



Australian Capital Territory

COVID-19 Emergency Response Legislation Amendment Act 2020

A2020-14

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Australian Capital Territory

COVID-19 Emergency Response Legislation Amendment Act 2020

A2020-14

An Act to amend legislation to provide for emergency measures in response to the COVID-19 emergency, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *COVID-19 Emergency Response Legislation Amendment Act 2020*.

2 Commencement

- (1) This Act (other than the following provisions) commences on the day after its notification day:
 - section 3
 - schedule 1, amendment 1.6
 - schedule 1, parts 1.4 and 1.8
 - schedule 1, amendments 1.107 and 1.108
 - schedule 1, amendments 1.120 and 1.121.
- (2) Schedule 1, amendment 1.6 commences 12 months after the day the *COVID-19 Emergency Response Act 2020*, section 4 commenced.
- (3) Section 3 and schedule 1, amendments 1.107 and 1.108 are taken to have commenced on 30 March 2020.
- (4) The following provisions commence on a day fixed by written notice by the Minister responsible for administering the Act amended by the provision:
 - schedule 1, parts 1.4 and 1.8
 - schedule 1, amendments 1.120 and 1.121.

Note 1 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

Note 2 If schedule 1, amendments 1.120 or 1.121 have not commenced within 6 months beginning on this Act's notification day, they automatically commence on the first day after that period (see [Legislation Act](#), s 79).
- (5) The [Legislation Act](#), section 79 (Automatic commencement of postponed law) does not apply to schedule 1, parts 1.4 and 1.8.

3 Legislation amended—sch 1

This Act amends the legislation mentioned in schedule 1.

Schedule 1 COVID-19 emergency response—Amendments

(see s 3)

Part 1.1 Associations Incorporation Act 1991

[1.1] New section 70AA

in division 4.4, insert

70AA General meetings—procedure during COVID-19 emergency

- (1) This section applies to a general meeting held during a COVID-19 emergency.
- (2) The committee may authorise that the meeting be held using a method of communication, or a combination of methods of communication, that allows a member taking part to hear or otherwise know what each other member taking part says without the members being in each other's presence.

Examples

a phone link, a satellite link, an internet or intranet link, in writing

- (3) A person who takes part in a meeting conducted under subsection (2) is taken, for all purposes, to be present at the meeting.
- (4) A member may vote by proxy at a meeting.
- (5) If an association's rules are inconsistent with this provision, the rules have no effect to the extent of the inconsistency.

(6) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

(7) This section expires 12 months after the day the *COVID-19 Emergency Response Act 2020*, section 4 commenced.

[1.2] New section 120 (3) to (6)

insert

(3) Also, the registrar-general may declare a general extension of a period of time prescribed by this Act if satisfied it is appropriate because of a COVID-19 emergency.

(4) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act*.

(5) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

(6) This subsection and subsections (3) to (5) expire 12 months after the day the *COVID-19 Emergency Response Act 2020*, section 4 commenced.

Part 1.2 Bail Act 1992

[1.3] New section 28 (2A)

insert

- (2A) During a COVID-19 emergency, an undertaking—
- (a) may be in writing or given before the court; and
 - (b) if given before the court, must be recorded by the court.

[1.4] New section 28 (6) and (7)

insert

- (6) In this section:
- COVID-19 emergency** means—
- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
 - (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (7) This subsection and subsections (2A) and (6) expire 12 months after the day the *COVID-19 Emergency Response Act 2020*, section 4 commenced.

[1.5] Dictionary, definition of *undertaking to appear*

after

section 28 (1)

insert

or (2A)

[1.6] Dictionary, definition of *undertaking to appear*

omit

or (2A)

**Part 1.3 Children and Young People
Act 2008**

[1.7] Section 241A (1)

omit

the COVID-19 emergency period

substitute

a COVID-19 emergency period

[1.8] Section 241A (6)

substitute

(6) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

COVID-19 emergency period means a period during which a COVID-19 emergency is in force.

[1.9] Section 241A (7)

omit

7 days after the day the COVID-19 emergency period ends

substitute

at the end of a 7-day period during which no COVID-19 emergency has been in force

[1.10] Section 242 (3A)

omit

during the COVID-19 emergency period

substitute

during a COVID-19 emergency period

[1.11] Section 242 (6A)

omit

the COVID-19 emergency period

substitute

a COVID-19 emergency period

[1.12] Section 242 (7A) (a)

omit

the COVID-19 emergency period

substitute

a COVID-19 emergency period

[1.13] Section 242 (9)

substitute

(9) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

COVID-19 emergency period means a period during which a COVID-19 emergency is in force.

[1.14] Section 242 (10)

omit

7 days after the day the COVID-19 emergency period ends

substitute

at the end of a 7-day period during which no COVID-19 emergency has been in force

[1.15] New section 245 (1) (ba)

insert

(ba) a COVID-19 local leave permit under section 241A;

[1.16] New section 245 (5)

insert

(5) This subsection and subsection (1) (ba) expire at the end of a 7-day period during which no COVID-19 emergency has been in force.

[1.17] New section 287 (1) (sa)

insert

- (sa) contravening a condition of a COVID-19 local leave permit under section 241A;

[1.18] New section 287 (3)

insert

- (3) This subsection and subsection (1) (sa) expire at the end of a 7-day period during which no COVID-19 emergency has been in force.

[1.19] Section 384 (3)

omit

during the COVID-19 emergency period

substitute

during a COVID-19 emergency

[1.20] Section 384 (4)

substitute

- (4) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

[1.21] Section 384 (5)

omit

6 months after the day the COVID-19 emergency period ends

substitute

at the end of a 6-month period during which no COVID-19 emergency has been in force

[1.22] Section 400A (1)

omit

the COVID-19 emergency period

substitute

a COVID-19 emergency period

[1.23] Section 400A (4)

substitute

(4) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

COVID-19 emergency period means a period during which a COVID-19 emergency is in force.

[1.24] Section 400A (5)

omit

3 months after the day the COVID-19 emergency period ends

substitute

at the end of a 3-month period during which no COVID-19 emergency has been in force

[1.25] Section 410 (2) (a) (i) and (ii)

omit

the COVID-19 emergency period

substitute

a COVID-19 emergency

[1.26] Section 410 (4)

substitute

(4) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

[1.27] Section 410 (5)

omit

6 months after the day the COVID-19 emergency period ends

substitute

at the end of a 6-month period during which no COVID-19 emergency has been in force

[1.28] Section 423 (2) (a) (i) and (ii)

omit

the COVID-19 emergency period

substitute

a COVID-19 emergency

[1.29] Section 423 (3)

substitute

(3) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

[1.30] Section 423 (4)

omit

3 months after the day the COVID-19 emergency period ends

substitute

at the end of a 3-month period during which no COVID-19 emergency has been in force

[1.31] Section 454 (3)

omit

the COVID-19 emergency period

substitute

a COVID-19 emergency

[1.32] Section 454 (4)

substitute

(4) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

[1.33] Section 454 (5)

omit

6 months after the day the COVID-19 emergency period ends

substitute

at the end of a 6-month period during which no COVID-19 emergency has been in force

[1.34] Section 514EAA (1) (a) and (b)

omit

the COVID-19 emergency period

substitute

a COVID-19 emergency period

[1.35] Section 514EAA (3)

substitute

(3) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

COVID-19 emergency period means a period during which a COVID-19 emergency is in force.

[1.36] Section 514EAA (4)

omit

6 months after the day the COVID-19 emergency period ends

substitute

at the end of a 6-month period during which no COVID-19 emergency has been in force

Part 1.4 Corrections Management Act 2007

[1.37] New section 30 (2A)

insert

- (2A) Despite subsection (2) (a), during a COVID-19 emergency, a detainee (other than a young detainee) may be detained continuously at a police cell for a period not longer than 48 hours (the *allowed period*).

[1.38] New section 30 (6) and (7)

insert

- (6) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

- (7) This subsection and subsections (2A) and (6) expire 12 months after the day the *COVID-19 Emergency Response Act 2020*, section 4 commenced.

[1.39] New part 12.3

insert

Part 12.3 COVID-19 leave

216A Application—pt 12.3

- (1) This part applies to a full-time detainee—
- (a) if the detainee is serving a sentence of imprisonment for a relevant offence; and
 - (b) if a nonparole period has been set for the detainee—whether or not the nonparole period has ended.

- (2) In this section:

family violence offence—see the *Family Violence Act 2016*, dictionary.

nonparole period—see the *Crimes (Sentence Administration) Act 2005*, dictionary.

relevant offence means an offence other than the following:

- (a) a serious violent offence;
- (b) a sexual offence;
- (c) a family violence offence.

serious violent offence means an offence against—

- (a) any of the following provisions of the *Crimes Act 1900*, punishable by a maximum term of imprisonment of 10 years or more:
 - (i) part 2 (Offences against the person);
 - (ii) part 2A (Industrial manslaughter); or
- (b) the *Criminal Code*, section 310 (Aggravated robbery).

sexual offence means an offence against any of the following provisions of the *Crimes Act 1900*:

- (a) part 3 (Sexual offences);
- (b) part 4 (Female genital mutilation);
- (c) part 5 (Sexual servitude).

216B Definitions—pt 12.3

In this part:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

COVID-19 leave permit—see section 216C (1).

216C COVID-19 leave permit

- (1) The director-general may, during a COVID-19 emergency, give the detainee a written permit (a *COVID-19 leave permit*) to be absent from the correctional centre.

- (2) However, the director-general must only give a COVID-19 leave permit to a detainee if—
- (a) the director-general considers that giving the permit—
 - (i) would support the security and good order of the correctional centre; and
 - (ii) would reduce the likelihood of an outbreak or spread of the coronavirus disease 2019 (COVID-19) in the correctional centre; and
 - (iii) is otherwise appropriate; and
 - (b) the detainee agrees in writing to the permit and any conditions to which the permit is subject.
- (3) In considering the matters mentioned in subsection (2) (a), the director-general must have regard to—
- (a) any guidelines under section 216G; and
 - (b) in relation to subsection (2) (a) (iii)—the following matters:
 - (i) the likelihood that any victim of the detainee, or the victim’s family, will be subject to violence or harassment by the detainee, having regard to the detainee’s conduct while serving their sentence of imprisonment;
 - (ii) whether, if given a COVID-19 leave permit, the detainee will have a suitable place to stay during their absence from the correctional centre.
- (4) For subsection (3), the director-general may have regard to any information available to the director-general in relation to the detainee and any victim of the detainee, including any victim impact statement.
- (5) If the director-general gives a COVID-19 leave permit to a detainee, the director-general must take reasonable steps to give written notice of the permit to a victim of the detainee.

(6) In this section:

victim, of a detainee, means a person who suffers harm because of an offence by the detainee.

216D COVID-19 leave permit—duration

- (1) A COVID-19 leave permit may be given for the period the director-general considers appropriate.
- (2) However, the period must not begin earlier than—
 - (a) if the detainee’s sentence of imprisonment is shorter than 1 year—60 days before the day the term of the detainee’s sentence ends; or
 - (b) if the detainee’s sentence of imprisonment is 1 year or longer—120 days before the day the term of the detainee’s sentence ends.

216E COVID-19 leave permit—content

A COVID-19 leave permit must state the following:

- (a) that the permit is given because of a COVID-19 emergency;
- (b) the period for which the leave is granted;
- (c) any conditions to which the leave is subject;
- (d) that, if the permit is cancelled for breach of a condition, the detainee may be arrested without warrant.

Note A police officer may, without warrant, arrest a person who is a prisoner unlawfully at large (see *Crimes Act 1900*, s 214).

216F COVID-19 leave permit—conditions

- (1) A COVID-19 leave permit is subject to the following conditions:
 - (a) that the detainee live at a stated place;

- (b) that the detainee must not commit—
 - (i) an offence against a territory law, or a law of the Commonwealth, a State or another Territory, that is punishable by imprisonment; or
 - (ii) an offence outside Australia against a law of a place outside Australia that, if it had been committed in Australia, would be punishable by imprisonment;
- (c) that the detainee comply with any reasonable direction given to them by the director-general;
- (d) that the detainee otherwise be of good behaviour;
- (e) any condition prescribed by regulation;
- (f) any other condition, consistent with the conditions (if any) prescribed by regulation, that—
 - (i) the director-general believes on reasonable grounds is necessary and reasonable; and
 - (ii) is stated in the permit.

Example—condition stated in permit

a condition prohibiting association with a particular person or being near a particular place

- (2) The director-general may cancel a detainee's COVID-19 leave permit if the director-general believes on reasonable grounds that the detainee has breached a condition of the permit.

216G Guidelines for COVID-19 leave permits

- (1) The director-general must make guidelines in relation to the operation of this part.
- (2) A guideline must include a statement that human rights have been considered in making the guideline.

- (3) A guideline—
- (a) must be available for inspection by anyone at each correctional centre; and
 - (b) may be made available for inspection at any other place decided by the director-general.
- (4) A guideline is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

216H Effect—pt 12.3

Nothing in this part—

- (a) requires the director-general to consider giving a COVID-19 leave permit in relation to a detainee; or
- (b) prevents a detainee from applying for, or being granted, a parole order under the *Crimes (Sentence Administration) Act 2005*.

216I Expiry—pt 12.3

The following provisions expire 120 days after the day the *COVID-19 Emergency Response Act 2020* expires:

- (a) this part;
- (b) dictionary, definitions of *COVID-19 emergency* and *COVID-19 leave permit*.

[1.40] Dictionary, new definitions

insert

COVID-19 emergency, for part 12.3 (COVID-19 leave)—see section 216B.

COVID-19 leave permit, for part 12.3 (COVID-19 leave)—see section 216C (1).

Part 1.5 Court Procedures Act 2004

[1.41] New section 74LA

insert

74LA Alteration of time periods during COVID-19 emergency

- (1) This section applies during a COVID-19 emergency period.
- (2) For section 74K (1) (b), the court may adjourn the proceeding for a period longer than 15 days if the court considers it appropriate in the circumstances.
- (3) For section 74K (2), the period of 2 working days does not apply but the court must give a statement of reasons as soon as practicable in the circumstances.
- (4) For section 74L (2), the court may determine a period longer than 15 days for the director-general to tell the public advocate and the court about action taken or proposed (or that no action is proposed) if the court considers it appropriate in the circumstances.
- (5) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

COVID-19 emergency period means the period—

- (a) beginning on the day this section commences; and
- (b) ending at the end of a 1-month period when no COVID-19 emergency has been in force.

- (6) This section expires at the end of the COVID-19 emergency period.

Part 1.6 COVID-19 Emergency Response Act 2020

[1.42] Section 3 (4), new definition of *COVID-19 declaration*

insert

COVID-19 declaration means—

- (a) a declaration of a state of emergency under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) a declaration of an emergency under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

[1.43] Section 3 (4), definition of *COVID-19 measure*

substitute

COVID-19 measure—each of the following is a *COVID-19 measure*:

- (a) an amendment of another Act or regulation made by this Act;
Note These amendments can be found in the ‘as notified’ version of this Act on the ACT legislation register.
- (b) an amendment of another Act or regulation made by the *COVID—19 Emergency Response Legislation Amendment Act 2020*.
Note These amendments can be found in the ‘as notified’ version of that Act on the ACT legislation register.

[1.44] New section 3A

insert

3A Presentation of subordinate laws and disallowable instruments

- (1) This section applies to a subordinate law or disallowable instrument made after the commencement of this section under a power given under a COVID-19 measure.
- (2) The [Legislation Act](#), section 64 (1) applies in relation to the subordinate law or disallowable instrument as if the reference in that subsection to 6 sitting days were a reference to the first sitting day.
- (3) In this section:
COVID-19 measure—see section 3 (4).

[1.45] New sections 4 and 5

insert

4 Witnessing and attestation of certain documents

- (1) This section applies during the COVID-19 emergency period.
- (2) Despite any other territory law—
 - (a) if the signature of a relevant document is required under a territory law to be witnessed, the signature may be witnessed by audiovisual link; and
 - (b) arrangements in relation to witnessing signatures and the attestation of documents, including the following, may be made by audiovisual link:
 - (i) certifying matters required under a territory law;
 - (ii) swearing or affirming the contents of an affidavit; and

- (c) a requirement in a territory law for the presence of a witness, signatory or other person is satisfied if the witness, signatory or other person is present by audiovisual link.
- (3) A person witnessing the signing of a relevant document by audiovisual link (the *witness*) must—
- (a) observe the person signing the document (the *signatory*) sign the document in real time; and
 - (b) confirm the signature was witnessed by signing the document or a copy of the document; and
 - (c) be reasonably satisfied the document the witness signs is the same document, or a copy of the document, signed by the signatory; and
 - (d) endorse the document, or the copy of the document, with a statement—
 - (i) of the method used to witness the signature of the signatory; and
 - (ii) that the document was witnessed in accordance with this section.
- (4) Without limiting how a witness may confirm a signature was witnessed for subsection (3) (b), the witness may—
- (a) sign a counterpart of the document as soon as practicable after witnessing the signing of the document; or
 - (b) if the signatory scans and sends the witness a copy of the signed document electronically—countersign the document as soon as practicable after witnessing the signing of the document.
- (5) In this section:
- audiovisual link*** means a system of 2-way communication linking different places so that a person at any of them can be seen and heard at the other places.

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

COVID-19 emergency period means the period—

- (a) beginning on the day this section commences; and
- (b) ending at the end of a 3-month period during which no COVID-19 emergency has been in force.

relevant document means—

- (a) an affidavit; or
 - (b) a will; or
 - (c) a health direction under the *Medical Treatment (Health Directions) Act 2006*; or
 - (d) a general power of attorney or an enduring power of attorney under the *Powers of Attorney Act 2006*.
- (6) This section expires at the end of the COVID-19 emergency period.

5 Expiry—Act

- (1) This Act expires at the end of a 12-month period during which no COVID-19 declaration has been in force.
- (2) In this section:

COVID-19 declaration—see section 3 (4).

Part 1.7 Crimes Act 1900

[1.46] New section 194A

insert

194A Additional provisions during COVID-19 emergency

- (1) This section applies if a COVID-19 emergency is in force.
- (2) For section 194 (1) and (2), an information on oath may be given by—
 - (a) giving the issuing officer an electronic version of an affidavit that includes the signature of the person making the affidavit and the signature of the person taking the affidavit; or
 - (b) giving the issuing officer—
 - (i) an electronic version of an affidavit that includes in any place where a signature appears in the original affidavit, the name of the person whose signature it is; and
 - (ii) an undertaking that the person making the affidavit has possession of the original affidavit, signed in accordance with law; or
 - (c) giving the issuing officer—
 - (i) an electronic version of an affidavit that includes the signature of the person making the affidavit; and
 - (ii) a statement, under oath by telephone or other electronic audiovisual means, by the person making the affidavit that every statement in the affidavit is true.
- (3) For section 194 (1) and (2), a warrant may be issued by giving the applicant for the warrant an electronic version of the warrant.

Note **Oath** includes affirmation (see [Legislation Act](#), dict, pt 1).

- (4) For section 205 (Warrants by telephone or other electronic means)—
- (a) an issuing officer may complete and sign an electronic version of the warrant; and
 - (b) if an issuing officer completes and signs an electronic version of the warrant—
 - (i) the applicant need not complete a form of warrant and give or transmit it to the issuing officer; but
 - (ii) if the information required to be provided in the application was not sworn, the applicant must give or transmit the information, duly sworn, to the issuing officer before the day after the warrant expired or was executed, whichever is the earlier.
- (5) For subsection (4), a warrant is taken to be signed by the issuing officer if the issuing officer's name is written in the place where the signature is required.
- (6) In this section:
- COVID-19 emergency*** means—
- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
 - (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (7) This section expires on the first day no COVID-19 emergency is in force.

Part 1.8 Crimes (Sentence Administration) Act 2005

[1.47] New section 59A

insert

59A Corrections officer's actions for breach of intensive correction order obligations—COVID-19 emergency

- (1) This section applies if, during a COVID-19 emergency, a corrections officer believes on reasonable grounds that an offender has breached any of the offender's intensive correction order obligations (an *alleged breach*).
 - (2) The corrections officer may take any 1 of the following actions in relation to the alleged breach:
 - (a) record the alleged breach and take no further action;
 - (b) give the offender, or arrange for the offender to be given, a warning that further alleged breaches may result in a report to the board under section 59;
 - (c) report the alleged breach to the board.
- Note* The director-general may also give an offender a direction in relation to an intensive correction order (see s 46 and s 54).
- (3) In considering whether to take any action under subsection (2) and, if so, what action to take, the corrections officer—
 - (a) must have regard to the following matters:
 - (i) the nature and circumstances of the offence;
 - (ii) the personal circumstances of the offender;
 - (iii) the offender's history of compliance with the intensive correction order;

- (iv) the likelihood that any victim of the offender, and the victim's family, will be subject to violence or harassment by the offender, having regard to the offender's conduct under the intensive correction order;
 - (v) the purposes of sentencing under the *Crimes (Sentencing) Act 2005*, section 7 (c) and (d); and
- (b) may have regard to any action previously taken in relation to the alleged breach or any earlier breaches or alleged breaches of the order.
- (4) If the corrections officer proposes to take action under subsection (2), the corrections officer must tell the offender, orally or in writing—
- (a) the nature of the alleged breach; and
 - (b) that the corrections officer proposes to take action in relation to the alleged breach and the action proposed to be taken; and
 - (c) that the offender may request that the board deal with the alleged breach; and
 - (d) the offender may make submissions, orally or in writing, to the corrections officer about the alleged breach and the action proposed to be taken within 7 days after being told about the alleged breach.
- (5) If an offender makes a request under subsection (4) (c), the corrections officer must report the alleged breach to the board.
- (6) If an offender makes any submissions under subsection (4) (d), the corrections officer must—
- (a) if the submissions are made orally—make a record of the submissions; and
 - (b) consider the submissions before taking the proposed action.

- (7) If a corrections officer gives an offender, or arranges for an offender to be given, a warning under subsection (2) (b), the officer must notify the board, in writing, of the warning.

Note The board may conduct an inquiry to decide whether an offender has breached an intensive correction order obligation (see s 62).

[1.48] New section 62 (2) (d)

insert

- (d) after receiving a report from a corrections officer under section 59A (5) (Corrections officers' actions for breach of intensive correction order obligations—COVID-19 emergency).

[1.49] New section 102A

insert

102A Corrections officer's actions for breach of good behaviour obligations—COVID-19 emergency

- (1) This section applies if, during a COVID-19 emergency, a corrections officer believes, on reasonable grounds, that an offender has breached any of the offender's good behaviour obligations (an *alleged breach*).
- (2) The corrections officer may take any 1 of the following actions in relation to the alleged breach:
- (a) record the alleged breach and take no further action;
 - (b) give the offender, or arrange for the offender to be given, a warning that further alleged breaches may result in referral to the sentencing court;
 - (c) report the alleged breach to the sentencing court.

Note The director-general may also give an offender a direction in relation to a good behaviour order under s 87.

- (3) In considering whether to take any action under subsection (2) and, if so, what action to take, the corrections officer—
- (a) must have regard to the following matters:
 - (i) the nature and circumstances of the offence;
 - (ii) the personal circumstances of the offender;
 - (iii) the offender’s history of compliance with the good behaviour order;
 - (iv) the likelihood that any victim of the offender, or the victim’s family, will be subject to violence or harassment by the offender, having regard to the offender’s conduct under the good behaviour order;
 - (v) the purposes of sentencing under the *Crimes (Sentencing) Act 2005*, section 7 (c) and (d); and
 - (b) may have regard to any action previously taken in relation to the alleged breach or any earlier breaches or alleged breaches of the order.
- (4) If the corrections officer proposes to take action under subsection (2), the corrections officer must tell the offender, orally or in writing—
- (a) the nature of the alleged breach; and
 - (b) that the corrections officer proposes to take action in relation to the alleged breach and the action proposed to be taken; and
 - (c) that the offender may request the alleged breach is dealt with by the sentencing court; and
 - (d) the offender may make submissions, orally or in writing, to the corrections officer about the alleged breach and the action proposed to be taken within 7 days after being told about the alleged breach.

- (5) If an offender makes a request under subsection (4) (c), the corrections officer must arrange for the offender to be brought before the sentencing court to have the alleged breach dealt with.
- (6) If an offender makes any submissions under subsection (4) (d), the corrections officer must—
 - (a) if the submissions are made orally—make a record of the submissions; and
 - (b) consider the submissions before taking the proposed action.
- (7) In this section:
offender—see section 102 (4).

[1.50] New section 143A

insert

143A Corrections officer’s actions for breach of parole obligations—COVID-19 emergency

- (1) This section applies if, during a COVID-19 emergency, a corrections officer believes on reasonable grounds that an offender has breached any of the offender’s parole obligations (an *alleged breach*).
- (2) The corrections officer may take any 1 of the following actions in relation to the alleged breach:
 - (a) record the alleged breach and take no further action;
 - (b) give the offender, or arrange for the offender to be given, a warning that further alleged breaches may result in a report to the board under section 143;
 - (c) report the alleged breach to the board.

Note The director-general may also give an offender a direction in relation to parole (see s 138).

- (3) In considering whether to take any action under subsection (2) and, if so, what action to take, the corrections officer—
- (a) must have regard to the following matters:
 - (i) the nature and circumstances of the offence;
 - (ii) the personal circumstances of the offender;
 - (iii) the offender’s history of compliance with the parole order;
 - (iv) the likelihood that any victim of the offender, or the victim’s family, will be subject to violence or harassment by the offender, having regard to the offender’s conduct under the parole order;
 - (v) the purposes of sentencing under the *Crimes (Sentencing) Act 2005*, section 7 (c) and (d); and
 - (b) may have regard to any action previously taken in relation to the alleged breach or any earlier breaches or alleged breaches of the order.
- (4) If the corrections officer proposes to take action under subsection (2), the corrections officer must tell the offender, orally or in writing—
- (a) the nature of the alleged breach; and
 - (b) that the corrections officer proposes to take action in relation to the alleged breach and the action proposed to be taken; and
 - (c) that the offender may request that the board deal with the alleged breach; and
 - (d) the offender may make submissions, orally or in writing, to the corrections officer about the alleged breach and the action proposed to be taken within 7 days after being told about the alleged breach.
- (5) If an offender makes a request under subsection (4) (c), the corrections officer must report the alleged breach to the board.

- (6) If an offender makes any submissions under subsection (4) (d), the corrections officer must—
- (a) if the submissions are made orally—make a record of the submissions; and
 - (b) consider the submissions before taking the proposed action.
- (7) If a corrections officer gives an offender, or arranges for an offender to be given, a warning under subsection (2) (b), the officer must notify the board in writing of the warning.

Note The board may, at any time, conduct an inquiry to decide whether an offender has breached a parole obligation (see s 146).

[1.51] New section 322AA

before section 322A, insert

322AA Guidelines for corrections officer's actions for certain breaches—COVID-19 emergency

- (1) The director-general must make guidelines in relation to the operation of the following provisions:
- (a) section 59A (Corrections officers' actions for breach of intensive correction order obligations—COVID-19 emergency);
 - (b) section 102A (Corrections officers' actions for breach of good behaviour obligations—COVID-19 emergency);
 - (c) section 143A (Corrections officers' actions for breach of parole obligations—COVID-19 emergency).
- (2) A guideline must include a statement that human rights have been considered in making the guideline.

- (3) A guideline—
- (a) must be available for inspection by anyone at each correctional centre; and
 - (b) may be made available for inspection at any other place decided by the director-general.
- (4) A guideline is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

[1.52] New section 322A (ba) and (bb)

insert

- (ba) section 59A;
- (bb) section 62 (2) (d);

[1.53] New section 322A (da)

insert

- (da) section 102A;

[1.54] New section 322A (fa)

insert

- (fa) section 143A;

[1.55] New section 322A (ha)

insert

- (ha) section 322AA;

Part 1.9 Crimes (Sentencing) Act 2005

[1.56] New section 46C (7) to (9)

insert

- (7) During a COVID-19 emergency, the court may order that the intensive correction assessment form part of a pre-sentence report.
- (8) In this section:
- COVID-19 emergency** means—
- (a) a state of emergency declared under the *Emergencies Act 2004* section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (9) The following provisions expire 12 months after the day the *COVID-19 Emergency Response Act 2020*, section 4 commenced:
- (a) this subsection;
- (b) subsections (7) and (8);
- (c) section 78 (1), note 2.

[1.57] Section 78 (1), new note

insert

Note 2 An intensive correction assessment ordered during a COVID-19 emergency may form part of a pre-sentence report (see s 46C (7)).

Part 1.10 Drugs of Dependence Act 1989

[1.58] New section 187A

insert

187A Search warrants—additional provisions during COVID-19 emergency

- (1) This section applies if a COVID-19 emergency is in force.
- (2) For section 187 (2) and (3), an information on oath may be given by—
 - (a) giving the issuing officer an electronic version of an affidavit that includes the signature of the person making the affidavit and the signature of the person taking the affidavit; or
 - (b) giving the issuing officer—
 - (i) an electronic version of an affidavit that includes in any place where a signature appears in the original affidavit, the name of the person whose signature it is; and
 - (ii) an undertaking that the person making the affidavit has possession of the original affidavit, signed in accordance with law; or
 - (c) giving the issuing officer—
 - (i) an electronic version of an affidavit that includes the signature of the person making the affidavit; and
 - (ii) a statement, under oath by telephone or other electronic audiovisual means, by the person making the affidavit that every statement in the affidavit is true.
- (3) For section 187 (2) and (3), a warrant may be issued by giving the applicant for the warrant an electronic version of the warrant.

Note **Oath** includes affirmation (see [Legislation Act](#), dict, pt 1).

- (4) In this section:
- COVID-19 emergency** means—
- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
 - (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (5) This section expires on the first day no COVID-19 emergency is in force.

Part 1.11 Education Act 2004

[1.59] New section 84A

insert

84A Extending in-principle approval—COVID-19 emergency

- (1) This section applies if—
- (a) a declaration under section 153B (2) is in force; and
 - (b) an in-principle approval will, or is likely to, lapse while the declaration is in force.
- (2) The Minister may, in writing, extend the period of the in-principle approval for not longer than 12 months.
- (3) This section expires 12 months after the day the *COVID-19 Emergency Response Act 2020*, section 4 commenced.

[1.60] New section 88AA

after section 88, insert

88AA Extending registration—COVID-19 emergency

- (1) This section applies if—
 - (a) a declaration under section 153B (2) is in force; and
 - (b) the registration of a school will, or is likely to, end while the declaration is in force.
- (2) The Minister may, in writing, extend the period of the school's registration for not longer than 12 months.
- (3) This section expires 12 months after the day the *COVID-19 Emergency Response Act 2020*, section 4 commenced.

[1.61] New section 153B

insert

153B Declaration—COVID-19 emergency

- (1) This section applies if a COVID-19 emergency is in force.
- (2) The Minister may declare that 1 or more of the following provisions do not apply:
 - (a) section 10A (Child of compulsory education age—school attendance requirement);
 - (b) section 10D (Child of compulsory education age—participation requirement);

- (c) section 32 (Keeping register of enrolments and attendances for government schools);
- (d) section 33 (Keeping records of enrolment and attendances for government schools);
- (e) section 35 (Procedures to encourage school attendance at government schools);
- (f) section 100 (1) (b) (Keeping records of enrolment and attendances for non-government schools);
- (g) section 102 (Procedures to encourage attendance at non-government schools);
- (h) a provision prescribed by regulation.

Note Power to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

- (3) However, the Minister may only make a declaration if satisfied on reasonable grounds that it is necessary to do so because of a COVID-19 emergency.

Example

a COVID-19 emergency prevents students from physically attending school

- (4) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (5) A declaration has effect for the period, not longer than 6 months, stated in the declaration.

(6) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

(7) This section expires 12 months after the day the *COVID-19 Emergency Response Act 2020*, section 4 commenced.

Part 1.12 Evidence (Miscellaneous Provisions) Act 1991

[1.62] New section 164 (1A)

insert

(1A) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

[1.63] Section 164 (2) and note

substitute

(2) This chapter and any regulation made under it expires on the first day no COVID-19 emergency is in force.

Part 1.13 Financial Management Act 1996

[1.64] Section 24 (3)

substitute

- (3) Despite subsections (1) and (2), if an ordinary election is to be held in the year after the end of the financial year—
- (a) the under treasurer must give the auditor-general the annual financial statements of the Territory for the financial year in sufficient time for the auditor-general to give an audit opinion about the statements within—
 - (i) for the 2019-20 financial year—4 months after the end of the financial year; or
 - (ii) in any other case—3 months after the end of the financial year; and
 - (b) the auditor-general must give an audit opinion to the Treasurer within—
 - (i) for the 2019-20 financial year—4 months after the end of the financial year; or
 - (ii) in any other case—3 months after the end of the financial year.

[1.65] Section 26 (1)

substitute

- (1) Within 45 days after the end of each quarter of a financial year (other than the 2019-20 and 2020-21 financial years), the Treasurer must prepare financial statements for—
- (a) the quarter; and
 - (b) the period from the beginning of the financial year until the end of the quarter.

- (1A) Within 60 days after the end of each quarter of the 2019-20 and 2020-21 financial years, the Treasurer must prepare financial statements for—
- (a) the quarter; and
 - (b) the period from the beginning of the financial year until the end of the quarter.

[1.66] Section 26 (3)

after

subsection (1)

insert

or subsection (1A)

[1.67] Section 26 (4)

substitute

- (4) Subsection (5) applies if—
- (a) for financial statements prepared under subsection (1)—the first sitting day mentioned in subsection (3) does not fall within 45 days after the end of the relevant quarter; or
 - (b) for financial statements prepared under subsection (1A)—the first sitting day mentioned in subsection (3) does not fall within 60 days after the end of the relevant quarter.
- (5) The Treasurer must give copies of the financial statements to each member of the Legislative Assembly—
- (a) for statements prepared under subsection (1)—within the 45 days; or
 - (b) for statements prepared under subsection (1A)—within the 60 days.

Part 1.14 Firearms Act 1996

[1.68] Section 417 (3) (a)

omit

the day the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, ends

substitute

the first day no COVID-19 emergency is in force

[1.69] New section 417 (5) and (6)

after the note, insert

(5) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

(6) This part expires at the end of a 3-month period during which no COVID-19 emergency has been in force.

[1.70] Section 418

omit

Part 1.15 Gaming Machine Act 2004

[1.71] Section 164, new definition of *COVID-19 emergency*

insert

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

[1.72] Section 164, definition of *emergency declaration*

omit

[1.73] Section 166 (1), definition of *community purpose*, paragraph (d)

omit

an emergency to which an emergency declaration applies

substitute

a COVID-19 emergency

[1.74] Section 166 (2)

omit

(other than an emergency community purpose contribution)

[1.75] New section 166 (2A)

insert

- (2A) Subsection (2) does not apply to an emergency community purpose contribution.

[1.76] Section 166A (1)

omit

an emergency declaration

substitute

a COVID-19 emergency

[1.77] Section 172 (2) (i)

omit

paragraph (d)

substitute

paragraph (e)

[1.78] New section 172 (2A)

insert

- (2A) For subsection (1) (d), the annual report for a reporting year that ends after 23 March 2020 must set out the percentage of the licensee's net revenue for all authorised premises for the reporting year that was made for providing relief or assistance to the community in relation to a COVID-19 emergency.

[1.79] New section 172C

in part 12, insert

172C Expiry—COVID-19 emergency amendments

The following provisions expire at the end of a 2-year period during which no COVID-19 emergency has been in force:

- (a) this section;
- (b) section 164, definition of *COVID-19 emergency*;
- (c) section 166 (1), definition of *community purpose*, paragraph (d);
- (d) section 166 (1), definition of *community purpose contribution*, paragraph (b) (ii);
- (e) section 166 (2A);
- (f) section 166 (4) and example;
- (g) section 166A;
- (h) section 172 (2A);
- (i) dictionary, definition of *COVID-19 emergency*.

[1.80] Dictionary, new definition of *COVID-19 emergency*

insert

COVID-19 emergency, for part 12 (Community contributions)—see section 164.

[1.81] Dictionary, definition of *emergency declaration*

omit

Part 1.16 Gaming Machine Regulation 2004

[1.82] Section 69DA (2)

omit

an emergency declaration applies

substitute

a COVID-19 emergency is in force

[1.83] Section 69DA (2), note

substitute

Note COVID-19 emergency—see the [Act](#), s 164.

[1.84] Section 69DA (4)

omit

an emergency to which an emergency declaration applies

substitute

a COVID-19 emergency

[1.85] New section 69L

in division 9.5, insert

69L Expiry—COVID-19 emergency amendments

The following provisions expire at the end of a 12-month period during which no COVID-19 emergency has been in force:

- (a) this section;
- (b) section 69 (1) (c), note;
- (c) section 69DA.

Part 1.17 Human Rights Commission Act 2005

[1.86] New section 21 (1) (c) (iv)

insert

- (iv) a vulnerable person complaint;

[1.87] New section 41B

insert

41B When may someone complain about treatment of vulnerable people?

- (1) A person may complain to the commission about the treatment of a vulnerable person if the person believes on reasonable grounds that the vulnerable person is subject to or at risk of abuse, neglect or exploitation.
- (2) In this section:

vulnerable person means an adult who—

- (a) has a disability within the meaning of the *Disability Services Act 1991*; or
- (b) is at least 60 years old and—
- (i) has a disorder, illness or disease that affects the person's thought processes, perception of reality, emotions or judgement or otherwise results in disturbed behaviour; or
 - (ii) has an impairment that—
 - (A) is intellectual, psychiatric, sensory or physical in nature; and
 - (B) results in a substantially reduced capacity of the person for communication, learning or mobility; or

- (iii) for any other reason is socially isolated or unable to participate in the life of the person's community.

[1.88] New section 42 (1) (ea)

insert

- (ea) a vulnerable person complaint;

[1.89] New section 52B

in division 4.2, insert

52B Dealing with vulnerable person complaints

- (1) Before taking either of the following actions in relation to a vulnerable person complaint, the commission must obtain the consent of the vulnerable person the subject of the complaint:
- (a) telling the person complained about, in writing, that the complaint is to be considered under section 45 (2) (c);
 - (b) referring a complaint to a statutory office holder under section 52A.
- (2) However, consent is not required—
- (a) if the person is not capable of giving consent, even with appropriate support; or
 - (b) if it is not appropriate to obtain consent because of the seriousness of the complaint or the risk to the personal safety of the vulnerable person.

[1.90] New section 99A

insert

99A Information sharing between commissioners

- (1) A commissioner (an *information giver*) may give statutory office-holder information to another commissioner (an *information recipient*), and an information recipient may use the information, if the information is necessary for the effective exercise of a function under this Act.
- (2) If an information recipient uses statutory office-holder information given to them under subsection (1)—
 - (a) a secrecy requirement is taken to apply to the information recipient in relation to the information; and
 - (b) the information recipient is taken to be a person engaged in the administration of the law that contains the secrecy requirement.
- (3) In this section:

secrecy requirement means a prohibition on the disclosure of information that applies to an information giver in relation to statutory office-holder information, whether the prohibition is absolute or subject to stated exceptions or qualifications.

statutory office-holder information means information received by a commissioner in their capacity as an individual statutory office-holder under a territory law or a law of the Commonwealth or a state.

Note *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

[1.91] New section 105B

insert

105B Expiry—vulnerable person complaint provisions

- (1) The following provisions expire at the end of a 12-month period during which no COVID-19 emergency has been in force:
- (a) this section;
 - (b) section 21 (1) (c) (iv);
 - (c) section 41B;
 - (d) section 42 (1) (ea);
 - (e) section 52B;
 - (f) section 99A;
 - (g) dictionary, definition of *vulnerable person complaint*.

- (2) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

[1.92] Dictionary, new definition of *vulnerable person complaint*

insert

vulnerable person complaint means a complaint about the treatment of a vulnerable person that may be made, or is made, under section 41B.

Part 1.18 **Leases (Commercial and Retail)** **Act 2001**

[1.93] Section 177 (3) (a)

omit

the day the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, ends

substitute

the first day no COVID-19 emergency is in force

[1.94] Section 177 (5), new definition of COVID-19 emergency

insert

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

[1.95] New section 177 (6)

insert

- (6) This part expires at the end of a 3-month period during which no COVID-19 emergency has been in force.

[1.96] Section 178

omit

Part 1.19 Long Service Leave Act 1976

[1.97] Section 6 (3)

substitute

- (3) Subsection (2) does not apply if the employee agrees otherwise.
- (3A) Also, subsection (2) does not apply if the leave is—
- (a) taken during a COVID-19 emergency; and
 - (b) agreed between the employer and employee.
- (3B) In this section:
- COVID-19 emergency** means—
- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
 - (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (3C) This subsection and subsections (3A) and (3B) expire on the first day no COVID-19 emergency is in force.

Part 1.20 Long Service Leave (Portable Schemes) Act 2009

[1.98] Schedule 1, section 1.6 (3) and (4)

substitute

- (3) During a COVID-19 emergency, a registered worker for the building and construction industry is entitled to the number of days of workers long service leave worked out in accordance with the criteria determined by the Minister.

- (4) A determination under subsection (3) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (5) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the [Emergencies Act 2004](#), section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the [Public Health Act 1997](#), section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (6) This subsection and subsections (3) to (5) expire on the first day no COVID-19 emergency is in force.

[1.99] Schedule 1, section 1.8

substitute

1.8 Entitlement to payment instead of leave—building and construction industry

- (1) This section applies to a registered worker for the building and construction industry who has at least 7 years recognised service if—
- (a) the worker has permanently left the industry; and
- (b) 20 weeks have passed since the day the worker permanently left the industry; and
- (c) the worker has not been credited with service in the workers register for any of the days in the 20-week period.

- (2) Also, this section applies to a registered worker for the building and construction industry if the worker has 5 years recognised service and any of the following apply to the worker:
- (a) the worker has left the industry because of total incapacity;
 - (b) the worker has reached the prescribed retiring age;
 - (c) the worker has died.
- (3) If the governing board is satisfied that this section applies to the worker, the worker is entitled to payment instead of long service leave for the amount of long service leave credited to the worker in the workers register.
- (4) In this section:
- prescribed retiring age* means—
- (a) in relation to a registered worker who has been granted a service pension under the *Veterans Entitlements Act 1986* (Cwlth), section 38 (Eligibility for partner service pension)—the age at which the worker first receives payment of the service pension; or
 - (b) in any other case—55 years.

1.8A Entitlement to payment instead of leave—building and construction industry—COVID-19 emergency

- (1) This section applies during a COVID-19 emergency to a registered worker for the building and construction industry who has at least 7 years recognised service if—
- (a) the worker has permanently left the industry; and
 - (b) the worker has not been credited with service in the workers register for any of the days after the worker permanently left the building and construction industry.

- (2) Also, this section applies during a COVID-19 emergency to a registered worker for the building and construction industry if the worker—
- (a) has left the industry during the COVID-19 emergency; and
 - (b) satisfies the criteria determined by the Minister.
- (3) If the governing board is satisfied that this section applies to the worker, the worker is entitled to payment instead of long service leave for the amount of long service leave determined by the Minister.
- (4) A determination under this section is a disallowable instrument.
- Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).
- (5) In this section:
- COVID-19 emergency** means—
- (a) a state of emergency declared under the [Emergencies Act 2004](#), section 156 because of the coronavirus disease 2019 (COVID-19); or
 - (b) an emergency declared under the [Public Health Act 1997](#), section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (6) This section and schedule 5, item 22A expire on the first day no COVID-19 emergency is in force.

[1.100] Schedule 2, section 2.6 (3) and (4)

substitute

- (3) During a COVID-19 emergency, a registered worker for the contract cleaning industry is entitled to the number of days of workers long service leave worked out in accordance with the criteria determined by the Minister.

- (4) A determination under subsection (3) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (5) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the [Emergencies Act 2004](#), section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the [Public Health Act 1997](#), section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (6) This subsection and subsections (3) to (5) expire on the first day no COVID-19 emergency is in force.

[1.101] Schedule 2, section 2.8

substitute

2.8 Entitlement to payment instead of leave—contract cleaning industry

- (1) This section applies to a registered worker for the contract cleaning industry who has 5 years recognised service if—
- (a) the worker has permanently left the industry; and
- (b) 20 weeks have passed since the day the worker permanently left the industry; and
- (c) the worker has not been credited with service in the workers register for any of the days in the 20-week period.

- (2) Also, this section applies to a registered worker for the contract cleaning industry if the worker has 5 years recognised service and any of the following apply to the worker:
- (a) the worker has left the industry because of total incapacity;
 - (b) the worker has reached the prescribed retiring age;
 - (c) the worker has died.
- (3) If the governing board is satisfied that this section applies to the worker, the worker is entitled to payment instead of long service leave for the number of weeks long service leave worked out in accordance with the long service leave formula.
- (4) In this section:
- prescribed retiring age* means—
- (a) for a registered worker who has been granted a service pension under the *Veterans Entitlements Act 1986* (Cwlth), section 38 (Eligibility for partner service pension)—the age at which the worker first receives payment of the service pension; or
 - (b) in any other case—55 years.

2.8A Entitlement to payment instead of leave—contract cleaning industry—COVID-19 emergency

- (1) This section applies during a COVID-19 emergency to a registered worker for the contract cleaning industry who has at least 7 years recognised service if—
- (a) the worker has permanently left the industry; and
 - (b) the worker has not been credited with service in the workers register for any of the days after the worker permanently left the contract cleaning industry.

- (2) Also, this section applies during a COVID-19 emergency to a registered worker for the contract cleaning industry if the worker—
- (a) has left the industry during the COVID-19 emergency; and
 - (b) satisfies the criteria determined by the Minister.
- (3) If the governing board is satisfied that this section applies to the worker, the worker is entitled to payment instead of long service leave for the amount of long service leave determined by the Minister.
- (4) A determination under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (5) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the [Emergencies Act 2004](#), section 156 because of the coronavirus disease 2019 (COVID-19); or
 - (b) an emergency declared under the [Public Health Act 1997](#), section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (6) This section expires on the first day no COVID-19 emergency is in force.

[1.102] Schedule 3, section 3.7 (3) and (4)

substitute

- (3) During a COVID-19 emergency, a registered worker for the community sector industry is entitled to the number of days of workers long service leave worked out in accordance with the criteria determined by the Minister.

- (4) A determination under subsection (3) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (5) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the [Emergencies Act 2004](#), section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the [Public Health Act 1997](#), section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (6) This subsection and subsections (3) to (5) expire on the first day no COVID-19 emergency is in force.

[1.103] Schedule 3, section 3.9

substitute

3.9 Entitlement to payment instead of leave—community sector industry

- (1) This section applies to a registered worker for the community sector industry if the worker has 5 years recognised service and any of the following apply to the worker:
- (a) the worker has left the industry because of total incapacity;
- (b) the worker has reached the prescribed retiring age;
- (c) the worker has died.
- (2) If the governing board is satisfied that this section applies to the worker, the worker is entitled to payment instead of long service leave for the number of weeks long service leave worked out in accordance with the long service leave formula.

(3) In this section:

prescribed retiring age means—

- (a) for a registered worker who has been granted a service pension under the *Veterans Entitlements Act 1986* (Cwlth), section 38 (Eligibility for partner service pension)—the age at which the worker first receives payment of the service pension; or
- (b) in any other case—55 years.

3.9A Entitlement to payment instead of leave—community sector industry—COVID-19 emergency

- (1) This section applies during a COVID-19 emergency to a registered worker for the community sector industry if the worker—
 - (a) has left the industry during the COVID-19 emergency; and
 - (b) satisfies the criteria determined by the Minister.
- (2) If the governing board is satisfied that this section applies to the worker, the worker is entitled to payment instead of long service leave for the amount of long service leave determined by the Minister.
- (3) A determination under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

(4) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

- (5) This section expires on the first day no COVID-19 emergency is in force.

[1.104] Schedule 4, section 4.7 (3) and (4)

substitute

- (3) During a COVID-19 emergency, a registered worker for the security industry is entitled to the number of days of workers long service leave worked out in accordance with the criteria determined by the Minister.
- (4) A determination under subsection (3) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (5) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the [Emergencies Act 2004](#), section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the [Public Health Act 1997](#), section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (6) This subsection and subsections (3) to (5) expire on the first day no COVID-19 emergency is in force.

[1.105] Schedule 4, section 4.9

substitute

4.9 Entitlement to payment instead of leave—security industry

- (1) This section applies if a registered worker for the security industry has 5 years recognised service and any of the following apply to the worker:
 - (a) the worker has left the industry because of total incapacity;
 - (b) the worker has reached the prescribed retiring age;
 - (c) the worker has died.
- (2) If the governing board is satisfied that this section applies to the worker, the worker is entitled to payment instead of long service leave for the amount of long service leave worked out in accordance with the long service leave formula.
- (3) In this section:

prescribed retiring age—

 - (a) for a registered worker who has been granted a service pension under the *Veterans Entitlements Act 1986* (Cwlth), section 38 (Eligibility for partner service pension)—the age at which the worker first receives payment of the service pension; or
 - (b) in any other case—55 years.

4.9A Entitlement to payment instead of leave—security industry—COVID-19 emergency

- (1) This section applies during a COVID-19 emergency to a registered worker for the security industry if the worker—
 - (a) has left the industry during the COVID-19 emergency; and
 - (b) satisfies the criteria determined by the Minister.

(2) If the governing board is satisfied that this section applies to the worker, the worker is entitled to payment instead of long service leave for the amount of long service leave determined by the Minister.

(3) A determination under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

(4) In this section:

COVID-19 emergency means—

(a) a state of emergency declared under the [Emergencies Act 2004](#), section 156 because of the coronavirus disease 2019 (COVID-19); or

(b) an emergency declared under the [Public Health Act 1997](#), section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

(5) This section expires on the first day no COVID-19 emergency is in force.

[1.106] Schedule 5, item 22

substitute

22	sch 1, 1.8 (3), sch 2, 2.8 (3), sch 3, 3.9 (2), or sch 4, 4.9 (2)	not satisfied that section applies to applicant	applicant	governing board
22A	sch 1, 1.8A (3), sch 2, 2.8A (3), sch 3, 3.9A (2), or sch 4, 4.9A (2)	not satisfied that section applies to applicant	applicant	governing board

Part 1.21 Payroll Tax Act 2011

[1.107] New section 66BA

insert

66BA Wages—jobkeeper payments

- (1) Wages mentioned in schedule 2, part 2.7A are exempt wages.
- (2) This section expires 12 months after the day the prescribed period ends.
- (3) In this section:

prescribed period—see the *Coronavirus Economic Response Package (Payments and Benefits) Act 2020* (Cwlth), section 6.

[1.108] Schedule 2, new part 2.7A

insert

Part 2.7A Jobkeeper payments

2.19A Jobkeeper payments

- (1) Wages that do not exceed the jobkeeper payment amount are exempt wages if they are paid or payable to an eligible employee.
- (2) The exemption does not apply to any part of wages paid or payable to the eligible employee that exceeds the jobkeeper payment amount.
- (3) In this section:

eligible employee—see the *Coronavirus Economic Response Package (Payments and Benefits) Rules 2020* (Cwlth), section 4.

jobkeeper payment amount, in relation to wages paid or payable to an eligible employee—

- (a) means an amount an employer is entitled to under the *Coronavirus Economic Response Package (Payments and Benefits) Act 2020* (Cwlth) for the employee; but
- (b) does not include an overpayment mentioned in the *Coronavirus Economic Response Package (Payments and Benefits) Act 2020* (Cwlth), section 9 for the employee.

2.19C Expiry—pt 2.7A

- (1) This part expires 12 months after the day the prescribed period ends.
- (2) In this section:

prescribed period—see the *Coronavirus Economic Response Package (Payments and Benefits) Act 2020* (Cwlth), section 6.

[1.109] Schedule 2, new section 2.19B

insert

2.19B Notification offence—revocation of entitlement to jobkeeper payments

- (1) An employer commits an offence if—
 - (a) the employer is the subject of a decision that the employer is entitled to a payment under the *Coronavirus Economic Response Package (Payments and Benefits) Act 2020* (Cwlth); and
 - (b) the decision is revoked under that [Act](#), section 14 (6); and
 - (c) the employer does not notify the commissioner of the revocation within 14 days after the revocation.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

Part 1.22 Powers of Attorney Act 2006

[1.110] New section 45 (1A)

insert

- (1A) Also, this section applies in relation to an enduring power of attorney—
- (a) during the COVID-19 emergency period; and
 - (b) whether or not the principal has impaired decision-making capacity.

[1.111] New section 45 (5) and (6)

insert

- (5) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

COVID-19 emergency period means the period—

- (a) beginning on the day this section commences; and
 - (b) ending at the end of a 12-month period when no COVID-19 emergency has been in force.
- (6) This subsection and subsections (1A) and (5) expire at the end of the COVID-19 emergency period.

[1.112] New section 47 (2) to (4)

insert

- (2) Also, during the COVID-19 emergency period, an attorney for a property matter under an enduring power of attorney must, whether or not the principal has impaired decision-making capacity, keep accurate records and accounts of all dealings and transactions made by the attorney under the power.
- (3) In this section:
- COVID-19 emergency** means—
- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- COVID-19 emergency period** means the period—
- (a) beginning on the day this section commences; and
- (b) ending at the end of a 12-month period when no COVID-19 emergency has been in force.
- (4) This subsection and subsections (2) and (3) expire at the end of the COVID-19 emergency period.

[1.113] New section 48 (1A)

insert

- (1A) Also, during the COVID-19 emergency period, an attorney for a property matter under an enduring power of attorney must, whether or not the principal has impaired decision-making capacity, keep the attorney's property separate from the principal's property.

[1.114] New section 48 (3) and (4)

insert

(3) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

COVID-19 emergency period means the period—

- (a) beginning on the day this section commences; and
 - (b) ending at the end of a 12-month period when no COVID-19 emergency has been in force.
- (4) This subsection and subsections (1A) and (3) expire at the end of the COVID-19 emergency period.

Part 1.23 Prohibited Weapons Act 1996

[1.115] Section 55 (3) (a)

omit

the day the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, ends

substitute

the first day no COVID-19 emergency is in force

[1.116] New section 55 (5) and (6)

after the note, insert

(5) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
 - (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (6) This part expires at the end of a 3-month period during which no COVID-19 emergency has been in force.

[1.117] Section 56

omit

**Part 1.24 Public Health (Emergencies)
Amendment Act 2020**

[1.118] New section 2 (3)

insert

(3) In this section:

COVID-19 declaration means a declaration made because of the coronavirus disease 2019 (COVID-19) caused by the novel coronavirus SARS-CoV-2.

Part 1.25 Public Trustee and Guardian Act 1985

[1.119] New section 9A (3) to (5)

insert

- (3) During the COVID-19 emergency period—
- (a) subsection (2) does not apply; but
 - (b) the public trustee and guardian may only delegate the following functions in relation to an appointment by the ACAT of the public trustee and guardian as a guardian or manager, to a person exercising the functions of a deputy public trustee and guardian:
 - (i) making a decision in relation to medical treatment involving treatment, care or support under the *Mental Health Act 2015*;
 - (ii) buying, selling, realising or mortgaging real property, or granting a lease of real property;
 - (iii) borrowing money, with or without security.
- (4) In this section:
- COVID-19 emergency** means—
- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
 - (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 19 (COVID-19).

COVID-19 emergency period means the period—

- (a) beginning on the day this section commences; and
 - (b) ending at the end of a 12-month period when no COVID-19 emergency has been in force.
- (5) This subsection and subsections (3) and (4) expire at the end of the COVID-19 emergency period.

[1.120] New section 66 (1A)

insert

- (1A) Also, during the COVID-19 emergency period, the public trustee and guardian may, by written notice given to an individual, require the individual to give the public trustee and guardian stated information or documents relevant to the exercise of the public trustee and guardian's functions under this Act or another territory law.

[1.121] New section 66 (3) and (4)

insert

- (3) In this section:
- COVID-19 emergency*** means—
- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
 - (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 19 (COVID-19).

COVID-19 emergency period means the period—

- (a) beginning on the day this section commences; and
 - (b) ending at the end of a 12-month period when no COVID-19 emergency has been in force.
- (4) This subsection and subsections (1A) and (3) expire at the end of the COVID-19 emergency period.

Part 1.26 Rates Act 2004

[1.122] New section 19 (3) to (9)

insert

- (3) Despite subsection (1) (b), during the COVID-19 emergency period the date when an instalment is due for payment is the date determined for the instalment under subsection (4).
- (4) The Minister may determine a date when an instalment is due for payment that is earlier or later than when an instalment would ordinarily be due under subsection (1) (b).
- (5) A determination under subsection (4) must state whether, in the Minister's opinion, the determination is consistent with human rights.
- (6) The Minister must not make a determination under subsection (4) unless satisfied that the determination is reasonable and necessary to provide an economic response to a COVID-19 emergency.
- (7) A determination under subsection (4) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

(8) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

COVID-19 emergency period means the period—

- (a) beginning on the day the *COVID-19 Emergency Response Legislation Amendment Act 2020*, schedule 1, part 1.26 commences; and
 - (b) ending at the end of a 12-month period when no COVID-19 emergency has been in force.
- (9) This subsection and subsections (3) to (8) expire at the end of the COVID-19 emergency period.

Part 1.27 Residential Tenancies Act 1997

[1.123] Section 156 (3) (a)

omit

the day the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, ends

substitute

the first day no COVID-19 emergency is in force

[1.124] New section 156 (5) and (6)

after the note, insert

(5) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
 - (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (6) This part expires at the end of a 3-month period during which no COVID-19 emergency has been in force.

[1.125] Section 157

omit

Part 1.28 Retirement Villages Act 2012

[1.126] New section 107 (3A)

insert

- (3A) If a COVID-19 emergency exists when the annual management meeting is to be held, the meeting—
- (a) need not be held within the 4-month period mentioned in subsection (3); but

(b) must be held as soon as is reasonably practicable after that time, having regard to—

(i) any direction given in relation to a COVID-19 emergency, including in relation to the movement of people; and

Note Directions may be given during a public health emergency or state of emergency (see *Public Health Act 1997*, s 120 and *Emergencies Act 2004*, s 160A).

(ii) any current advice of the chief health officer in relation to the coronavirus disease 2019 (COVID-19).

Note A meeting may also be conducted by other means of communication if authorised by the residents committee of a retirement village (see s 112A).

[1.127] New section 112A

insert

112A Meetings of residents—methods of communication

- (1) This section applies to a meeting of residents of a retirement village mentioned in section 112 (1), held during a COVID-19 emergency.
- (2) The residents committee may authorise that the meeting be held using a method of communication, or a combination of methods of communication, that allows a resident taking part to hear or otherwise know what each other resident taking part says without the residents being in each other's presence.

Examples

a phone link, a satellite link, an internet or intranet link, in writing

- (3) If there is no residents committee for a retirement village, the residents of the village may make an authorisation under subsection (2) if requested to do so by—
- (a) for a village with fewer than 10 occupied residential premises—residents from a majority of the occupied residential premises; or
 - (b) for a village with 10 or more occupied residential premises—the greater of—
 - (i) 5 residents of the village; and
 - (ii) 10% of the residents of the village.
- (4) A person who takes part in a meeting conducted under subsection (2) is taken, for all purposes, to be present at the meeting.

[1.128] New section 117 (1A) and (1B)

insert

- (1A) However, during a COVID-19 emergency, a person may hold appointments as a proxy of more than 2 residents in any 1 retirement village at any 1 time, unless the village rules provide otherwise.
- (1B) Despite subsection (1A), the rules of a retirement village may limit the number of appointments as a proxy that a person may hold.

[1.129] New section 159 (2A) and (2B)

insert

- (2A) If, because of a COVID-19 emergency, it is not reasonably practicable for the residents to meet, consider and vote on the proposed annual budget for the 2020-2021 financial year under section 162 (6) (a), the operator—
- (a) need not give the budget within the time required under subsection (2); but

(b) must give the budget as soon as is reasonably practicable after that time, having regard to—

(i) any direction given in relation to a COVID-19 emergency, including in relation to the movement of people; and

Note Directions may be given during a public health emergency or state of emergency (see *Public Health Act 1997*, s 120 and *Emergencies Act 2004*, s 160A).

(ii) any current advice of the chief health officer in relation to the coronavirus disease 2019 (COVID-19).

Note A meeting of residents may also be conducted by other means of communication if authorised by the residents committee of a retirement village (see s 112A).

(2B) Until the proposed annual budget for the 2020-2021 financial year is approved or otherwise determined under this part, the approved annual budget for the 2019-2020 financial year is taken to be the approved annual budget for the 2020-2021 financial year.

[1.130] New section 261A

insert

261A Meetings of operators—methods of communication

- (1) This section applies to a meeting to be held during a COVID-19 emergency, including under any of the following provisions:
- (a) section 62 (New operator to convene meeting of residents);
 - (b) section 83 (Proposed amendment of village rules);
 - (c) section 94 (Change in services or facilities provided at village);
 - (d) section 107 (Operator must hold annual management meeting);
 - (e) section 111 (Villages without residents committee).

- (2) The operator may authorise that the meeting be held using a method of communication, or a combination of methods of communication, that allows a resident taking part to hear or otherwise know what each other resident taking part says without the residents being in each other's presence.

Examples

a phone link, a satellite link, an internet or intranet link, in writing

- (3) If the operator authorises that a meeting be held using a method of communication under subsection (2), the operator must ensure that—
- (a) each resident has access to facilities that will allow them to take part in the meeting using the method; and
 - (b) each resident is able to use the facilities.
- (4) A person who takes part in a meeting conducted under subsection (2) is taken, for all purposes, to be present at the meeting.

[1.131] New section 265

insert

265 Expiry—COVID-19 amendments

- (1) The COVID-19 amendments expire 12 months after the day the *COVID-19 Emergency Response Act 2020*, section 4 commenced.
- (2) In this section:

COVID-19 amendment means each of the following:

- (a) this section;
- (b) section 107 (3A);
- (c) section 112A;
- (d) section 117 (1A) and (1B);
- (e) section 159 (2A) and (2B);

- (f) section 261A;
- (g) dictionary, definition of *COVID-19 emergency*.

[1.132] Dictionary, new definition of COVID-19 emergency

insert

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

Part 1.29 Taxation Administration Act 1999

[1.133] New section 6 (4) to (6)

insert

- (4) This Act also includes general provisions in relation to revenue measures for the purpose of providing an economic response to a COVID-19 emergency.
- (5) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

- (6) This subsection and subsections (4) and (5) expire at the end of a 2-year period during which no COVID-19 emergency has been in force.

[1.134] New division 11.5A

insert

**Division 11.5A COVID-19 emergency response—
revenue measures**

137A Definitions—div 11.5A

In this division:

COVID-19 deferral scheme—see section 137D (1).

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

COVID-19 exemption scheme—see section 137E (1).

COVID-19 rebate scheme—see section 137F (1).

COVID-19 scheme means the following:

- (a) a COVID-19 deferral scheme;
- (b) a COVID-19 exemption scheme;
- (c) a COVID-19 rebate scheme.

137B Application—div 11.5A

If a COVID-19 scheme is determined under this division, the scheme applies in addition to any other provision in this Act and the other tax laws.

137C Ministerial considerations for determining a scheme—div 11.5A

The Minister must not determine a COVID-19 scheme under this division unless satisfied that the scheme is reasonable and necessary to provide an economic response to a COVID-19 emergency.

137D COVID-19 deferral scheme

- (1) The Minister may determine a scheme (a *COVID-19 deferral scheme*) for deferring the following:
 - (a) tax payable under a tax law;
 - (b) lodging a return required under a tax law.
- (2) The COVID-19 deferral scheme must include the following matters:
 - (a) who is eligible to participate in the scheme;
 - (b) the tax amount, or requirement to lodge a return, that may be deferred under the scheme;
 - (c) a statement about whether, in the Minister’s opinion, the scheme is consistent with human rights.
- (3) The COVID-19 deferral scheme may include the following matters:
 - (a) how an application for deferral is to be made under the scheme;
 - (b) information that the commissioner may require to decide an application;
 - (c) conditions to which a deferral arrangement may be subject, including the rate of interest charged on the amount deferred.

- (4) The COVID-19 deferral scheme may provide for any other relevant matter to be determined by the commissioner by notifiable instrument.
- (5) The amount payable under a COVID-19 deferral scheme is a debt owing to the Territory.
- (6) If the tax deferred under a COVID-19 deferral scheme relates to the holding of a property—the tax deferred is the first charge on the person’s interest in the property to which the deferred tax relates.
- (7) A COVID-19 deferral scheme determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

137E COVID-19 exemption scheme

- (1) The Minister may determine a scheme to exempt a person who is required to pay tax under a tax law from the requirement to pay the tax (a *COVID-19 exemption scheme*).
- (2) The COVID-19 exemption scheme may include the following matters:
 - (a) an exemption from the requirement to pay some or all the tax payable under a tax law;
 - (b) applying the exemption for a stated period;
 - (c) applying the exemption to a particular transaction;
 - (d) applying the exemption in stated circumstances;
 - (e) making the exemption conditional on stated actions.
- (3) The COVID-19 exemption scheme must include a statement about whether, in the Minister’s opinion, the scheme is consistent with human rights.

- (4) A COVID-19 exemption scheme determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

137F COVID-19 rebate scheme

- (1) The Minister may determine a scheme to provide a rebate to a person who is required to pay tax under a tax law (a *COVID-19 rebate scheme*).
- (2) The COVID-19 rebate scheme must include the following matters:
- (a) who is eligible to claim the rebate;
 - (b) the amount of the rebate, or the method of calculating the amount of the rebate, including any limits;
 - (c) a statement about whether, in the Minister’s opinion, the scheme is consistent with human rights.
- (3) The COVID-19 rebate scheme may include the following matters:
- (a) if the rebate applies for a period—the period for which the rebate applies;
 - (b) if an application is required for the rebate—how the application is to be made;
 - (c) information that the commissioner may require to decide an application;
 - (d) conditions applying in relation to the rebate.
- (4) The COVID-19 rebate scheme may provide for any other relevant matter to be determined by the commissioner by notifiable instrument.

- (5) A COVID-19 rebate scheme determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

137G Expiry—div 11.5A

This division expires at the end of a 2-year period during which no COVID-19 emergency has been in force.

Part 1.30 Terrorism (Extraordinary Temporary Powers) Act 2006

[1.135] New section 100 (2)

insert

- (2) However, if the Minister believes that, because of the COVID-19 pandemic, it is not reasonably possible to present a report of the review before 19 November 2020, the Minister must present a report of the review to the Legislative Assembly—
- (a) as soon as practicable after 19 November 2020; but
 - (b) not later than 19 May 2021.

Part 1.31 University of Canberra Act 1989

[1.136] Section 43 (3)

omit

5 years

substitute

6 years

[1.137] Section 43 (3)

omit

5-year period

substitute

6-year period

**Part 1.32 Working with Vulnerable People
(Background Checking) Act 2011**

[1.138] Section 60A

substitute

60A Definitions—div 6.6

In this division:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

COVID-19 emergency period means a period during which a COVID-19 emergency is in force.

[1.139] Section 60B (1) (a) and (b)

omit

the COVID-19 emergency period

substitute

a COVID-19 emergency period

[1.140] Section 60C (1)

omit

during the COVID-19 emergency period

substitute

during a COVID-19 emergency period

[1.141] Section 60D

omit

6 months after the day the COVID-19 emergency period ends

substitute

at the end of a 6-month period during which no COVID-19 emergency has been in force

Part 1.33

Working with Vulnerable People (Background Checking) Amendment Act 2019

[1.142] Section 2

substitute

2 Commencement

- (1) This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

- (2) If this Act has not commenced before 31 March 2021, it automatically commences on that day.
- (3) The [Legislation Act](#), section 79 (Automatic commencement of postponed law) does not apply to this Act.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 7 May 2020.

2 Notification

Notified under the [Legislation Act](#) on 13 May 2020.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the COVID-19 Emergency Response Legislation Amendment Bill 2020, which was passed by the Legislative Assembly on 7 May 2020.

Clerk of the Legislative Assembly

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