



**ORDINARY MEETING
OF COUNCIL**

**AGENDA - LATE ITEMS
OPEN MEETING**

20 April 2020

TABLE OF CONTENTS

9.0 **REPORTS OF OFFICERS AND COMMITTEES.....4**

9.14 **COVID-19 COUNCIL ACTION REPORT4**

THE PUBLIC IS ADVISED THAT IT IS COUNCIL POLICY TO RECORD THE PROCEEDINGS OF MEETINGS OF COUNCIL ON DIGITAL MEDIA TO ASSIST IN THE PREPARATION OF MINUTES AND TO ENSURE THAT A TRUE AND ACCURATE ACCOUNT OF DEBATE AND DISCUSSION OF MEETINGS IS AVAILABLE. THIS AUDIO RECORDING IS AUTHORISED BY THE *LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015*

AGENDA OF AN ORDINARY MEETING OF THE WARATAH-WYNYARD COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, 21 SAUNDERS STREET, WYNYARD ON MONDAY 20 APRIL 2020, COMMENCING AT

	From	To	Time Occupied
Open Council			
Planning Authority			
Open Council			
Closed Council			
Open Council			
TOTAL TIME OCCUPIED			

AUDIO RECORDING OF COUNCIL MEETINGS POLICY

The Chairman is to declare the meeting open (time), welcome those present in attendance and advise that the meeting will be recorded, in accordance with the Council Policy **GOV.017 - Audio Recording of Council Meetings** to “record meetings of Council to assist in the preparation of minutes and ensure a true and accurate account of debate and discussion at meetings is available”.

ACKNOWLEDGEMENT OF COUNTRY

I would like to begin by acknowledging the traditional owners and custodians of the land on which we meet today, the Tommeginne people, and to pay our respect to those that have passed before us, their history and their culture.

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.14 COVID-19 COUNCIL ACTION REPORT

To: Council
Reporting Officer: Executive Officer
Responsible Manager: General Manager
Report Date: 20 April 2020
File Reference: 0420

Enclosures:

1. COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) BILL 2020 
2. Letter from Premier Gutwein and Minister Shelton 

LATE REPORT

This report has been prepared in accordance with Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*, which states that:

“A council by absolute majority at an ordinary council meeting, or a council committee by simple majority at a council committee meeting, may decide to deal with a matter that is not on the agenda if –

(a) the general manager has reported the reason it was not possible to include the matter on the agenda; and

(b) the general manager has reported that the matter is urgent; and

(c) in a case where the matter requires the advice of a qualified person, the general manager has certified under section 65 of the Act that the advice has been obtained and taken into account in providing general advice to the council.”

MOVED BY	
SECONDED BY	

In accordance with Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*, that the Council by absolute majority agree to deal with this urgent matter concerning the Councils Action to address matters relating to COVID-19 in the current Council Meeting.

RECOMMENDATION

That Council:

- 1) Note action being taken in relation to the COVID-19 Pandemic;**
- 2) Agree to the proposed Local Government Association of Tasmania (LGAT) stimulus measures;**
- 3) Agree to progress a financial stimulus package in 20/21 to support the community and business including-**
 - 0% general rate increase**
 - 0% fees and charges increase**
 - Develop and fund a dedicated community assistance grants package**

- **Waive all food licence fees for 20/21**

4) Request update reports as part of each Council agenda and review stimulus and support measures monthly to ensure their appropriateness until 30 August 2020.

PURPOSE

To provide Council with an overview and update on action taken in relation to the COVID-19 Pandemic. This report summarises the action taken to protect the health and safety of employees, emergency management practices, maintaining essential services, Council's role in the state-wide or sectoral response, financial stimulus; and community and economic recovery.

This report has been included on the formal agenda as a late item to ensure it has the most accurate and up to date information available at the time of deliberation.

BACKGROUND

Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) is a new strain of coronavirus that is causing disease in humans and spreading from person-to-person. The name of the disease is COVID-19. It is well known that:

- the virus causes respiratory disease that can spread from person to person
- most people experience mild flu-like symptoms, including fever, cough, sore throat and shortness of breath
- some people experience severe illness and, sadly, a small proportion die
- older people and people with underlying medical conditions seem to be more at risk of severe illness
- there is no treatment for COVID-19, but medical care can treat most of the symptoms – antibiotics do not work on viruses
- a vaccine is currently not available.

The COVID-19 situation is evolving rapidly. Recent weeks have seen regular updates requiring changes to daily lives.

The World Health Organisation called a pandemic in relation to COVID-19 on 11 March 2020 and the Federal Government declared a State of Emergency shortly afterwards.

The State Government declared a State of Emergency on Thursday 19 March 2020. The State Control Centre has been activated, meaning the whole-of-government response to COVID-19 is being led by the State Controller – Commissioner of Police, Darren Hine – in close liaison with the Director of Public Health, Mark Veitch.

The Director of Public Health has declared a Public Health Emergency for Tasmania to help manage the threat of COVID-19. This declaration provides the Director with emergency powers to implement public health measures to help slow the spread of COVID-19 in Tasmania.

The pandemic presents both a health crisis and an economic development crisis. Actions taken by governments to limit the spread of COVID-19 are having significant adverse impacts upon the economy. There has been a significant loss of economic activity and consequent loss of or reduction in employment. The North West Coast has been affected in greater measures than the rest of the State with an outbreak of the disease through the hospital systems requiring tighter controls in the region. These could extend in coming weeks.

Councils role during this crisis are numerous and include:

- to ensure the health and safety of employees
- to fulfil its emergency response role
- to continue to provide, as far as possible, essential services to its community
- to work with other levels of government and those within the industry to form a sectoral response
- to implement measures as enacted by State and Federal Government
- to alleviate the financial burden on the community through stimulus measures
- position the Council and community for economic recovery.

This matter has been brought onto the agenda as a late item. In Accordance with *Local Government (Meeting Procedures) Regulations 2015, Section 8 Agendas:*

6 (a) The reason the matter was not included on the agenda was to ensure accurate and timely information. The requirements change day to day and due to the Easter period, the agenda was prepared earlier than normal.

6 (b) The matter is urgent and requires a Council response

6 (c) Under [section 65](#) of the Act this report is provided as qualified advice and this advice has been obtained and taken into account in providing general advice to the council.

DETAILS

Ensuring the Health and Safety of Employees

The health and well being of employees is paramount through any emergency situation. Council has taken a range of actions to protect staff and provide regular information.

Council officers have been extremely busy following the enactment of the Business Continuity Plan (BCP) ensuring appropriate risk mitigation measures are in place for staff and employment implications are understood. This BCP team meets regularly to review and assess next steps.

Initiatives undertaken to date include:

- Activation and review of the Business Continuity Plan. A section specifically relating to pandemic will be included to a revised document in coming weeks
- Identification of core staff and services
- Creation of a COVID-19 web page on Council's website
- Daily General Manager's updates to all staff for a designated period
- Promoted access to workplace counselling services and support for mental health

-
- Identifying and implementing Work Health and Safety measures to keep work sites safe with an emphasis on hygiene, cleaning and social distancing requirements.
 - Splitting critical teams to different work locations to promote service continuity and associated impacts on IT setup (for video conferencing) and business processes.
 - Review and adjust service levels to the community as required including additional cleaning regimes for Council properties and postponement or cancellation of community events where appropriate.
 - Fully documented actions and decisions made have been recorded in the case this information is required at a later date

The current circumstances are challenging, and the anxiety and uncertainty placed on employees is recognised. Staff are strongly valued and it is important all possible support is provided throughout this time.

To recognise that some employees may be disadvantaged in coming months and to provide additional support, management have approved an additional leave allocation to be accessed in certain circumstances. This is above and beyond any requirements of the Enterprise Agreement.

In situations where an employee is unwell due to contracting COVID-19; needs to provide care for immediate family; is compulsorily self-isolating or is affected by a shut down or loss of meaningful work, Council will provide permanent employees up to 10 days paid pandemic leave to cover absences from work. In the circumstances outlined above, pandemic leave will apply prior to use of personal, annual or other leave, with the exception of the Easter break. Pandemic leave will not apply when an employee chooses to travel against current government advice, is voluntarily self-isolating or is taking “standard” or normally scheduled annual leave.

Casuals will receive this as a pro-rata payment in line with average hours worked over a predetermined period. This will not apply to labour hire or contractors.

Emergency Management

Council’s responsibilities in responding to COVID-19 are in line with the Emergency Management Act and the Municipal Emergency Management Plan.

Those responsibilities include the requirement to:

- distribute warnings and other relevant advice to the community, ensuring consistency of messaging with DHHS and Tasmania Police
- Assist as requested and required by the State/Regional/ Emergency Operations Controller
- Provide regular information/situation reports to the State/Regional Controller if requested
- Provide liaison officers to the Emergency Operations Centre (EOC) as requested, and
- Maintain essential services to the community, as detailed in business continuity plans.

Council officers are playing a key role in the North West Regional Emergency Management Committee and the dissemination of information from that group.

Maintaining Essential Services

In line with Government regulations, Council has to date:

- Closed the Council owned caravan park at Waratah

-
- Closed the Waratah Museum and Athenaeum Hall
 - Closed all indoor sporting venues and public halls
 - Closed the Wynyard Foreshore Market
 - The Wonders of Wynyard has no public access however maintain all services over the phone and email. This service will not be offered following the Easter break.
 - Council offices at Wynyard and Waratah have remained open to date with a number of controls to ensure social distancing occurs, including signage and marked lines for visitors. From 20 April the front counter service at Wynyard will cease in line with the government directive to eliminate face to face service interactions. Clarification is being sought regarding the Post Office service at Waratah
 - Worked through operational challenges for children's services and the outdoor workforce as detailed below. Again, stricter controls will be in place from 20 April.
 - Closed playground, outdoor exercise equipment and the skate park as per the directive issued by the Prime Minister

Childcare staff have been informed that after Easter working hours available will be reduced. Unfortunately, the Federal Government has altered the income model and local government employees are not entitled to the JobKeeper program. Despite multiple attempts to have Local Government included, this looks unlikely to change. The new model halves the income, which means moving from a weekly income of \$30,000 to \$15,000 in subsidy. Supplementary funding has been recently announced but it has little detail and on the surface, it looks as if it will be difficult for Councils to meet the eligibility criteria.

Utilisation of Warawyn has dropped quickly – from an average of 49 children per day at the end of March to an average of 22 per day in early April. A combination of all of the above factors means that continuing to operate with the existing staffing structure will result in a projected financial loss of \$80,000 per month.

A move from a roster of 540 hours per week to 240 hours per week is proposed. Even with these changes there is a projected financial loss of \$25,000 - \$30,000 per month. Staff have been advised and one on one meetings held to look at sharing the shifts to minimise the impact on them all. All casual staff have ceased work. The staff have all been offered an additional two weeks paid pandemic leave (including the casuals) to help them through this period.

This situation will continue to be monitored but at this stage it is expected the revised rostering arrangement will be in place until the end of the financial year.

The outdoor workforce has continued to operate under controlled conditions in line with the fact that the construction and building industry continues to remain active. Some capital projects/contractors have been impacted by the virus and therefore officers are working through the job list to provide an update of implications.

Sectoral Response

The Local Government of Tasmania has taken a strong leadership position. Attached is the information collated by ALGA from all States for advocacy on JobKeeper. State Government messaging is regular with detailed information. The latest correspondence from the Premier is attached.

The Mayor and General Manager attended the LGAT Representatives General Meeting in late March via webinar where the following motion was passed –

That LGAT Voting Representatives agree to take back the following relief mechanisms, to their Council for determination of a formal position on them as soon as practicable for this point in time with a review before 30 June 2020.

1. *No penalties, charges, interest or debt collection for late rates payments and extended payment periods (with such measures in place) until 30 June 2020*
2. *Rent relief on council owned buildings where tenants are experiencing financial hardship until 30 June 2020.*
3. *A common approach to hardship/assistance policies with LGAT to develop a model policy based on engagement with councils.*
 - 4a. *Community grants to be refocussed as appropriate to support local business and not for profit recovery or conversion to a digital environment or circular economy until 30 June 2021.*
 - 4b. *As a means of supporting local business recovery and injecting funds into communities in a timely manner, councils be encouraged to settle creditor invoices within a maximum 14-day timeframe (or sooner), irrespective of normal trading terms.*
5. *A 0% increase on general rates for 2020-21 but fees and charges may be indexed by CPI.*
6. *Seek the option of relaxing depreciation requirements or extending standard asset life for 2020-21 upon agreed criteria with the Auditor General (including asset condition) and subject to the Auditor General adjusting financial indicators accordingly.*

It is recommended Council support the motions as presented as the package of support proposed exceeds the points above.

The State Government have indicated through addresses in Parliament and legislation that there is an expectation that Local Government will assist in addressing the burden on communities triggered by COVID 19 emergency actions. Council's current financial position will allow for support of these initiatives.

The COVID 19 Disease Emergency Bill (attached) passed Parliament late last week. Processes, facts sheets and other material to support its implementation will be released soon. This legislation supports the move to electronic meetings and changes to requirements relating to advertising and statutory deadlines.

Financial Stimulus

Council may have to explore a range of financial stimulus measures over many months given the unfolding crisis facing the region, State and nationally.

In the short term, there are a number of items that can be recommended. A Hardship Policy is subject of a sperate report on this agenda. The Policy recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances and provides a

suite of temporary measures to provide relief to those suffering from financial hardship including:

1. Working proactively with ratepayers and customers to negotiate special payment arrangements including:
 - a) Negotiation of period payment arrangements for period of between 3 and 12 months (period to be approved on a case by case basis).
 - b) In extenuating circumstances, provide for the postponement of rates and charges for between 3 and 12 months (period to be approved on a case by case basis).
2. Putting on hold legal action for all overdue debts to allow ratepayers and customers time to contact Council to enter a special payment arrangement if needed.
3. The ability for customers to apply to the General Manager to waive fees.

In the 20/21 Financial Year, Council should consider the following -

- 0% general rate increase – the previously mentioned LGAT position
- 0% fees and charges increase – whilst LGAT support up to CPI increases for fees and charges, Council is in a position to offer no increase to the 19/20 levels
- Dedicated community assistance grants package – Council should consider an allocation of funds for a specific and dedicated community grants round that will stimulate activity in a targeted area. Officers can establish criteria and areas of greatest need in coming weeks. It is recommended initially \$100,000 may be put forward for this purpose.
- Waive all food licence fees – whilst businesses will still require the license, the associated fees can be waived. Inspections can still occur. This will target businesses most in need. Council will forgo approximately \$27,000 in income.
- No charge entry waste transfer station for locals – subject to a separate report on the April Council agenda
- Community activation - possible additional events. There may be an opportunity to use events to stimulate activity if all requirements relating to social distancing are lifted. Plans will be made to initiate these events at short notice where possible.
- It is recommended that Council provide an extension of the early payment discount period for the 2020/21 rating year to 31 October 2020. This will allow ratepayers an extension of time to take advantage of the early payment discount.

Community and Economic Recovery

Council officers have been working with local medical practitioners to provide support and equipment for drive through services.

Council officers have also worked with Metro buses to house their buses within the municipal area. Metro plan to divide their bus fleet into two separate operating groups to minimise the risk of a confirmed infection impacting their ability to deliver services across the north west. Metro currently uses the Goldie Street depot as a satellite yard and as part of the contingency measures, Council has agreed to store an additional nine (9) buses on-site overnight. The buses would be out in service for the majority of the day and only be in the depot overnight.

Initiatives that the Community team has been developing and delivering include:

Community Members

- Commenced Social Recovery Planning
- Maintaining a comprehensive list of local service providers and the services being delivered and how to access.
- Put together a list of mental health hotlines and shared online
- Collated community specific resources for further distribution
- Shared "Crisis Heroes" Resource, to further connect communities online
- Participated in virtual meetings with Live Well, U3A, Community Gardens, Community Seed Bank and other community groups to gauge community reactions, strengths and areas of concern
- Implemented staff at Waratah Post Office to set up a system where town people call the Post office prior to coming down to check mail

Seniors

- Council is a contact point for a volunteer bread delivery program. Created the program with volunteers, made a poster and distributed on Social Media
- Created a flyer on how to maintain Communications Remotely, and shared online
- Shared information on community transport - adapted their model and now include food/medication deliveries
- Continue to create resources in hard copy for distribution for those without internet access

People With Disabilities

- Shared resources and information regarding supported accommodation and people living with disabilities and COVID-19 online
- Committed to enable equal access to information by ensuring that information is shared in "easy English", with graphics/pictures, where ever possible

Children/Youth

- Created WWC Continuing Education Resources and shared online
- Resources packs with information for families, books and support material on keeping children engaged was provided to all Warawyn Early Learning families - includes a letter from the mayor.
- Youth health resources shared with Rural Health and online
- Shared information online regarding ABC Me tv offering Term 2 educational programs
- Working with BCC on "discord", a platform for online gaming and communicating for local youth

- Provided local school principals and Social Workers offer to help

Families

- Bear Hunt - added bears to the Council window and shared the story of "bear hunting" for young children getting exercise
- Participated in Video Call meetings with Priority Populations (Dept of Health) regarding communicating with migrants and people with English as a second language
- Shared information regarding Relationships Australia's resource of providing free support at this time
- -Random Acts of Kindness - to boost morale and sense of community, prepared deliveries of flowers and Easter eggs to families in Waratah, Wynyard, Somerset, Boat Harbour, Yolla and Somerset

Local Businesses

- Online sharing, printing and distributing COVID-19 resources for local businesses
- Collating information from local businesses that are staying open

STATUTORY IMPLICATIONS

Statutory Requirements

Council is required to follow all statutory requirements instigated by Federal and State Government.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
We highly value the use of an evidence-based approach to the development and implementation of strategies and policies that support and strengthen our decision making.
We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.4 Facilitate the meeting of community needs through strong advocacy and local and regional collaboration for shared outcomes.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
Health and Wellbeing	Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.

POLICY IMPLICATIONS

Council staff are following policy and procedure as dictated by the Business Continuity Plan and Emergency Management Plan as well as policy advised by the State and Federal Governments.

Councils Rates and Charges Policy states that Council will consider capacity to pay and the economic environment when setting its rates and charges each year.

FINANCIAL IMPLICATIONS

The proposed measures will provide much needed relief to local businesses and rate payers and will send a strong message that all levels of government are playing their part to support the community at this unprecedented time.

Council is in a strong financial position and therefore able to draw on its strong balance sheet and cash reserves to support the economy and the community during this time.

Traditionally Council has aimed to adopt a sustainable budget where operational expenditure is no more than recurrent operational income (a break even or surplus position). Councils operating position has improved in recent years and therefore is well placed to absorb some of the volatility in revenues and expenditures during this time.

It is likely that Councils operating expenses for the 2020/21 financial year will be higher than usual as it supports agreed industry stimulus measures whilst also endeavouring to retain as many employees as possible during a very challenging period. Council may need to consider a deficit budget in the short term.

Impacts on the current year results and next year budget will be impacted by:

- reduced revenue from rates, fees and charges
- uncertainty in the continuation of Tas Water dividends
- delayed rates and charges receipts
- potential future borrowings
- increased operational expenditure (for community assistance and recovery, and child care)

Modelling is underway to forecast the impact and will be provided as soon as it is available. Preparation of the 2020/21 budget is underway and will include any agreed stimulus measures and known income reductions.

In addition to the proposed measures in this report, Councils Financial Management Strategy currently allows for up to \$18m in new capital expenditure projects over the next 3 years (above normal renewal expenditure levels).

The Financial Management Strategy (10-year financial plan) will need to be reassessed once the impacts of COVID-19 are better understood on Councils finances and the community. The current economic environment and community recovery will need to be considered in determining which projects Council will prioritise over the coming years.

The Government have made significant funds available for interest free loans to local government in order to encourage investment in and employment of more Tasmanians to undertake upgrades, renovations and necessary maintenance to improve existing Local Government infrastructure. It is thought Council may wish to explore applying for funds to complete flood mitigation projects currently planned for future years.

Council will remain financial sustainable despite these significant and unpredicted impacts

RISK IMPLICATIONS

There are a range of health and safety risks presented by the pandemic that have been outlined within the report. This includes mental health and the effects of this on both staff and the community.

There will be staff that will be stood down or asked to take leave and a risk that they may not return.

Financially, Council's long-term financial planning will need to be remodelled once the impact of the virus is known as outlined above.

Community recovery may be long, and some businesses may not be able to reopen. Tourism may also have a long recovery time if border controls remain in place for an extended period.

The Burnie Wynyard Airport remains an area of interest and Council may wish to seek a briefing from the Board on their current position.

The risks associated with the pandemic are unprecedented and change very regularly.

CONSULTATION PROCESS

There is significant messaging being undertaken and sometimes the important messages are lost in the vast amount of information available. At times of crisis, the level of consultation normally afforded may not be possible and some decisions need to be made quickly. The community have been understanding of this requirement to date

CONCLUSION

It is recommended that Council note the actions taken to date in relation to COVID-19. The General Manager will prepare a further report to the next ordinary Council meeting providing an update on the status of the emergency response and the development of further community support measures for the 2020/21 financial year to respond to COVID-19.



ORDINARY MEETING OF COUNCIL

ATTACHMENTS TO REPORTS
LATE ITEMS

20 April 2020

CONTENTS:

9.14 COVID-19 Council Action Report

Enclosure 1	COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) BILL 2020	2
Enclosure 2	Letter from Premier Gutwein and Minister Shelton	49

TASMANIA

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

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Objectives of Act
4. Interpretation

PART 2 – GENERAL PROVISIONS IN RELATION TO NOTICES

5. Circumstances in which certain notices may be issued
6. Emergency manager to approve making of notices
7. Scrutiny of notices
8. When notice takes effect and duration of notice
9. Notices may be re-issued
10. Effect of notices
11. Amendment and revocation of notices
12. No notices may be issued after emergency cessation day

PART 3 – CONTINUANCE OF PUBLIC ADMINISTRATION

13. Extension of statutory timelines
14. Amendment of planning and other permits
15. Protection from offence against planning law

[Bill 14]-XI

16. Extension of period of appointment, employment and certain authorities for benefit of Crown
17. Authorisation to take actions electronically

PART 4 – REDUCTION OF PUBLIC PHYSICAL CONTACT

18. Authorisation for meetings not to be held in person
19. Public exhibition of certain documents
20. Proceedings of courts, Tribunals, &c., may be authorised to not be required to be held in public
21. Alteration of certain restrictions to shop trading hours

PART 5 – FINANCIAL HARDSHIP PROVISIONS

22. Provisions restricting rent increases or termination of commercial tenancies
23. Waiver or refund of certain fees, &c.
24. Alteration of decision in relation to when fees payable in relation to taxis, &c.

PART 6 – CONTINUANCE OF CERTAIN LEGISLATIVE INSTRUMENTS

25. Postponement of repeal of certain regulations and rules

PART 7 – MISCELLANEOUS

26. Section 18 of *Public Health Act 1997* not to apply
27. Emergency cessation day
28. Delegation
29. Regulations
30. Consequential Amendments
31. Administration of Act

SCHEDULE 1 – RELEVANT INSTRUMENTS

SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS

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

*(Brought in by the Premier, the Honourable Peter Carl
Gutwein)*

A BILL FOR

An Act to make provision to deal with certain risks, arising from the disease, known as coronavirus disease 2019 (COVID-19), to the effective performance and exercise of judicial, administrative or legislative functions and powers in relation to the State, to mitigate in certain circumstances the financial and social effects related to those risks, to amend the *Emergency Management Act 2006* and the *Residential Tenancy Act 1997* and for related purposes

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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

Act No. of 2020

s. 3

Part 1 – Preliminary

3. Objectives of Act

The objectives of this Act are to reduce the risks to the State, and the risk to, or hardship suffered by, members of the public, arising from, or related to, the presence of the disease in persons in the State or the risk of the spread of the disease between persons in the State.

4. Interpretation

In this Act, unless the contrary intention appears –

body of persons means –

- (a) a body of persons, whether incorporated or not; and
- (b) a corporation sole;

Committee has the same meaning as in the *Subordinate Legislation Committee Act 1969*;

Director of Public Health means the person appointed as the Director of Public Health under section 6 of the *Public Health Act 1997*;

disease means the disease, known as coronavirus disease 2019 (COVID-19), declared under section 40 of the *Public Health Act 1997* to be a notifiable disease;

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

Act No. of 2020

Part 1 – Preliminary

s. 4

emergency cessation day means the day
declared under section 27(2);

emergency manager means –

- (a) if there is a state of emergency,
within the meaning of the
*Emergency Management Act
2006*, in relation to the disease –
the State Controller; or
- (b) in any other case – the Director of
Public Health;

entity means –

- (a) the holder of a statutory office;
and
- (b) a body of persons;

instrument of a legislative character means –

- (a) a regulation, rule, by-law, or
other instrument of a legislative
character, made under an Act;
and
- (b) any letters patent;

notice under this Act does not include a
notice under section 27(1);

permit means –

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

Act No. of 2020

s. 4

Part 1 – Preliminary

- (a) a permit issued in accordance with the *Land Use Planning and Approvals Act 1993*; and
- (b) a permit, licence, certification, or other authority, that is –
 - (i) issued under a prescribed Act; or
 - (ii) within a class of permit, licence, certification, or other authority, that is prescribed;

relevant legislative instrument means –

- (a) an Act; or
- (b) an instrument of a legislative character;

State Controller has the same meaning as in the *Emergency Management Act 2006*.

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

Part 2 – General Provisions in Relation to Notices

s. 5

**PART 2 – GENERAL PROVISIONS IN RELATION TO
NOTICES**

5. Circumstances in which certain notices may be issued

- (1) A notice under this Act, other than –
- (a) a notice under section 22 or section 23;
or
 - (b) a notice under section 27; or
 - (c) a notice revoking another notice under this Act –

may only be issued by a Minister if he or she is of the opinion that the relevant emergency circumstances exist in relation to the notice.

- (2) For the purposes of this section, the relevant emergency circumstances exist in relation to the notice if the Minister issuing the notice is satisfied that it is necessary or desirable to issue the notice because of –
- (a) the presence of the disease in persons in the State; or
 - (b) the risk of the contraction of the disease by persons in the State; or
 - (c) a restriction on the movement of persons that is imposed, by or under a relevant legislative instrument, because of the

7

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

Act No. of 2020

s. 5

Part 2 – General Provisions in Relation to Notices

presence of the disease or the risk of the spread of the disease amongst persons in the State; or

- (d) a reduction, in the numbers of persons available to carry out particular activities, relating to a relevant legislative instrument to which the notice relates, because of –
- (i) the presence of the disease in persons in the State; or
 - (ii) the risk of the spread of the disease amongst persons in the State; or
 - (iii) circumstances related to the matters referred to in subparagraph (i) or (ii); or
- (e) the desirability of ensuring the supply of goods or services, the supply of which may be hindered because of a circumstance referred to in another paragraph of this subsection.

- (3) A notice under section 22 or section 23, other than a notice revoking another notice under either section, may only be issued by the Treasurer or the Minister, respectively, if he or she is of the opinion that the economic effects of the relevant emergency circumstances are such that it is necessary or desirable to issue the notice.

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

Part 2 – General Provisions in Relation to Notices

s. 6

6. Emergency manager to approve making of notices

A notice under this Act, other than –

- (a) a notice under section 20 that relates to a court other than a court of petty sessions or the Magistrates Court; or
- (b) a notice under section 22 or section 23; or
- (c) a notice under section 27 –

may only be issued with the approval of the emergency manager.

7. Scrutiny of notices

- (1) If a Minister issues a notice under this Act, he or she is to ensure that a copy of the notice is laid before each House of Parliament within 3 sitting-days after the notice is issued.
- (2) The Minister is to ensure that a copy of a notice given to the Minister under section 27(1) is laid before each House of Parliament within 3 sitting-days after the notice is given to the Minister under that section.
- (3) If a Minister issues a notice under this Act, other than a notice under section 27, he or she, within 14 days, is to send to the Committee a copy of the notice.
- (4) Sections 7(4), 8 and 9 of the *Subordinate Legislation Committee Act 1969* apply to a copy

9

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

Act No. of 2020

s. 8

Part 2 – General Provisions in Relation to Notices

of a notice sent to the Committee under subsection (3) as if the notice were regulations.

- (5) Sections 47(3), (3A), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* apply to a notice (other than a notice under section 27(1)) as if the notice were regulations within the meaning of that Act.

8. When notice takes effect and duration of notice

- (1) A notice under this Act only takes effect from the day on which notice of the making of the notice is published in the *Gazette* or, if a later day is specified in the notice, from that later day.
- (2) A notice under this Act, other than a notice revoking or amending another notice under this Act, only remains in effect, unless it is sooner revoked or subsection (3) applies, for –
- (a) 12 months from the day on which the notice takes effect; or
- (b) if a shorter period is specified in the notice, that shorter period from the day on which the notice takes effect.
- (3) A notice under this Act is taken to be revoked 60 days after the emergency cessation day.

9. Notices may be re-issued

Nothing in this Act is to be taken to prevent more than one notice under this Act, that is in

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

Part 2 – General Provisions in Relation to Notices

s. 10

the same or substantially similar terms as another such notice, from being issued under this Act.

10. Effect of notices

A notice under this Act has effect in accordance with its terms.

11. Amendment and revocation of notices

- (1) A Minister, by notice, may amend or revoke a notice (other than a notice revoking another notice) that the Minister may issue under this Act.
- (2) The amendment or revocation of a notice under this Act is not to be taken to –
 - (a) render invalid any action taken under a provision of an Act while the notice was in force; or
 - (b) render invalid or unlawful any subsequent action that is taken, under that Act or another Act, in reliance on the first-mentioned action not being, because of the operation of this Act, invalid; or
 - (c) have the effect of rendering a person liable to any requirement, under a relevant legislative instrument, to which he or she was not subject when the notice was in force.

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

s. 12

Part 2 – General Provisions in Relation to Notices

- (3) Nothing in subsection (2)(c) is to be taken to prevent a provision of a relevant legislative instrument applying in relation to a requirement, under an Act, that only arises in relation to a person, prospectively, under that provision, after the revocation of a notice under this Act.

12. No notices may be issued after emergency cessation day

A notice under this Act, other than a notice amending or revoking another notice under this Act, may not be issued after the emergency cessation day.

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

Part 3 – Continuance of Public Administration

s. 13

**PART 3 – CONTINUANCE OF PUBLIC
ADMINISTRATION**

13. Extension of statutory timelines

- (1) The Minister may, by notice, declare that a period by which –
- (a) an action specified in the notice; or
 - (b) an action that is within a class of actions specified in the notice –

must be taken by a person, or a body of persons, under a provision, of a relevant legislative instrument, that is specified in the notice, is reduced or extended by the period specified in the notice.

- (2) For the avoidance of doubt, a notice under subsection (1) may relate to a provision, of a relevant legislative instrument, that specifies a period after which proceedings for prosecution of an offence may not occur, but may not extend the period for more than 6 months.
- (3) A reference in this section to an extension of a period or a reduction of a period is to be taken to include a reference to altering a date to a later date, or an earlier date, respectively.

14. Amendment of planning and other permits

Despite any other relevant legislative instrument, the Minister may, by notice, amend or revoke,

13

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

s. 15

Part 3 – Continuance of Public Administration

for the period specified in the notice, a provision,
specified in the notice, of –

- (a) a permit that is specified in the notice; or
- (b) any permit that is within a class of permits specified in the notice.

15. Protection from offence against planning law

- (1) The Minister may, by notice, declare that a person does not commit an offence against the *Land Use Planning and Approvals Act 1993* in relation to an area of land specified in the notice, if –
 - (a) there is, or was, a state of emergency in effect, in relation to the disease, under the *Emergency Management Act 2006*; and
 - (b) in order for a requirement, direction or authorisation under the *Emergency Management Act 2006* or the *Public Health Act 1997* to be effectively implemented, or complied with, it is necessary for a development, or use, of the land, that, but for this section, would ordinarily require a permit or would not be authorised under the *Land Use Planning and Approvals Act 1993*, to be authorised to be carried out.
- (2) If a notice under subsection (1) applies in relation to an area of land, the *Land Use*

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

Part 3 – Continuance of Public Administration

s. 16

Planning and Approvals Act 1993 does not apply in relation to –

- (a) the development, or use, of the land, that is specified in the notice; or
 - (b) the subsequent demolition of a structure to which the development or use applies.
- (3) If a notice under subsection (1) that applied in relation to an area of land is revoked, a development referred to in the notice is to be taken to have been, and to be, authorised under the *Land Use Planning and Approvals Act 1993* and a planning scheme within the meaning of that Act, unless the Minister determines otherwise.

16. Extension of period of appointment, employment and certain authorities for benefit of Crown

- (1) Despite the provisions of any relevant legislative instrument, including the *State Service Act 2000*, the Minister may, by notice, extend, for the period specified in the notice –
- (a) the period of appointment, including appointment to a statutory office, or of employment of a person, under a provision, of a relevant legislative instrument, specified in the notice; or
 - (b) the period during which an authority, under a relevant legislative instrument, to carry out an activity –

15

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

Act No. of 2020

s. 17

Part 3 – Continuance of Public Administration

- (i) on behalf of the Crown; or
- (ii) under a provision, of a relevant statutory instrument, specified in the notice; or
- (iii) under a document issued under a provision, of a relevant legislative instrument, specified in the notice –

is to remain in force.

- (2) A notice under subsection (1) may apply to –
 - (a) a particular person, a particular office, or a class of persons or holders of offices, specified in the notice; or
 - (b) a particular authority, or a class of authorities, specified in the notice.

17. Authorisation to take actions electronically

- (1) The Minister may, by notice, declare that, despite the provision of any relevant legislative instrument, any action that is required, by virtue of a provision, of a relevant legislative instrument, that is specified in the notice, to be –
 - (a) taken by means of a physical action such as signature or personal service; or
 - (b) to be evidenced in a document that is not an electronic document –

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

Part 3 – Continuance of Public Administration

s. 17

may be taken or evidenced, respectively, by the electronic means specified, in the notice, in relation to that provision, if the conditions, if any, specified in the notice are complied with.

- (2) Without limiting the generality of subsection (1), the conditions that may be imposed in a notice under that subsection may include a condition that the electronic means referred to in the notice is only authorised by the notice to occur if a person who may receive the relevant electronic communication by the electronic means agrees to receive the communication by that means.
- (3) Despite the provision of any relevant legislative instrument or law, including but not limited to the *Acts Interpretation Act 1931*, a notice under subsection (1) may relate to a requirement for a notice to be published in the *Gazette*, but only if the electronic means, specified in the notice, by which the *Gazette* is to be published consist of the publication of the *Gazette* at a website specified, or referred to, in the notice.

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

Act No. of 2020

s. 18

Part 4 – Reduction of Public Physical Contact

**PART 4 – REDUCTION OF PUBLIC PHYSICAL
CONTACT**

18. Authorisation for meetings not to be held in person

- (1) A reference in this section to meetings does not include a reference to meetings of a court or Tribunal for the purposes of proceedings before a court or Tribunal.
- (2) The Minister may, by notice, declare that, despite any provision of a relevant legislative instrument, meetings, of a body of persons, specified in the notice, that are held for the purposes of a relevant legislative instrument that is specified in the notice, may be held in the approved manner, specified in the notice, in relation to such meetings.
- (3) For the purposes of subsection (2), the approved manner, specified in a notice, in relation to meetings means –
 - (a) the conduct of such meetings –
 - (i) by telephone; or
 - (ii) by electronic communication (including but not limited to by the transmission of electronic mail); or
 - (iii) by another method –

as determined by a notice in writing, that is, by a means specified in one of the

18

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

Part 4 – Reduction of Public Physical Contact

s. 18

above paragraphs, delivered, by the person who ordinarily presides over such meetings of the body of persons, to each other member of the body of persons, unless it is not reasonably practicable to do so; and

- (b) the conduct of such meetings in accordance with the other conditions that are specified in the notice under subsection (2) in relation to such meetings.
- (4) Without limiting the generality of subsection (3)(b), a reference in subsection (3)(b) to conditions includes a reference to any of the following conditions:
- (a) a condition as to what number, of members of the body of persons, specified in the notice, will constitute a quorum in relation to such meetings;
 - (b) a condition as to whether a person is able to nominate another person to act in the place of the person at such meetings.
- (5) The Minister may only issue a notice under subsection (2) in relation to a body of persons if one or more members of the body of persons, or a person who is nominated by the body of persons or is approved by the Minister to give the request on behalf of the body of persons, have requested that the notice be given in

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

Act No. of 2020

s. 18

Part 4 – Reduction of Public Physical Contact

relation to the body of persons and the Minister is of the opinion that –

- (a) members of the body of persons will be unwilling or unable to attend meetings of the body because of the disease or the risk of transmission of the disease; and
 - (b) it is necessary or desirable for the safe and effective functioning of the body of persons that the body of persons be able to meet otherwise than in person.
- (6) The Minister may, by notice, declare that, despite a provision, of a relevant legislative instrument, meetings required to be held by or under a provision, of a relevant legislative instrument, that is specified in the notice –
- (a) if the meetings are to be held in public – may only be held in accordance with the conditions, specified in the notice, that are reasonably required to protect public health and reduce or mitigate the risk of transmission of the disease; or
 - (b) are not required to be held in public if the conditions specified in the notice are complied with.
- (7) A notice under subsection (6)(b) in relation to meetings –
- (a) must, if reasonably practicable, include a condition that will allow persons to view the meeting by electronic means; and

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

Part 4 – Reduction of Public Physical Contact

s. 19

- (b) may include other conditions that the Minister thinks sufficient to allow the public an appropriate means of contributing to, or observing, such meetings.

19. Public exhibition of certain documents

- (1) The Minister may, by notice, declare that the requirements, specified in a provision, of a relevant legislative instrument, that is specified in the notice, for public exhibition of documents or information at a place or in a manner specified in the provision, are taken to be satisfied if the public exhibition of the documents or information occurs in the approved manner in relation to the requirements of the provision.
- (2) For the purposes of subsection (1), the approved manner in relation to the requirements of the provision –
- (a) is the place and manner, specified in the notice; and
 - (b) must allow persons to view, at an electronic address, of a website, that is specified in the notice, the documents or information to which the requirements relate; and
 - (c) must, where the relevant legislative instrument allows persons to make submissions in relation to the documents

21

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

Act No. of 2020

s. 20

Part 4 – Reduction of Public Physical Contact

or information, allow persons to make such submissions by electronic means or by document delivered to a place specified in the notice.

20. Proceedings of courts, Tribunals, &c., may be authorised to not be required to be held in public

- (1) The Attorney-General may, by notice, declare that, despite any provision of a relevant legislative instrument, any proceedings conducted, by a court, a Tribunal, or another entity, that is specified in the notice, may be held in the approved manner in relation to such proceedings.
- (2) For the purposes of subsection (1), the approved manner specified in a notice in relation to proceedings by a court, Tribunal or entity means the manner determined from time to time by –
 - (a) if the court is a court of petty sessions or the Magistrates Court – the Chief Magistrate; or
 - (b) if the court is a court other than a court of petty sessions or the Magistrates Court – the Chief Justice of the Supreme Court; or
 - (c) in the case of a Tribunal – the President, Chair, or other head, of the Tribunal; or
 - (d) in the case of an entity – the entity or a person nominated by the entity.

22

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

Part 4 – Reduction of Public Physical Contact

s. 20

- (3) The Attorney-General may only issue a notice under subsection (1) in relation to a court, Tribunal or entity if –
- (a) where the notice relates to a court of petty sessions or the Magistrates Court – the Chief Magistrate has requested the Attorney-General to issue under subsection (1) a notice in relation to the court, or the Magistrates Court, respectively; or
 - (b) where the notice relates to a court other than a court of petty sessions or the Magistrates Court – the Chief Justice of the Supreme Court has requested the Attorney-General to issue under subsection (1) a notice in relation to the court; or
 - (c) in the case of a Tribunal – the President, Chair, or other head, of the Tribunal has requested the Attorney-General to issue under subsection (1) a notice in relation to the Tribunal; or
 - (d) in the case of an entity – the entity, or a person nominated by the entity, has requested the Attorney-General to issue under subsection (1) a notice in relation to the entity.

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

Act No. of 2020

s. 21

Part 4 – Reduction of Public Physical Contact

21. Alteration of certain restrictions to shop trading hours

- (1) The Minister may, by notice, declare that, despite section 5 of the *Shop Trading Hours Act 1984*, that section does not apply, in relation to a day specified in the notice, to any shop, to any shop specified in the notice, or to a class of shops specified in the notice.
- (2) If there is any inconsistency between the effect of a notice issued under subsection (1) and a provision, or condition or restriction, of any permit issued in accordance with the *Land Use Planning and Approvals Act 1993*, the provision, or condition or restriction, of the permit does not have effect to the extent of the inconsistency.

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

Part 5 – Financial Hardship Provisions

s. 22

PART 5 – FINANCIAL HARDSHIP PROVISIONS

22. Provisions restricting rent increases or termination of commercial tenancies

(1) In this section –

emergency period has the same meaning as in the *Residential Tenancy Act 1997* as amended by this Act.

(2) The Minister may, by notice, declare that, despite any provision of a lease, other than a lease to which the *Residential Tenancy Act 1997* applies, a lease that is within a class of leases specified in the notice must not, within the emergency period, be terminated, and the rent payable under the lease may not be increased, in the circumstances set out in the notice.

(3) A termination of a lease, or an increase in rent in relation to a lease, to which a notice under subsection (2) applies is void and of no effect if it is contravention of the notice.

23. Waiver or refund of certain fees, &c.

(1) The Treasurer may, by notice, declare that, despite a provision of a relevant legislative instrument, a rate, fee, tax, impost, charge or other amount payable under the provision –

(a) is not payable by each member of a class specified in the notice; or

25

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

Act No. of 2020

s. 23

Part 5 – Financial Hardship Provisions

- (b) is not payable, by each member of a class specified in the notice, in the circumstances specified in the notice; or
 - (c) is not payable, by each member of a class specified in the notice, until a date specified in the notice; or
 - (d) may, at the discretion of the Secretary of the Department that is responsible for the relevant legislative instrument, be waived, in relation to each member of a class specified in the notice, by the Secretary of that Department.
- (2) The Treasurer may, by notice, direct that –
- (a) the method, or a component of a calculation, that is used to calculate the amount of a rate, fee, tax, impost, charge, or other amount, payable under a provision of a relevant legislative instrument; or
 - (b) the rate, or a component of a rate, used to determine the amount of a fee, tax, impost, charge, or other amount, payable under a relevant legislative instrument; or
 - (c) the amount of a fixed fee, or of a fixed charge, payable under a provision of a relevant legislative instrument or of a contract entered into under such a provision –

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

Part 5 – Financial Hardship Provisions

s. 24

may not be altered otherwise than with the approval of the Treasurer.

24. Alteration of decision in relation to when fees payable in relation to taxis, &c.

- (1) The Commission, within the meaning of the *Taxi and Hire Vehicle Industries Act 2008*, may determine a later date, for the purposes of section 13, 29, 47 or 75 of that Act, than the date specified by the Commission that, but for this section, would apply in relation to that section for the year 2020.
- (2) If the Commission determines a later date under subsection (1) in relation to a section of the *Taxi and Hire Vehicle Industries Act 2008* –
 - (a) he or she may, in his or her discretion, refund to a person any amount paid under that section before the date determined under subsection (1); and
 - (b) the specification of the date under the provision of the *Taxi and Hire Vehicle Industries Act 2008* before this section commenced is to be taken to never have occurred; and
 - (c) a person is not liable to any sanction under that Act by reason of having failed to pay the fee before the date by which, but for the determination, the amount would have been required to be paid.

27

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

s. 25

Part 6 – Continuance of Certain Legislative Instruments

**PART 6 – CONTINUANCE OF CERTAIN
LEGISLATIVE INSTRUMENTS**

25. Postponement of repeal of certain regulations and rules

- (1) In this section, a reference to a relevant instrument is a reference to any of the regulations or rules that are specified in Schedule 1.
- (2) The repeal of a relevant instrument that, but for this section, would have been effected under section 11 of the *Subordinate Legislation Act 1992* is postponed until the first anniversary of the day on which, but for this section, the relevant instrument would have been repealed under section 11 of the *Subordinate Legislation Act 1992*.
- (3) Subsection (2) does not prevent a relevant instrument being rescinded before the date on which, by virtue of that subsection, the relevant instrument is to be repealed.

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

Part 7 – Miscellaneous

s. 26

PART 7 – MISCELLANEOUS

26. Section 18 of *Public Health Act 1997* not to apply

Section 18 of the *Public Health Act 1997* does not apply in relation to any loss or damage suffered as a result of anything done under Division 2 of Part 2 of that Act in relation to the disease.

27. Emergency cessation day

- (1) The Director of Public Health must notify the Minister as soon as reasonably practicable after he or she is of the opinion that the relevant emergency circumstances referred to in section 5(2) no longer exist to such an extent that a notice under Part 4 (other than a notice amending or revoking such a notice) may be required to be issued under this Act so as to assist in the reduction of the risk of infection by the disease.
- (2) The Minister, by notice, within 90 days after a notice is issued to the Minister under subsection (1), must declare a day specified in the notice to be the emergency cessation day.

28. Delegation

The Minister, Attorney-General or Treasurer may delegate any of that Minister's powers under this Act to another Minister.

29

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

s. 29

Part 7 – Miscellaneous

29. Regulations

The Governor may make regulations for the purposes of this Act.

30. Consequential Amendments

The legislation specified in Schedule 2 is amended as specified in that Schedule.

31. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Premier; and
- (b) the department responsible to the Premier in relation to the administration of this Act is the Department of Premier and Cabinet.

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 1

SCHEDULE 1 – RELEVANT INSTRUMENTS

Section 25

1. *The Dangerous Goods (Road and Rail Transport) Regulations 2010.*
2. *The Dog Control Regulations 2010.*
3. *The Economic Regulator Regulations 2010.*
4. *The Fair Trading (Code of Practice for Retail Tenancies) Regulations 2010.*
5. *The First Home Owner Grant Regulations 2010.*
6. *The Fisheries (Processing and Handling) Rules 2010.*
7. *The Forensic Procedures Regulations 2010.*
8. *The General Fire Regulations 2010.*
9. *The Health Practitioners Tribunal (Fees) Regulations 2010.*
10. *The Land Tax Regulations 2010.*

31

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 1

11. *The Legal Profession (Board of Legal Education) Rules 2010.*
12. *The Legal Profession (Disciplinary Tribunal) Rules 2010.*
13. *The Occupational Licensing (Gas-fitting Work) Regulations 2010.*
14. *The Occupational Licensing (Plumbing Work) Regulations 2010.*
15. *The Pharmacy Control (Fees) Regulations 2010.*
16. *The Police Powers (Assumed Identities) (Corresponding Laws) Regulations 2010.*
17. *The Police Powers (Controlled Operations) (Corresponding Laws) Regulations 2010.*
18. *The Police Powers (Surveillance Devices) (Corresponding Laws) Regulations 2010.*
19. *The Right to Information Regulations 2010.*
20. *The Seeds Regulations 2010.*
21. *The Taxation Administration Regulations 2010.*

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 1

22. *The Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010.*
23. *The Vehicle and Traffic (Review of Decisions) Regulations 2010.*
24. *The Victims of Crime Assistance Regulations 2010.*
25. *The Wildlife (Deer Farming) Regulations 2010.*
26. *The Wildlife (Exhibited Animals) Regulations 2010.*
27. *The Wildlife (General) Regulations 2010.*
28. *The Witness (Identity Protection) (Corresponding Laws) Regulations 2010.*

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 2

SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS

Section 30

Emergency Management Act 2006

1. Section 3 is amended by inserting after the definition of *community risk* the following definition:

COVID-19 state of emergency means the state of emergency in relation to the disease known as coronavirus disease 2019 (COVID-19);

2. Section 40 is amended as follows:

- (a) by inserting the following subsections after subsection (4):

(4A) Subsection (4) does not apply in relation to an authorisation in relation to the COVID-19 state of emergency.

(4B) An authorisation may not be made, in relation to the COVID-19 state of emergency, so as to have effect for a period exceeding 12 weeks.

(4C) An authorisation, in relation to the COVID-19 state of emergency, that was in effect immediately before the commencement of the *COVID-19*

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 2

*Disease Emergency
(Miscellaneous Provisions) Act
2020* is to be taken to have been
specified to apply for a period of
12 weeks, but the period may be
extended under this Act.

(b) by omitting from subsection (6) “7 days”
and substituting “12 weeks”.

3. The penalty under section 60 is amended by
omitting “3 months” and substituting “6
months”.

4. After section 60, the following sections are
inserted in Part 4:

**60A. *Personal Information Protection Act 2004 not
to apply in certain circumstances***

(1) In this section –

personal information has the same
meaning as in the *Personal
Information Protection Act 2004*;

relevant Act means –

- (a) this Act; or
- (b) the *Public Health Act
1997*; or
- (c) any other Act of the State,
the Commonwealth,

35

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

Act No. of 2020

sch. 2

another State, or a Territory, that relates to management of an emergency or public health;

relevant body or person means a body of persons, whether or not incorporated, or a person, performing or exercising a function or power under a relevant Act;

relevant information means personal information that is, for the purposes of a relevant Act, requested, required, obtained, disclosed, or used, during a state of emergency, by a person under a relevant Act;

relevant purposes means –

- (a) for the purposes of a relevant Act; or
 - (b) for the purposes of the performance or exercise of the functions or powers, of a relevant body or person, conferred by a relevant Act.
- (2) The *Personal Information Protection Act 2004* does not apply, in relation to the disclosure, collection, exchange or use of

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 2

relevant information, for the relevant purposes, by a relevant body or person.

60B. Powers of arrest under this Act and *Public Health Act 1997*

A police officer who believes on reasonable grounds that a person is committing, has committed or is about to commit an offence against –

- (a) section 60; or
- (b) a provision in Division 2 of Part 2, or in Part 1 of Part 3, of the *Public Health Act 1997* –

may, using such reasonable force as may be necessary, arrest the person.

- 5. Clause 1(3) of Schedule 1 is amended by inserting “other than the power under paragraph (1)(m) in relation to the disease known as coronavirus 2019 (COVID-19),” after “premises,”.

Residential Tenancy Act 1997

- 1. Section 3(1) is amended as follows:
 - (a) by inserting the following definitions after the definition of *Court*:

37

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 2

COVID-19 Emergency Act means the
*COVID-19 Disease (Emergency
Provisions) Act 2020*;

COVID-19 emergency day means the
day on which the Covid-19
Emergency Act commences;

- (b) by inserting the following definition after
the definition of *eligible person*:

emergency period means the period –

- (a) beginning on the COVID-19 emergency day; and
- (b) ending on whichever is the last occurring of the following:
 - (i) the day 120 days after the COVID-19 emergency day;
 - (ii) a day to which the emergency period is extended by one or more orders under section 3A(1);
 - (iii) the day on which an order is made under section 3A(4)

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 2

declaring that the
emergency period
has ended;

- (c) by inserting the following definition after
the definition of *security deposit*:

socially-dislocating disease means the
disease, known as coronavirus
disease 2019 (COVID-19);

2. After section 3, the following section is inserted
in Part 1:

**3A. Extension of emergency period for COVID-
19 emergency**

- (1) The Minister may, by order, extend the
emergency period to a day specified in
the order.
- (2) The Minister may, in an order under
subsection (1), only extend the
emergency period for a period of 90
days.
- (3) The Minister may make as many orders
under subsection (1) as the Minister
thinks are necessary to reasonably
mitigate any significant, widespread,
hardship caused, or likely to be caused,
to a significant number of tenants by the
effect of the presence in the State of the
socially-dislocating disease and the risk

39

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 2

of its spread amongst persons in the State.

- (4) The Minister must, by order, declare that the emergency period has ended, if the Minister is satisfied that the amendments to the operation of this Act made by the Covid-19 Emergency Act are no longer required to reasonably mitigate any significant, widespread, hardship caused, or likely to be caused, to a significant number of tenants by the effect of the presence in the State of the socially-dislocating disease and the risk of its spread in the State.

3. After section 12, the following section is inserted in Division 1:

12A. Variation

A residential tenancy agreement may be varied by agreement of the owner and each tenant.

4. Section 32 is amended by inserting after subsection (3) the following subsection:

- (4) This section does not apply during the emergency period.

5. Section 37(1)(d) is amended by inserting “, or order of the Commissioner under section 38A,” after “Court”.

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 2

6. After section 38, the following sections are inserted in Division 1:

38A. Order allowing for termination in case of severe COVID-19 related hardship

- (1) An owner or tenant of residential premises to which a fixed term lease applies may apply to the Commissioner for an order declaring that the lease is terminated.
- (2) An owner or tenant of residential premises to which a fixed term lease applies may only apply under subsection (1) for an order on the grounds that the continuation of the lease would result in severe hardship to the owner, or tenant, respectively, related to the effect of the presence in the State of the socially-dislocating disease and the risk of its spread amongst persons in the State.
- (3) If the Commissioner is satisfied that the continuation of a fixed term lease to which an application under subsection (1) relates would result in severe hardship to the owner, or tenant, respectively, related to the effect of the presence in the State of the socially-dislocating disease and the risk of its spread amongst persons in the State, the Commissioner may make an order

41

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 2

declaring that the lease is terminated from a date specified in the order.

- (4) An order under subsection (3) may specify that compensation is payable by the owner or tenant in relation to the termination of the lease.
- (5) The Commissioner, within 3 days of making an order under subsection (3) in relation to residential premises, is to notify the owner and the tenant of the residential premises of the making of the order.
- (6) An order made under subsection (3) in relation to residential premises is to specify that, unless an appeal is made under this section, the order takes effect on the day after the end of the 7-day period after the day on which notice of the order was given under subsection (5).

38B. Appeal against order under section 38A

- (1) An owner or tenant in relation to residential premises who is aggrieved by an order made by the Commissioner under section 38A(3) may appeal to the Court within the 7-day period after the day on which notice of the order was given under section 38A(5).
- (2) An order made under section 38A(3) in relation to residential premises may be enforced in the same manner as an order

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 2

made by a magistrate under the *Magistrates Court (Civil Division) Act 1992*, if –

- (a) no appeal has been made under subsection (1) by a tenant in relation to the residential premises within the 7-day period after the day on which notice of the order was given under section 38A(5); or
 - (b) where an appeal has been made under by a tenant in relation to the residential premises – the order has been confirmed by the Court under subsection (5)(a).
- (3) An appeal is to be heard as a minor civil claim under the *Magistrates Court (Civil Division) Act 1992* and, subject to this section, is to be instituted, heard and determined as prescribed.
- (4) An appeal is to be by way of rehearing.
- (5) On the hearing of an appeal the Court may –
- (a) confirm the order of the Commissioner under section 38A(3) and direct that the order of the Commissioner is to take effect from a specified date; or

43

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 2

(b) set aside the order of the Commissioner.

(6) If—

(a) an order is made under section 38A(3) in relation to residential premises; and

(b) an appeal has not been made under subsection (1) by an owner or tenant in relation to the residential premises within the 7-day period after the day on which notice of the order is given under section 38A(5) —

the lease to which the order relates is terminated on the date specified in the order of the Court.

7. Section 42 is amended as follows:

(a) by inserting in subsection (1)(a) “, except if subsection (4A) applies in relation to the notice in respect of the premises” after “agreement”;

(b) by inserting the following subsection after subsection (4):

(4A) Subsection (1)(a) does not apply in relation to a notice in respect of premises if —

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 2

- (a) the failure to comply with a provision of the agreement in relation to the premises consists of a failure by the tenant to pay rent; and
- (b) either –
 - (i) the notice to vacate in relation to the premises is given within the emergency period; or
 - (ii) the notice to vacate in relation to the premises was given before the COVID-19 emergency day and the tenant has not before that day delivered vacant possession of the premises.

8. Section 53 is amended as follows:

- (a) by renumbering the section as subsection (1);
- (b) by inserting the following subsection after subsection (1):

45

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 2

- (2) A tenant is not to be taken to have failed to comply with subsection (1) in relation to premises if –
- (a) the failure ought reasonably to be taken to have occurred for reasons related to the socially-dislocating disease, including but not limited to the effect of any other provision of this Act included by the COVID-19 Emergency Act; or
 - (b) it is not reasonably practicable to comply with that subsection on grounds reasonably related to the presence of that disease in the State.

9. Section 56 is amended by inserting after subsection (5) the following subsections:

- (6) Subsection (3) does not apply in relation to residential premises during the emergency period, or a shorter period determined under subsection (8), except if the entry is for the purposes referred to in subsection (3)(e) and the repairs are emergency repairs or urgent repairs.
- (7) Subsections (2)(b),(4), (4A), (4B), (4C) and (5) do not apply during the

*COVID-19 Disease Emergency (Miscellaneous Provisions) Act
2020
Act No. of 2020*

sch. 2

emergency period or a shorter period determined under subsection (8).

- (8) The Commissioner, by notice in the *Gazette*, may determine a shorter period, specified in the notice, for the purposes of this section.



PREMIER OF TASMANIA

16 April 2020

A letter to all Tasmanian Councils

Dear Mayors and General Managers

Our State, like the rest of the world, has been upended by the impact of the novel coronavirus (COVID-19) pandemic. This pandemic has rapidly covered the globe. It has spread suffering, disrupted billions of lives and endangered the global economy.

It has also impacted and changed the lives of all Tasmanian – school children now learn online, our most vulnerable must stay indoors, parents and caregivers are out of work and our borders have been closed. Throughout this crisis the Government has held to one simple principle – that the health, wellbeing and safety of Tasmanians is our highest priority. We are all facing these unprecedented circumstances together, but together we can rise to these new challenges and help each other.

During this time, we need to ensure Tasmania keeps functioning and where we can we need to keep Tasmanians in business and in jobs. The contribution of Local Government to these efforts will be critical to our success and it has been heartening to see so many councils stepping up to play their part in recent weeks. But we need to do more.

Local Governments, like State and Federal Governments are in a unique position to use their balance sheets to support the economy and the community during this time. Local Governments also have a number of tools to hand that can help with local community economic support and we are now seeing a range of these community care packages being released. We strongly encourage all councils to consider their individual packages and provide support to their community as a matter of urgency. It is vital that all councils agree to measures including rate increase freezes and generous hardship policies. These measures will provide much needed relief to Tasmania's local businesses and rate payers and send a strong message that all levels of government are playing their part to support the community at this unprecedented time.

It is our expectation that councils should endeavour to retain as many employees as possible during this challenging period and that to do this councils will need to adopt different budget and financial positioning strategies than have traditionally been required. Where appropriate, councils should also redirect staff to support their COVID-19 response measures and community relief and recovery initiatives.

To support councils, the Tasmanian Government has extended the \$50 million interest free loan scheme for Local Government to \$150 million. The program provides for loan interest rebates for three years to local government authorities to encourage investment in and employment of more Tasmanians to undertake upgrades, renovations and necessary maintenance to improve existing Local Government infrastructure. To ensure the program is flexible and able to more broadly assist councils, we have expanded the criteria of the program to include all measures taken by councils as a response to, or as a result of, the impacts of COVID-19. Our commitment is to work with each council on an individual basis if necessary to ensure that all councils can access this program.

GPO Box 123, Hobart TAS 7001 | Telephone: 61 3 6165 7650 | Email: peter.gutwein@dpac.tas.gov.au

In addition, we have ensured that councils with payrolls less than \$5 million per annum that have been impacted by coronavirus will pay no payroll taxes for the entire 2019-20 year. The Government has also frozen, waived or capped fees and charges for small businesses, which includes some councils. These measures mean that:

- o Water and electricity bills will be waived for the first quarterly bill received after 1 April this year for small business customers on Tariff 22, 94, 82 or 75, including those small businesses on market contracts that could access those tariffs.
- o Electricity prices will be capped, and water prices will be frozen next financial year.

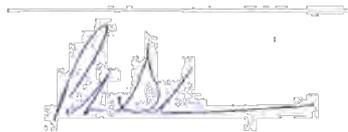
National Cabinet recently announced the adoption of a Commercial Tenancy Code of Conduct. The State Government is currently considering options for implementing the Code and it will be important that councils are involved in this process. The Department of Justice will reach out to the Local Government Association of Tasmania (LGAT) to engage on this matter further.

The State Government is committed to working collaboratively and supportively with the Local Government sector throughout the COVID-19 pandemic and beyond, and we must make it clear that the State Government's capacity to provide financial support going forward is now very constrained. We do not envisage any additional direct funding support to councils beyond what has already been offered.

We are aware that councils are currently considering their budget processes for 2020-21 and that this presents a challenge in the current fiscal environment. One of the issues that has arisen is the need for certainty around the Australian Government's Federal Financial Assistance Grant allocations for 2020-21. We will assist the sector by advocating to the Australian Government for clarity in relation to this matter.

Finally, thank you for everything you and your councils have done thus far to assist in supporting Tasmania's local communities to adjust and respond to the COVID-19 pandemic. We are all in this together and our shared efforts going forward will stand us in good stead to recover from this extraordinary challenge.

Yours sincerely



Peter Gutwein MP
Premier



Mark Shelton MP
Minister for Local Government