

2020

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

Leases (Commercial and Retail) COVID-19 Emergency Response Declaration 2020 (No. 2)

D12020-283

SUPPLEMENTARY EXPLANATORY STATEMENT

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Leases (Commercial and Retail) COVID-19 Emergency Response Declaration 2020 (No. 2)

SUPPLEMENTARY EXPLANATORY STATEMENT

The *Leases (Commercial and Retail) COVID-19 Emergency Response Declaration 2020 (No. 2)* (the new Declaration) is a disallowable instrument made under section 177 of the *Leases (Commercial and Retail) Act 2001*.

The Declaration was notified on the ACT Legislation Register on 10 September 2020. The Declaration revoked the *Leases (Commercial and Retail) COVID-19 Emergency Response Declaration 2020 (DI2020-92)* on 28 September 2020.

The new Declaration amends the definition of an impacted tenant to reflect the operation of the Commonwealth Government's JobKeeper scheme from 28 September 2020. The Commonwealth's *Coronavirus Economic Response Package (Payments and Benefits) Rules 2020* (the Rules) establish the JobKeeper scheme and specify details of the scheme.

Initially, the Commonwealth Government's JobKeeper scheme was set to conclude at the end of September 2020. However, on 21 July 2020, the Commonwealth Government announced an extension of the JobKeeper scheme until 28 March 2021. On 7 August 2020 the Commonwealth Government announced new requirements for the extended JobKeeper scheme to operate from 28 September 2020.

Due to ACT caretaker conventions, the new Declaration had to be notified before 11 September 2020 to ensure a new declaration was in place before 28 September 2020. Accordingly, the new Declaration was notified before the Commonwealth's amended Rules were made.

The Commonwealth's amendments to the Rules (*Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 8) 2020*), commenced on 16 September 2020 and provided for both Extension 1 and Extension 2 of the JobKeeper scheme. Extension 1 of JobKeeper began on 28 September 2020 and ends on 3 January 2021. Extension 2 of JobKeeper commences on 4 January 2021 and ends on 28 March 2021.

The new Declaration intended to apply to impacted tenants until 31 January 2021.

This means the new Declaration will also apply to an impacted tenant who has only qualified under Extension 2 for JobKeeper fortnights after 3 January 2021 and before 31 January 2021.

This Supplementary Explanatory Statement, therefore, clarifies the scope of the new Declaration.