



2020

Parliament of Tasmania

PARLIAMENTARY STANDING COMMITTEE

SUBORDINATE LEGISLATION

SCRUTINY OF NOTICES ISSUED UNDER THE COVID-19
DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT
2020 – REPORT 3

Members of the Committee

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

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

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 (Liquor and Gaming Licence Fees)

The Committee examined the Notice at its meetings on Tuesday 28 April and Friday 1 May 2020. As part of its scrutiny process, the Committee received a briefing from Department of Treasury and Finance Deputy Secretary Mr Jonathan Root on 28 April. The briefing assisted with the clarification of the terms of the Notice. Following the completion of the briefing, Mr Root took a series of questions from the briefing on Notice which were confirmed in writing by the Committee. A response was received from the Secretary of the Department of Treasury and Finance on 30 April 2020 and is attached to this report. The Committee considered all relevant information received 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.

Notice Under Section 22 (Provision of a Lease in relation to Premises, or part of a Premises)

The Committee examined the Notice at its meetings on Friday 1 May 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 Committee noted the introduction of forthcoming legislation may make the Notice redundant.

Notice Under Section 13 (Periodical Election of Members of the Council)

The Committee examined the Notice at its meetings on Friday 1 May 2020. and **Resolved** the Notice be examined, noting that it was consistent with the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020.



Tania Rattray MLC
CHAIR

5 May 2020

Department of Treasury and Finance

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Doc reference 20/74994

Hon Tania Rattray MLC
Chair
Parliamentary Standing Committee on Subordinate Legislation

By email: subleg@parliament.tas.gov.au

Dear Ms Rattray

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

On 28 April 2020, Mr Jonathon Root, Deputy Secretary, Department of Treasury and Finance, provided the Committee with a briefing on the Notice to waive certain liquor and gaming fees under section 23 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*. You have written seeking information regarding a question taken on notice at the briefing as to whether the Notice should also provide for the waiver of licence application fees for new special employees and technicians not currently working in the gambling industry.

The intention of the Government's COVID-19 stimulus and support package announced in March 2020 is to assist industries and workers currently impacted by the COVID-19 public health restrictions. With regard to special employee's and technician's licences, the Government is seeking to protect people in the gaming industry who are suffering loss of income due to the temporary industry shutdown. The measure is not seen as necessary in providing an opportunity for new entrants as these people are well informed of the industry closure, as opposed to those who have suddenly lost their jobs and incomes and who are trained and appropriately experienced to re-engage in work once the COVID restrictions start to lift.

The Tasmanian Liquor and Gaming Commission has the power to deal with requests for waiving of licence application fees for special employees and technicians in appropriate circumstances. Not surprisingly, the number of new special employee/technician applications since closure of the gaming industry has been very low.

For these reasons, it is not considered necessary to amend the Notice as submitted to the Committee.

Should you have any queries or require any further information regarding this matter, please contact Melissa Ford by email at melissa.ford@treasury.tas.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tony Ferrall', with a horizontal line extending to the right.

for Tony Ferrall
Secretary

30 April 2020