TASMANIA

PUBLIC HEALTH AMENDMENT (EMERGENCY POWERS) BILL 2026

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 3 amended (Interpretation)
5. Section 10 amended (Environmental health officers, medical officers of health and compliance officers – appointment by Director)
6. Section 13B inserted
   13B. Accountability
7. Section 14 amended (Emergency declaration)
8. Section 14A inserted
   14A. Director may recommend making of emergency declaration
9. Section 15 amended (Duration of emergency declaration)
10. Section 15A inserted
    15A. Publication of emergency declaration
11. Section 16 amended (Directions of Director)
12. Section 16D inserted
    16D. Publication of direction
13. Section 19 substituted
    19. Report on emergency declaration
14. Section 31 substituted

31. Certificate of authority

15. Repeal of Act

PUBLIC HEALTH AMENDMENT (EMERGENCY POWERS) BILL 2026

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

LAURA ROSS, *Clerk of the House*
17 November 2026

(Brought in by the Minister for Health, Mental Health and Wellbeing, the Honourable Bridget Kathleen Archer)

A BILL FOR

An Act to amend the *Public Health Act 1997*

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:

1. Short title

This Act may be cited as the *Public Health Amendment (Emergency Powers) Act 2026*.

2. Commencement

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

3. Principal Act

In this Act, the *Public Health Act 1997** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

(a) by omitting "officer;" from paragraph (c) of the definition of *authorised officer* and substituting "officer; or";

(b) by inserting the following paragraph after paragraph (c) in the definition of *authorised officer*:

(d) a compliance officer;

(c) by inserting the following definition after the definition of *closure order*:

compliance officer means a person appointed under section 10;

(d) by omitting the definition of *COVID-19 disease*.

5. Section 10 amended (Environmental health officers, medical officers of health and compliance officers – appointment by Director)

Section 10 of the Principal Act is amended as follows:

*No. 86 of 1997

(a) by omitting from subsection (1)(b) "health." and substituting "health; or";

(b) by inserting the following paragraph after paragraph (b) in subsection (1):

(c) compliance officers.

(c) by omitting from subsection (2) "as an environmental health officer or a medical officer of health".

6. Section 13B inserted

Before section 14 of the Principal Act, the following section is inserted in Division 2:

13B. Accountability

A person who performs a function or exercises a power under this Division is to do so, as far as practicable, in a manner that is accountable, transparent, systematic and appropriate.

7. Section 14 amended (Emergency declaration)

Section 14 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "Director" twice occurring and substituting "Minister";

(b) by inserting the following subsection after subsection (1):

(1A) Before making an emergency declaration under this section, the Minister is to –

(a) obtain and consider the advice of the Director in relation to the making and content of the declaration; and

(b) consult with the Secretary, within the meaning of the *Tasmanian Health Service Act 2018*, in respect of the proposed declaration.

(c) by omitting from subsection (3) "Director" and substituting "Minister".

8. Section 14A inserted

After section 14 of the Principal Act, the following section is inserted in Division 2:

14A. Director may recommend making of emergency declaration

(1) If the Director is satisfied that the situation requires it, the Director may, at any time, make a written recommendation to the Minister that the Minister –

(a) make an emergency declaration; or

(b) extend an emergency declaration; or

(c) revoke an emergency declaration.

(2) If a written recommendation is made to the Minister under subsection (1), the Minister, as soon as practicable after receiving the written recommendation, is to –

(a) accept the recommendation and make, extend or revoke the emergency declaration in accordance with this Act; or

(b) refuse to accept the recommendation.

(3) If the Minister refuses to accept a recommendation under subsection (2)(b), the Minister, as soon as practicable, but in any case before the expiry of 7 calendar days after deciding to refuse to accept the recommendation, is to –

(a) prepare a statement of reasons as to why the Minister did not accept the recommendation; and

(b) provide a copy of following documents to the Clerk of each House of Parliament:

(i) a copy of the written recommendation; and

(ii) the statement of reasons prepared under paragraph (a) in respect of the recommendation; and

(c) ensure that the documents specified in paragraph (b) are published on a website maintained by, or on behalf of, the Department.

(4) Nothing in this section authorises the inclusion, in a statement of reasons prepared under subsection (3)(a), of information that is otherwise prohibited from publication under a law of the Commonwealth or the State.

9. Section 15 amended (Duration of emergency declaration)

Section 15 of the Principal Act is amended as follows:

(a) by omitting from subsection (1)(a) "not exceeding 7 days, or, in relation to the COVID-19 disease, not exceeding 12 weeks" and substituting "not exceeding 6 weeks";

(b) by omitting from subsection (2) "The Director" and substituting "Subject to subsection (4A), the Minister";

(c) by omitting from subsection (2) "Director" second occurring and substituting "Minister";

(d) by omitting from subsection (2) "of not more than 7 days, or, in relation to the COVID-19 disease, not exceeding 12 weeks" and substituting "not exceeding 6 weeks";

(e) by omitting from subsection (2) "Director" third occurring and substituting "Minister";

(f) by omitting from subsection (3) "Director" and substituting "Minister";

(g) by omitting from subsection (3) "he or she" and substituting "the Minister";

(h) by omitting from subsection (4) "The Director" and substituting "Subject to subsection (4A), the Minister";

(i) by omitting from subsection (4) "he or she" and substituting "the Minister";

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

(4A) Before extending or revoking an emergency declaration under this section, the Minister, in respect of the proposed extension or revocation of the declaration, is to –

(a) obtain and consider the advice of the Director; and

(b) consult with the Secretary within the meaning of the *Tasmanian Health Service Act 2018*.

(k) by omitting from subsection (5) "Director" and substituting "Minister".

10. Section 15A inserted

After section 15 of the Principal Act, the following section is inserted in Division 2:

15A. Publication of emergency declaration

(1) As soon as is practicable after the Minister makes, extends or revokes an emergency declaration under section 14 or 15, the Minister is to publish a notification of the making, extension or revocation of the emergency declaration –

(a) on a website maintained by, or on behalf of, the Department; and

(b) in the *Gazette*.

(2) The Minister is taken to have complied with this section in respect of a notification if a notification required to be published under this section is published on a website maintained by, or

on behalf of, another State Service Agency.

11. Section 16 amended (Directions of Director)

Section 16 of the Principal Act is amended by inserting after subsection (2A) the following subsection:

(2B) Before giving or revoking a direction under this section, if the Director considers that the proposed direction or revocation may affect –

(a) the delivery of services under a service plan, within the meaning of the *Tasmanian Health Service Act 2018* – the Director is to consult with the Secretary, within the meaning of that Act; and

(b) emergency management, if a state of alert, or state of emergency, within the meaning of the *Emergency Management Act 2006*, has been declared and is in effect – the Director is to consult with the State Controller, within the meaning of that Act –

in respect of the proposed direction.

12. Section 16D inserted

After section 16C of the Principal Act, the following section is inserted in Division 2:

16D. Publication of direction

(1) Subject to subsection (3), as soon as is practicable after the Director gives or revokes a direction under section 16, the Director is to publish the direction, or notify of the revocation –

(a) on a website maintained by, or on behalf of, the Department; and

(b) in the *Gazette*.

(2) Subject to subsection (3), after the Director gives or revokes a direction under section 16, the Director is to publish a statement of reasons for the giving of, or revocation of, the direction –

(a) on a website maintained by, or on behalf of, the Department, within 14 days after the giving or revocation of the direction; and

(b) in the *Gazette* within 21 days after the giving or revocation of the direction.

(3) Nothing in this section authorises the publication of information that is otherwise prohibited under a law of the Commonwealth or the State.

(4) The Director is taken to have complied with this section in respect of a direction or a statement of reasons if a direction or

a statement of reasons required to be published under this section is published on a website maintained by, or on behalf of, another State Service Agency.

13. Section 19 substituted

Section 19 of the Principal Act is repealed and the following section is substituted:

19. Report on emergency declaration

(1) If the Minister makes, extends or revokes an emergency declaration under section 14 or 15, or an emergency declaration ceases to be in force under section 15, the Minister is to prepare a report in respect of that making, extension, revocation or cessation.

(2) The report prepared under subsection (1) is to include the following matters:

(a) details of the public health emergency that resulted in the making, extension or revocation of the emergency declaration;

(b) a statement of the reasons for making, extending or revoking the emergency declaration;

(c) the advice obtained by the Minister from the Director under section 14(1A)(a) or section 15(4A)(a);

(d) any comments received by the Minister from the Secretary in response to consultation undertaken in accordance with section 14(1A)(b) or section 15(4A)(b);

(e) in the case of extension, revocation or cessation of an emergency declaration, a summary of actions taken in respect of the emergency declaration under Division 2 of Part 2, including any directions given by the Director under section 16, since the last report in relation to the emergency declaration was prepared under this section.

(3) The Minister is to table a report made under subsection (1) in each House of Parliament, within 3 sitting-days after the making, extension, revocation or cessation of the emergency declaration to which the report relates.

(4) If the third sitting-day referred to in subsection (3) does not occur within 14 calendar days after the making, extension, revocation or cessation of the emergency declaration to which the report relates, the Minister, as soon as practicable, but in any case before the expiry of those 14 calendar days, is to –

(a) provide a copy of the report to the Clerk of each House of Parliament and to the Governor; and

(b) ensure that the report is published on a website maintained by, or on behalf of, the Department.

(5) Nothing in this section authorises the inclusion in a report made under subsection (1) of information that is otherwise prohibited from publication under a law of the Commonwealth or the State.

14. Section 31 substituted

Section 31 of the Principal Act is repealed and the following section is substituted:

31. Certificate of authority

(1) In this section –

specified officer means –

(a) an authorised officer; or

(b) a nominated officer authorised under section 30A.

(2) The Director or a council is to issue a certificate of authority to a specified officer, or in relation to a class of specified officers, appointed by the Director, or council, respectively.

(3) A certificate of authority is to –

(a) state that it is issued for the purposes of this Act; and

(b) specify the powers which the specified officer, or members of a class of specified officers, may exercise under it; and

(c) specify the provisions of this Act in relation to which the powers referred to in paragraph (b) in respect of the specified officer, or members of a class of specified officers, may be exercised; and

(d) specify any expiry date; and

(e) be given to each specified officer, or member of a class of specified officers, to whom it applies.

(4) A specified officer may only exercise powers in accordance with a certificate of authority given to that specified officer in accordance with subsection (3)(e).

15. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.