

c2020-017B  
GRNS--The Greens

LEGISLATIVE COUNCIL

**COVID-19 Legislation Amendment (Emergency Measures) Bill 2020**

**First Print**

**Proposed amendments**

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No. 1 **Regulation-making power for residential tenancies and residential occupancies**

Insert on page 27, after line 15—

**2.16A Residential Tenancies Act 2010 No 42**

**Part 13**

Insert after Part 12—

**Part 13 Response to COVID-19 pandemic**

**229 Regulation-making power**

- (1) The regulations under any relevant Act may provide for the following matters for the purposes of responding to the public health emergency caused by the COVID-19 pandemic—
  - (a) prohibiting the recovery of possession of premises by a landlord, owner or proprietor of premises from a tenant or resident of the premises under the relevant Act in particular circumstances,
  - (b) prohibiting the termination of a residential tenancy agreement, occupancy agreement or site agreement by a landlord, proprietor of premises or operator of a community under the relevant Act in particular circumstances,
  - (c) regulating or preventing the exercise or enforcement of another right of a landlord, proprietor of premises or operator of a community by the landlord, proprietor or operator under the relevant Act or an agreement relating to the premises,
  - (d) exempting a tenant, resident or home owner, or a class of tenants, residents or home owners, from the operation of a provision of the relevant Act or any agreement relating to premises.
- (2) The Minister may recommend to the Governor that regulations be made under this section only if—
  - (a) Parliament is not currently sitting and is not likely to sit within 2 weeks after the day the regulations are made, and

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- (b) in the Minister's opinion, the regulations are reasonable to protect the health, safety and welfare of tenants or residents under the Act.
  - (3) Regulations made under this section are not limited by the regulation-making power in a relevant Act.
  - (4) Regulations made under this section expire on—
    - (a) the day that is 6 months after the day on which the regulation commences, or
    - (b) the earlier day decided by Parliament by resolution of either House of Parliament.
  - (5) In this section—
    - occupancy agreement* has the same meaning as in the *Boarding Houses Act 2012*.
    - operator of a community* has the same meaning as in the *Residential (Land Lease) Communities Act 2013*.
    - proprietor* has the same meaning as in the *Boarding Houses Act 2012*.
    - relevant Act* means any of the following—
      - (a) *Boarding Houses Act 2012*,
      - (b) *Residential (Land Lease) Communities Act 2013*,
      - (c) *Residential Tenancies Act 2010*,
      - (d) any other Act relating to the leasing of premises or land for residential purposes.
    - site agreement* has the same meaning as in the *Residential (Land Lease) Communities Act 2013*.

## **2.16B Retail Leases Act 1994 No 46**

### **Part 11**

Insert after Part 10—

## **Part 11 Response to COVID-19 pandemic**

### **87 Regulation-making power**

- (1) The regulations under any relevant Act may provide for the following matters for the purposes of responding to the public health emergency caused by the COVID-19 pandemic—
  - (a) prohibiting the recovery of possession of premises by a lessor or owner of premises or land from a lessee or tenant of the premises or land under the relevant Act in particular circumstances,
  - (b) prohibiting the termination of a lease or tenancy by a lessor or owner of premises or land under the relevant Act in particular circumstances,
  - (c) regulating or preventing the exercise or enforcement of another right of a lessor or owner of premises or land under the relevant Act or an agreement relating to the premises or land in particular circumstances,
  - (d) exempting a lessee or tenant, or a class of lessees or tenants, from the operation of a provision of the relevant Act or any agreement relating to the leasing or licensing of premises or land.
- (2) The Minister may recommend to the Governor that regulations be made under this section only if—

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- (a) Parliament is not currently sitting and is not likely to sit within 2 weeks after the day the regulations are made, and
  - (b) in the Minister's opinion, the regulations are reasonable to protect the health, safety and welfare of lessees or tenants under the Act.
- (3) Regulations made under this section are not limited by the regulation-making power in a relevant Act.
- (4) Regulations made under this section expire on—
- (a) the day that is 6 months after the day on which the regulation commences, or
  - (b) the earlier day decided by Parliament by resolution of either House of Parliament.
- (5) In this section—
- relevant Act* means any of the following—
- (a) *Agricultural Tenancies Act 1990*,
  - (b) *Retail Leases Act 1994*,
  - (c) any other Act relating to the leasing of premises or land for commercial purposes.