

Passed by both Houses



New South Wales

COVID-19 Legislation Amendment (Stronger Communities and Health) Bill 2021

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Acts and instruments relating to COVID-19 emergency measures	3
Schedule 2	Amendment of Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No 12	8
Schedule 3	Repeal of Mental Health (Forensic Provisions) Amendment (Victims) Act 2018 No 85	9

I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2021



New South Wales

COVID-19 Legislation Amendment (Stronger Communities and Health) Bill 2021

Act No _____, 2021

An Act to amend a number of Acts and instruments to extend emergency measures implemented as a result of the COVID-19 pandemic; to amend the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* for particular purposes; and to repeal the *Mental Health (Forensic Provisions) Amendment (Victims) Act 2018*.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *COVID-19 Legislation Amendment (Stronger Communities and Health) Act 2021*.

2 Commencement

- (1) This Act, except as provided by subsection (2), commences on the date of assent to this Act.
- (2) Schedules 1.7[2] and 1.15[1] commence on 26 March 2021.

Schedule 1 Amendment of Acts and instruments relating to COVID-19 emergency measures

1.1 Child Protection (Working with Children) Act 2012 No 51

Section 54 Duration of clearances—response to COVID-19 pandemic

Omit section 54(2). Insert instead—

- (2) This section is repealed on—
 - (a) 26 September 2021, or
 - (b) a later day, not later than 26 March 2022, prescribed by the regulations.

1.2 Child Protection (Working with Children) Regulation 2013

Clause 19A COVID-19 pandemic—repeal of special provisions

Omit the clause.

1.3 Children (Community Service Orders) Act 1987 No 56

[1] Section 9A COVID-19 pandemic—availability of work

Omit the definition of *prescribed period* from section 9A(3). Insert instead—

prescribed period means the period—

- (a) starting on the commencement of this section, and
- (b) ending on—
 - (i) 26 September 2021, or
 - (ii) a later day, not later than 26 March 2022, prescribed by the regulations.

[2] Section 14A COVID-19 pandemic—presentation for work

Omit the definition of *prescribed period* from section 14A(3). Insert instead—

prescribed period means the period—

- (a) starting on the commencement of this section, and
- (b) ending on—
 - (i) 26 September 2021, or
 - (ii) a later day, not later than 26 March 2022, prescribed by the regulations.

1.4 Children (Community Service Orders) Regulation 2020

Clause 16A COVID-19 pandemic—extension of prescribed period

Omit the clause.

1.5 Children (Detention Centres) Act 1987 No 57

Section 110 Visits to detention centres during COVID-19 pandemic

Omit the definition of *prescribed period* from section 110(5). Insert instead—

prescribed period means the period—

- (a) starting on the commencement of this section, and

- (b) ending on—
 - (i) 26 September 2021, or
 - (ii) a later day, not later than 26 March 2022, prescribed by the regulations.

1.6 Children (Detention Centres) Regulation 2015

Clause 157 COVID-19 pandemic—extension of prescribed period

Omit the clause.

1.7 Civil and Administrative Tribunal Act 2013 No 2

[1] Schedule 1 Savings, transitional and other provisions

Omit the definition of *prescribed period* from clause 22. Insert instead—

prescribed period means the period—

- (a) starting on the commencement of this Part, and
- (b) ending on—
 - (i) 26 September 2021, or
 - (ii) a later day, not later than 26 March 2022, prescribed by the regulations.

[2] Schedule 1, clauses 26 and 30

Omit the clauses.

1.8 Civil and Administrative Tribunal Regulation 2013

Clause 11 COVID-19 pandemic—extension of prescribed period

Omit the clause.

1.9 Constitution Act 1902 No 32

[1] Schedule 8 Special provisions for COVID-19 pandemic

Omit the definition of *prescribed period* from clause 1. Insert instead—

prescribed period means the period—

- (a) starting on the commencement of this Schedule, and
- (b) ending on—
 - (i) 26 September 2021, or
 - (ii) a later day, not later than 26 March 2022, prescribed by the regulations.

[2] Schedule 8, clause 5

Omit “12 months after the commencement of this Schedule”.

Insert instead “on 27 March 2022”.

1.10 Constitution (COVID-19 Emergency Measures) Regulation 2020

Clause 3A COVID-19 pandemic—extension of prescribed period

Omit the clause.

1.11 Court Security Act 2005 No 1

Section 12H

Omit the section. Insert instead—

12H Repeal of Division

This Division is repealed on—

- (a) 26 September 2021, or
- (b) a later day, not later than 26 March 2022, prescribed by the regulations.

1.12 Court Security Regulation 2016

Clause 7A COVID-19 pandemic—repeal of special provisions

Omit the clause.

1.13 Crimes (Administration of Sentences) Act 1999 No 93

Section 274 Definitions

Omit the definition of *prescribed period* from section 274. Insert instead—

prescribed period means the period—

- (a) starting on the commencement of this Part, and
- (b) ending on—
 - (i) 26 September 2021, or
 - (ii) a later day, not later than 26 March 2022, prescribed by the regulations.

1.14 Crimes (Administration of Sentences) Regulation 2014

Clause 329A COVID-19 pandemic—extension of prescribed period

Omit the clause.

1.15 Criminal Procedure Act 1986 No 209

[1] Chapter 7 Miscellaneous

Omit Division 5 of Part 5 of Chapter 7.

[2] Section 367

Omit the section. Insert instead—

367 Repeal of Part

This Part is repealed on—

- (a) 26 September 2021, or
- (b) a later day, not later than 26 March 2022, prescribed by the regulations.

1.16 Criminal Procedure Regulation 2017

Clause 120 COVID-19 pandemic—repeal of special provisions

Omit the clause.

1.17 Evidence (Audio and Audio Visual Links) Act 1998 No 105

Section 22C COVID-19 pandemic—special provisions

Omit the definition of *prescribed period* from section 22C(9). Insert instead—

prescribed period means the period—

- (a) starting on the commencement of this section, and
- (b) ending on—
 - (i) 26 September 2021, or
 - (ii) a later day, not later than 26 March 2022, prescribed by the regulations.

1.18 Evidence (Audio and Audio Visual Links) Regulation 2015

Clause 4B COVID-19 pandemic—extension of prescribed period

Omit the clause.

1.19 Interpretation Act 1987 No 15

[1] Section 84 Power of person to modify statutory time periods

Omit subsections (3) and (4). Insert instead—

- (3) If a period is extended, suspended or waived under subsection (2), the period may only be extended, suspended or waived to a day that is no later than—
 - (a) 26 September 2021, or
 - (b) a later day, not later than 26 March 2022, prescribed by the regulations.
- (4) If it is agreed under subsection (2) that a thing may be done or omitted to be done despite the expiry of a period, the day by which it is agreed the thing may be done or omitted to be done may be no later than—
 - (a) 26 September 2021, or
 - (b) a later day, not later than 26 March 2022, prescribed by the regulations.

[2] Section 90

Omit the section. Insert instead—

90 Repeal of Part

- (1) This Part, except as provided by subsection (2), is repealed on—
 - (a) 26 September 2021, or
 - (b) a later day, not later than 26 March 2022, prescribed by the regulations.
- (2) Sections 85, 86, 87(2) and (3), 88 and 89 are repealed at the end of 26 March 2021.

1.20 Jury Act 1977 No 18

Section 25 Selection of jurors by sheriff

Omit section 25(6). Insert instead—

- (6) This subsection and subsections (4) and (5) are repealed on—
 - (a) 26 September 2021, or
 - (b) a later day, not later than 26 March 2022, prescribed by the regulations.

1.21 Jury Regulation 2015

Clause 4B COVID-19 pandemic—repeal of special provisions

Omit the clause.

1.22 Private Health Facilities Act 2007 No 9

Section 70 Exemptions during COVID-19 pandemic

Omit section 70(3). Insert instead—

- (3) This section is repealed on—
 - (a) 26 September 2021, or
 - (b) a later day, not later than 26 March 2022, prescribed by the regulations.

1.23 Public Health Act 2010 No 127

[1] Sections 63(2C), 64(8), 71A(4), 112(3) and 118(8)

Omit the subsections.

[2] Section 135

Insert after section 134—

135 COVID-19 emergency measures

- (1) The COVID-19 emergency measures provisions are repealed on—
 - (a) 26 September 2021, or
 - (b) a later day, not later than 26 March 2022, prescribed by the regulations.
- (2) In this section—

COVID-19 emergency measures provisions means sections 63(2A) and (2B), 64(7), 71A, 112(2) and 118(6) and (7).

1.24 Sheriff Act 2005 No 6

Section 7C COVID-19 pandemic—powers when assisting in COVID-19 response

Omit the definition of *prescribed period* from section 7C(14). Insert instead—

prescribed period means the period—

- (a) starting on the commencement of this section, and
- (b) ending on—
 - (i) 26 September 2021, or
 - (ii) a later day, not later than 26 March 2022, prescribed by the regulations.

1.25 Sheriff Regulation 2016

Clause 5A COVID-19 pandemic—extension of prescribed period

Omit the clause.

Schedule 2 Amendment of Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No 12

[1] Section 9 Magistrate may make order at any time

Omit section 9(2).

[2] Section 77 Extension of mandatory review period

Omit section 77(1). Insert instead—

- (1) The period within which the following reviews must be held may, on the motion of the Tribunal or on the application of the forensic patient or correctional patient or a designated carer or the principal care provider of the patient, be extended by the Tribunal to a maximum of 12 months—
 - (a) a mandatory review of a forensic patient under section 78(d), (e), (f) or (g),
 - (b) a mandatory review of a correctional patient under section 91(b),
 - (c) a review under section 100 of a person in custody who is subject to a community treatment order.

[3] Schedule 2 Savings, transitional and other provisions

Insert after clause 7—

7A Application of Part 2 of former Act to particular persons

- (1) Part 2 of the former Act is to continue to apply to existing proceedings as if the former Act had not been repealed.
- (2) In this clause—

existing proceedings means criminal proceedings—

 - (a) in which the court has, before the commencement of this Act, nominated a limiting term in respect of a person, and
 - (b) in which the court has not made an order under section 27 of the former Act in relation to the person.

[4] Schedule 2, clause 8

Omit the clause. Insert instead—

8 Application of Part 3 of former Act to existing proceedings

- (1) Part 3 of the former Act is to continue to apply to existing proceedings as if the former Act had not been repealed.
- (2) In this clause—

existing proceedings means criminal proceedings for which a court attendance notice was issued before the commencement of this Act, even if another court attendance notice is issued in relation to the proceedings after that commencement.

Schedule 3 Repeal of Mental Health (Forensic Provisions) Amendment (Victims) Act 2018 No 85

Repeal

The *Mental Health (Forensic Provisions) Amendment (Victims) Act 2018* No 85 is repealed.