Dear Mr Wright

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

On 21 May 2020, the Premier issued a notice under section 16 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (the COVID Act) extending the licensing and registration period for certain food businesses and public health risk activities.

As required by section 7(3) of the COVID Act, I enclose the following documents for the Committee:

- a copy of the notice
- a copy of the Chief Parliamentary Counsel advice
- a Notice Statement.

Yours sincerely



Ross Smith
Deputy Secretary
Policy, Purchasing, Performance and Reform
On behalf of the Secretary

RS May 2020

Enc: 1. Notice issued under section 16 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*
2. Chief Parliamentary Counsel's Advice
3. Notice Statement

TASMANIA

COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020

NOTICE UNDER SECTION 16

I, PETER CARL GUTWEIN, the Premier, in pursuance of section 16(1)(b) 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 –

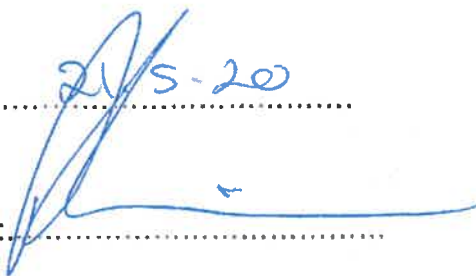
- (a) despite section 90 of the *Food Act 2003*, the period that the registration of a food business is to remain in force, under that section, is extended by a further period of 6 months if the registration –
 - (i) was in force immediately before the day on which notice of the making of this notice is published in the *Gazette*; and
 - (ii) is due to expire within the 6 month period immediately after the day on which notice of the making of this notice is published in the *Gazette*; and

- (b) despite sections 100 and 101(9) of the *Public Health Act 1997*, the periods that the registration of premises where a public health risk activity may be carried out is to remain in force, under those sections, are extended by a further period of 6 months if the registration –
 - (i) was in force immediately before the day on which notice of the making of this notice is published in the *Gazette*; and
 - (ii) is due to expire within the 6 month period immediately after the day on which notice of the making of this notice is published in the *Gazette*; and

- (c) despite sections 108 and 110(9) of the *Public Health Act 1997*, the periods that a licence to carry out a public health risk activity is to remain in force, under those sections, are extended by a further period of 6 months if the licence –
 - (i) was in force immediately before the day on which notice of the making of this notice is published in the *Gazette*; and

(ii) is due to expire within the 6 month period immediately after the day on which notice of the making of this notice is published in the *Gazette*.

Dated:..... 21/5-20

Signed:..... 

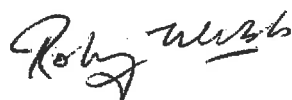
Premier

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 18 May, 2020.



Robyn Webb
Chief Parliamentary Counsel

**Standing Committee on Subordinate Legislation
Notice Statement**

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

On 21 May 2020, the Premier issued the enclosed notice under section 16 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (the COVID Act).

The notice extends, by six months, the registration and licence periods for food businesses and public health risk activities which would otherwise expire in the next six months (following notice in the *Gazette*).

Food businesses and those carrying out public health risk activities have been significantly affected by the COVID-19 emergency directions issued by the Director of Public Health under section 16 of the *Public Health Act 1997*.

Restaurants, cafes, food courts, and workplace canteens have been restricted from operating unless providing takeaway food, or food to particular groups in certain circumstances.

Emergency directions also restricted the provision of beauty therapy, tanning, waxing, manicure and other nail treatments, tattoos, ear and body piercing, body modification and other similar services (many of which are public health risk activities).

Even if restrictions ease in coming months, these businesses may no longer be operating, or operating with fewer staff, or less than usual capacity due to the impact of COVID-19 and the emergency directions.

Many of these businesses and activities require council registration or licensing (or both) under the *Food Act 2003* or the *Public Health Act 1997*. The automatic extension of these authorities will alleviate the administrative burden and financial costs of renewal applications.

It is estimated the notice affects almost 5 500 food businesses, and around 90 premises registered for public health risk activities and 125 persons licensed to carry them out.

The notice was made with the support of the Local Government Association of Tasmania and the approval of the Acting State Commander as required by section 6 of the COVID Act.

The Office of Parliamentary Counsel has arranged for the making of the notice to be published in the *Gazette* as required by the *Acts Interpretation Act 1931* and section 7(5) of the COVID Act.