

Draft Terms of Reference

Targeted Review of Tasmania's *Emergency Management Act 2006*

Background

Since the start of the COVID-19 Emergency, the Government's number one priority has been the health and safety of all Tasmanians. Tasmania has a proud history of learning from emergencies, and reports and audits that have been undertaken in response to COVID-19 provide further learnings that will strengthen our response framework in the future. Given this, the Government has committed to undertake a targeted review of Tasmania's *Emergency Management Act 2006* to modernise key parts of the legislation to incorporate lessons learned during COVID-19.

The *Emergency Management Act 2006* establishes a framework for Tasmania's emergency management arrangements at the state, regional and municipal levels and sets out the functions and powers of Executive Government, state and local government authorities.

This targeted review will ensure that Tasmania learns from the COVID-19 Emergency and adapts our response so that we can continue to keep Tasmanians safe.

Context

The COVID-19 Emergency has been a protracted and unprecedented emergency, not only for Tasmania, but the whole world. The *Emergency Management Act 2006* has been used extensively in the response to the COVID-19 Emergency, and it is critical that we continue to assess and improve our performance to ensure we can keep Tasmanians safe.

The Government has welcomed both internal and external reviews throughout the COVID-19 Emergency and will always seek to improve its performance and strengthen legislation to address any identified deficiencies or gaps.

Objective

The objective of the targeted review is to improve the function of and address any issues or gaps in the *Emergency Management Act 2006* relating to the whole-of-government management and response to the COVID-19 Emergency.

Scope

The targeted review will consider the following matters in the context of the COVID-19 Emergency:

- The findings and recommendations of Tasmanian reviews and audits conducted in response to the COVID-19 Emergency.
- Administration and authorisation of emergency powers and special emergency powers.
- Declarations of a State of Alert and State of Emergency and associated duties.
- Delegations that can be made by the State Controller, Premier and Minister.
- Arrangements for identifying, assessing and managing risks (insofar as their interaction with other legislation, such as the *COVID-19 Disease Miscellaneous Provisions Act 2020* and the *Public Health Act 1997*).

- Overlap, duplication or inconsistencies with emergency management provisions under other legislation, as identified through the COVID-19 Emergency.

Timeframes

As Tasmania is still responding to COVID-19, the review will commence once Tasmania enters phase C “Vaccination Consolidation Phase” in the National Plan to transition Australia’s National COVID-19 Response.

Governance

Project Sponsors: The Secretary of the Department of Police, Fire and Emergency Management (DPFEM) and the Secretary of the Department of Premier and Cabinet (DPAC).

Project Manager: DPFEM is the agency responsible for delivering the targeted review.

The State Emergency Management Committee will oversee the targeted review, which will ensure appropriate representation from all Tasmanian Government agencies and that the requisite expertise is available to the Project Manager as required.

Deliverables

The review is to provide the Government a report outlining any proposed amendments to strengthen the *Emergency Management Act 2006*.