

COVID-19 LEGISLATION AMENDMENT (EMERGENCY MEASURES) BILL 2020

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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