



2020

# Parliament of Tasmania

**JOINT PARLIAMENTARY STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**REPORT 10**

**SCRUTINY OF NOTICE ISSUED UNDER SECTIONS 14 AND 16 OF THE  
*COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020*  
*(BUILDING ACT 2016)***

## **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**

## **Table of Contents**

Introduction.....	3
Notice under sections 14 and 16 of the <i>Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020 (Building Act 2016)</i> .....	3

## **Appendices**

### **Notice under sections 14 and 16 of the *Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020 (Building Act 2016)***

Supporting documentation dated 26 June 2020 from the Minister for Building and Construction, the Hon Elise Archer MP .....	5
Minutes of Proceedings relevant to the Notice.....	11

## 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 weekly until further notice (as resolved by the Committee on 2 July 2020);
- 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 sections 14 and 16 of the Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020 (Building Act 2016)**

At its meeting on 2 July 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 Minister for Building and Construction and Minutes of Proceedings relevant to the Notice are attached to this Report for completeness.

A handwritten signature in black ink, reading "Tania Rattray". The signature is written in a cursive, flowing style.

Tania Rattray MLC  
**CHAIR**

7 July 2020



















The Committee **AGREED** that the Secretary prepare a draft report.

**JOINT PARLIAMENTARY STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**TUESDAY 7 JULY 2020 AND WEDNESDAY 8 JULY 2020**

**COMMENCEMENT**

The Committee met at 1.32 pm via Webex and in Committee Room 2, Parliament House, Hobart.

**MEMBERS PRESENT**

**Legislative Council**

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

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

Ms Webb (*CR2*)

**House of Assembly**

Ms Standen (*via Webex*)

Mr Street (*via Webex*)

Mr Tucker (*via Webex*)

**DRAFT REPORT**

**No. 10**

**SCRUTINY OF**

**NOTICE**

**UNDER THE**

**COVID-19 DISEASE**

**EMERGENCY**

**(MISCELLEANEOUS**

**PROVISIONS)**

**ACT 2020**

**(BUILDING ACT 2016)**

The Committee considered Draft Report No. 10.

The Committee **RESOLVED** —

1. Draft Report No 10. be adopted with all relevant attachments including today's Minutes (once confirmed); and
2. Presented to the President out of session by Ms Webb.