

TASMANIA

COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020

NOTICE UNDER SECTION 17

I, PETER CARL GUTWEIN, the Premier, in pursuance of section 17(1) of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, being of the opinion that the relevant emergency circumstances exist in relation to this notice and with the approval of the emergency manager, declare that –

- (a) despite any of the provisions specified in Schedule 1 to this notice, service of a document that is required to be served under those provisions may be performed by the electronic means specified to in paragraph (b) if the intended recipient of the document has agreed, in accordance with paragraph (c), to receive service of the document by that means; and
- (b) the electronic means by which service may be performed under paragraph (a) is specified to be email or facsimile; and
- (c) an intended recipient of a document referred to in paragraph (a) is taken to have agreed to service of the document by electronic means if the recipient has supplied an email address or telephone number for the purposes of receiving service of the document as specified in paragraph (b); and
- (d) despite any of the provisions specified in Schedule 2 to this notice, the physical action required, by virtue of those provisions, in making, taking or receiving, swearing, signing or witnessing the signing of an affidavit, declaration or other document, may be taken to be completed by the electronic means specified in paragraph (e); and
- (e) the electronic means by which a physical action referred to in paragraph (d) may be taken is specified to be an audio-visual link, provided that the person, before whom the action is taken, complies with all of the following conditions:
 - (i) the person observes, in real time, the action being taken;
 - (ii) the person satisfies himself or herself that the document in relation to which the action is taken in accordance with subparagraph (i) is the same document, or a copy of the

document, to which the person is to apply his or her signature in accordance with subparagraph (ii);

- (iii) the person attests to the observation made under subparagraph (i) by signing the document, or a copy of the document, and endorsing the document, or the copy of the document, with a statement specifying that the document was sworn, made or signed, respectively, and witnessed, in accordance with this notice.

Signed

PETER GUTWEIN

Premier

Dated 17 June 2020

SCHEDULE 1

1. Section 65 of the *Children, Young Persons and Their Families Act 1997* in respect of sections 22(8), 26(4) and 50 of that Act
2. Section 10B(6)(b) of the *Community Protection (Offender Reporting) Act 2005*
3. Section 16(1) and (3) of the *Domestic Violence Orders (National Recognition) Act 2016*
4. Sections 14(2) and 25(1)(b) of the *Family Violence Act 2004*
5. Sections 106DA(12) and 106EA(b) of the *Justices Act 1959*
6. Sections 35(3), 41(3), 42AH(2), 42AI(2), 42AU(2), 42AV(2), 57C(7), 57D(4) and 60(2) of the *Sentencing Act 1997*
7. Sections 55(2), 56(2), 62(1), 67(2), 68(2), 76(2), 77(3), 93(2), 94(2), 99A(2) and 117(5) of the *Youth Justice Act 1997*
8. Regulations 8(1) and 10(1)(b) of the *Bail Regulations 2014* in respect of section 20(a) of the *Bail Act 1994*
9. Rules 6(2), (3), (5) and (10) and 9(1) and (3) of the *Justices (Restraint Orders) Rules 2013*
10. Rules 54N(1), 54O(b) and 54Q(1) and (2) of the *Justices Rules 2003*

SCHEDULE 2

1. Schedule 4 of the *Children, Young Persons and Their Families Act 1997* in respect of the making of an affidavit
2. Section 14 of the *Oaths Act 2001*
3. Section 18(3)(i) of the *Vehicle and Traffic Act 1999*
4. Regulation 10(2) of the *Bail Regulations 2014*
5. Rules 4 and 7 of the *Justices (Restraint Orders) Rules 2013*
6. Rules 38 and 54L(b) of the *Justices Rules 2003*
7. Rules 29 and 48 of the *Magistrates Court (Children's Division) Rules 2012*
8. Rule 43 of the *Magistrates Court (Civil Division) Rules 1998* in respect of the making of an affidavit as proof of service of a document, if that document is an application made under the *Residential Tenancy Act 1997*