

COVID-19 LEGISLATION AMENDMENT (EMERGENCY MEASURES) BILL 2020

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Schedule of the amendments referred to in the Legislative Council's message of 24 March 2020.

No. 1 **GOVT No. 1 [c2020-019A]**

Page 10, Schedule 1[1], Insert after line 13—

- (3A) To remove any doubt, subsection (3) does not apply to allow regulations to be made under this section that amend or override this Division.

No. 2 **GOVT No. 1 [c2020-020B]**

Page 18, Schedule 2.5 (proposed section 276(1)), line 9. Insert "or any other Act or law" after "regulations".

No. 3 **GOVT No. 2 [c2020-020B]**

Page 18, Schedule 2.5 (proposed section 276(3)(a)(ii)), line 30. Insert "or an offence of a sexual nature" after "offence".

No. 4 **GOVT No. 3 [c2020-020B]**

Page 18, Schedule 2.5 (proposed section 276(3)). Insert after line 34—

- (b1) a serious offender,

No. 5 **GRNS No. 1 [c2020-014A]**

Page 23, Schedule 2.12[1], proposed section 318B(1)(a1), line 33. Insert ", having regard to the COVID-19 pandemic," after "that".

No. 6 **GRNS No. 1 [c2020-015A]**

Page 24, Schedule 2.12[3], proposed section 747A(1)(a), line 6. Insert "in whole or in part" after "held".

No. 7 **GOVT No. 1 [c2020-018]**

Page 26, Schedule 2.16[3], proposed section 71A(2). Insert after line 41—

- (a1) the place specified in the public health order that the person has been ordered to reside, or

No. 8 **GRNS No. 1 [c2020-017B]**

Insert on page 27, after line 15—

**2.16A Residential Tenancies Act 2010 No 42**

**Part 13**

Insert after Part 12—

## **Part 13 Response to COVID-19 pandemic**

### **229 Regulation-making power**

- (1) The regulations under any relevant Act may provide for the following matters for the purposes of responding to the public health emergency caused by the COVID-19 pandemic—
  - (a) prohibiting the recovery of possession of premises by a landlord, owner or proprietor of premises from a tenant or resident of the premises under the relevant Act in particular circumstances,
  - (b) prohibiting the termination of a residential tenancy agreement, occupancy agreement or site agreement by a landlord, proprietor of premises or operator of a community under the relevant Act in particular circumstances,
  - (c) regulating or preventing the exercise or enforcement of another right of a landlord, proprietor of premises or operator of a community by the landlord, proprietor or operator under the relevant Act or an agreement relating to the premises,
  - (d) exempting a tenant, resident or home owner, or a class of tenants, residents or home owners, from the operation of a provision of the relevant Act or any agreement relating to premises.
- (2) The Minister may recommend to the Governor that regulations be made under this section only if—
  - (a) Parliament is not currently sitting and is not likely to sit within 2 weeks after the day the regulations are made, and
  - (b) in the Minister's opinion, the regulations are reasonable to protect the health, safety and welfare of tenants or residents under the Act.
- (3) Regulations made under this section are not limited by the regulation-making power in a relevant Act.
- (4) Regulations made under this section expire on—
  - (a) the day that is 6 months after the day on which the regulation commences, or

(b) the earlier day decided by Parliament by resolution of either House of Parliament.

(5) In this section—

*occupancy agreement* has the same meaning as in the *Boarding Houses Act 2012*.

*operator of a community* has the same meaning as in the *Residential (Land Lease) Communities Act 2013*.

*proprietor* has the same meaning as in the *Boarding Houses Act 2012*.

*relevant Act* means any of the following—

- (a) *Boarding Houses Act 2012*,
- (b) *Residential (Land Lease) Communities Act 2013*,
- (c) *Residential Tenancies Act 2010*,
- (d) any other Act relating to the leasing of premises or land for residential purposes.

*site agreement* has the same meaning as in the *Residential (Land Lease) Communities Act 2013*.

## **2.16B Retail Leases Act 1994 No 46**

### **Part 11**

Insert after Part 10—

#### **Part 11 Response to COVID-19 pandemic**

##### **87 Regulation-making power**

- (1) The regulations under any relevant Act may provide for the following matters for the purposes of responding to the public health emergency caused by the COVID-19 pandemic—
  - (a) prohibiting the recovery of possession of premises by a lessor or owner of premises or land from a lessee or tenant of the premises or land under the relevant Act in particular circumstances,
  - (b) prohibiting the termination of a lease or tenancy by a lessor or owner of premises or land under the relevant Act in particular circumstances,
  - (c) regulating or preventing the exercise or enforcement of another right of a lessor or owner of premises or land

under the relevant Act or an agreement relating to the premises or land in particular circumstances,

- (d) exempting a lessee or tenant, or a class of lessees or tenants, from the operation of a provision of the relevant Act or any agreement relating to the leasing or licensing of premises or land.
- (2) The Minister may recommend to the Governor that regulations be made under this section only if—
- (a) Parliament is not currently sitting and is not likely to sit within 2 weeks after the day the regulations are made, and
  - (b) in the Minister's opinion, the regulations are reasonable to protect the health, safety and welfare of lessees or tenants under the Act.
- (3) Regulations made under this section are not limited by the regulation-making power in a relevant Act.
- (4) Regulations made under this section expire on—
- (a) the day that is 6 months after the day on which the regulation commences, or
  - (b) the earlier day decided by Parliament by resolution of either House of Parliament.
- (5) In this section—
- relevant Act** means any of the following—
- (a) *Agricultural Tenancies Act 1990*,
  - (b) *Retail Leases Act 1994*,
  - (c) any other Act relating to the leasing of premises or land for commercial purposes.
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