



New South Wales

# COVID-19 Recovery Bill 2021

## Explanatory note

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

## Overview of Bill

The object of this Bill is to temporarily remake or extend the operation of certain measures implemented in response to the COVID-19 pandemic.

## 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.

**Clause 3** provides that explanatory notes do not form part of the proposed Act.

**Clause 4** repeals a regulation that will be spent on the commencement of the proposed Act.

**Clause 5** is a savings provision that provides for what is to occur if an amendment extending a prescribed period commences after the prescribed period would otherwise have ended.

**Clause 6** provides for the repeal of the proposed Act.

## Schedule 1 Amendment of Acts and instruments

Schedule 1 amends the following Act and regulations—

- (a) *Annual Holidays Act 1944*,
- (b) *Annual Holidays Regulation 2016*,
- (c) *Associations Incorporation Act 2009*,
- (d) *Associations Incorporation Regulation 2016*,

- (e) *Biodiversity Conservation Act 2016,*
- (f) *Biodiversity Conservation Regulation 2017,*
- (g) *Community Land Management Act 1989,*
- (h) *Community Land Management Regulation 2018,*
- (i) *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010,*
- (j) *Crown Land Management Act 2016,*
- (k) *Crown Land Management Regulation 2018,*
- (l) *Environmental Planning and Assessment Act 1979,*
- (m) *Environmental Planning and Assessment Regulation 2000,*
- (n) *Fisheries Management Act 1994,*
- (o) *Home Building Act 1989,*
- (p) *Industrial Relations Act 1996,*
- (q) *Long Service Leave Act 1955,*
- (r) *Long Service Leave Regulation 2016,*
- (s) *Mental Health Act 2007,*
- (t) *Mental Health Regulation 2019,*
- (u) *Mining Act 1992,*
- (v) *Protection of the Environment Operations Act 1997,*
- (w) *Protection of the Environment Operations (General) Regulation 2009,*
- (x) *Residential Tenancies Act 2010,*
- (y) *Retail Leases Act 1994,*
- (z) *Retirement Villages Act 1999,*
- (aa) *Retirement Villages Regulation 2017,*
- (ab) *Strata Schemes Management Act 2015,*
- (ac) *Strata Schemes Management Regulation 2016,*
- (ad) *Waste Avoidance and Resource Recovery Act 2001,*
- (ae) *Water Management Act 2000,*
- (af) *Water Management (General) Regulation 2018.*

The amendments are explained in detail in the explanatory note for each Act and regulation in Schedule 1.



New South Wales

# COVID-19 Recovery Bill 2021

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New South Wales

# COVID-19 Recovery Bill 2021

No. \_\_\_\_\_, 2021

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## **A Bill for**

An Act to amend a number of Acts and regulations to temporarily remake or extend measures implemented as a result of the COVID-19 pandemic; and for other purposes.

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<b>The Legislature of New South Wales enacts—</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>COVID-19 Recovery Act 2021</i> .	3
<b>2 Commencement</b>	4
(1) This Act commences on the date of assent to this Act, except as provided by subsection (2).	5 6
(2) Schedule 1.24 commences, or is taken to have commenced, on the repeal of Part 13 of the <i>Residential Tenancies Act 2010</i> .	7 8
<b>3 Explanatory notes</b>	9
The matter appearing under the heading “Explanatory note” in Schedule 1 does not form part of this Act.	10 11
<b>4 Repeal</b>	12
The <i>Waste Avoidance and Resource Recovery (COVID-19) Regulation 2020</i> is repealed.	13 14
<b>5 Savings</b>	15
If an amendment made by this Act to extend a prescribed period commenced after the time at which the prescribed period would otherwise have ended, the prescribed period is taken—	16 17 18
(a) not to have ended at that time, and	19
(b) to have continued as if the amendment had commenced before that time.	20
<b>6 Repeal of this Act</b>	21
This Act is repealed on the day after all of its provisions have commenced.	22

<b>Schedule 1</b>	<b>Amendment of Acts and instruments</b>	1
<b>1.1</b>	<b>Annual Holidays Act 1944 No 31</b>	2
	<b>Section 5A COVID-19 pandemic—protection of annual holiday entitlements</b>	3
	Omit section 5A, definition of <i>prescribed period</i> , paragraph (b). Insert instead—	4
	(b) ending on—	5
	(i) 30 September 2021, or	6
	(ii) a later day, not later than 31 March 2022, prescribed by the regulations.	7
		8
	<b>Explanatory note</b>	9
	The proposed amendment extends the operation of provisions providing for the accrual of annual holidays by workers who are stood down.	10
		11
<b>1.2</b>	<b>Annual Holidays Regulation 2016</b>	12
	<b>Clause 4A COVID-19 pandemic—extension of “prescribed period”</b>	13
	Omit the clause.	14
	<b>Explanatory note</b>	15
	The proposed amendment omits a clause that will be redundant on the commencement of the proposed Act.	16
		17
<b>1.3</b>	<b>Associations Incorporation Act 2009 No 7</b>	18
	<b>Schedule 4 Savings, transitional and other provisions</b>	19
	Omit clause 17, definition of <i>prescribed period</i> , paragraph (b). Insert instead—	20
	(b) ending on 31 March 2022.	21
	<b>Explanatory note</b>	22
	The proposed amendment extends the period during which special procedures for meetings and voting may be used by an association because of the COVID-19 pandemic.	23
		24
<b>1.4</b>	<b>Associations Incorporation Regulation 2016</b>	25
	<b>Clause 22 COVID-19 pandemic—extension of prescribed period</b>	26
	Omit the clause.	27
	<b>Explanatory note</b>	28
	The proposed amendment omits a clause that will be redundant on the commencement of the proposed Act.	29
		30
<b>1.5</b>	<b>Biodiversity Conservation Act 2016 No 63</b>	31
	<b>Section 12.19 Power of authorised officers to require answers</b>	32
	Insert after section 12.19(5)—	33
	(6) The authorised officer may, in the notice under subsection (4) or in a subsequent notice, authorise the person to answer the questions using an audio link or audio visual link of a kind approved by the authorised officer.	34
		35
		36
	(7) If the questions are to be answered by the person using an audio link or audio visual link—	37
		38

(a)	the place at which the person is required to attend is taken to be any place having adequate facilities for the answering of questions in that way at the time nominated under subsection (5), and	1 2 3
(b)	the person must ensure the audio link or audio visual link is operated appropriately so that the answers given to the questions are clear to the authorised officer.	4 5 6
(8)	In this section— <b>audio link</b> means technology that enables continuous and contemporaneous audio communication between persons at different places, including telephones. <b>audio visual link</b> means technology that enables continuous and contemporaneous audio and visual communication between persons at different places, including video conferencing.	7 8 9 10 11 12 13
(9)	This subsection and subsections (6)–(8) are repealed on 31 March 2022.	14
	<b>Explanatory note</b>	15
	Section 12.19 of the <i>Biodiversity Conservation Act 2016</i> permits an authorised officer under the Act to require a person to answer questions about certain matters if the authorised officer suspects on reasonable grounds that the person has knowledge of those matters. The proposed amendment enables the authorised officer to authorise the questions to be answered using an audio link, for example a telephone, or an audio visual link, for example a video conferencing application.	16 17 18 19 20
<b>1.6</b>	<b>Biodiversity Conservation Regulation 2017</b>	21
	<b>Clause 12.2 Power of authorised officers to require answers (section 12.19)</b>	22
	Omit the clause.	23
	<b>Explanatory note</b>	24
	The proposed amendment omits a clause that will be redundant on the commencement of the proposed Act.	25 26
<b>1.7</b>	<b>Community Land Management Act 1989 No 202</b>	27
	<b>Section 122A Regulation-making power for COVID-19 pandemic</b>	28
	Omit section 122A(5). Insert instead—	29
	(5) This section is repealed on 31 March 2022.	30
	<b>Explanatory note</b>	31
	The proposed amendment extends the operation of a provision that permits the making of temporary regulations to respond to the COVID-19 pandemic.	32 33
<b>1.8</b>	<b>Community Land Management Regulation 2018</b>	34
	<b>Clause 25A Postponed repeal of regulation-making power—section 122A(5)(b) of Act</b>	35
	Omit the clause.	36
	<b>Explanatory note</b>	37
	The proposed amendment omits a clause that will be redundant on the commencement of the proposed Act.	38 39
<b>1.9</b>	<b>Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 No 122</b>	40 41
	<b>Section 118 Special provision for pro rata payment during COVID-19 pandemic</b>	42
	Omit section 118(3), definition of <i>prescribed period</i> , paragraph (b). Insert instead—	43
	(b) ending on 31 March 2022.	44

<b>Explanatory note</b>	1
The proposed amendment extends the operation of provisions permitting a registered worker for the contract cleaning industry who has 5 years of recognised service and who has permanently left the industry to be entitled to payment instead of long service leave.	2 3 4
<b>1.10 Crown Land Management Act 2016 No 58</b>	5
<b>Section 10.23 Power of authorised officers to require answers</b>	6
Insert after section 10.23(5)—	7
(6) The authorised officer may, in the notice under subsection (4) or in a subsequent notice, authorise the person to answer the questions using an audio link or audio visual link of a kind approved by the authorised officer.	8 9 10
(7) If the questions are to be answered by the person using an audio link or audio visual link—	11 12
(a) the place at which the person is required to attend is taken to be any place having adequate facilities for the answering of questions in that way at the time nominated under subsection (5), and	13 14 15
(b) the person must ensure the audio link or audio visual link is operated appropriately so that the answers given to the questions are clear to the authorised officer.	16 17 18
(8) In this section—	19
<b>audio link</b> means technology that enables continuous and contemporaneous audio communication between persons at different places, including telephones.	20 21 22
<b>audio visual link</b> means technology that enables continuous and contemporaneous audio and visual communication between persons at different places, including video conferencing.	23 24 25
(9) This subsection and subsections (6)–(8) are repealed on 31 March 2022.	26
<b>Explanatory note</b>	27
Section 10.23 of the <i>Crown Land Management Act 2016</i> permits an authorised officer under the Act to require a person to answer questions about certain matters if the authorised officer suspects on reasonable grounds that the person has knowledge of those matters. The proposed amendment enables the authorised officer to authorise the questions to be answered using an audio link, for example a telephone, or an audio visual link, for example a video conferencing application.	28 29 30 31 32
<b>1.11 Crown Land Management Regulation 2018</b>	33
<b>Clause 74 Power of authorised officers to require answers</b>	34
Omit the clause.	35
<b>Explanatory note</b>	36
The proposed amendment omits a clause that will be redundant on the commencement of the proposed Act.	37 38
<b>1.12 Environmental Planning and Assessment Act 1979 No 203</b>	39
<b>[1] Section 9.23 Power of investigation officers to require answers and record evidence</b>	40
Insert after section 9.23(5)—	41
(6) The investigation officer may, in the notice under subsection (3) or in a subsequent notice, authorise the person to answer the questions using an audio link or audio visual link of a kind approved by the investigation officer.	42 43 44



(7)	If the questions are to be answered by the person using an audio link or audio visual link—	1
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(a)	the place at which the person is required to attend is taken to be any place having adequate facilities for the answering of questions in that way at the time nominated under subsection (4), and	3
		4
		5
(b)	the person must ensure the audio link or audio visual link is operated appropriately so that the answers given to the questions are clear to the investigation officer.	6
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		8
(8)	In this section—	9
	<b>audio link</b> means technology that enables continuous and contemporaneous audio communication between persons at different places, including telephones.	10
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		12
	<b>audio visual link</b> means technology that enables continuous and contemporaneous audio and visual communication between persons at different places, including video conferencing.	13
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		15
(9)	This subsection and subsections (6)–(8) are repealed on 31 March 2022.	16
[2]	<b>Section 10.17 COVID-19 pandemic—Ministerial orders</b>	17
	Omit section 10.17(7), definition of <i>prescribed period</i> , paragraph (b). Insert instead—	18
	(b) ending on 31 March 2022.	19
	<b>Explanatory note</b>	20
	Section 9.23 of the <i>Environmental Planning and Assessment Act 1979</i> permits an investigation officer under the Act to require a person to answer questions about certain matters if the investigation officer suspects on reasonable grounds that the person has knowledge of the matter. Item [1] of the proposed amendments enables the investigation officer to authorise the questions to be answered using an audio link, for example a telephone, or an audio visual link, for example a video conferencing application.	21
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	Item [2] extends the period during which the Minister for Planning and Public Spaces may authorise development to be carried out on land without the need for any approval under the Act or consent from any person. The amendment also has the effect of extending the period for the purposes of section 10.18 of the Act which provides that a requirement under the Act to provide access to documents at a physical location is satisfied if the documents are made available on the NSW planning portal or another approved website.	27
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	<b>1.13 Environmental Planning and Assessment Regulation 2000</b>	33
[1]	<b>Clause 294A COVID-19 pandemic—extension of prescribed period</b>	34
	Omit the clause.	35
[2]	<b>Clause 298 Power of investigation officers to require answers and record evidence</b>	36
	Omit the clause.	37
	<b>Explanatory note</b>	38
	The proposed amendments omit clauses that will be redundant on the commencement of the proposed Act.	39
		40
	<b>1.14 Fisheries Management Act 1994 No 38</b>	41
[1]	<b>Section 256 Production of records relating to commercial fishing activities and fish receivers</b>	42
		43
	Insert after section 256(2A)(c)—	44
	(d) that the answer be given by audio link or audio visual link.	45



Items [2] and [3] provide for the repeal of provisions that were inserted to deal with the COVID-19 pandemic to bring their repeal in line with other provisions dealing with the pandemic.	1 2
<b>1.17 Long Service Leave Act 1955 No 38</b>	3
<b>[1] Section 15A COVID-19 pandemic—special provisions</b>	4
Omit section 15A(4), definition of <i>prescribed period</i> , paragraph (b). Insert instead—	5
(b) ending on 31 March 2022.	6
<b>[2] Section 15B COVID-19 pandemic—taking long service leave</b>	7
Omit section 15B(3), definition of <i>prescribed period</i> , paragraph (b). Insert instead—	8
(b) ending on 31 March 2022.	9
<b>[3] Section 15C COVID-19 pandemic—accrual of long service leave</b>	10
Omit section 15C(3), definition of <i>prescribed period</i> , paragraph (b). Insert instead—	11
(b) ending on—	12
(i) 30 September 2021, or	13
(ii) a later day, not later than 31 March 2022, prescribed by the regulations.	14 15
<b>Explanatory note</b>	16
The proposed amendments extend the operation of provisions providing more flexibility about the taking of long service leave during the COVID-19 pandemic and the accrual of long service leave by workers who are stood down.	17 18 19
<b>1.18 Long Service Leave Regulation 2016</b>	20
<b>Clause 4A COVID-19 pandemic—extension of prescribed period</b>	21
Omit the clause.	22
<b>Explanatory note</b>	23
The proposed amendment omits a clause that will be redundant on the commencement of the proposed Act.	24 25
<b>1.19 Mental Health Act 2007 No 8</b>	26
<b>Section 203 COVID-19 pandemic—examination by audio visual link for purpose of detention</b>	27 28
Omit section 203(5), definition of <i>prescribed period</i> , paragraph (b). Insert instead—	29
(b) ending on 31 March 2022.	30
<b>Explanatory note</b>	31
The proposed amendment extends the period during which an examination or observation of a person may be carried out by audio visual link because of the COVID-19 pandemic.	32 33
<b>1.20 Mental Health Regulation 2019</b>	34
<b>Clause 48 COVID-19 pandemic—extension of prescribed period</b>	35
Omit the clause.	36
<b>Explanatory note</b>	37
The proposed amendment omits a clause that will be redundant on the commencement of the proposed Act.	38 39

<b>1.21 Mining Act 1992 No 29</b>	1
<b>Section 248L Power of inspectors to require answers</b>	2
Insert after section 248L(5)—	3
(6) The inspector may, in the notice under subsection (4) or in a subsequent notice, authorise the person to answer the questions using an audio link or audio visual link of a kind approved by the inspector.	4 5 6
(7) If the questions are to be answered by the person using an audio link or audio visual link—	7 8
(a) the place at which the person is required to attend is taken to be any place having adequate facilities for the answering of questions in that way at the time nominated under subsection (5), and	9 10 11
(b) the person must ensure the audio link or audio visual link is operated appropriately so that the answers given to the questions are clear to the inspector.	12 13 14
(8) In this section—	15
<b>audio link</b> means technology that enables continuous and contemporaneous audio communication between persons at different places, including telephones.	16 17 18
<b>audio visual link</b> means technology that enables continuous and contemporaneous audio and visual communication between persons at different places, including video conferencing.	19 20 21
(9) This subsection and subsections (6)–(8) are repealed on 31 March 2022.	22
<b>Explanatory note</b>	23
Section 248L of the <i>Mining Act 1992</i> permits an inspector under the Act to require a person to answer questions about certain matters if the inspector suspects on reasonable grounds that the person has knowledge of those matters. The proposed amendment enables the inspector to authorise the questions to be answered using an audio link, for example a telephone, or an audio visual link, for example a video conferencing application.	24 25 26 27 28
<b>1.22 Protection of the Environment Operations Act 1997 No 156</b>	29
<b>Section 203 Power of authorised officers to require answers</b>	30
Insert after section 203(6)—	31
(7) The authorised officer may, in the notice under subsection (5) or in a subsequent notice, authorise the person to answer the questions using an audio link or audio visual link of a kind approved by the authorised officer.	32 33 34
(8) If the questions are to be answered by the person using an audio link or audio visual link—	35 36
(a) the place at which the person is required to attend is taken to be any place having adequate facilities for the answering of questions in that way at the time nominated under subsection (6), and	37 38 39
(b) the person must ensure the audio link or audio visual link is operated appropriately so that the answers given to the questions are clear to the authorised officer.	40 41 42
(9) In this section—	43
<b>audio link</b> means technology that enables continuous and contemporaneous audio communication between persons at different places, including telephones.	44 45 46

<i>audio visual link</i> means technology that enables continuous and contemporaneous audio and visual communication between persons at different places, including video conferencing.	1 2 3
(10) This subsection and subsections (7)–(9) are repealed on 31 March 2022.	4
<b>Explanatory note</b>	5
Section 203 of the <i>Protection of the Environment Operations Act 1997</i> permits an authorised officer under the Act to require a person to answer questions about certain matters if the authorised officer suspects on reasonable grounds that the person has knowledge of those matters. The proposed amendment enables the authorised officer to authorise the questions to be answered using an audio link, for example a telephone, or an audio visual link, for example a video conferencing application.	6 7 8 9 10
<b>1.23 Protection of the Environment Operations (General) Regulation 2009</b>	11
<b>Clause 110 COVID-19 pandemic—arrangements for attendance to answer questions</b>	12
Omit the clause.	13
<b>Explanatory note</b>	14
The proposed amendment omits a clause that will be redundant on the commencement of the proposed Act.	15 16
<b>1.24 Residential Tenancies Act 2010 No 42</b>	17
<b>Schedule 2 Savings, transitional and other provisions</b>	18
Insert after Part 8—	19
<b>Part 9 Provisions consequent on repeal of Part 13 of this Act</b>	20 21
<b>26 Definitions</b>	22
(1) In this Part—	23
<i>arrears</i> accrued during the moratorium period by an impacted tenant means rent or charges that—	24 25
(a) were payable by the impacted tenant during the moratorium period, and	26
(b) were not paid, either with or without the agreement of the landlord, and	27
(c) are still owing.	28
<i>repealed provisions</i> means Part 13 of this Act and the regulations made under that Part as in force immediately before the repeal of that Part.	29 30
(2) Terms in this Part have the same meaning as they had in the repealed provisions.	31 32
<b>27 Moratorium on termination for breach of agreement or non-payment of rent or charges</b>	33 34
(1) A landlord must not take prohibited action to the extent that it relates to rental arrears accrued during the moratorium period by an impacted tenant if the tenant has—	35 36 37
(a) agreed with the landlord or landlord’s agent to a repayment plan for the arrears, and	38 39
(b) complied with the terms of the repayment plan.	40
(2) The impacted tenant is taken to have complied with the terms of the repayment plan unless the tenant has failed to make 2 consecutive payments by the times required by the plan.	41 42 43

- (3) If an impacted tenant has not complied with the terms of the repayment plan, the landlord must not take prohibited action unless it is fair and reasonable in the circumstances. 1  
2  
3
- (4) If the impacted tenant and the landlord or landlord’s agent have not agreed to a repayment plan for the arrears, the landlord must not take prohibited action unless— 4  
5  
6
- (a) the landlord has participated in good faith in a formal arrears repayment negotiation process with the impacted tenant about a repayment plan for the arrears, and 7  
8  
9
- (b) it is fair and reasonable in the circumstances for the landlord to take the prohibited action. 10  
11
- (5) The Tribunal must have regard to the following for the purposes of deciding under this clause whether the landlord is authorised to take prohibited action— 12  
13
- (a) the steps taken by the landlord and impacted tenant to negotiate a repayment plan, 14  
15
- (b) the payments made by the impacted tenant towards the arrears, 16
- (c) the nature of any financial hardship experienced by the landlord or impacted tenant, including the general financial position of each party, 17  
18
- (d) the availability of reasonable alternative accommodation for the impacted tenant. 19  
20
- (6) Subclause (5) does not limit the matters the Tribunal may have regard to. 21
- (7) For the purposes of subclause (5)(a), the Tribunal may have regard to any advice provided by NSW Fair Trading relating to the participation of the landlord or impacted tenant in a formal arrears repayment negotiation process, including whether the landlord or impacted tenant refused, or refused to make, a reasonable offer. 22  
23  
24  
25  
26
- (8) In this clause— 27
- formal arrears repayment negotiation process** means a dispute resolution process between a landlord and an impacted tenant, facilitated by NSW Fair Trading, to negotiate a repayment plan for arrears having regard to the specific circumstances of the landlord and the impacted tenant. 28  
29  
30  
31
- prohibited action** means the following— 32
- (a) giving a termination notice under section 87 on the ground specified in section 88, 33  
34
- (b) applying to the Tribunal for a termination order under section 83(2) relating to a termination notice given under section 87 on the ground specified in section 88, 35  
36  
37
- (c) otherwise applying to the Tribunal for a termination order in relation to a residential tenancy agreement on the ground specified in section 88. 38  
39
- repayment plan** for arrears means a repayment plan to pay back the arrears that specifies the amounts to be paid and the times at which the payments are to occur. 40  
41  
42
- (9) This clause ceases to have effect on 26 September 2021. 43
- 28 Moratorium on no grounds termination** 44
- (1) A landlord must not give a termination notice under section 85 to an impacted tenant who accrued arrears during the moratorium period unless it is fair and reasonable in the circumstances. 45  
46  
47

(2)	The Tribunal must have regard to all relevant matters for the purposes of deciding under this clause whether a termination is fair and reasonable in the circumstances, including—	1 2 3
(a)	the general financial position of the landlord, and	4
(b)	whether the landlord or a member of the landlord’s family needs to reside at the premises.	5 6
(3)	This clause ceases to have effect on 26 September 2021.	7
<b>29</b>	<b>Continued effect of repealed provisions</b>	8
(1)	Proceedings commenced in the Tribunal under the repealed provisions may be continued despite the repeal of the provisions and the repealed provisions continue to apply to the proceedings as if the repealed provisions had not been repealed.	9 10 11 12
(2)	The repealed provisions continue to apply to a termination notice or eviction notice given, or an order of the Tribunal made, under the repealed provisions.	13 14
	<b>Note.</b> This clause also extends to protect impacted residents of boarding houses as the provisions of Part 5 of the <i>Boarding Houses Regulation 2013</i> are also repealed provisions because they were made under Part 13 of this Act.	15 16 17
<b>30</b>	<b>No effect on agreements to waive or defer rent</b>	18
	The repeal of the repealed provisions does not affect an agreement made between a tenant and a landlord or landlord’s agent about the waiver of rent or the deferral of the payment of rent.	19 20 21
<b>31</b>	<b>Restriction on listing impacted tenants in residential tenancy databases</b>	22
	Despite section 212, a landlord or landlord’s agent must not list personal information about a person in a residential tenancy database if—	23 24
(a)	the breach of the residential tenancy agreement arose solely from a failure to pay rent or charges specified in section 88(1), and	25 26
(b)	at the time of the breach, the person was an impacted tenant.	27
	<b>Explanatory note</b>	28
	The proposed amendment continues the effect of protections given to certain tenants and residents of boarding houses in relations to arrears accrued during the COVID-19 pandemic.	29 30
<b>1.25</b>	<b>Retail Leases Act 1994 No 46</b>	31
	<b>Section 88</b>	32
	Insert after section 87—	33
<b>88</b>	<b>Savings of protections granted during COVID-19 pandemic</b>	34
(1)	The <i>Retail and Other Commercial Leases (COVID-19 Regulation (No 3) 2020</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.	35 36 37 38
(2)	Schedule 5 to the <i>Conveyancing (General) Regulation 2018</i> continues to apply, despite the repeal of that Schedule, to anything occurring in relation to a lease while the lease was an impacted lease within the meaning of that Schedule.	39 40 41 42
(3)	The regulations may provide for exemptions from this section.	43

<b>Explanatory note</b>	1
The proposed amendment preserves protections granted under temporary regulations to certain lessees under commercial leases who were impacted by the COVID-19 pandemic.	2 3
<b>1.26 Retirement Villages Act 1999 No 81</b>	4
<b>Section 204 COVID-19 pandemic—Ministerial exemptions</b>	5
Omit section 204(7), definition of <i>prescribed period</i> , paragraph (b). Insert instead—	6
(b) ending on—	7
(i) 30 September 2021, or	8
(ii) a later day, not later than 31 March 2022, prescribed by the regulations.	9 10
<b>Explanatory note</b>	11
The proposed amendment extends the operation of provisions enabling the Minister for Better Regulation and Innovation to grant, by order published in the Gazette, exemptions from provisions of or under the <i>Retirement Villages Act 1999</i> that require non-compliance with an order under section 7 of the <i>Public Health Act 2010</i> relating to COVID-19.	12 13 14 15
<b>1.27 Retirement Villages Regulation 2017</b>	16
<b>Clause 52B COVID-19 pandemic—extension of prescribed period</b>	17
Omit the clause.	18
<b>Explanatory note</b>	19
The proposed amendment omits a clause that will be redundant on the commencement of the proposed Act.	20 21
<b>1.28 Strata Schemes Management Act 2015 No 50</b>	22
<b>Section 271A Regulation-making power for COVID-19 pandemic</b>	23
Omit section 271A(5). Insert instead—	24
(5) This section is repealed on 31 March 2022.	25
<b>Explanatory note</b>	26
The proposed amendment extends the operation of a provision that permits temporary regulations to be made to deal with the COVID-19 pandemic.	27 28
<b>1.29 Strata Schemes Management Regulation 2016</b>	29
<b>Clause 74 Postponed repeal of regulation-making power—section 271A(5)(b) of Act</b>	30
Omit the clause.	31
<b>Explanatory note</b>	32
The proposed amendment omits a clause that will be redundant on the commencement of the proposed Act.	33 34
<b>1.30 Waste Avoidance and Resource Recovery Act 2001 No 58</b>	35
<b>Section 53A COVID 19 response—exemptions by EPA</b>	36
Omit section 53A(10). Insert instead—	37
(10) This section is repealed on—	38
(a) 30 September 2021, or	39
(b) a later day, no later than 31 March 2022, prescribed by the regulations.	40



**Explanatory note**

The proposed amendment extends the operation of provisions that permit the Environment Protection Authority to exempt a person, or class of persons, from provisions of the *Waste Avoidance and Resource Recovery Act 2001* or regulations or agreements or arrangements made under the Act if the Authority is satisfied the exemption is reasonable for the purposes of responding to the COVID-19 pandemic.

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**1.31 Water Management Act 2000 No 92**

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**Section 338B Power of authorised officers to require answers**

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Insert after section 338B(5)—

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- (6) The authorised officer may, in the notice under subsection (4) or in a subsequent notice, authorise the person to answer the questions using an audio link or audio visual link of a kind approved by the authorised officer.
- (7) If the questions are to be answered by the person using an audio link or audio visual link—
- (a) the place at which the person is required to attend is taken to be any place having adequate facilities for the answering of questions in that way at the time nominated under subsection (5), and
- (b) the person must ensure the audio link or audio visual link is operated appropriately so that the answers given to the questions are clear to the authorised officer.
- (8) In this section—
- audio link** means technology that enables continuous and contemporaneous audio communication between persons at different places, including telephones.
- audio visual link** means technology that enables continuous and contemporaneous audio and visual communication between persons at different places, including video conferencing.
- (9) This subsection and subsections (6)–(8) are repealed on 31 March 2022.

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**Explanatory note**

Section 338B of the *Water Management Act 2000* permits an authorised officer under the Act to require a person to answer questions about certain matters if the authorised officer suspects on reasonable grounds that the person has knowledge of those matters. The proposed amendment enables the authorised officer to authorise the questions to be answered using an audio link, for example a telephone, or an audio visual link, for example a video conferencing application.

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**1.32 Water Management (General) Regulation 2018**

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**Clause 260 Power of authorised officers to require answers**

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Omit the clause.

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**Explanatory note**

The proposed amendment omits a clause that will be redundant on the commencement of the proposed Act.

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