



New South Wales

COVID-19 and Other Legislation Amendment (Regulatory Reforms) Bill 2022

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to—

- (a) implement on a permanent basis particular regulatory measures that were implemented on a temporary basis in response to the COVID-19 pandemic, including measures—
 - (i) enabling strata owners corporations, strata committees, community land associations, association committees and incorporated associations to meet and vote electronically under the *Associations Incorporation Act 2009*, the *Community Land Management Act 2021* and the *Strata Schemes Management Act 2015*, and
 - (ii) enabling community land associations and owners corporations to validly execute documents under the *Community Land Management Act 2021* and the *Strata Schemes Management Act 2015* by affixing the corporation's or association's common seal electronically or by using a prescribed alternative to affixing the seal, and
 - (iii) reducing the waiting period to access long service leave for contract cleaners from 20 weeks to 10 weeks under the *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010*, and
 - (iv) providing greater flexibility for employees and businesses to access long service leave under the *Long Service Leave Act 1955*, and
 - (v) allowing interviews and questioning to be conducted remotely by audio link or audio visual link under the *Biodiversity Conservation Act 2016*, *Crown Land Management Act 2016*, the *Fisheries Management Act 1994*, the *Mining Act 1992*, the *Protection of the Environment Operations Act 1997* and the *Water Management Act 2000*, and

- (vi) allowing mental health examinations or observations of a person detained in a mental health facility under the *Mental Health Act 2007* to be conducted by audio visual link, and
- (vii) allowing planning panels and the Independent Planning Commission to hold public hearings and meetings online or in person under the *Environmental Planning and Assessment Act 1979*, and
- (viii) enabling retirement village operators to obtain consent of residents in different ways, including electronically, under the *Retirement Villages Act 1999*, and
- (b) preserve the rights of eligible tenants accrued during the prescribed period under the *Retail and Other Commercial Leases (COVID-19) Regulation 2022* and allow savings and transitional regulations to be made in relation to any future commercial leasing protections implemented in response to the COVID-19 pandemic, and
- (c) extend, until 26 March 2023, the *Constitution Act 1902*, Schedule 8, which was enacted in response to the COVID-19 pandemic and enables the regulations to prescribe the ways and forms in which Bills may presented to, and assented to by, the Governor and Executive Council meetings are to be held and to allow for the further extension of that Schedule by regulation for a period of not more than 6 months, and
- (d) amend the *Interpretation Act 1987* to clarify that a reference in an Act or statutory rule to the tabling of a document in a House of Parliament includes a reference to taking any action allowed or required under the Standing Rules or Orders of the House for the tabling documents in the House when the House is not sitting.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendments

Schedule 1.1[1] and [2] amend the *Associations Incorporation Act 2009*, sections 30 and 37 to enable an association to hold committee meetings and general meetings using audio visual or other technology.

Schedule 1.1[3] and [4] amend the *Associations Incorporation Act 2009*, sections 38 and 39 to enable an association to conduct postal or electronic ballots in relation to ordinary or special resolutions.

Schedule 1.1[5] repeals provisions enabling meetings to be held using audio visual or other technology and postal or electronic ballots in relation to ordinary and special resolutions that were enacted as temporary measures in response to the COVID-19 pandemic.

Schedule 1.2 amends the *Biodiversity Conservation Act 2016*, section 12.19 to omit the automatic repeal of provisions enacted in response to the COVID-19 pandemic that enable authorised officers to authorise persons required to answer questions to do so by audio visual link. The amendment will have the effect of continuing the provisions on a permanent basis.

Schedule 1.3[1] and [2] amend the *Community Land Management Act 2021*, section 226 to allow service of a document on an occupier or owner of a lot to be by electronic transmission to an address nominated by the occupier or owner for the service of documents of that kind.

Schedule 1.3[3]–[5] amend the *Community Land Management Act 2021*, section 234 to provide for the seal of an association to be kept and stored electronically in accordance with any requirements prescribed by the regulations. The amendments also enable the regulations to prescribe requirements for keeping and storing the seal in electronic form.

Schedule 1.3[6] and [7] amend the *Community Land Management Act 2021*, section 235 to provide that the seal of an association may also be affixed electronically. The amendments include a regulation-making power to prescribe any of the following—

- (a) requirements for keeping and storing an association’s seal in electronic form,
- (b) alternatives to executing documents or instruments by affixing an association’s seal to the instrument or document,
- (c) records that must be kept by an association relating to the electronic affixing of the association’s seal or the execution of instruments or document by alternative means.

Schedule 1.3[8] omits the *Community Land Management Act 2021*, section 238, which is a regulation-making power enacted as a temporary measure in response to the COVID-19 pandemic.

Schedule 1.3[9] and [10] amend the *Community Land Management Act 2021*, Schedule 1, clause 27 and Schedule 2, clause 8 to enable associations and association committees to conduct voting by means other than in person. The amendments also enable the regulations to prescribe restrictions on the other means by which voting may be conducted, the procedures to be followed when voting by other means, and what may or may not constitute the reasonable steps that must be taken to ensure that each person entitled to vote at the meeting can participate in and vote at the meeting.

Schedule 1.4[1] extends, until 26 March 2023, the *Constitution Act 1902*, Schedule 8, which was enacted in response to the COVID-19 pandemic and enables the regulations to prescribe the ways and forms in which Bills may be presented to, and assented to by, the Governor and Executive Council meetings are to be held and to allow for the further extension of that Schedule by regulation for a period of not more than 6 months.

Schedule 1.4[2] makes a consequential amendment to extend the date on which the *Constitution Act 1902*, Schedule 8 is repealed.

Schedule 1.5 amends the *Constitution (COVID-19 Emergency Measures) Regulation 2020* as a consequence of the amendments in Schedule 1.4.

Schedule 1.6[1] and [2] amend the *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010*, section 63 to reduce the period, from 20 weeks to 10 weeks (or the shorter period prescribed by regulation), that a registered worker who has accumulated 5 years of recognised service must wait after having left the industry in order to receive a pro rata payment instead of long service leave.

Schedule 1.6[3] amends the *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010* to omit a provision that was enacted as a temporary measure in response to the COVID-19 pandemic.

Schedule 1.7 amends the *Crown Land Management Act 2016*, section 10.23, to omit the automatic repeal of provisions enacted in response to the COVID-19 pandemic that enable authorised officers to authorise persons required to answer questions to do so by audio visual link. The amendment will have the effect of continuing the provisions on a permanent basis.

Schedule 1.8[1] omits provisions that were enacted as temporary measures in response to the COVID-19 pandemic.

Schedule 1.8[2]–[4] amend provisions of the *Environmental Planning and Assessment Act 1979*, Schedule 2 relating to the conduct of public hearings by the Independent Planning Commission to enable the Commission to hold public hearings wholly or partly by way of audio link, audio visual link or other electronic means, provided the meeting or part of the meeting held in that way is able to be heard or viewed by electronic means by the public at the time it is held.

Schedule 1.8[5] amends the *Environmental Planning and Assessment Act 1979*, Schedule 2, Part 5, clause 25 to enable planning bodies to hold public hearings wholly or partly by way of audio

link, audio visual link or other electronic means, provided the meeting or part of the meeting held in that way is recorded and the record is made publicly available.

Schedule 1.9 amends the *Fisheries Management Act 1994*, section 256 to omit the automatic repeal of provisions enacted in response to the COVID-19 pandemic that enable fisheries officers to authorise persons required to answer questions to do so by audio visual link. The amendment will have the effect of continuing the provisions on a permanent basis.

Schedule 1.10 inserts a new provision into the *Interpretation Act 1987* to clarify that a reference in an Act or statutory rule to the tabling of a document in a House of Parliament includes a reference to taking any action allowed or required under the Standing Rules or Orders of the House for the tabling documents in the House when the House is not sitting.

Schedule 1.11[1] and [2] amend the *Long Service Leave Act 1955*, section 4 to enable an employer and a worker to agree to the worker taking long service leave, either in advance or accrued, for periods of not less than 1 day, which was implemented on a temporary basis in response to the COVID-19 pandemic.

Schedule 1.11[3] amends the *Long Service Leave Act 1955*, section 4 to provide the means of calculating the number of hours that constitute 1 day for workers who do not have fixed numbers of working hours under the terms of their employment.

Schedule 1.11[4] amends the *Long Service Leave Act 1955*, section 4 to enable an employer to give a worker less than 1 month's notice of the date from which it is proposed that the worker's long service leave be given and taken if the worker agrees to the shorter period of notice.

Schedule 1.11[5] replaces the *Long Service Leave Act 1955*, section 8 to clarify the records that an employer must keep in relation to long service leave for workers employed by the employer, including by providing that the records must be kept—

- (a) for a period of at least 6 years after the day on which the worker ceases to be employed by the employer, and
- (b) in the way prescribed by the regulations.

Schedule 1.11[6] repeals sections 15A and 15B, which temporarily provided for the arrangements being made permanent by the amendments being made by Schedule 1.11[1] and [2].

Schedule 1.12[1] amends the *Mental Health Act 2007*, section 27A to—

- (a) enable medical practitioners to conduct medical examinations or observations of persons by audio visual link when it is not reasonably practicable for an authorised medical officer of a mental health facility or other medical practitioner to personally examine or observe the person, and
- (b) enable particular accredited persons to conduct medical examinations or observations of persons in person or by audio visual link when it is not reasonably practicable for an authorised medical officer of a mental health facility or other medical practitioner to personally examine or observe the person.

Schedule 1.12[2] amends the *Mental Health Act 2007*, section 27A, consequent on the amendment in Schedule 12[1], to extend a safeguard requiring medical practitioners to only carry out an examination or observation of a person by audio visual link if the medical practitioner is satisfied that the examination or observation can be carried out in those circumstances with sufficient skill and care so as to form the required opinion about the person to accredited persons who are authorised to do so.

Schedule 1.12[3] omits an expired provision that was enacted as a temporary measure in response to the COVID-19 pandemic, which temporarily enabled an assessable person, or any other person, to appear before the Mental Health Review Tribunal by telephone for the purposes of a mental health inquiry, and enabled the Tribunal to adjourn matters or extend the period of a community treatment order if the Tribunal considered it necessary to do so because of the COVID-19 pandemic.

Schedule 1.12[4] omits a provision that was enacted as a temporary measure in response to the COVID-19 pandemic, which temporarily provided for the arrangements being made permanent by the amendments being made by Schedule 1.12[1].

Schedule 1.13 amends the *Mining Act 1992*, section 248L to omit the automatic repeal of provisions enacted in response to the COVID-19 pandemic that enable inspectors to authorise persons required to answer questions to do so by audio visual link. The amendment will have the effect of continuing the provisions on a permanent basis.

Schedule 1.14 amends the *Protection of the Environment Operations Act 1997*, section 203 to omit the automatic repeal of provisions enacted in response to the COVID-19 pandemic that enable authorised officers to authorise persons required to answer questions to do so by audio visual link. The amendment will continue the provisions on a permanent basis.

Schedule 1.15[1] inserts a savings provision into the *Retail Leases Act 1994* to preserve protections granted under temporary regulations to certain lessees under commercial leases who were impacted by the COVID-19 pandemic.

Schedule 1.15[2] inserts a new regulation-making power into the *Retail Leases Act 1994* to enable the regulations to provide for matters of a savings or transitional nature relating to measures in relation to commercial leases implemented in response to the COVID-19 pandemic.

Schedule 1.16[1] amends the *Retirement Villages Act 1999*, section 41 to enable a new operator of an existing retirement village to hold a meeting of the residents of the village using electronic means in addition to holding the meeting in person. The amendments also require the operator to take reasonable steps to ensure each resident can participate in, and vote at, the meeting using the means.

Schedule 1.16[2] and [3] amend the *Retirement Villages Act 1999*, section 72A to enable the operator of a retirement village to hold annual management meetings using electronic means in addition to holding the meetings in person. The amendments also require the operator to take reasonable steps to ensure each resident or former occupant can participate in, and vote at, the meeting using the means.

Schedule 1.16[4] and [5] amend the *Retirement Villages Act 1999*, Schedule 1 to expand existing provisions relating to voting procedures to enable residents of retirement villages to vote in ballots conducted by electronic means approved by the Residents Committee, in addition to voting in person. The amendments also require the person convening the meeting in relation to which the ballot is held to take reasonable steps to ensure each resident can participate in, and vote at, the meeting using the means.

Schedule 1.17[1] and [2] amend the *Strata Schemes Management Act 2015*, section 263 to allow service of a document on an occupier or owner of a lot to be by electronic transmission to an address specified by the owner or occupier for the service of documents of that kind.

Schedule 1.17[3] omits the *Strata Schemes Management Act 2015*, section 271A, which provided a temporary power enabling the regulations to provide for the arrangements being made permanent by the other amendments in Schedule 1.17.

Schedule 1.17[4]–[6] amend the *Strata Schemes Management Act 2015* to provide for the seal of an owners corporation to be kept and affixed electronically in accordance with any requirements prescribed by the regulations. The amendments also enable the regulations to prescribe requirements for keeping and storing the seal in electronic form.

Schedule 1.17[7] and [8] amend the *Strata Schemes Management Act 2015*, section 273 to provide a regulation-making power to prescribe any of the following—

- (a) requirements for keeping and storing an owners corporation's seal in electronic form,
- (b) alternatives to executing documents or instruments by affixing an owners corporation's seal to the instrument or document,

- (c) records that must be kept by an owners corporation relating to the electronic affixing of the owners corporation's seal or the execution of instruments or document by alternative means.

Schedule 1.17[9] and [10] replace the *Strata Schemes Management Act 2015*, Schedule 1, clause 28 and Schedule 2, clause 10 to expand existing provisions relating to meeting procedures of owners corporations and strata committees to enable owners corporations and strata committees to conduct voting by means other than voting in person. The amendments also enable the regulations prescribe restrictions on the other means by which voting may be conducted, the procedures to be followed when voting by other means, and what may or may not constitute the reasonable steps that must be taken to ensure that each person entitled to vote at the meeting can participate in and vote at the meeting.

Schedule 1.18 amends the *Water Management Act 2000*, section 338B to omit the automatic repeal of provisions enacted in response to the COVID-19 pandemic that enable authorised officers to authorise persons required to answer questions to do so by audio visual link. The amendment will have the effect of continuing the provisions on a permanent basis.



New South Wales

COVID-19 and Other Legislation Amendment (Regulatory Reforms) Bill 2022

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New South Wales

COVID-19 and Other Legislation Amendment (Regulatory Reforms) Bill 2022

No. , 2022

A Bill for

An Act to amend a number of Acts to permanently implement regulatory reforms relating to particular measures previously implemented temporarily as a result of the COVID-19 pandemic; to amend the *Constitution Act 1902* and the *Constitution (COVID-19 Emergency Measures) Regulation 2020* to extend particular provisions; and to amend the *Interpretation Act 1987* to clarify the requirements for tabling documents in a House of Parliament.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *COVID-19 and Other Legislation Amendment (Regulatory Reforms) Act 2022*.

2 Commencement

- (1) Subject to subsections (2) and (3), this Act commences on the date of assent to this Act.
- (2) Schedules 1.6 and 1.8 commence on 1 April 2022.
- (3) Schedules 1.3[3]–[10], 1.11[5], 1.12[1], [2] and [4] and 1.17[3]–[10] commence on a day or days to be appointed by proclamation.

Schedule 1	Amendments	1
1.1	Associations Incorporation Act 2009 No 7	2
[1]	Section 30 Committee meetings	3
	Omit “If the association’s constitution so provides, a” from section 30(2).	4
	Insert instead “A”.	5
[2]	Section 37 General meetings	6
	Omit “If the association’s constitution so provides, a” from section 37(3).	7
	Insert instead “A”.	8
[3]	Section 38 Voting generally	9
	Omit section 38(2). Insert instead—	10
	(2) A postal or electronic ballot referred to in subsection (1)(b) must be conducted in accordance with the regulations.	11 12
[4]	Section 39 Voting on special resolutions	13
	Omit section 39(3). Insert instead—	14
	(3) A postal or electronic ballot referred to in subsection (1)(b) must be conducted in accordance with the regulations.	15 16
[5]	Schedule 4 Savings, transitional and other provisions	17
	Omit Schedule 4, Part 6.	18
1.2	Biodiversity Conservation Act 2016 No 63	19
	Section 12.19 Power of authorised officers to require answers	20
	Omit section 12.19(9).	21
1.3	Community Land Management Act 2021 No 7	22
[1]	Section 226 Service of documents by certain persons	23
	Insert at the end of section 226(2)(b)—	24
	, or	25
	(c) by sending it by electronic transmission to an address nominated by the occupier as an address for the service of documents.	26 27
[2]	Section 226(4)(ca)	28
	Insert after section 226(4)(c)—	29
	(ca) by sending it by electronic transmission to an address nominated by the owner as an address for the service of documents, or	30 31
[3]	Section 234 Persons who may keep seals of associations	32
	Insert after section 234(2)—	33
	(2A) The seal of the association may be kept in electronic form.	34

[4] Section 234(3)	1
Insert “, or to keep an electronic copy of the seal,” after “association”.	2
[5] Section 234(5)	3
Insert after section 234(4)—	4
(5) The regulations may make provision about keeping and storing the seal of an association in electronic form.	5 6
[6] Section 235 Affixing of seal of association	7
Insert after section 235(3)—	8
(3A) The seal of the association may be affixed physically or electronically.	9
(3B) If the seal is affixed electronically—	10
(a) subsections (1)–(3) do not apply in relation to affixing the seal, and	11
(b) the seal must be affixed in accordance with any requirements prescribed by the regulations under subsection (7).	12 13
(3C) An instrument or document to which the seal has been electronically affixed has effect as if the seal had been physically affixed to the instrument or document.	14 15 16
[7] Section 235(7) and (8)	17
Insert after section 235(6)—	18
(7) The regulations may make provision about the following—	19
(a) any requirements for affixing the seal electronically,	20
(b) alternatives to affixing the seal of the association, including—	21
(i) requirements for witnessing or attesting to the alternatives, and	22
(i) records relating to the alternatives,	23
(c) records required to be kept relating to the electronic seal or any prescribed alternative to affixing the seal.	24 25
(8) A reference in subsections (4)–(6) to affixing the seal of an association to an instrument or document is taken to include a reference to an alternative to affixing the seal in accordance with any regulations made under subclause (7).	26 27 28
[8] Section 238 Regulation-making power for COVID-19 pandemic	29
Omit the section.	30
[9] Schedule 1 Meeting procedures of associations	31
Omit clause 27. Insert instead—	32
27 Way of voting	33
(1) A vote at a meeting by a person entitled to vote or by a proxy must be cast—	34
(a) in person, or	35
(b) if another way is specified in the notice given for the meeting—in the other way.	36 37
(2) If a way of voting has been specified in the notice under subclause (1)(b), the secretary of the association or, if a managing agent is exercising the functions of the secretary, the managing agent must take reasonable steps to ensure each person entitled to vote at the meeting can participate in and vote at the meeting.	38 39 40 41

(3)	The regulations may provide for the following—	1
(a)	the ways of voting that may be specified under subclause (1)(b),	2
(b)	the circumstances in which a particular way of voting may be specified under subclause (1)(b),	3 4
(c)	without limiting paragraph (a), procedures for voting in a way specified under subclause (1)(b),	5 6
(d)	restricting, prohibiting or requiring the use of specified ways of voting,	7
(e)	what may or may not constitute reasonable steps taken by the secretary of the association for the purposes of subclause (2).	8 9
[10]	Schedule 2 Meeting procedures of association committees	10
	Omit clause 8. Insert instead—	11
8	Ways of voting	12
(1)	A vote at a meeting by a person entitled to vote may be cast—	13
(a)	in person, or	14
(b)	if another way is specified in the notice given for the meeting—in the other way.	15 16
	Note— A person may be present at a meeting even if not actually at the meeting. See the Dictionary, definition of person present .	17 18
(2)	If a way of voting has been specified in the notice under subclause (1)(b), the secretary of the association or, if a managing agent is exercising the functions of the secretary, the managing agent must take reasonable steps to ensure each person entitled to vote at the meeting can participate in and vote at the meeting.	19 20 21 22
(3)	The regulations may provide for the following—	23
(a)	the ways of voting that may be specified under subclause (1)(b),	24
(b)	the circumstances in which a particular way of voting may be specified under subclause (1)(b),	25 26
(c)	without limiting paragraph (a), procedures for voting in a way specified under subclause (1)(b),	27 28
(d)	restricting, prohibiting or requiring the use of specified ways of voting,	29
(e)	what may or may not constitute reasonable steps taken by the secretary of the association or managing agent for the purposes of subclause (2).	30 31
1.4	Constitution Act 1902 No 32	32
[1]	Schedule 8	33
	Omit Schedule 8, heading. Insert instead—	34
Schedule 8	Executive Council and other processes	35
[2]	Schedule 8, clause 1, definition of <i>prescribed period</i>, paragraph (b)	36
	Omit the paragraph. Insert instead—	37
(b)	ending on the later of the following—	38
(i)	26 March 2023,	39
(ii)	the day, not later than 26 September 2023, prescribed by the regulations.	40 41

[3] Schedule 8, clause 5	1
Omit “27 March 2022”. Insert instead “27 September 2023”.	2
1.5 Constitution (COVID-19 Emergency Measures) Regulation 2020	3
[1] Clause 1 Name of Regulation	4
Omit the clause. Insert instead—	5
1 Name of Regulation	6
This Regulation is the <i>Constitution (Executive Council Processes) Regulation 2020</i> .	7
	8
[2] Clause 3A	9
Omit the clause.	10
1.6 Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 No 122	11
	12
[1] Section 63 Entitlement to pro rata payment instead of leave in limited circumstances	13
Omit “20 weeks” from Section 63(1)(b). Insert instead “10 weeks, or a shorter period prescribed by the regulations,”.	14
	15
[2] Section 63(1)(c)	16
Omit “20-week period”.	17
Insert instead “10-week period or the shorter period prescribed under subsection (1)(b)”.	18
[3] Section 118 Special provision for pro rata payment during COVID-19 pandemic	19
Omit the section.	20
1.7 Crown Land Management Act 2016 No 58	21
Section 10.23 Power of authorised officers to require answers	22
Omit section 10.23(9).	23
1.8 Environmental Planning and Assessment Act 1979 No 203	24
[1] Sections 10.17 and 10.18	25
Omit the sections.	26
[2] Schedule 2 Provisions relating to planning bodies	27
Omit clause 3(3)(b). Insert instead—	28
(b) the time and date of the public hearing,	29
[3] Schedule 2, clause 3(3)(b1)	30
Insert after Schedule 2, clause 3(3)(b)—	31
(b1) the place at which the public hearing is to be held or, if the hearing is to be held by audio link, audio visual link or other electronic means, information about how a member of the public may hear or view the hearing,	32
	33
	34
	35

[4] Schedule 2, clause 3(5)	1
Insert after clause 3(4)—	2
(5) A requirement to conduct a public hearing is taken to be satisfied if—	3
(a) the hearing is held wholly or partly by audio link, audio visual link or other electronic means, and	4
(b) the hearing, or the part of the hearing, held by audio link, audio visual link or other electronic means is able to be heard or viewed by electronic means by a member of the public at the time the hearing, or part of the hearing, is held.	5
6	6
7	7
8	8
9	9
[5] Schedule 2, clause 25(4) and (5)	10
Omit clause 25(4). Insert instead—	11
(4) A planning body may carry out any of the planning body’s business at a meeting held wholly or partly by audio link, audio visual link or other electronic means, but only if a member who speaks on a matter before the meeting or the part of the meeting can be heard by the other members.	12
13	13
14	14
15	15
(5) A meeting, or a part of a meeting, held in accordance with subclause (4) is taken to be conducted in public if—	16
17	17
(a) the meeting, or the part of the meeting, is recorded, and	18
(b) the record of the meeting or part is made publicly available as required under subclause (3).	19
20	20
1.9 Fisheries Management Act 1994 No 38	21
Section 256 Production of records relating to commercial fishing activities and fish receivers	22
23	23
Omit section 256(6).	24
24	24
1.10 Interpretation Act 1987 No 15	25
Section 18A	26
Insert after section 18—	27
27	27
18A Tabling of documents	28
(1) In an Act or statutory rule, a reference to tabling a document in a House of Parliament includes taking any action allowed or required under the Standing Rules or Orders of the House to table the document when the House is not sitting.	29
30	30
31	31
32	32
(2) This section applies in relation to the tabling of a document before or after the commencement of this section.	33
34	34
1.11 Long Service Leave Act 1955 No 38	35
[1] Section 4 Long service leave	36
Insert after section 4(3)—	37
(3AA) Despite subsection (3)(b), an employer and worker may agree to the worker taking long service leave in 2 or more separate periods of not less than 1 day.	38
39	39

[2] Section 4(3A)	1
Omit “one month”. Insert instead “1 day”.	2
[3] Section 4(3B)	3
Insert after section 4(3A)—	4
(3B) For the purposes of subsections (3AA) and (3A), in relation to a worker for whom no normal weekly number of hours is fixed under the terms of the worker’s employment, the reference to 1 day is taken to be a reference to the number of hours calculated as follows—	5
A/B	6
where—	7
A is the higher of—	8
(a) the average weekly number of hours worked by the worker during the period of 12 months ending on the date immediately preceding the date on which the worker enters long service leave, or	9
(b) the average weekly number of hours worked by the worker during the period of 5 years ending on the date immediately preceding the date on which the worker enters long service leave, and	10
B is the average number of days worked weekly by the worker during the period used for calculating A.	11
[4] Section 4(10A)	12
Insert after section 4(10)—	13
(10A) However, an employer may, under subsection (10), give a worker less than 1 month’s notice if the worker agrees to the lesser period of notice.	14
[5] Section 8	15
Omit the section. Insert instead—	16
8 Records to be kept by employer	17
(1) An employer must ensure a long service leave record is kept in relation to each worker employed by the employer.	18
(2) The employer must keep the long service leave records in the way prescribed by the regulations.	19
(3) The employer must ensure the long service leave record in relation to a worker is kept for a period of at least 6 years after the day on which the worker ceases to be employed by the employer.	20
(4) The regulations may make provision about the transfer of a long service leave record relating to a worker, or copies of the record, to the successor of an employer.	21
[6] Sections 15A and 15B	22
Omit the sections.	23
1.12 Mental Health Act 2007 No 8	24
[1] Section 27A Examinations by medical practitioners or accredited persons for purposes of detention	25
Omit section 27A(1)(a) and (b). Insert instead—	26

(a)	by a medical practitioner using an audio visual link, or	1
(b)	by an accredited person authorised by the medical superintendent of the mental health facility to examine or observe the person or observe for that purpose—	2 3 4
(i)	in person, or	5
(ii)	using an audio visual link.	6
[2]	Section 27A(3)	7
	Omit the subsection. Insert instead—	8
(3)	A medical practitioner or accredited person must not carry out an examination or observation using an audio visual link under this section unless the medical practitioner or accredited person is satisfied that the examination or observation can be carried out in the circumstances with sufficient skill and care so as to form the required opinion about the person.	9 10 11 12 13
[3]	Section 202	14
	Omit the section.	15
[4]	Section 203	16
	Omit the section.	17
1.13	Mining Act 1992 No 29	18
	Section 248L Power of inspectors to require answers	19
	Omit section 248L(9).	20
1.14	Protection of the Environment Operations Act 1997 No 156	21
	Section 203 Power of authorised officers to require answers	22
	Omit section 203(10).	23
1.15	Retail Leases Act 1994 No 46	24
[1]	Section 88 Savings of protections granted during COVID-19 pandemic	25
	Insert after section 88(1)—	26
(1A)	The <i>Retail and Other Commercial Leases (COVID-19) Regulation 2022</i> continues to apply, despite the repeal of that regulation, to anything occurring in relation to a lease while the lease was an impacted lease within the meaning of that regulation.	27 28 29 30
[2]	Section 89	31
	Insert after section 88—	32
	89 Savings and transitional regulations	33
(1)	The regulations may contain provisions of a savings or transitional nature (<i>COVID-19 savings or transitional provisions</i>) consequent on—	34 35
(a)	the enactment of a provision of this Act relating to anything occurring in relation to a lease in response to the COVID-19 pandemic (a <i>COVID-19 provision</i>), or	36 37 38
(b)	the repeal of—	39

(i)	a COVID-19 provision, or	1
(ii)	a provision of a regulation made under a COVID-19 provision.	2
(2)	A COVID-19 savings or transitional provision may, if the regulations provide, take effect from—	3 4
(a)	the date of the repeal of the relevant COVID-19 provision, or	5
(b)	a later date.	6
(3)	A COVID-19 savings or transitional provision has effect despite anything to the contrary in this Act.	7 8
1.16 Retirement Villages Act 1999 No 81		9
[1]	Section 41 New operator to convene meeting of residents	10
	Omit section 41(2). Insert instead—	11
(2)	The person must convene the meeting by sending to each resident and former occupant, at least 7 days before the date of the meeting, a written notice setting out—	12 13 14
(a)	the time of the meeting, and	15
(b)	the place at which the resident or former occupant may attend the meeting in person, which must be at the village if practicable or otherwise at a place near the village, and	16 17 18
(c)	if the resident or former occupant may attend the meeting by electronic means—details of how the resident or former occupant can attend and participate in the meeting using the means, and	19 20 21
(d)	the reason for the meeting.	22
(3)	If the person gives the residents and former occupants the option of attending the meeting by electronic means, the person must take reasonable steps to ensure each resident or former occupant can participate in, and vote at, the meeting using the means.	23 24 25 26
[2]	Section 72A Annual management meeting to be held by operator	27
	Omit section 72A(4)(a) and (b). Insert instead—	28
(a)	the time of the meeting, and	29
(b)	the place at which the residents may attend the meeting in person, and	30
(c)	if the residents may attend the meeting by electronic means—details of how the residents can attend and participate in the meeting using the means, and	31 32 33
(d)	the agenda for the meeting.	34
[3]	Section 72A(7A)	35
	Insert after section 72A(7)—	36
(7A)	If the residents are given the option of attending the meeting by electronic means, the chair of the meeting must take reasonable steps to ensure each resident or former occupant can participate in, and vote at, the meeting using the means.	37 38 39 40
[4]	Schedule 1 Consent of residents	41
	Insert at the end of clause 3(1)(b)—	42
	, or	43

(c)	for a vote by residents of a village in which there is a Residents Committee—	1 2
(i)	a ballot conducted by electronic means, approved by the Residents Committee, with residents participating in the ballot from a remote location, or	3 4 5
(ii)	a ballot conducted by electronic means, approved by the Residents Committee, before the meeting at which, or before the date by which, the measure or action is to be determined, or	6 7 8
(d)	for a vote by residents of a village in which there is no Residents Committee—	9 10
(i)	a ballot conducted by electronic means, approved by the person convening the meeting, with residents participating in the ballot from a remote location, or	11 12 13
(ii)	a ballot conducted by electronic means, approved by the person convening the meeting, before the meeting at which, or before the date by which, the measure or action is to be determined.	14 15 16
[5]	Schedule 1, Part 2, clause 3(1A)	17
	Insert after Schedule 1, Part 2, clause 3(1)—	18
(1A)	If a ballot is to be conducted by electronic means, the chair of the meeting in relation to which the ballot is being held must take reasonable steps to ensure that each resident entitled to participate in the meeting and vote in the ballot can participate in the meeting and vote in the ballot using the means.	19 20 21 22
1.17	Strata Schemes Management Act 2015 No 50	23
[1]	Section 263 Service of documents by owners corporation and others	24
	Insert at the end of section 263(2)(b)—	25
	, or	26
(c)	by sending it by electronic transmission to an address nominated by the occupier of the lot as an address for the service of documents.	27 28
[2]	Section 263(4)(ca)	29
	Insert after section 263(4)(c)—	30
(ca)	by sending it by electronic transmission to an address nominated by the owner of the lot as an address for the service of documents, or	31 32
[3]	Section 271A Regulation-making power for COVID-19 pandemic	33
	Omit section 271A.	34
[4]	Section 272 Persons who may keep seals of owners corporations	35
	Insert after section 272(2)—	36
(2A)	The seal of the owners corporation may be kept in electronic form.	37
[5]	Section 272(3)	38
	Insert “, or to keep an electronic copy of the seal,” after “corporation”.	39
[6]	Section 272(5)	40
	Insert after section 272(4)—	41

(5)	The regulations may provide for keeping and storing the seal in electronic form.	1 2
[7]	Section 273 Affixing of seal of owners corporation	3
	Insert after section 273(3)—	4
(3A)	The seal of the owners corporation may be affixed physically or electronically.	5
(3B)	If the seal is affixed electronically—	6
	(a) subsections (1)–(3) do not apply in relation to affixing the seal, and	7
	(b) the seal must be affixed in accordance with any requirements prescribed by the regulations under subsection (7).	8 9
(3C)	An instrument or document to which the seal has been electronically affixed has effect as if the seal had been physically affixed to the instrument or document.	10 11 12
[8]	Section 273(7) and (8)	13
	Insert after section 273(6)—	14
(7)	The regulations may provide for the following—	15
	(a) any requirements for affixing the seal electronically,	16
	(b) alternatives to affixing the seal of the owners corporation, including any requirements for witnessing or attesting to the alternatives and records relating to the alternatives,	17 18 19
	(c) records required to be kept relating to the electronic seal or any prescribed alternatives to affixing the seal.	20 21
(8)	A reference in subsections (4)–(6) to affixing the seal of an owners corporation to an instrument or document is taken to include a reference to an alternative to affixing the seal in accordance with the regulations made under subsection (7).	22 23 24 25
[9]	Schedule 1 Meeting procedures of owners corporation	26
	Omit clause 28. Insert instead—	27
28	Ways of voting	28
(1)	A vote at a meeting by a person entitled to vote or by a proxy must be cast—	29
	(a) in person, or	30
	(b) if another way is specified in the notice given for the meeting—in the other way.	31 32
(2)	If a way of voting has been specified in the notice under subclause (1)(b), the secretary of the owners corporation or, if a strata managing agent is exercising the functions of the secretary, the strata managing agent must take reasonable steps to ensure each person entitled to vote at the meeting can participate in and vote at the meeting.	33 34 35 36 37
(3)	The regulations may provide for the following—	38
	(a) the ways of voting that may be specified under subclause (1)(b),	39
	(b) the circumstances in which a particular way of voting may be specified under subclause (1)(b),	40 41
	(c) without limiting paragraph (a), procedures for voting in a specified way,	42
	(d) restricting, prohibiting or requiring the use of specified ways of voting,	43

(e)	what may or may not constitute reasonable steps taken by the secretary of the owners corporation or strata managing agent for the purposes of subclause (2).	1 2 3
[10]	Schedule 2 Meeting procedures of strata committees	4
	Omit clause 10. Insert instead—	5
10	Way of voting	6
(1)	A vote at a meeting by a person entitled to vote may be cast—	7
(a)	in person, or	8
(b)	if another means has been specified in the notice—by the other means.	9
	Note— A person may be present at a meeting even if not actually at the meeting. See section 4(1), definition of person present .	10 11
(2)	If a means of voting has been specified in the notice under subclause (1)(b), the secretary of the owners corporation or, if a strata managing agent is exercising the functions of the secretary, the strata managing agent must take reasonable steps to ensure that each person entitled to vote at the meeting can participate in, and vote at, the meeting by that means.	12 13 14 15 16
(3)	The regulations may make provision about the following—	17
(a)	the means of voting that may be specified under subclause (1)(b),	18
(b)	the circumstances in which a particular means of voting may be specified under subclause (1)(b),	19 20
(c)	without limiting paragraph (a), procedures for voting by a specified means,	21 22
(d)	restricting, prohibiting or requiring the use of specified means of voting,	23
(e)	what may or may not constitute reasonable steps taken by the secretary of the owners corporation or strata managing agent for the purposes of subclause (2).	24 25 26
1.18	Water Management Act 2000 No 92	27
	Section 338B Power of authorised officers to require answers	28
	Omit section 338B(9).	29