

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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(Attorney-General)

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:

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

5 **2 Commencement**

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

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

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

11 (b) 8 October 2021.

12 **3 Legislation amended**

13 This Act amends the following legislation:

- 14 • *Associations Incorporation Act 1991*
- 15 • *Bail Act 1992*
- 16 • *Corrections Management Act 2007*
- 17 • *Crimes Act 1900*
- 18 • *Crimes (Sentencing) Act 2005*
- 19 • *Drugs of Dependence Act 1989*
- 20 • *Human Rights Commission Act 2005*
- 21 • *Public Trustee and Guardian Act 1985*
- 22 • *Retirement Villages Act 2012*
- 23 • *Taxation Administration Act 1999*.

1 **Part 2** **Associations Incorporation**
2 **Act 1991**

3 **4 General meetings—procedure during COVID-19**
4 **emergency**
5 **Section 70AA (7)**

6 *substitute*

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

9 **5 Extensions of time for applications etc**
10 **Section 120 (6)**

11 *substitute*

- 12 (6) This subsection and subsections (3) to (5) expire at the end of a
13 12-month period during which no COVID-19 emergency has been in
14 force.

1 **Part 3** **Bail Act 1992**

2 **6** **Undertakings to appear**
3 **Section 28 (1)**

4 *omit*

5 a written undertaking

6 *substitute*

7 an undertaking

8 **7** **Section 28 (2A)**

9 *omit everything before paragraph (a), substitute*

10 (2A) An undertaking—

11 **8** **Section 28 (6) and (7)**

12 *omit*

1 **Part 4** **Corrections Management**
2 **Act 2007**

3 **9 Local leave permits**
4 **Section 205 (2A)**

5 *substitute*

6 (2A) Despite subsection (2) (b), if the permit is granted for the purpose of
7 receiving long-term medical treatment or palliative care and on the
8 advice of a doctor appointed under section 21, the permit must include
9 the period for which leave is granted, being not longer than 3 months.

10 (2B) Despite subsection (2) (b), and while this provision is in force, if the
11 permit is granted for a purpose other than the purpose in
12 subsection (2A), the permit must include the period for which leave
13 is granted, being not longer than 28 days.

14 **10 Section 205 (5) (b) and (c)**

15 *substitute*

16 (b) subsection (2B).

1 **Part 5** **Crimes Act 1900**

2 **11** **Section 194A heading**

3 *substitute*

4 **194A** **Electronic versions of affidavits and warrants**

5 **12** **Section 194A (1), (6) and (7)**

6 *omit*

1 **Part 6** **Crimes (Sentencing) Act 2005**

2 **13** **Good behaviour orders**
3 **Section 13 (2)**

4 *after*

5 sign

6 *insert*

7 or give

8 **14** **Section 13 (2A)**

9 *omit everything before paragraph (a), substitute*

10 (2A) An undertaking—

11 **15** **Section 13 (9) and (10)**

12 *omit*

13 **16** **Good behaviour—consequences of failure to sign**
14 **undertaking**
15 **Section 105**

16 *after*

17 sign

18 *insert*

19 or give

1 **Part 7 Drugs of Dependence Act 1989**

2 **17 Section 187A heading**

3 *substitute*

4 **187A Electronic versions of affidavits and warrants**

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

6 *omit*

1 **Part 8** **Human Rights Commission**
2 **Act 2005**

3 **19 Expiry—vulnerable person complaint provisions**
4 **Section 105B**

5 *omit*

1 **Part 9** **Public Trustee and Guardian**
2 **Act 1985**

3 **20** **Section 9A**

4 *substitute*

5 **9A** **Delegation by public trustee and guardian**

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

9 *Note 1* For laws about delegations, see the [Legislation Act](#), pt 19.4.

10 *Note 2* **Function** includes authority, duty and power (see [Legislation Act](#), dict,
11 pt 1)

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

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

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

18 (c) the person will comply with the [Guardianship and Management](#)
19 [of Property Act 1991](#), section 4 when exercising the functions of
20 the public trustee and guardian under that Act; and

21 (d) the person will comply with the obligations of the public trustee
22 and guardian under the [Human Rights Act 2004](#).

23 *Note* The public trustee and guardian must ensure the delegated function is
24 properly exercised (see [Legislation Act](#), s 238). Also, the public trustee
25 and guardian may provide that the delegation has effect only in stated
26 circumstances or subject to stated conditions, limitations or directions
27 (see [Legislation Act](#), s 234 and s 239).

1 **Part 10** **Retirement Villages Act 2012**

2 **21** **Meetings of residents—methods of communication**
3 **Section 112A (1)**

4 *omit*

5 , held during a COVID-19 emergency

6 **22** **Meetings of operators—methods of communication**
7 **Section 261A (1)**

8 *omit*

9 during a COVID-19 emergency

10 **23** **Expiry—COVID-19 Emergency Response Act 2020**
11 **amendments**
12 **Section 265 (2) (b) and (d)**

13 *omit*

rebate scheme—see section 137F (1).

1 *scheme* means the following:

- 2 (a) a deferral scheme;
- 3 (b) an exemption scheme;
- 4 (c) a rebate scheme.

5 **28 Application—div 11.5A**

6 **Section 137B**

7 *omit*

8 COVID-19

9 **29 Ministerial considerations for determining a scheme—**

10 **div 11.5A**

11 **Section 137C**

12 *omit*

13 **30 Section 137D heading**

14 *substitute*

15 **137D Deferral scheme**

16 **31 Section 137D (1) to (7)**

17 *omit*

18 COVID-19

19 **32 Section 137E heading**

20 *substitute*

21 **137E Exemption scheme**

Section 33

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)* (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.

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

6 **305 Expiry—pt 21**

7 This part expires 12 months after the commencement day.

8 *Note* A transitional provision is repealed on its expiry but continues to have
9 effect after its repeal (see [Legislation Act](#), s 88).

10 **40 Dictionary, new definitions**

11 *insert*

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

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

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

18 *scheme*, for division 11.5A (Revenue measures—deferral, exemption
19 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](#) on 2021.

3 Republications of amended laws

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

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