2021

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Operational Efficiencies (COVID-19) Legislation Amendment Bill 2021

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THE LEGISLATIVE ASSEMBLY
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Operational Efficiencies (COVID-19) Legislation Amendment Bill 2021

A Bill for

An Act to amend legislation to permanently adopt certain legislative measures taken during the COVID-19 emergency and provide for other emergency measures

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

Part 1 Preliminary

1 Name of Act

This Act is the *Operational Efficiencies (COVID-19) Legislation Amendment Act 2021*.

2 Commencement

 (1) This Act (other than section 3 and part 2) commences on the day after its notification day.

 (2) Section 3 and part 2 commence, or are taken to have commenced, on the earlier of—

 (a) the day after this Act’s notification day; and

 (b) 8 October 2021.

3 Legislation amended

This Act amends the following legislation:

 [Associations Incorporation Act 1991](http://www.legislation.act.gov.au/a/1991-46)

 [Bail Act 1992](http://www.legislation.act.gov.au/a/1992-8)

 [Corrections Management Act 2007](http://www.legislation.act.gov.au/a/2007-15)

 [Crimes Act 1900](http://www.legislation.act.gov.au/a/1900-40)

 [Crimes (Sentencing) Act 2005](http://www.legislation.act.gov.au/a/2005-58)

 [Drugs of Dependence Act 1989](http://www.legislation.act.gov.au/a/alt_a1989-11co)

 [Human Rights Commission Act 2005](http://www.legislation.act.gov.au/a/2005-40)

 [Public Trustee and Guardian Act 1985](http://www.legislation.act.gov.au/a/1985-8)

 [Retirement Villages Act 2012](http://www.legislation.act.gov.au/a/2012-38)

 [Taxation Administration Act 1999](http://www.legislation.act.gov.au/a/1999-4).

Part 2 Associations Incorporation Act 1991

4 General meetings—procedure during COVID-19 emergency
Section 70AA (7)

substitute

 (7) This section expires at the end of a 12‑month period during which no COVID-19 emergency has been in force.

5 Extensions of time for applications etc
Section 120 (6)

substitute

 (6) This subsection and subsections (3) to (5) expire at the end of a 12‑month period during which no COVID-19 emergency has been in force.

Part 3 Bail Act 1992

6 Undertakings to appear
Section 28 (1)

omit

a written undertaking

substitute

an undertaking

7 Section 28 (2A)

omit everything before paragraph (a), substitute

 (2A) An undertaking—

8 Section 28 (6) and (7)

omit

Part 4 Corrections Management Act 2007

9 Local leave permits
Section 205 (2A)

substitute

 (2A) Despite subsection (2) (b), if the permit is granted for the purpose of receiving long-term medical treatment or palliative care and on the advice of a doctor appointed under section 21, the permit must include the period for which leave is granted, being not longer than 3 months.

 (2B) Despite subsection (2) (b), and while this provision is in force, if the permit is granted for a purpose other than the purpose in subsection (2A), the permit must include the period for which leave is granted, being not longer than 28 days.

10 Section 205 (5) (b) and (c)

substitute

 (b) subsection (2B).

Part 5 Crimes Act 1900

11 Section 194A heading

substitute

194A Electronic versions of affidavits and warrants

12 Section 194A (1), (6) and (7)

omit

Part 6 Crimes (Sentencing) Act 2005

13 Good behaviour orders
Section 13 (2)

after

sign

insert

or give

14 Section 13 (2A)

omit everything before paragraph (a), substitute

 (2A) An undertaking—

15 Section 13 (9) and (10)

omit

16 Good behaviour—consequences of failure to sign undertaking
Section 105

after

sign

insert

or give

Part 7 Drugs of Dependence Act 1989

17 Section 187A heading

substitute

187A Electronic versions of affidavits and warrants

18 Section 187A (1), (4) and (5)

omit

Part 8 Human Rights Commission Act 2005

19 Expiry—vulnerable person complaint provisions
Section 105B

omit

Part 9 Public Trustee and Guardian Act 1985

20 Section 9A

substitute

9A Delegation by public trustee and guardian

 (1) The public trustee and guardian may delegate to a member of the public trustee and guardian’s staff any function under this Act or another territory law.

Note 1 For laws about delegations, see the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), pt 19.4.

Note 2 Function includes authority, duty and power (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dict, pt 1)

 (2) However, a function may be delegated to a person only if the public trustee and guardian is satisfied that—

 (a) the function is of a kind that is appropriate to be exercised by the person; and

 (b) the person has the qualifications, knowledge and experience appropriate for the function to be properly exercised; and

 (c) the person will comply with the [Guardianship and Management of Property Act 1991](http://www.legislation.act.gov.au/a/1991-62), section 4 when exercising the functions of the public trustee and guardian under that Act; and

 (d) the person will comply with the obligations of the public trustee and guardian under the [Human Rights Act 2004](http://www.legislation.act.gov.au/a/2004-5).

Note The public trustee and guardian must ensure the delegated function is properly exercised (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 238). Also, the public trustee and guardian may provide that the delegation has effect only in stated circumstances or subject to stated conditions, limitations or directions (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 234 and s 239).

Part 10 Retirement Villages Act 2012

21 Meetings of residents—methods of communication
Section 112A (1)

omit

, held during a COVID-19 emergency

22 Meetings of operators—methods of communication
Section 261A (1)

omit

during a COVID-19 emergency

23 Expiry—COVID-19 Emergency Response Act 2020 amendments
Section 265 (2) (b) and (d)

omit

Part 11 Taxation Administration Act 1999

24 Purpose of Act and relationship with other tax laws
Section 6 (3) (k)

substitute

 (k) miscellaneous matters, including, the service of documents, corporate criminal liability, evidence and tax deferral, exemption and rebate schemes.

25 Section 6 (4) to (6)

omit

26 Division 11.5A heading

substitute

Division 11.5A Revenue measures—deferral, exemption and rebate schemes

27 Section 137A

substitute

137A Definitions—div 11.5A

In this division:

deferral scheme—see section 137D (1).

exemption scheme—see section 137E (1).

rebate scheme—see section 137F (1).

scheme means the following:

 (a) a deferral scheme;

 (b) an exemption scheme;

 (c) a rebate scheme.

28 Application—div 11.5A
Section 137B

omit

COVID-19

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

omit

30 Section 137D heading

substitute

137D Deferral scheme

31 Section 137D (1) to (7)

omit

COVID-19

32 Section 137E heading

substitute

137E Exemption scheme

33 Section 137E (1)

omit

a COVID-19

substitute

an

34 Section 137E (2) and (3)

omit

COVID-19

35 Section 137E (4)

omit

A COVID-19

substitute

An

36 Section 137F heading

substitute

137F Rebate scheme

37 Section 137F (1) to (5)

omit

COVID-19

38 Expiry—div 11.5A
Section 137G

omit

39 New part 21

insert

Part 21 Transitional—Operational Efficiencies (COVID-19) Legislation Amendment Act 2021

303 Definitions—pt 21

In this part:

amendment Act means the Operational Efficiencies (COVID‑19) Legislation Amendment Act 2021.

commencement day means the day the amendment Act, section 39 commences.

former section 137E means section 137E as in force immediately before the commencement day.

304 Effect of Taxation Administration (Payroll Tax) COVID-19 Exemption Scheme Determination 2021 (No 2)

 (1) Despite the amendment of section 137E by the amendment Act, the [Taxation Administration (Payroll Tax) COVID-19 Exemption Scheme Determination 2021 (No 2)](https://legislation.act.gov.au/di/2021-177/) (DI2021-177) (the determination) made under former section 137E, is taken to continue to be effective on and after the commencement day until the determination expires on 31 July 2022 or is revoked.

 (2) Without limiting subsection (1) and to remove any doubt, an exemption under the determination, section 4, for an employer, from the requirement to pay payroll tax for taxable wages paid or payable to an eligible employee, on or after the commencement day is taken to be a valid exemption.

305 Expiry—pt 21

This part expires 12 months after the commencement day.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 88).

40 Dictionary, new definitions

insert

deferral scheme, for division 11.5A (Revenue measures—deferral, exemption and rebate schemes)—see section 137D (1).

exemption scheme, for division 11.5A (Revenue measures—deferral, exemption and rebate schemes)—see section 137E (1).

rebate scheme, for division 11.5A (Revenue measures—deferral, exemption and rebate schemes)—see section 137F (1).

scheme, for division 11.5A (Revenue measures—deferral, exemption and rebate schemes)—see section 137A.

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 16 September 2021.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2021.

3 Republications of amended laws

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

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