

2020

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Chief Minister)

# COVID-19 Emergency Response Legislation Amendment Bill 2020

## Contents

---

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended—sch 1	3
<b>Schedule 1</b>	
<b>COVID-19 emergency response— Amendments</b>	<b>4</b>
<b>Part 1.1</b>	
<b>Associations Incorporation Act 1991</b>	<b>4</b>
<b>Part 1.2</b>	
<b>Bail Act 1992</b>	<b>6</b>
<b>Part 1.3</b>	
<b>Children and Young People Act 2008</b>	<b>7</b>

---

J2020-392

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

	Page
<b>Part 1.4</b>	<b>Corrections Management Act 2007</b> 16
<b>Part 1.5</b>	<b>Court Procedures Act 2004</b> 23
<b>Part 1.6</b>	<b>COVID-19 Emergency Response Act 2020</b> 24
<b>Part 1.7</b>	<b>Crimes Act 1900</b> 27
<b>Part 1.8</b>	<b>Crimes (Sentence Administration) Act 2005</b> 29
<b>Part 1.9</b>	<b>Crimes (Sentencing) Act 2005</b> 37
<b>Part 1.10</b>	<b>Drugs of Dependence Act 1989</b> 38
<b>Part 1.11</b>	<b>Education Act 2004</b> 40
<b>Part 1.12</b>	<b>Evidence (Miscellaneous Provisions) Act 1991</b> 43
<b>Part 1.13</b>	<b>Financial Management Act 1996</b> 43
<b>Part 1.14</b>	<b>Firearms Act 1996</b> 46
<b>Part 1.15</b>	<b>Gaming Machine Act 2004</b> 47
<b>Part 1.16</b>	<b>Gaming Machine Regulation 2004</b> 50
<b>Part 1.17</b>	<b>Human Rights Commission Act 2005</b> 51
<b>Part 1.18</b>	<b>Leases (Commercial and Retail) Act 2001</b> 55
<b>Part 1.19</b>	<b>Long Service Leave Act 1976</b> 56
<b>Part 1.20</b>	<b>Long Service Leave (Portable Schemes) Act 2009</b> 56
<b>Part 1.21</b>	<b>Payroll Tax Act 2011</b> 68
<b>Part 1.22</b>	<b>Powers of Attorney Act 2006</b> 70
<b>Part 1.23</b>	<b>Prohibited Weapons Act 1996</b> 72
<b>Part 1.24</b>	<b>Public Health Act 1997</b> 73
<b>Part 1.25</b>	<b>Public Health (Emergencies) Amendment Act 2020</b> 74
<b>Part 1.26</b>	<b>Public Trustee and Guardian Act 1985</b> 74
<b>Part 1.27</b>	<b>Rates Act 2004</b> 76
<b>Part 1.28</b>	<b>Residential Tenancies Act 1997</b> 78
<b>Part 1.29</b>	<b>Retirement Villages Act 2012</b> 79
<b>Part 1.30</b>	<b>Taxation Administration Act 1999</b> 84

Contents

---

		Page
<b>Part 1.31</b>	<b>Terrorism (Extraordinary Temporary Powers) Act 2006</b>	89
<b>Part 1.32</b>	<b>University of Canberra Act 1989</b>	89
<b>Part 1.33</b>	<b>Working with Vulnerable People (Background Checking) Act 2011</b>	90
<b>Part 1.34</b>	<b>Working with Vulnerable People (Background Checking) Amendment Act 2019</b>	91



2020

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Chief Minister)

# COVID-19 Emergency Response Legislation Amendment Bill 2020

---

## A Bill for

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 **1 Name of Act**

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

4 **2 Commencement**

5 (1) This Act (other than the following provisions) commences on the day  
6 after its notification day:

- 7 • section 3  
8 • schedule 1, amendment 1.6  
9 • schedule 1, parts 1.4 and 1.8  
10 • schedule 1, amendments 1.106 and 1.107  
11 • schedule 1, amendments 1.120 and 1.121.

12 (2) Schedule 1, amendment 1.6 commences 12 months after the day the  
13 *COVID-19 Emergency Response Act 2020*, section 4 commenced.

14 (3) Section 3 and schedule 1, amendments 1.106 and 1.107 are taken to  
15 have commenced on 30 March 2020.

16 (4) The following provisions commence on a day fixed by written notice  
17 by the Minister responsible for administering the Act amended by the  
18 provision:

- 19 • schedule 1, parts 1.4 and 1.8  
20 • schedule 1, amendments 1.120 and 1.121.

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

24 *Note 2* If schedule 1, amendments 1.120 or 1.121 have not commenced within 6  
25 months beginning on this Act's notification day, they automatically  
26 commence on the first day after that period (see [Legislation Act](#), s 79).

27 (5) The [Legislation Act](#), section 79 (Automatic commencement of  
28 postponed law) does not apply to schedule 1, parts 1.4 and 1.8.

1 **3 Legislation amended—sch 1**

2 This Act amends the legislation mentioned in schedule 1.

1 **Schedule 1 COVID-19 emergency**  
2 **response—Amendments**

3 (see s 3)

4 **Part 1.1 Associations Incorporation**  
5 **Act 1991**

6 **[1.1] New section 70AA**

7 *in division 4.4, insert*

8 **70AA General meetings—procedure during COVID-19**  
9 **emergency**

- 10 (1) This section applies to a general meeting held during a COVID-19  
11 emergency.
- 12 (2) The committee may authorise that the meeting be held using a method  
13 of communication, or a combination of methods of communication,  
14 that allows a member taking part to hear or otherwise know what each  
15 other member taking part says without the members being in each  
16 other's presence.
- 17 **Examples**  
18 a phone link, a satellite link, an internet or intranet link, in writing
- 19 (3) A person who takes part in a meeting conducted under subsection (2)  
20 is taken, for all purposes, to be present at the meeting.
- 21 (4) A member may vote by proxy at a meeting.
- 22 (5) If an association's rules are inconsistent with this provision, the rules  
23 have no effect to the extent of the inconsistency.



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

11 **[1.2] New section 120 (3) to (6)**

- 12 *insert*  
13 (3) Also, the registrar-general may declare a general extension of a period  
14 of time prescribed by this Act if satisfied it is appropriate because of  
15 a COVID-19 emergency.  
16 (4) A declaration is a notifiable instrument.  
17 *Note* A notifiable instrument must be notified under the *Legislation Act*.  
18 (5) In this section:  
19 ***COVID-19 emergency*** means—  
20 (a) a state of emergency declared under the *Emergencies Act 2004*,  
21 section 156 because of the coronavirus disease 2019  
22 (COVID-19); or  
23 (b) an emergency declared under the *Public Health Act 1997*,  
24 section 119 (including any extension or further extension)  
25 because of the coronavirus disease 2019 (COVID-19).  
26 (6) This subsection and subsections (3) to (5) expire 12 months after the  
27 day the *COVID-19 Emergency Response Act 2020*, section 4  
28 commenced.

1 **Part 1.2** **Bail Act 1992**

2 **[1.3] New section 28 (2A)**

3 *insert*

- 4 (2A) During a COVID-19 emergency, an undertaking—
- 5 (a) may be in writing or given before the court; and
- 6 (b) if given before the court, must be recorded by the court.

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

8 *insert*

- 9 (6) In this section:

10 ***COVID-19 emergency*** means—

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

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

20 **[1.5] Dictionary, definition of *undertaking to appear***

21 *after*

22 section 28 (1)

23 *insert*

24 or (2A)

1 **[1.6] Dictionary, definition of *undertaking to appear***

2 *omit*

3 or (2A)

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

6 **[1.7] Section 241A (1)**

7 *omit*

8 the COVID-19 emergency period

9 *substitute*

10 a COVID-19 emergency period

11 **[1.8] Section 241A (6)**

12 *substitute*

13 (6) In this section:

14 ***COVID-19 emergency*** means—

15 (a) a state of emergency declared under the *Emergencies Act 2004*,  
16 section 156 because of the coronavirus disease 2019  
17 (COVID-19); or

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

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

- 1 **[1.9] Section 241A (7)**
- 2 *omit*
- 3 7 days after the day the COVID-19 emergency period ends
- 4 *substitute*
- 5 at the end of a 7-day period during which no COVID-19 emergency
- 6 has been in force
- 7 **[1.10] Section 242 (3A)**
- 8 *omit*
- 9 during the COVID-19 emergency period
- 10 *substitute*
- 11 during a COVID-19 emergency period
- 12 **[1.11] Section 242 (6A)**
- 13 *omit*
- 14 the COVID-19 emergency period
- 15 *substitute*
- 16 a COVID-19 emergency period
- 17 **[1.12] Section 242 (7A) (a)**
- 18 *omit*
- 19 the COVID-19 emergency period
- 20 *substitute*
- 21 a COVID-19 emergency period

1 **[1.13] Section 242 (9)**

2 *substitute*

3 (9) In this section:

4 ***COVID-19 emergency*** means—

5 (a) a state of emergency declared under the *Emergencies Act 2004*,  
6 section 156 because of the coronavirus disease 2019  
7 (COVID-19); or

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

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

13 **[1.14] Section 242 (10)**

14 *omit*

15 7 days after the day the COVID-19 emergency period ends

16 *substitute*

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

19 **[1.15] New section 245 (1) (ba)**

20 *insert*

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

22 **[1.16] New section 245 (5)**

23 *insert*

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

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

2 *insert*

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

5 **[1.18] New section 287 (3)**

6 *insert*

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

9 **[1.19] Section 384 (3)**

10 *omit*

11 during the COVID-19 emergency period

12 *substitute*

13 during a COVID-19 emergency

14 **[1.20] Section 384 (4)**

15 *substitute*

16 (4) In this section:

17 ***COVID-19 emergency*** means—

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

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

1 **[1.21] Section 384 (5)**

2 *omit*

3 6 months after the day the COVID-19 emergency period ends

4 *substitute*

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

7 **[1.22] Section 400A (1)**

8 *omit*

9 the COVID-19 emergency period

10 *substitute*

11 a COVID-19 emergency period

12 **[1.23] Section 400A (4)**

13 *substitute*

14 (4) In this section:

15 ***COVID-19 emergency*** means—

16 (a) a state of emergency declared under the *Emergencies Act 2004*,  
17 section 156 because of the coronavirus disease 2019  
18 (COVID-19); or

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

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

1 **[1.24] Section 400A (5)**

2 *omit*

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

4 *substitute*

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

7 **[1.25] Section 410 (2) (a) (i) and (ii)**

8 *omit*

9 the COVID-19 emergency period

10 *substitute*

11 a COVID-19 emergency

12 **[1.26] Section 410 (4)**

13 *substitute*

14 (4) In this section:

15 ***COVID-19 emergency*** means—

16 (a) a state of emergency declared under the *Emergencies Act 2004*,  
17 section 156 because of the coronavirus disease 2019  
18 (COVID-19); or

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



1 **[1.27] Section 410 (5)**

2 *omit*

3 6 months after the day the COVID-19 emergency period ends

4 *substitute*

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

7 **[1.28] Section 423 (2) (a) (i) and (ii)**

8 *omit*

9 the COVID-19 emergency period

10 *substitute*

11 a COVID-19 emergency

12 **[1.29] Section 423 (3)**

13 *substitute*

14 (3) In this section:

15 ***COVID-19 emergency*** means—

16 (a) a state of emergency declared under the *Emergencies Act 2004*,  
17 section 156 because of the coronavirus disease 2019  
18 (COVID-19); or

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

1 **[1.30] Section 423 (4)**

2 *omit*

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

4 *substitute*

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

7 **[1.31] Section 454 (3)**

8 *omit*

9 the COVID-19 emergency period

10 *substitute*

11 a COVID-19 emergency

12 **[1.32] Section 454 (4)**

13 *substitute*

14 (4) In this section:

15 ***COVID-19 emergency*** means—

16 (a) a state of emergency declared under the *Emergencies Act 2004*,  
17 section 156 because of the coronavirus disease 2019  
18 (COVID-19); or

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

1 **[1.33] Section 454 (5)**

2 *omit*

3 6 months after the day the COVID-19 emergency period ends

4 *substitute*

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

7 **[1.34] Section 514EAA (1) (a) and (b)**

8 *omit*

9 the COVID-19 emergency period

10 *substitute*

11 a COVID-19 emergency period

12 **[1.35] Section 514EAA (3)**

13 *substitute*

14 (3) In this section:

15 ***COVID-19 emergency*** means—

16 (a) a state of emergency declared under the *Emergencies Act 2004*,  
17 section 156 because of the coronavirus disease 2019  
18 (COVID-19); or

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

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

1 **[1.36] Section 514EAA (4)**

2 *omit*

3 6 months after the day the COVID-19 emergency period ends

4 *substitute*

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

7 **Part 1.4 Corrections Management**  
8 **Act 2007**

9 **[1.37] New section 30 (2A)**

10 *insert*

11 (2A) Despite subsection (2) (a), during a COVID-19 emergency, a detainee  
12 (other than a young detainee) may be detained continuously at a  
13 police cell for a period not longer than 48 hours (the *allowed period*).

14 **[1.38] New section 30 (6) and (7)**

15 *insert*

16 (6) In this section:

17 ***COVID-19 emergency*** means—

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

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

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

4 **[1.39] New part 12.3**

5 *insert*

6 **Part 12.3 COVID-19 leave**

7 **216A Application—pt 12.3**

- 8 (1) This part applies to a full-time detainee—  
9 (a) if the detainee is serving a sentence of imprisonment for a  
10 relevant offence; and  
11 (b) if a nonparole period has been set for the detainee—whether or  
12 not the nonparole period has ended.
- 13 (2) In this section:  
14 *family violence offence*—see the *Family Violence Act 2016*,  
15 dictionary.  
16 *nonparole period*—see the *Crimes (Sentence Administration)*  
17 *Act 2005*, dictionary.  
18 *relevant offence* means an offence other than the following:  
19 (a) a serious violent offence;  
20 (b) a sexual offence;  
21 (c) a family violence offence.

- 1            *serious violent offence* means an offence against—
- 2            (a) any of the following provisions of the *Crimes Act 1900*,
- 3            punishable by a maximum term of imprisonment of 10 years or
- 4            more:
- 5            (i) part 2 (Offences against the person);
- 6            (ii) part 2A (Industrial manslaughter); or
- 7            (b) the *Criminal Code*, section 310 (Aggravated robbery).
- 8            *sexual offence* means an offence against any of the following
- 9            provisions of the *Crimes Act 1900*:
- 10           (a) part 3 (Sexual offences);
- 11           (b) part 4 (Female genital mutilation);
- 12           (c) part 5 (Sexual servitude).

13    **216B    Definitions—pt 12.3**

14           In this part:

15           *COVID-19 emergency* means—

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

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

23    **216C    COVID-19 leave permit**

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

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

- 1 (6) In this section:  
2 *victim*, of a detainee, means a person who suffers harm because of an  
3 offence by the detainee.

4 **216D COVID-19 leave permit—duration**

- 5 (1) A COVID-19 leave permit may be given for the period the  
6 director-general considers appropriate.  
7 (2) However, the period must not begin earlier than—  
8 (a) if the detainee’s sentence of imprisonment is shorter than  
9 1 year—60 days before the day the term of the detainee’s  
10 sentence ends; or  
11 (b) if the detainee’s sentence of imprisonment is 1 year or longer—  
12 120 days before the day the term of the detainee’s sentence ends.

13 **216E COVID-19 leave permit—content**

14 A COVID-19 leave permit must state the following:

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

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

22 **216F COVID-19 leave permit—conditions**

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



- 1 (b) that the detainee must not commit—
- 2 (i) an offence against a territory law, or a law of the
- 3 Commonwealth, a State or another Territory, that is
- 4 punishable by imprisonment; or
- 5 (ii) an offence outside Australia against a law of a place
- 6 outside Australia that, if it had been committed in
- 7 Australia, would be punishable by imprisonment;
- 8 (c) that the detainee comply with any reasonable direction given to
- 9 them by the director-general;
- 10 (d) that the detainee otherwise be of good behaviour;
- 11 (e) any condition prescribed by regulation;
- 12 (f) any other condition, consistent with the conditions (if any)
- 13 prescribed by regulation , that—
- 14 (i) the director-general believes on reasonable grounds is
- 15 necessary and reasonable; and
- 16 (ii) is stated in the permit.
- 17 **Example—condition stated in permit**
- 18 a condition prohibiting association with a particular person or being
- 19 near a particular place
- 20 (2) The director-general may cancel a detainee’s COVID-19 leave permit
- 21 if the director-general believes on reasonable grounds that the
- 22 detainee has breached a condition of the permit.

23 **216G Guidelines for COVID-19 leave permits**

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

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

- 6 (4) A guideline is a notifiable instrument.

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

8 **216H Effect—pt 12.3**

9 Nothing in this part—

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

14 **216I Expiry—pt 12.3**

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

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

20 **[1.40] Dictionary, new definitions**

21 *insert*

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

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

---

## 1 Part 1.5 Court Procedures Act 2004

### 2 [1.41] New section 74LA

3 *insert*

#### 4 **74LA Alteration of time periods during COVID-19 emergency**

- 5 (1) This section applies during a COVID-19 emergency period.
- 6 (2) For section 74K (1) (b), the court may adjourn the proceeding for a  
7 period longer than 15 days if the court considers it appropriate in the  
8 circumstances.
- 9 (3) For section 74K (2), the period of 2 working days does not apply but  
10 the court must give a statement of reasons as soon as practicable in  
11 the circumstances.
- 12 (4) For section 74L (2), the court may determine a period longer than  
13 15 days for the director-general to tell the public advocate and the  
14 court about action taken or proposed (or that no action is proposed) if  
15 the court considers it appropriate in the circumstances.
- 16 (5) In this section:

17 ***COVID-19 emergency*** means—

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

24 ***COVID-19 emergency period*** means the period—

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

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

2 **Part 1.6 COVID-19 Emergency Response**  
3 **Act 2020**

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

5 *insert*

6 **COVID-19 declaration** means—

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

13 **[1.43] Section 3 (4), definition of COVID-19 measure**

14 *substitute*

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

- 17 (a) an amendment of another Act or regulation made by this Act;

18 *Note* These amendments can be found in the ‘as notified’ version of this  
19 Act on the ACT legislation register.

- 20 (b) an amendment of another Act or regulation made by the  
21 *COVID—19 Emergency Response Legislation Amendment*  
22 *Act 2020*.

23 *Note* These amendments can be found in the ‘as notified’ version of that  
24 Act on the ACT legislation register.

1 **[1.44] New sections 4 and 5**

2 *insert*

3 **4 Witnessing and attestation of certain documents**

4 (1) This section applies during the COVID-19 emergency period.

5 (2) Despite any other territory law—

6 (a) if the signature of a relevant document is required under a  
7 territory law to be witnessed, the signature may be witnessed by  
8 audiovisual link; and

9 (b) arrangements in relation to witnessing signatures and the  
10 attestation of documents, including the following, may be made  
11 by audiovisual link:

12 (i) certifying matters required under a territory law;

13 (ii) swearing or affirming the contents of an affidavit; and

14 (c) a requirement in a territory law for the presence of a witness,  
15 signatory or other person is satisfied if the witness, signatory or  
16 other person is present by audiovisual link.

17 (3) A person witnessing the signing of a relevant document by  
18 audiovisual link (the *witness*) must—

19 (a) observe the person signing the document (the *signatory*) sign the  
20 document in real time; and

21 (b) confirm the signature was witnessed by signing the document or  
22 a copy of the document; and

23 (c) be reasonably satisfied the document the witness signs is the  
24 same document, or a copy of the document, signed by the  
25 signatory; and

- 1 (d) endorse the document, or the copy of the document, with a  
2 statement—
- 3 (i) of the method used to witness the signature of the  
4 signatory; and
- 5 (ii) that the document was witnessed in accordance with this  
6 section.
- 7 (4) Without limiting how a witness may confirm a signature was  
8 witnessed for subsection (3) (b), the witness may—
- 9 (a) sign a counterpart of the document as soon as practicable after  
10 witnessing the signing of the document; or
- 11 (b) if the signatory scans and sends the witness a copy of the signed  
12 document electronically—countersign the document as soon as  
13 practicable after witnessing the signing of the document.
- 14 (5) In this section:
- 15 **audiovisual link** means a system of 2-way communication linking  
16 different places so that a person at any of them can be seen and heard  
17 at the other places.
- 18 **COVID-19 emergency** means—
- 19 (a) a state of emergency declared under the *Emergencies Act 2004*,  
20 section 156 because of the coronavirus disease 2019  
21 (COVID-19); or
- 22 (b) an emergency declared under the *Public Health Act 1997*,  
23 section 119 (including any extension or further extension)  
24 because of the coronavirus disease 2019 (COVID-19).
- 25 **COVID-19 emergency period** means the period—
- 26 (a) beginning on the day this section commences; and
- 27 (b) ending at the end of a 3-month period during which no  
28 COVID-19 emergency has been in force.



- 1 (b) giving the issuing officer—
- 2 (i) an electronic version of an affidavit that includes in any
- 3 place where a signature appears in the original affidavit,
- 4 the name of the person whose signature it is; and
- 5 (ii) an undertaking that the person making the affidavit has
- 6 possession of the original affidavit, signed in accordance
- 7 with law; or
- 8 (c) giving the issuing officer—
- 9 (i) an electronic version of an affidavit that includes the
- 10 signature of the person making the affidavit; and
- 11 (ii) a statement, under oath by telephone or other electronic
- 12 audiovisual means, by the person making the affidavit that
- 13 every statement in the affidavit is true.
- 14 *Note* **Oath** includes affirmation (see [Legislation Act](#), dict, pt 1).
- 15 (3) For section 194 (1) and (2), a warrant may be issued by giving the
- 16 applicant for the warrant an electronic version of the warrant.
- 17 (4) For section 205 (Warrants by telephone or other electronic means)—
- 18 (a) an issuing officer may complete and sign an electronic version
- 19 of the warrant; and
- 20 (b) if an issuing officer completes and signs an electronic version of
- 21 the warrant—
- 22 (i) the applicant need not complete a form of warrant and give
- 23 or transmit it to the issuing officer; but
- 24 (ii) if the information required to be provided in the
- 25 application was not sworn, the applicant must give or
- 26 transmit the information, duly sworn, to the issuing officer
- 27 before the day after the warrant expired or was executed,
- 28 whichever is the earlier.



- 1 (5) For subsection (4), a warrant is taken to be signed by the issuing  
2 officer if the issuing officer's name is written in the place where the  
3 signature is required.
- 4 (6) In this section:
- 5 **COVID-19 emergency** means—
- 6 (a) a state of emergency declared under the *Emergencies Act 2004*,  
7 section 156 because of the coronavirus disease 2019  
8 (COVID-19); or
- 9 (b) an emergency declared under the *Public Health Act 1997*,  
10 section 119 (including any extension or further extension)  
11 because of the coronavirus disease 2019 (COVID-19).
- 12 (7) This section expires on the first day no COVID-19 emergency is in  
13 force.

14 **Part 1.8** **Crimes (Sentence**  
15 **Administration) Act 2005**

16 **[1.46] New section 59A**

17 *insert*

18 **59A** **Corrections officer's actions for breach of intensive**  
19 **correction order obligations—COVID-19 emergency**

- 20 (1) This section applies if, during a COVID-19 emergency, a corrections  
21 officer believes on reasonable grounds that an offender has breached  
22 any of the offender's intensive correction order obligations (an  
23 **alleged breach**).
- 24 (2) The corrections officer may take any 1 of the following actions in  
25 relation to the alleged breach:
- 26 (a) record the alleged breach and take no further action;

- 1 (b) give the offender, or arrange for the offender to be given, a  
2 warning that further alleged breaches may result in a report to  
3 the board under section 59;
- 4 (c) report the alleged breach to the board.
- 5 *Note* The director-general may also give an offender a direction in relation to  
6 an intensive correction order (see s 46 and s 54).
- 7 (3) In considering whether to take any action under subsection (2) and, if  
8 so, what action to take, the corrections officer—
- 9 (a) must have regard to the following matters:
- 10 (i) the nature and circumstances of the offence;
- 11 (ii) the personal circumstances of the offender;
- 12 (iii) the offender’s history of compliance with the intensive  
13 correction order;
- 14 (iv) the likelihood that any victim of the offender, and the  
15 victim’s family, will be subject to violence or harassment  
16 by the offender, having regard to the offender’s conduct  
17 under the intensive correction order;
- 18 (v) the purposes of sentencing under the *Crimes (Sentencing)*  
19 *Act 2005*, section 7 (c) and (d); and
- 20 (b) may have regard to any action previously taken in relation to the  
21 alleged breach or any earlier breaches or alleged breaches of the  
22 order.
- 23 (4) If the corrections officer proposes to take action under subsection (2),  
24 the corrections officer must tell the offender, orally or in writing—
- 25 (a) the nature of the alleged breach; and
- 26 (b) that the corrections officer proposes to take action in relation to  
27 the alleged breach and the action proposed to be taken; and

- 1 (c) that the offender may request that the board deal with the alleged  
2 breach; and
- 3 (d) the offender may make submissions, orally or in writing, to the  
4 corrections officer about the alleged breach and the action  
5 proposed to be taken within 7 days after being told about the  
6 alleged breach.
- 7 (5) If an offender makes a request under subsection (4) (c), the  
8 corrections officer must report the alleged breach to the board.
- 9 (6) If an offender makes any submissions under subsection (4) (d), the  
10 corrections officer must—
- 11 (a) if the submissions are made orally—make a record of the  
12 submissions; and
- 13 (b) consider the submissions before taking the proposed action.
- 14 (7) If a corrections officer gives an offender, or arranges for an offender  
15 to be given, a warning under subsection (2) (b), the officer must notify  
16 the board, in writing, of the warning.
- 17 *Note* The board may conduct an inquiry to decide whether an offender has  
18 breached an intensive correction order obligation (see s 62).

19 **[1.47] New section 62 (2) (d)**

20 *insert*

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

1 **[1.48] New section 102A**

2 *insert*

3 **102A Corrections officer's actions for breach of good**  
4 **behaviour obligations—COVID-19 emergency**

5 (1) This section applies if, during a COVID-19 emergency, a corrections  
6 officer believes, on reasonable grounds, that an offender has breached  
7 any of the offender's good behaviour obligations (an *alleged breach*).

8 (2) The corrections officer may take any 1 of the following actions in  
9 relation to the alleged breach:

10 (a) record the alleged breach and take no further action;

11 (b) give the offender, or arrange for the offender to be given, a  
12 warning that further alleged breaches may result in referral to  
13 the sentencing court;

14 (c) report the alleged breach to the sentencing court.

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

17 (3) In considering whether to take any action under subsection (2) and, if  
18 so, what action to take, the corrections officer—

19 (a) must have regard to the following matters:

20 (i) the nature and circumstances of the offence;

21 (ii) the personal circumstances of the offender;

22 (iii) the offender's history of compliance with the good  
23 behaviour order;

24 (iv) the likelihood that any victim of the offender, or the  
25 victim's family, will be subject to violence or harassment  
26 by the offender, having regard to the offender's conduct  
27 under the good behaviour order;

- 1 (v) the purposes of sentencing under the *Crimes (Sentencing)*  
2 *Act 2005*, section 7 (c) and (d); and
- 3 (b) may have regard to any action previously taken in relation to  
4 the alleged breach or any earlier breaches or alleged breaches of  
5 the order.
- 6 (4) If the corrections officer proposes to take action under subsection (2),  
7 the corrections officer must tell the offender, orally or in writing—
- 8 (a) the nature of the alleged breach; and
- 9 (b) that the corrections officer proposes to take action in relation to  
10 the alleged breach and the action proposed to be taken; and
- 11 (c) that the offender may request the alleged breach is dealt with by  
12 the sentencing court; and
- 13 (d) the offender may make submissions, orally or in writing, to the  
14 corrections officer about the alleged breach and the action  
15 proposed to be taken within 7 days after being told about the  
16 alleged breach.
- 17 (5) If an offender makes a request under subsection (4) (c), the  
18 corrections officer must arrange for the offender to be brought before  
19 the sentencing court to have the alleged breach dealt with.
- 20 (6) If an offender makes any submissions under subsection (4) (d), the  
21 corrections officer must—
- 22 (a) if the submissions are made orally—make a record of the  
23 submissions; and
- 24 (b) consider the submissions before taking the proposed action.
- 25 (7) In this section:  
26 *offender*—see section 102 (4).

1 **[1.49] New section 143A**

2 *insert*

3 **143A Corrections officer's actions for breach of parole**  
4 **obligations—COVID-19 emergency**

5 (1) This section applies if, during a COVID-19 emergency, a corrections  
6 officer believes on reasonable grounds that an offender has breached  
7 any of the offender's parole obligations (an *alleged breach*).

8 (2) The corrections officer may take any 1 of the following actions in  
9 relation to the alleged breach:

10 (a) record the alleged breach and take no further action;

11 (b) give the offender, or arrange for the offender to be given, a  
12 warning that further alleged breaches may result in a report to  
13 the board under section 143;

14 (c) report the alleged breach to the board.

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

17 (3) In considering whether to take any action under subsection (2) and, if  
18 so, what action to take, the corrections officer—

19 (a) must have regard to the following matters:

20 (i) the nature and circumstances of the offence;

21 (ii) the personal circumstances of the offender;

22 (iii) the offender's history of compliance with the parole order;

23 (iv) the likelihood that any victim of the offender, or the  
24 victim's family, will be subject to violence or harassment  
25 by the offender, having regard to the offender's conduct  
26 under the parole order;

- 1 (v) the purposes of sentencing under the *Crimes (Sentencing)*  
2 *Act 2005*, section 7 (c) and (d); and
- 3 (b) may have regard to any action previously taken in relation to  
4 the alleged breach or any earlier breaches or alleged breaches of  
5 the order.
- 6 (4) If the corrections officer proposes to take action under subsection (2),  
7 the corrections officer must tell the offender, orally or in writing—
- 8 (a) the nature of the alleged breach; and
- 9 (b) that the corrections officer proposes to take action in relation to  
10 the alleged breach and the action proposed to be taken; and
- 11 (c) that the offender may request that the board deal with the alleged  
12 breach; and
- 13 (d) the offender may make submissions, orally or in writing, to the  
14 corrections officer about the alleged breach and the action  
15 proposed to be taken within 7 days after being told about the  
16 alleged breach.
- 17 (5) If an offender makes a request under subsection (4) (c), the  
18 corrections officer must report the alleged breach to the board.
- 19 (6) If an offender makes any submissions under subsection (4) (d), the  
20 corrections officer must—
- 21 (a) if the submissions are made orally—make a record of the  
22 submissions; and
- 23 (b) consider the submissions before taking the proposed action.
- 24 (7) If a corrections officer gives an offender, or arranges for an offender  
25 to be given, a warning under subsection (2) (b), the officer must notify  
26 the board in writing of the warning.
- 27 *Note* The board may, at any time, conduct an inquiry to decide whether an  
28 offender has breached a parole obligation (see s 146).

1 **[1.50] New section 322AA**

2 *before section 322A, insert*

3 **322AA Guidelines for corrections officer's actions for certain**  
4 **breaches—COVID-19 emergency**

- 5 (1) The director-general must make guidelines in relation to the operation  
6 of the following provisions:
- 7 (a) section 59A (Corrections officers' actions for breach of  
8 intensive correction order obligations—COVID-19  
9 emergency);
- 10 (b) section 102A (Corrections officers' actions for breach of good  
11 behaviour obligations—COVID-19 emergency);
- 12 (c) section 143A (Corrections officers' actions for breach of parole  
13 obligations—COVID-19 emergency).
- 14 (2) A guideline must include a statement that human rights have been  
15 considered in making the guideline.
- 16 (3) A guideline—
- 17 (a) must be available for inspection by anyone at each correctional  
18 centre; and
- 19 (b) may be made available for inspection at any other place decided  
20 by the director-general.
- 21 (4) A guideline is a notifiable instrument.

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



1 **[1.51] New section 322A (ba) and (bb)**

2 *insert*

3 (ba) section 59A;

4 (bb) section 62 (2) (d);

5 **[1.52] New section 322A (da)**

6 *insert*

7 (da) section 102A;

8 **[1.53] New section 322A (fa)**

9 *insert*

10 (fa) section 143A;

11 **[1.54] New section 322A (ha)**

12 *insert*

13 (ha) section 322AA;

14 **Part 1.9 Crimes (Sentencing) Act 2005**

15 **[1.55] New section 46C (7) to (9)**

16 *insert*

17 (7) During a COVID-19 emergency, the court may order that the  
18 intensive correction assessment form part of a pre-sentence report.

19 (8) In this section:

20 ***COVID-19 emergency*** means—

21 (a) a state of emergency declared under the *Emergencies Act 2004*  
22 section 156 because of the coronavirus disease 2019  
23 (COVID-19); or

- 1 (b) an emergency declared under the *Public Health Act 1997*,  
2 section 119 (including any extension or further extension)  
3 because of the coronavirus disease 2019 (COVID-19).
- 4 (9) The following provisions expire 12 months after the day the  
5 *COVID-19 Emergency Response Act 2020*, section 4 commenced:
- 6 (a) this subsection;  
7 (b) subsections (7) and (8);  
8 (c) section 78 (1), note 2.

9 **[1.56] Section 78 (1), new note**

10 *insert*

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

13 **Part 1.10 Drugs of Dependence Act 1989**

14 **[1.57] New section 187A**

15 *insert*

16 **187A Search warrants—additional provisions during COVID-19**  
17 **emergency**

- 18 (1) This section applies if a COVID-19 emergency is in force.  
19 (2) For section 187 (2) and (3), an information on oath may be given by—  
20 (a) giving the issuing officer an electronic version of an affidavit  
21 that includes the signature of the person making the affidavit and  
22 the signature of the person taking the affidavit; or

- 1 (b) giving the issuing officer—
- 2 (i) an electronic version of an affidavit that includes in any
- 3 place where a signature appears in the original affidavit,
- 4 the name of the person whose signature it is; and
- 5 (ii) an undertaking that the person making the affidavit has
- 6 possession of the original affidavit, signed in accordance
- 7 with law; or
- 8 (c) giving the issuing officer—
- 9 (i) an electronic version of an affidavit that includes the
- 10 signature of the person making the affidavit; and
- 11 (ii) a statement, under oath by telephone or other electronic
- 12 audiovisual means, by the person making the affidavit that
- 13 every statement in the affidavit is true.
- 14 *Note* **Oath** includes affirmation (see [Legislation Act](#), dict, pt 1).
- 15 (3) For section 187 (2) and (3), a warrant may be issued by giving the
- 16 applicant for the warrant an electronic version of the warrant.
- 17 (4) In this section:
- 18 **COVID-19 emergency** means—
- 19 (a) a state of emergency declared under the [Emergencies Act 2004](#),
- 20 section 156 because of the coronavirus disease 2019
- 21 (COVID-19); or
- 22 (b) an emergency declared under the [Public Health Act 1997](#),
- 23 section 119 (including any extension or further extension)
- 24 because of the coronavirus disease 2019 (COVID-19).
- 25 (5) This section expires on the first day no COVID-19 emergency is in
- 26 force.

1 **Part 1.11 Education Act 2004**

2 **[1.58] New section 84A**

3 *insert*

4 **84A Extending in-principle approval—COVID-19 emergency**

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

13 **[1.59] New section 88AA**

14 *after section 88, insert*

15 **88AA Extending registration—COVID-19 emergency**

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

1 **[1.60] New section 153B**

2 *insert*

3 **153B Declaration—COVID-19 emergency**

- 4 (1) This section applies if a COVID-19 emergency is in force.
- 5 (2) The Minister may declare that 1 or more of the following provisions  
6 do not apply:
- 7 (a) section 10A (Child of compulsory education age—school  
8 attendance requirement);
- 9 (b) section 10D (Child of compulsory education age—participation  
10 requirement);
- 11 (c) section 32 (Keeping register of enrolments and attendances for  
12 government schools);
- 13 (d) section 33 (Keeping records of enrolment and attendances for  
14 government schools);
- 15 (e) section 35 (Procedures to encourage school attendance at  
16 government schools);
- 17 (f) section 100 (1) (b) (Keeping records of enrolment and  
18 attendances for non-government schools);
- 19 (g) section 102 (Procedures to encourage attendance at  
20 non-government schools);
- 21 (h) a provision prescribed by regulation.
- 22 *Note* Power to make a statutory instrument includes power to make different  
23 provision in relation to different matters or different classes of matters,  
24 and to make an instrument that applies differently by reference to stated  
25 exceptions or factors (see [Legislation Act](#), s 48).

- 1 (3) However, the Minister may only make a declaration if satisfied on  
2 reasonable grounds that it is necessary to do so because of a  
3 COVID-19 emergency.
- 4 **Example**  
5 a COVID-19 emergency prevents students from physically attending school
- 6 (4) A declaration is a disallowable instrument.
- 7 *Note* A disallowable instrument must be notified, and presented to the  
8 Legislative Assembly, under the [Legislation Act](#).
- 9 (5) A declaration has effect for the period, not longer than 6 months,  
10 stated in the declaration.
- 11 (6) In this section:
- 12 **COVID-19 emergency** means—
- 13 (a) a state of emergency declared under the [Emergencies Act 2004](#),  
14 section 156 because of the coronavirus disease 2019  
15 (COVID-19); or
- 16 (b) an emergency declared under the [Public Health Act 1997](#),  
17 section 119 (including any extension or further extension)  
18 because of the coronavirus disease 2019 (COVID-19).
- 19 (7) This section expires 12 months after the day the [COVID-19](#)  
20 [Emergency Response Act 2020](#), section 4 commenced.

---

1 **Part 1.12 Evidence (Miscellaneous**  
2 **Provisions) Act 1991**

3 **[1.61] New section 164 (1A)**

4 *insert*

5 (1A) In this section:

6 **COVID-19 emergency** means—

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

13 **[1.62] Section 164 (2) and note**

14 *substitute*

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

17 **Part 1.13 Financial Management Act 1996**

18 **[1.63] Section 24 (3)**

19 *substitute*

- 20 (3) Despite subsections (1) and (2), if an ordinary election is to be held  
21 in the year after the end of the financial year—  
22 (a) the under treasurer must give the auditor-general the annual  
23 financial statements of the Territory for the financial year in  
24 sufficient time for the auditor-general to give an audit opinion  
25 about the statements within—

- 1 (i) for the 2019-20 financial year—4 months after the end of  
2 the financial year; or
- 3 (ii) in any other case—3 months after the end of the financial  
4 year; and
- 5 (b) the auditor-general must give an audit opinion to the Treasurer  
6 within—
- 7 (i) for the 2019-20 financial year—4 months after the end of  
8 the financial year; or
- 9 (ii) in any other case—3 months after the end of the financial  
10 year.

11 **[1.64] Section 26 (1)**

12 *substitute*

- 13 (1) Within 45 days after the end of each quarter of a financial year (other  
14 than the 2019-20 and 2020-21 financial years), the Treasurer must  
15 prepare financial statements for—
- 16 (a) the quarter; and
- 17 (b) the period from the beginning of the financial year until the end  
18 of the quarter.
- 19 (1A) Within 60 days after the end of each quarter of the 2019-20 and  
20 2020-21 financial years, the Treasurer must prepare financial  
21 statements for—
- 22 (a) the quarter; and
- 23 (b) the period from the beginning of the financial year until the end  
24 of the quarter.



1 **[1.65] Section 26 (3)**

2 *after*

3 subsection (1)

4 *insert*

5 or subsection (1A)

6 **[1.66] Section 26 (4)**

7 *substitute*

8 (4) Subsection (5) applies if—

9 (a) for financial statements prepared under subsection (1)—the first  
10 sitting day mentioned in subsection (3) does not fall within  
11 45 days after the end of the relevant quarter; or

12 (b) for financial statements prepared under subsection (1A)—the  
13 first sitting day mentioned in subsection (3) does not fall within  
14 60 days after the end of the relevant quarter.

15 (5) The Treasurer must give copies of the financial statements to each  
16 member of the Legislative Assembly—

17 (a) for statements prepared under subsection (1)—within the  
18 45 days; or

19 (b) for statements prepared under subsection (1A)—within the  
20 60 days.

1 **Part 1.14 Firearms Act 1996**

2 **[1.67] Section 417 (3) (a)**

3 *omit*

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

6 *substitute*

7 the first day no COVID-19 emergency is in force

8 **[1.68] New section 417 (5) and (6)**

9 *after the note, insert*

10 (5) In this section:

11 ***COVID-19 emergency*** means—

12 (a) a state of emergency declared under the *Emergencies Act 2004*,  
13 section 156 because of the coronavirus disease 2019  
14 (COVID-19); or

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

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

20 **[1.69] Section 418**

21 *omit*

1 **Part 1.15** **Gaming Machine Act 2004**

2 **[1.70] Section 164, new definition of *COVID-19 emergency***

3 *insert*

4 *COVID-19 emergency* means—

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

11 **[1.71] Section 164, definition of *emergency declaration***

12 *omit*

13 **[1.72] Section 166 (1), definition of *community purpose*,**  
14 **paragraph (d)**

15 *omit*

16 an emergency to which an emergency declaration applies

17 *substitute*

18 a COVID-19 emergency

19 **[1.73] Section 166 (2)**

20 *omit*

21 (other than an emergency community purpose contribution)

1 **[1.74] New section 166 (2A)**

2 *insert*

3 (2A) Subsection (2) does not apply to an emergency community purpose  
4 contribution.

5 **[1.75] Section 166A (1)**

6 *omit*

7 an emergency declaration

8 *substitute*

9 a COVID-19 emergency

10 **[1.76] Section 172 (2) (i)**

11 *omit*

12 paragraph (d)

13 *substitute*

14 paragraph (e)

15 **[1.77] New section 172 (2A)**

16 *insert*

17 (2A) For subsection (1) (d), the annual report for a reporting year that ends  
18 after 23 March 2020 must set out the percentage of the licensee's net  
19 revenue for all authorised premises for the reporting year that was  
20 made for providing relief or assistance to the community in relation  
21 to a COVID-19 emergency.

1 **[1.78] New section 172C**

2 *in part 12, insert*

3 **172C Expiry—COVID-19 emergency amendments**

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

- 6 (a) this section;
- 7 (b) section 164, definition of *COVID-19 emergency*;
- 8 (c) section 166 (1), definition of *community purpose*,  
9 paragraph (d);
- 10 (d) section 166 (1), definition of *community purpose contribution*,  
11 paragraph (b) (ii);
- 12 (e) section 166 (2A);
- 13 (f) section 166 (4) and example;
- 14 (g) section 166A;
- 15 (h) section 172 (2A);
- 16 (i) dictionary, definition of *COVID-19 emergency*.

17 **[1.79] Dictionary, new definition of COVID-19 emergency**

18 *insert*

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

21 **[1.80] Dictionary, definition of emergency declaration**

22 *omit*

1 **Part 1.16 Gaming Machine Regulation 2004**

2 **[1.81] Section 69DA (2)**

3 *omit*

4 an emergency declaration applies

5 *substitute*

6 a COVID-19 emergency is in force

7 **[1.82] Section 69DA (2), note**

8 *substitute*

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

10 **[1.83] Section 69DA (4)**

11 *omit*

12 an emergency to which an emergency declaration applies

13 *substitute*

14 a COVID-19 emergency

15 **[1.84] New section 69L**

16 *in division 9.5, insert*

17 **69L Expiry—COVID-19 emergency amendments**

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

20 (a) this section;

21 (b) section 69 (1) (c), note;

22 (c) section 69DA.

---

1 **Part 1.17** **Human Rights Commission**  
2 **Act 2005**

3 **[1.85] New section 21 (1) (c) (iv)**

4 *insert*

5 (iv) a vulnerable person complaint;

6 **[1.86] New section 41B**

7 *insert*

8 **41B** **When may someone complain about treatment of**  
9 **vulnerable people?**

10 (1) A person may complain to the commission about the treatment of a  
11 vulnerable person if the person believes on reasonable grounds that  
12 the vulnerable person is subject to or at risk of abuse, neglect or  
13 exploitation.

14 (2) In this section:

15 ***vulnerable person*** means an adult who—

16 (a) has a disability within the meaning of the *Disability Services*  
17 *Act 1991*; or

18 (b) is at least 60 years old and—

19 (i) has a disorder, illness or disease that affects the person's  
20 thought processes, perception of reality, emotions or  
21 judgement or otherwise results in disturbed behaviour; or

22 (ii) has an impairment that—

23 (A) is intellectual, psychiatric, sensory or physical in  
24 nature; and

25 (B) results in a substantially reduced capacity of the  
26 person for communication, learning or mobility; or

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

3 **[1.87] New section 42 (1) (ea)**

4 *insert*

- 5 (ea) a vulnerable person complaint;

6 **[1.88] New section 52B**

7 *in division 4.2, insert*

8 **52B Dealing with vulnerable person complaints**

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



1 **[1.89] New section 99A**

2 *insert*

3 **99A Information sharing between commissioners**

4 (1) A commissioner (an *information giver*) may give statutory  
5 office-holder information to another commissioner (an *information*  
6 *recipient*), and an information recipient may use the information, if  
7 the information is necessary for the effective exercise of a function  
8 under this Act.

9 (2) If an information recipient uses statutory office-holder information  
10 given to them under subsection (1)—

11 (a) a secrecy requirement is taken to apply to the information  
12 recipient in relation to the information; and

13 (b) the information recipient is taken to be a person engaged in the  
14 administration of the law that contains the secrecy requirement.

15 (3) In this section:

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

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

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

1 **[1.90] New section 105B**

2 *insert*

3 **105B Expiry—vulnerable person complaint provisions**

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

6 (a) this section;

7 (b) section 21 (1) (c) (iv);

8 (c) section 41B;

9 (d) section 42 (1) (ea);

10 (e) section 52B;

11 (f) section 99A;

12 (g) dictionary, definition of *vulnerable person complaint*.

13 (2) In this section:

14 ***COVID-19 emergency*** means—

15 (a) a state of emergency declared under the *Emergencies Act 2004*,  
16 section 156 because of the coronavirus disease 2019  
17 (COVID-19); or

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

21 **[1.91] Dictionary, new definition of *vulnerable person complaint***

22 *insert*

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

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

3 **[1.92] Section 177 (3) (a)**

4 *omit*

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

7 *substitute*

8 the first day no COVID-19 emergency is in force

9 **[1.93] Section 177 (5), new definition of COVID-19 emergency**

10 *insert*

11 **COVID-19 emergency** means—

12 (a) a state of emergency declared under the *Emergencies Act 2004*,  
13 section 156 because of the coronavirus disease 2019  
14 (COVID-19); or

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

18 **[1.94] New section 177 (6)**

19 *insert*

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

22 **[1.95] Section 178**

23 *omit*

1 **Part 1.19 Long Service Leave Act 1976**

2 **[1.96] Section 6 (3)**

3 *substitute*

4 (3) Subsection (2) does not apply if the employee agrees otherwise.

5 (3A) Also, subsection (2) does not apply if the leave is—

6 (a) taken during a COVID-19 emergency; and

7 (b) agreed between the employer and employee.

8 (3B) In this section:

9 **COVID-19 emergency** means—

10 (a) a state of emergency declared under the *Emergencies Act 2004*,  
11 section 156 because of the coronavirus disease 2019  
12 (COVID-19); or

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

16 (3C) This subsection and subsections (3A) and (3B) expire on the first day  
17 no COVID-19 emergency is in force.

18 **Part 1.20 Long Service Leave (Portable**  
19 **Schemes) Act 2009**

20 **[1.97] Schedule 1, section 1.6 (3) and (4)**

21 *substitute*

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

- 1 (4) A determination under subsection (3) is a disallowable instrument.
- 2 *Note* A disallowable instrument must be notified, and presented to the  
3 Legislative Assembly, under the [Legislation Act](#).
- 4 (5) In this section:
- 5 ***COVID-19 emergency*** means—
- 6 (a) a state of emergency declared under the [Emergencies Act 2004](#),  
7 section 156 because of the coronavirus disease 2019  
8 (COVID-19); or
- 9 (b) an emergency declared under the [Public Health Act 1997](#),  
10 section 119 (including any extension or further extension)  
11 because of the coronavirus disease 2019 (COVID-19).
- 12 (6) This subsection and subsections (3) to (5) expire on the first day no  
13 COVID-19 emergency is in force.

14 **[1.98] Schedule 1, section 1.8**

15 *substitute*

16 **1.8 Entitlement to payment instead of leave—building and**  
17 **construction industry**

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

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

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

- 21 (1) This section applies during a COVID-19 emergency to a registered  
22 worker for the building and construction industry who has at least  
23 7 years recognised service if—
- 24 (a) the worker has permanently left the industry; and  
25 (b) the worker has not been credited with service in the workers  
26 register for any of the days after the worker permanently left the  
27 building and construction industry.

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

22 **[1.99] Schedule 2, section 2.6 (3) and (4)**

23 *substitute*

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

- 1 (4) A determination under subsection (3) is a disallowable instrument.
- 2 *Note* A disallowable instrument must be notified, and presented to the  
3 Legislative Assembly, under the [Legislation Act](#).
- 4 (5) In this section:
- 5 **COVID-19 emergency** means—
- 6 (a) a state of emergency declared under the [Emergencies Act 2004](#),  
7 section 156 because of the coronavirus disease 2019  
8 (COVID-19); or
- 9 (b) an emergency declared under the [Public Health Act 1997](#),  
10 section 119 (including any extension or further extension)  
11 because of the coronavirus disease 2019 (COVID-19).
- 12 (6) This subsection and subsections (3) to (5) expire on the first day no  
13 COVID-19 emergency is in force.

14 **[1.100] Schedule 2, section 2.8**

15 *substitute*

16 **2.8 Entitlement to payment instead of leave—contract**  
17 **cleaning industry**

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



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

18 **2.8A Entitlement to payment instead of leave—contract**  
19 **cleaning industry—COVID-19 emergency**

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

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

21 **[1.101] Schedule 3, section 3.7 (3) and (4)**

22 *substitute*

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

- 1 (4) A determination under subsection (3) is a disallowable instrument.
- 2 *Note* A disallowable instrument must be notified, and presented to the  
3 Legislative Assembly, under the [Legislation Act](#).
- 4 (5) In this section:
- 5 ***COVID-19 emergency*** means—
- 6 (a) a state of emergency declared under the [Emergencies Act 2004](#),  
7 section 156 because of the coronavirus disease 2019  
8 (COVID-19); or
- 9 (b) an emergency declared under the [Public Health Act 1997](#),  
10 section 119 (including any extension or further extension)  
11 because of the coronavirus disease 2019 (COVID-19).
- 12 (6) This subsection and subsections (3) to (5) expire on the first day no  
13 COVID-19 emergency is in force.

14 **[1.102] Schedule 3, section 3.9**

15 *substitute*

16 **3.9 Entitlement to payment instead of leave—community**  
17 **sector industry**

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

- 1 (3) In this section:  
2 *prescribed retiring age* means—  
3 (a) for a registered worker who has been granted a service pension  
4 under the *Veterans Entitlements Act 1986* (Cwlth), section 38  
5 (Eligibility for partner service pension)—the age at which the  
6 worker first receives payment of the service pension; or  
7 (b) in any other case—55 years.

8 **3.9A Entitlement to payment instead of leave—community**  
9 **sector industry—COVID-19 emergency**

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

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

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

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

3 **[1.103] Schedule 4, section 4.7 (3) and (4)**

4 *substitute*

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

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

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

- 12 (5) In this section:

13 ***COVID-19 emergency*** means—

- 14 (a) a state of emergency declared under the [Emergencies Act 2004](#),  
15 section 156 because of the coronavirus disease 2019  
16 (COVID-19); or  
17 (b) an emergency declared under the [Public Health Act 1997](#),  
18 section 119 (including any extension or further extension)  
19 because of the coronavirus disease 2019 (COVID-19).

- 20 (6) This subsection and subsections (3) to (5) expire on the first day no  
21 COVID-19 emergency is in force.

1 **[1.104] Schedule 4, section 4.9**

2 *substitute*

3 **4.9 Entitlement to payment instead of leave—security**  
4 **industry**

5 (1) This section applies if a registered worker for the security industry  
6 has 5 years recognised service and any of the following apply to the  
7 worker:

8 (a) the worker has left the industry because of total incapacity;

9 (b) the worker has reached the prescribed retiring age;

10 (c) the worker has died.

11 (2) If the governing board is satisfied that this section applies to the  
12 worker, the worker is entitled to payment instead of long service leave  
13 for the amount of long service leave worked out in accordance with  
14 the long service leave formula.

15 (3) In this section:

16 *prescribed retiring age*—

17 (a) for a registered worker who has been granted a service pension  
18 under the *Veterans Entitlements Act 1986* (Cwlth), section 38  
19 (Eligibility for partner service pension)—the age at which the  
20 worker first receives payment of the service pension; or

21 (b) in any other case—55 years.

22 **4.9A Entitlement to payment instead of leave—security**  
23 **industry—COVID-19 emergency**

24 (1) This section applies during a COVID-19 emergency to a registered  
25 worker for the security industry if the worker—

26 (a) has left the industry during the COVID-19 emergency; and

27 (b) satisfies the criteria determined by the Minister.

- 1 (2) If the governing board is satisfied that this section applies to the  
2 worker, the worker is entitled to payment instead of long service leave  
3 for the amount of long service leave determined by the Minister.
- 4 (3) A determination under this section is a disallowable instrument.
- 5 *Note* A disallowable instrument must be notified, and presented to the  
6 Legislative Assembly, under the [Legislation Act](#).
- 7 (4) In this section:
- 8 ***COVID-19 emergency*** means—
- 9 (a) a state of emergency declared under the [Emergencies Act 2004](#),  
10 section 156 because of the coronavirus disease 2019  
11 (COVID-19); or
- 12 (b) an emergency declared under the [Public Health Act 1997](#),  
13 section 119 (including any extension or further extension)  
14 because of the coronavirus disease 2019 (COVID-19).
- 15 (5) This section expires on the first day no COVID-19 emergency is in  
16 force.

17 **[1.105] Schedule 5, item 22**

18 *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

## 1 Part 1.21 Payroll Tax Act 2011

### 2 [1.106] New section 66BA

3 *insert*

#### 4 66BA Wages—jobkeeper payments

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

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

### 11 [1.107] Schedule 2, new part 2.7A

12 *insert*

## 13 Part 2.7A Jobkeeper payments

### 14 2.19A Jobkeeper payments

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

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

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



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

7 **2.19C Expiry—pt 2.7A**

- 8 (1) This part expires 12 months after the day the prescribed period ends.  
9 (2) In this section:  
10 *prescribed period*—see the *Coronavirus Economic Response*  
11 *Package (Payments and Benefits) Act 2020* (Cwlth), section 6.

12 **[1.108] Schedule 2, new section 2.19B**

13 *insert*

14 **2.19B Notification offence—revocation of entitlement to**  
15 **jobkeeper payments**

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

24 Maximum penalty: 10 penalty units.

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

1 **Part 1.22 Powers of Attorney Act 2006**

2 **[1.109] New section 45 (1A)**

3 *insert*

4 (1A) Also, this section applies in relation to an enduring power of  
5 attorney—

6 (a) during the COVID-19 emergency period; and

7 (b) whether or not the principal has impaired decision-making  
8 capacity.

9 **[1.110] New section 45 (5) and (6)**

10 *insert*

11 (5) In this section:

12 ***COVID-19 emergency*** means—

13 (a) a state of emergency declared under the *Emergencies Act 2004*,  
14 section 156 because of the coronavirus disease 2019  
15 (COVID-19); or

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

19 ***COVID-19 emergency period*** means the period—

20 (a) beginning on the day this section commences; and

21 (b) ending at the end of a 12-month period when no COVID-19  
22 emergency has been in force.

23 (6) This subsection and subsections (1A) and (5) expire at the end of the  
24 COVID-19 emergency period.

1 **[1.111] New section 47 (2) to (4)**

2 *insert*

3 (2) Also, during the COVID-19 emergency period, an attorney for a  
4 property matter under an enduring power of attorney must, whether  
5 or not the principal has impaired decision-making capacity, keep  
6 accurate records and accounts of all dealings and transactions made  
7 by the attorney under the power.

8 (3) In this section:

9 ***COVID-19 emergency*** means—

10 (a) a state of emergency declared under the *Emergencies Act 2004*,  
11 section 156 because of the coronavirus disease 2019  
12 (COVID-19); or

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

16 ***COVID-19 emergency period*** means the period—

17 (a) beginning on the day this section commences; and

18 (b) ending at the end of a 12-month period when no COVID-19  
19 emergency has been in force.

20 (4) This subsection and subsections (2) and (3) expire at the end of the  
21 COVID-19 emergency period.

22 **[1.112] New section 48 (1A)**

23 *insert*

24 (1A) Also, during the COVID-19 emergency period, an attorney for a  
25 property matter under an enduring power of attorney must, whether  
26 or not the principal has impaired decision-making capacity, keep the  
27 attorney's property separate from the principal's property.

1 **[1.113] New section 48 (3) and (4)**

2 *insert*

3 (3) In this section:

4 ***COVID-19 emergency*** means—

5 (a) a state of emergency declared under the *Emergencies Act 2004*,  
6 section 156 because of the coronavirus disease 2019  
7 (COVID-19); or

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

11 ***COVID-19 emergency period*** means the period—

12 (a) beginning on the day this section commences; and

13 (b) ending at the end of a 12-month period when no COVID-19  
14 emergency has been in force.

15 (4) This subsection and subsections (1A) and (3) expire at the end of the  
16 COVID-19 emergency period.

17 **Part 1.23 Prohibited Weapons Act 1996**

18 **[1.114] Section 55 (3) (a)**

19 *omit*

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

22 *substitute*

23 the first day no COVID-19 emergency is in force

1 **[1.115] New section 55 (5) and (6)**

2 *after the note, insert*

3 (5) In this section:

4 ***COVID-19 emergency*** means—

5 (a) a state of emergency declared under the *Emergencies Act 2004*,  
6 section 156 because of the coronavirus disease 2019  
7 (COVID-19); or

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

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

13 **[1.116] Section 56**

14 *omit*

15 **Part 1.24 Public Health Act 1997**

16 **[1.117] New section 10A**

17 *insert*

18 **10A Biennial reporting by chief health officer—extension for**  
19 **2020 report**

20 (1) This section applies if the chief health officer must give, or is likely  
21 to be required to give, the Minister a report under section 10  
22 during 2020.

23 (2) The period in which the report is required to be given to the Minister  
24 is extended until 12 months after the day the report is required to be  
25 given in 2020.

- 1 (3) If the chief health officer gives the Minister a report under section 10  
2 within the period as extended by subsection (2) (the *delayed report*),  
3 the report following the delayed report is to be prepared 2 years after  
4 the day the delayed report was given to the Minister.
- 5 (4) This section expires on 31 December 2021.

6 **Part 1.25 Public Health (Emergencies)**  
7 **Amendment Act 2020**

8 **[1.118] New section 2 (3)**

9 *insert*

- 10 (3) In this section:  
11 *COVID-19 declaration* means a declaration made because of the  
12 coronavirus disease 2019 (COVID-19) caused by the novel  
13 coronavirus SARS-CoV-2.

14 **Part 1.26 Public Trustee and Guardian**  
15 **Act 1985**

16 **[1.119] New section 9A (3) to (5)**

17 *insert*

- 18 (3) During the COVID-19 emergency period—  
19 (a) subsection (2) does not apply; but  
20 (b) the public trustee and guardian may only delegate the following  
21 functions in relation to an appointment by the ACAT of the  
22 public trustee and guardian as a guardian or manager, to a person  
23 exercising the functions of a deputy public trustee and guardian:

- 1 (i) making a decision in relation to medical treatment  
2 involving treatment, care or support under the *Mental*  
3 *Health Act 2015*;
- 4 (ii) buying, selling, realising or mortgaging real property, or  
5 granting a lease of real property;
- 6 (iii) borrowing money, with or without security.
- 7 (4) In this section:
- 8 ***COVID-19 emergency*** means—
- 9 (a) a state of emergency declared under the *Emergencies Act 2004*,  
10 section 156 because of the coronavirus disease 2019  
11 (COVID-19); or
- 12 (b) an emergency declared under the *Public Health Act 1997*,  
13 section 119 (including any extension or further extension)  
14 because of the coronavirus disease 19 (COVID-19).
- 15 ***COVID-19 emergency period*** means the period—
- 16 (a) beginning on the day this section commences; and
- 17 (b) ending at the end of a 12-month period when no COVID-19  
18 emergency has been in force.
- 19 (5) This subsection and subsections (3) and (4) expire at the end of the  
20 COVID-19 emergency period.

21 **[1.120] New section 66 (1A)**

22 *insert*

- 23 (1A) Also, during the COVID-19 emergency period, the public trustee and  
24 guardian may, by written notice given to an individual, require the  
25 individual to give the public trustee and guardian stated information  
26 or documents relevant to the exercise of the public trustee and  
27 guardian's functions under this Act or another territory law.

1 **[1.121] New section 66 (3) and (4)**

2 *insert*

3 (3) In this section:

4 ***COVID-19 emergency*** means—

5 (a) a state of emergency declared under the *Emergencies Act 2004*,  
6 section 156 because of the coronavirus disease 2019  
7 (COVID-19); or

8 (b) an emergency declared under the *Public Health Act 1997*,  
9 section 119 (including any extension or further extension)  
10 because of the coronavirus disease 19 (COVID-19).

11 ***COVID-19 emergency period*** means the period—

12 (a) beginning on the day this section commences; and

13 (b) ending at the end of a 12-month period when no COVID-19  
14 emergency has been in force.

15 (4) This subsection and subsections (1A) and (3) expire at the end of the  
16 COVID-19 emergency period.

17 **Part 1.27 Rates Act 2004**

18 **[1.122] New section 19 (3) to (9)**

19 *insert*

20 (3) Despite subsection (1) (b), during the COVID-19 emergency period  
21 the date when an instalment is due for payment is the date determined  
22 for the instalment under subsection (4).

23 (4) The Minister may determine a date when an instalment is due for  
24 payment that is earlier or later than when an instalment would ordinarily  
25 be due under subsection (1) (b).



- 1 (5) A determination under subsection (4) must state whether, in the  
2 Minister’s opinion, the determination is consistent with human rights.
- 3 (6) The Minister must not make a determination under subsection (4)  
4 unless satisfied that the determination is reasonable and necessary to  
5 provide an economic response to a COVID-19 emergency.
- 6 (7) A determination under subsection (4) is a disallowable instrument.
- 7 *Note* A disallowable instrument must be notified, and presented to the  
8 Legislative Assembly, under the [Legislation Act](#).
- 9 (8) In this section:
- 10 **COVID-19 emergency** means—
- 11 (a) a state of emergency declared under the [Emergencies Act 2004](#),  
12 section 156 because of the coronavirus disease 2019  
13 (COVID-19); or
- 14 (b) an emergency declared under the [Public Health Act 1997](#),  
15 section 119 (including any extension or further extension)  
16 because of the coronavirus disease 2019 (COVID-19).
- 17 **COVID-19 emergency period** means the period—
- 18 (a) beginning on the day the *COVID-19 Emergency Response*  
19 *Legislation Amendment Act 2020*, schedule 1, part 1.27  
20 commences; and
- 21 (b) ending at the end of a 12-month period when no COVID-19  
22 emergency has been in force.
- 23 (9) This subsection and subsections (3) to (8) expire at the end of the  
24 COVID-19 emergency period.

1 **Part 1.28 Residential Tenancies Act 1997**

2 **[1.123] Section 156 (3) (a)**

3 *omit*

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

6 *substitute*

7 the first day no COVID-19 emergency is in force

8 **[1.124] New section 156 (5) and (6)**

9 *after the note, insert*

10 (5) In this section:

11 ***COVID-19 emergency*** means—

12 (a) a state of emergency declared under the *Emergencies Act 2004*,  
13 section 156 because of the coronavirus disease 2019  
14 (COVID-19); or

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

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

20 **[1.125] Section 157**

21 *omit*

---

## 1 **Part 1.29 Retirement Villages Act 2012**

### 2 **[1.126] New section 107 (3A)**

3 *insert*

4 (3A) If a COVID-19 emergency exists when the annual management  
5 meeting is to be held, the meeting—

6 (a) need not be held within the 4-month period mentioned in  
7 subsection (3); but

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

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

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

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

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

### 20 **[1.127] New section 112A**

21 *insert*

## 22 **112A Meetings of residents—methods of communication**

23 (1) This section applies to a meeting of residents of a retirement village  
24 mentioned in section 112 (1), held during a COVID-19 emergency.

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

6 **Examples**

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

- 8 (3) If there is no residents committee for a retirement village, the  
9 residents of the village may make an authorisation under  
10 subsection (2) if requested to do so by—

11 (a) for a village with fewer than 10 occupied residential premises—  
12 residents from a majority of the occupied residential premises;  
13 or

14 (b) for a village with 10 or more occupied residential premises—the  
15 greater of—

16 (i) 5 residents of the village; and

17 (ii) 10% of the residents of the village.

- 18 (4) A person who takes part in a meeting conducted under subsection (2)  
19 is taken, for all purposes, to be present at the meeting.

20 **[1.128] New section 117 (1A) and (1B)**

21 *insert*

22 (1A) However, during a COVID-19 emergency, a person may hold  
23 appointments as a proxy of more than 2 residents in any 1 retirement  
24 village at any 1 time, unless the village rules provide otherwise.

25 (1B) Despite subsection (1A), the rules of a retirement village may limit  
26 the number of appointments as a proxy that a person may hold.

1 **[1.129] New section 159 (2A) and (2B)**

2 *insert*

3 (2A) If, because of a COVID-19 emergency, it is not reasonably  
4 practicable for the residents to meet, consider and vote on the  
5 proposed annual budget for the 2020-2021 financial year under  
6 section 162 (6) (a), the operator—

7 (a) need not give the budget within the time required under  
8 subsection (2); but

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

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

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

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

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

21 (2B) Until the proposed annual budget for the 2020-2021 financial year is  
22 approved or otherwise determined under this part, the approved  
23 annual budget for the 2019-2020 financial year is taken to be the  
24 approved annual budget for the 2020-2021 financial year.

1 **[1.130] New section 261A**

2 *insert*

3 **261A Meetings of operators—methods of communication**

4 (1) This section applies to a meeting to be held during a COVID-19  
5 emergency, including under any of the following provisions:

- 6 (a) section 62 (New operator to convene meeting of residents);  
7 (b) section 83 (Proposed amendment of village rules);  
8 (c) section 94 (Change in services or facilities provided at village);  
9 (d) section 107 (Operator must hold annual management meeting);  
10 (e) section 111 (Villages without residents committee).

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

16 **Examples**

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

18 (3) If the operator authorises that a meeting be held using a method of  
19 communication under subsection (2), the operator must ensure that—

- 20 (a) each resident has access to facilities that will allow them to take  
21 part in the meeting using the method; and  
22 (b) each resident is able to use the facilities.

23 (4) A person who takes part in a meeting conducted under subsection (2)  
24 is taken, for all purposes, to be present at the meeting.

1 **[1.131] New section 265**

2 *insert*

3 **265 Expiry—COVID-19 amendments**

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

6 (2) In this section:

7 ***COVID-19 amendment*** means each of the following:

8 (a) this section;

9 (b) section 107 (3A);

10 (c) section 112A;

11 (d) section 117 (1A) and (1B);

12 (e) section 159 (2A) and (2B);

13 (f) section 261A;

14 (g) dictionary, definition of ***COVID-19 emergency***.

15 **[1.132] Dictionary, new definition of *COVID-19 emergency***

16 *insert*

17 ***COVID-19 emergency*** means—

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

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

1 **Part 1.30 Taxation Administration Act 1999**

2 **[1.133] New section 6 (4) to (6)**

3 *insert*

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

7 (5) In this section:

8 ***COVID-19 emergency*** means—

9 (a) a state of emergency declared under the *Emergencies Act 2004*,  
10 section 156 because of the coronavirus disease 2019  
11 (COVID-19); or

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

15 (6) This subsection and subsections (4) and (5) expire at the end of a  
16 2-year period during which no COVID-19 emergency has been in  
17 force.

18 **[1.134] New division 11.5A**

19 *insert*

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

22 **137A Definitions—div 11.5A**

23 In this division:

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



1           **COVID-19 emergency** means—

2           (a) a state of emergency declared under the *Emergencies Act 2004*,  
3           section 156 because of the coronavirus disease 2019  
4           (COVID-19); or

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

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

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

10          **COVID-19 scheme** means the following:

11          (a) a COVID-19 deferral scheme;

12          (b) a COVID-19 exemption scheme;

13          (c) a COVID-19 rebate scheme.

14   **137B      Application—div 11.5A**

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

18   **137C      Ministerial considerations for determining a scheme—**  
19           **div 11.5A**

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

23   **137D      COVID-19 deferral scheme**

24           (1) The Minister may determine a scheme (a *COVID-19 deferral*  
25           *scheme*) for deferring the following:

26           (a) tax payable under a tax law;

- 1 (b) lodging a return required under a tax law.
- 2 (2) The COVID-19 deferral scheme must include the following matters:
- 3 (a) who is eligible to participate in the scheme;
- 4 (b) the tax amount, or requirement to lodge a return, that may be
- 5 deferred under the scheme;
- 6 (c) a statement about whether, in the Minister’s opinion, the scheme
- 7 is consistent with human rights.
- 8 (3) The COVID-19 deferral scheme may include the following matters:
- 9 (a) how an application for deferral is to be made under the scheme;
- 10 (b) information that the commissioner may require to decide an
- 11 application;
- 12 (c) conditions to which a deferral arrangement may be subject,
- 13 including the rate of interest charged on the amount deferred.
- 14 (4) The COVID-19 deferral scheme may provide for any other relevant
- 15 matter to be determined by the commissioner by notifiable
- 16 instrument.
- 17 (5) The amount payable under a COVID-19 deferral scheme is a debt
- 18 owing to the Territory.
- 19 (6) If the tax deferred under a COVID-19 deferral scheme relates to the
- 20 holding of a property—the tax deferred is the first charge on the
- 21 person’s interest in the property to which the deferred tax relates.
- 22 (7) A COVID-19 deferral scheme determination is a disallowable
- 23 instrument.
- 24 *Note* A disallowable instrument must be notified, and presented to the
- 25 Legislative Assembly, under the [Legislation Act](#).

1 **137E COVID-19 exemption scheme**

- 2 (1) The Minister may determine a scheme to exempt a person who is  
3 required to pay tax under a tax law from the requirement to pay the  
4 tax (a *COVID-19 exemption scheme*).
- 5 (2) The COVID-19 exemption scheme may include the following  
6 matters:
- 7 (a) an exemption from the requirement to pay some or all the tax  
8 payable under a tax law;
- 9 (b) applying the exemption for a stated period;
- 10 (c) applying the exemption to a particular transaction;
- 11 (d) applying the exemption in stated circumstances;
- 12 (e) making the exemption conditional on stated actions.
- 13 (3) The COVID-19 exemption scheme must include a statement about  
14 whether, in the Minister's opinion, the scheme is consistent with  
15 human rights.
- 16 (4) A COVID-19 exemption scheme determination is a disallowable  
17 instrument.

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

20 **137F COVID-19 rebate scheme**

- 21 (1) The Minister may determine a scheme to provide a rebate to a person  
22 who is required to pay tax under a tax law (a *COVID-19 rebate*  
23 *scheme*).
- 24 (2) The COVID-19 rebate scheme must include the following matters:
- 25 (a) who is eligible to claim the rebate;
- 26 (b) the amount of the rebate, or the method of calculating the  
27 amount of the rebate, including any limits;

- 1 (c) a statement about whether, in the Minister’s opinion, the scheme  
2 is consistent with human rights.
- 3 (3) The COVID-19 rebate scheme may include the following matters:
- 4 (a) if the rebate applies for a period—the period for which the rebate  
5 applies;
- 6 (b) if an application is required for the rebate—how the application  
7 is to be made;
- 8 (c) information that the commissioner may require to decide an  
9 application;
- 10 (d) conditions applying in relation to the rebate.
- 11 (4) The COVID-19 rebate scheme may provide for any other relevant  
12 matter to be determined by the commissioner by notifiable  
13 instrument.
- 14 (5) A COVID-19 rebate scheme determination is a disallowable  
15 instrument.

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

18 **137G Expiry—div 11.5A**

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

1 **Part 1.31** **Terrorism (Extraordinary**  
2 **Temporary Powers) Act 2006**

3 **[1.135] New section 100 (2)**

4 *insert*

5 (2) However, if the Minister believes that, because of the COVID-19  
6 pandemic, it is not reasonably possible to present a report of the  
7 review before 19 November 2020, the Minister must present a report  
8 of the review to the Legislative Assembly—

9 (a) as soon as practicable after 19 November 2020; but

10 (b) not later than 19 May 2021.

11 **Part 1.32** **University of Canberra Act 1989**

12 **[1.136] Section 43 (3)**

13 *omit*

14 5 years

15 *substitute*

16 6 years

17 **[1.137] Section 43 (3)**

18 *omit*

19 5-year period

20 *substitute*

21 6-year period

1 **Part 1.33 Working with Vulnerable People**  
2 **(Background Checking) Act 2011**

3 **[1.138] Section 60A**

4 *substitute*

5 **60A Definitions—div 6.6**

6 In this division:

7 ***COVID-19 emergency*** means—

8 (a) a state of emergency declared under the *Emergencies Act 2004*,  
9 section 156 because of the coronavirus disease 2019  
10 (COVID-19); or

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

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

16 **[1.139] Section 60B (1) (a) and (b)**

17 *omit*

18 the COVID-19 emergency period

19 *substitute*

20 a COVID-19 emergency period

1 **[1.140] Section 60C (1)**

2 *omit*

3 during the COVID-19 emergency period

4 *substitute*

5 during a COVID-19 emergency period

6 **[1.141] Section 60D**

7 *omit*

8 6 months after the day the COVID-19 emergency period ends

9 *substitute*

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

12 **Part 1.34 Working with Vulnerable People**  
13 **(Background Checking)**  
14 **Amendment Act 2019**

15 **[1.142] Section 2**

16 *substitute*

17 **2 Commencement**

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

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

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

- 1 (2) If this Act has not commenced before 31 March 2021, it automatically  
2 commences on that day.
- 3 (3) The [Legislation Act](#), section 79 (Automatic commencement of  
4 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 2020.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

---