



Australian Capital Territory

COVID-19 Emergency Response Act 2020

A2020-11

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Reports for Legislative Assembly	2
4 Legislation amended	4
 Schedule 1	
COVID-19 emergency response— Amendments	5
Part 1.1	
Children and Young People Act 2008	5
Part 1.2	
Corrections Management Act 2007	14

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	Page
Part 1.3	Crimes (Sentence Administration) Act 2005 16
Part 1.4	Crimes (Sentencing) Act 2005 21
Part 1.5	Evidence (Miscellaneous Provisions) Act 1991 22
Part 1.6	Family Violence Act 2016 23
Part 1.7	Financial Management Act 1996 25
Part 1.8	Firearms Act 1996 25
Part 1.9	Gaming Machine Act 2004 26
Part 1.10	Gaming Machine Regulation 2004 30
Part 1.11	Leases (Commercial and Retail) Act 2001 31
Part 1.12	Long Service Leave Act 1976 32
Part 1.13	Long Service Leave (Portable Schemes) Act 2009 33
Part 1.14	Medicines, Poisons and Therapeutic Goods Regulation 2008 41
Part 1.15	Official Visitor Act 2012 42
Part 1.16	Personal Violence Act 2016 42
Part 1.17	Prohibited Weapons Act 1996 44
Part 1.18	Residential Tenancies Act 1997 45
Part 1.19	Supreme Court Act 1933 47
Part 1.20	Working with Vulnerable People (Background Checking) Act 2011 49



Australian Capital Territory

COVID-19 Emergency Response Act 2020

A2020-11

An Act 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 Name of Act

This Act is the *COVID-19 Emergency Response Act 2020*.

2 Commencement

- (1) This Act (other than schedule 1, amendment 1.35) commences on the day after its notification day.

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

- (2) Schedule 1, amendment 1.35 commences on the later of—
- (a) the day after this Act's notification day; and
 - (b) the commencement of the *Gaming Machine Amendment Act 2020*, section 11.

3 Reports for Legislative Assembly

- (1) For each month that a COVID-19 declaration is in force, the responsible Minister for a COVID-19 measure must prepare a report for the Legislative Assembly on the application of the measure.
- (2) The Minister must present the report to the Legislative Assembly—
- (a) 1 month after the end of the month to which the report applies; or
 - (b) if the 1-month period coincides with part of the pre-election period for a general election of members of the Assembly—on the second sitting day after the election is held.
- (3) If a report to which subsection (2) (a) applies has not been presented to the Legislative Assembly before the last 7 days of the 1-month period, and there are no sitting days of the Legislative Assembly during those 7 days—
- (a) the responsible Minister must give the report, and a copy for each member of the Legislative Assembly, to the Speaker before the end of the 1-month period; and

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- (b) the Speaker must arrange for a copy of the report to be given to each member of the Legislative Assembly on the day the responsible Minister gives it to the Speaker; and
- (c) the responsible Minister must present the report to the Legislative Assembly—
- (i) on the next sitting day after the end of the 1-month period; or
 - (ii) if the next sitting day is the first meeting of the Legislative Assembly after a general election of members of the Assembly—on the second sitting day after the election.
- (4) In this section:

COVID-19 measure means an amendment mentioned in schedule 1 as passed.

Note In the Act as passed, schedule 1 (COVID-19 emergency response—Amendments) contained amendments of the following legislation:

- *Children and Young People Act 2008*
- *Corrections Management Act 2007*
- *Crimes (Sentence Administration) Act 2005*
- *Crimes (Sentencing) Act 2005*
- *Evidence (Miscellaneous Provisions) Act 1991*
- *Family Violence Act 2016*
- *Financial Management Act 1996*
- *Firearms Act 1996*
- *Gaming Machine Act 2004*
- *Gaming Machine Regulation 2004*
- *Leases (Commercial and Retail) Act 2001*
- *Long Service Leave Act 1976*
- *Long Service Leave (Portable Schemes) Act 2009*
- *Medicines, Poisons and Therapeutic Goods Regulation 2008*
- *Official Visitor Act 2012*
- *Personal Violence Act 2016*

- *Prohibited Weapons Act 1996*
- *Residential Tenancies Act 1997*
- *Supreme Court Act 1933*
- *Working with Vulnerable People (Background Checking) Act 2011*.

pre-election period—see the *Electoral Act 1992*, dictionary.

responsible Minister, for a COVID-19 measure, means the Minister allocated responsibility for the Act in which the measure is made under the administrative arrangements under the *Public Sector Management Act 1994*.

Speaker includes—

- (a) if the Speaker is unavailable—the Deputy Speaker; and
- (b) if both the Speaker and Deputy Speaker are unavailable—the clerk of the Legislative Assembly.

unavailable—the Speaker or Deputy Speaker is ***unavailable*** if—

- (a) he or she is absent from duty; or
- (b) there is a vacancy in the office of Speaker or Deputy Speaker.

4 Legislation amended

This Act amends the legislation mentioned in schedule 1.

Schedule 1 COVID-19 emergency response—Amendments

(see s 4)

Part 1.1 Children and Young People Act 2008

[1.1] New section 149 (2A)

insert

- (2A) However, if the emergency relates to a COVID-19 emergency, the director-general may declare that an emergency exists in relation to the detention place for a period of not more than the duration of the COVID-19 emergency.

[1.2] New section 149 (3A) to (3D)

insert

- (3A) If 1 or more declarations under subsection (2A) are in force for a consecutive period of 28 days or more, the director-general must—
- (a) at least every 28 days, conduct a review of whether there are reasonable grounds for continuing the declaration; and
 - (b) as soon as practicable after a review, advise the Minister in writing about any measures taken in response to the emergency under the declaration.
- (3B) The first annual report prepared by the director-general under the *Annual Reports (Government Agencies) Act 2004* after an emergency declaration ends must include information about the measures taken in response to the emergency while the declaration was in force.
- (3C) A failure by the director-general to comply with subsection (3A) or (3B) does not affect the validity of the declaration.

- (3D) A declaration made under subsection (2A) must be revoked if the director-general no longer believes there are reasonable grounds for the declaration.

[1.3] New section 149 (8) and (9)

after the note, insert

- (8) In this section:
- COVID-19 emergency*** means—
- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
 - (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (9) The following provisions expire 12 months after the day this subsection commences:
- (a) this subsection;
 - (b) subsection (2A);
 - (c) subsections (3A) to (3D);
 - (d) subsection (8).

[1.4] New section 241A

in division 6.8.1, insert

241A Local leave permits—COVID-19 emergency response

- (1) The director-general may, during the COVID-19 emergency period, give a young detainee a written permit to be absent from a detention place, and to be in another place in the ACT, because of the COVID-19 emergency (a **COVID-19 local leave permit**).

Note The power to make an instrument includes the power to amend or repeal the instrument (see Legislation Act, s 46).

- (2) A COVID-19 local leave permit may be given for the period the director-general considers appropriate, but not longer than 7 days after the day the COVID-19 emergency period ends.
- (3) A COVID-19 local leave permit must state the following:
- (a) that the permit is given because of the COVID-19 emergency;
 - (b) the period for which the leave is granted;
 - (c) any conditions to which the leave is subject.
- (4) A COVID-19 local leave permit is subject to the following conditions:
- (a) any condition prescribed by regulation;
 - (b) any other condition, consistent with the conditions (if any) prescribed by regulation, that—
 - (i) the director-general believes on reasonable grounds is necessary and reasonable; and
 - (ii) is stated in the permit.

Example—condition stated in permit

a condition prohibiting association with a particular person or being near a particular place

- (5) A COVID-19 local leave permit authorises the young detainee to be absent from the detention place in accordance with the permit unescorted.
- (6) In this section:
COVID-19 emergency period means the period during which the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, is in force.
- (7) This section expires 7 days after the day the COVID-19 emergency period ends.

[1.5] New section 242 (3A)

insert

- (3A) Despite subsection (3) (e), during the COVID-19 emergency period, the director-general may give a young detainee an interstate leave permit for the period the director-general considers appropriate, but not longer than 7 days after the day the COVID-19 emergency period ends, if—
 - (a) the purpose of the leave is related to the COVID-19 emergency; and
 - (b) the period for which the leave is granted is stated in the permit.

[1.6] New section 242 (6A)

insert

- (6A) Despite subsections (4) to (6), if an interstate leave permit will, or is likely to, expire during the COVID-19 emergency period, the director-general may extend the permit for the period the director-general considers appropriate.

[1.7] New section 242 (7A)

insert

- (7A) However, subsection (7) (a) does not apply to an interstate leave permit if—
- (a) the permit is given during the COVID-19 emergency period; and
 - (b) the purpose of the leave is related to the COVID-19 emergency.

[1.8] New section 242 (9) and (10)

insert

- (9) In this section:
- COVID-19 emergency period*** means the period during which the [*Public Health \(Emergency\) Declaration 2020 \(No 1\)*](#) (NI2020-153), as extended or further extended, is in force.
- (10) The following subsections expire 7 days after the day the COVID-19 emergency period ends:
- (a) this subsection;
 - (b) subsection (3A);
 - (c) subsection (6A);
 - (d) subsection (7A);
 - (e) subsection (9).

[1.9] New section 384 (3) to (5)

after the notes, insert

- (3) However, for an appraisal order made during the COVID-19 emergency period—
- (a) the length of the appraisal order is to be decided by the Childrens Court; and

- (b) the length of any temporary parental responsibility provision in the appraisal order is to be decided by the Childrens Court.
- (4) In this section:
 - COVID-19 emergency period* means the period during which the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, is in force.
- (5) This subsection and subsections (3) and (4) expire 6 months after the day the COVID-19 emergency period ends.

[1.10] New section 400A

insert

**400A Voluntary care agreements—extension—
COVID-19 emergency response**

- (1) This section applies if a voluntary care agreement will, or is likely to, end (other than because of section 401) during the COVID-19 emergency period.
- (2) The voluntary care agreement is extended until 3 months after the day the COVID-19 emergency period ends.
- (3) A period of extension under subsection (2) is not to be considered in working out—
 - (a) the total length of a voluntary care agreement and proposed extension under section 400 (1) (a); or
 - (b) how long a child or young person has been cared for under a voluntary care agreement under section 400 (1) (b).

- (4) In this section:

COVID-19 emergency period means the period during which the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, is in force.

- (5) This section expires 3 months after the day the COVID-19 emergency period ends.

[1.11] New section 410 (2) to (5)

insert

- (2) However, the director-general may apply to the Childrens Court for an extension of the period mentioned in subsection (1) (a) or (b) if—

(a) the period for which the director-general has daily care responsibility for the child or young person will, or is likely to, end during—

(i) the COVID-19 emergency period; or

(ii) the 6 months following the COVID-19 emergency period;
and

(b) there are exceptional circumstances justifying the extension.

- (3) The Childrens Court may extend the period mentioned in subsection (1) (a) or (b) for up to 2 more days.

- (4) In this section:

COVID-19 emergency period means the period during which the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, is in force.

- (5) This subsection and subsections (2) to (4) expire 6 months after the day the COVID-19 emergency period ends.

[1.12] New section 423 (2) to (4)

after the notes, insert

- (2) This section does not apply if—
- (a) the contravention happened during—
 - (i) the COVID-19 emergency period; or
 - (ii) the 3 months following the COVID-19 emergency period;
and
 - (b) it was not reasonably practicable for the person to comply with the order because of the COVID-19 emergency.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see Criminal Code, s 58).

- (3) In this section:

COVID-19 emergency period means the period during which the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, is in force.

- (4) This subsection and subsections (2) and (3) expire 3 months after the day the COVID-19 emergency period ends.

[1.13] New section 454 (3) to (5)

after the notes, insert

- (3) Also, during the COVID-19 emergency period, the Childrens Court may extend an assessment order for any period the court considers necessary for the assessment to be properly completed.

- (4) In this section:

COVID-19 emergency period means the period during which the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, is in force.

- (5) This subsection and subsections (3) and (4) expire 6 months after the day the COVID-19 emergency period ends.

[1.14] New section 514EAA

after section 514E, insert

**514EAA Approved carers—extension of approvals—
COVID-19 emergency response**

- (1) This section applies if an approved carer approval will, or is likely to, expire during—
- (a) the COVID-19 emergency period; or
 - (b) the 6 months following the COVID-19 emergency period.
- (2) The approval is extended until 6 months after the day the COVID-19 emergency period ends.
- (3) In this section:
- COVID-19 emergency period* means the period during which the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, is in force.
- (4) This section expires 6 months after the day the COVID-19 emergency period ends.

Part 1.2 Corrections Management Act 2007

[1.15] New section 26 (2A)

insert

- (2A) However, if the emergency relates to a COVID-19 emergency, the director-general may declare that an emergency exists in relation to the correctional centre for a period of not more than the duration of the COVID-19 emergency.

[1.16] New section 26 (3A) to (3D)

insert

- (3A) If 1 or more declarations under subsection (2A) are in force for a consecutive period of 28 days or more, the director-general must—
- (a) at least every 28 days, conduct a review of whether there are reasonable grounds for continuing the declaration; and
 - (b) as soon as practicable after a review, advise the Minister in writing about any measures taken in response to the emergency under the declaration.
- (3B) The first annual report prepared by the director-general under the *Annual Reports (Government Agencies) Act 2004* after an emergency declaration ends must include information about the measures taken in response to the emergency while the declaration was in force.
- (3C) A failure by the director-general to comply with subsection (3A) or (3B) does not affect the validity of the declaration.
- (3D) A declaration made under subsection (2A) must be revoked if the director-general no longer believes there are reasonable grounds for the declaration.

[1.17] New section 26 (6) and (7)

insert

(6) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
 - (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (7) The following provisions expire 12 months after the day this subsection commences:
- (a) this subsection;
 - (b) subsection (2A);
 - (c) subsections (3A) to (3D);
 - (d) subsection (6).

[1.18] New section 205 (2A)

insert

- (2A) Despite subsection (2) (b), while this provision is in force, the permit must include the period for which leave is granted, being—
- (a) not longer than 28 days; or
 - (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—not longer than 3 months.

[1.19] New section 205 (4) and (5)

insert

- (4) The director-general may cancel a detainee's local leave permit if—
 - (a) the detainee breaches a condition of the permit; or
 - (b) the leave is no longer needed for the purpose for which the permit was granted.
- (5) The following provisions expire 12 months after the day this subsection commences:
 - (a) this subsection;
 - (b) subsection (2A);
 - (c) subsection (4).

Part 1.3 Crimes (Sentence Administration) Act 2005

[1.20] New section 47A

insert

47A Intensive correction orders—community service work—failure to report etc—COVID-19 emergency

- (1) This section applies if—
 - (a) an offender fails to report to do community service work for a period (a *work period*) in accordance with a direction under section 46; and
 - (b) the failure happens during the COVID-19 emergency, whether before, on or after the commencement of this section; and

- (c) the director-general is satisfied that the offender's failure to report for the work period is because of the COVID-19 emergency.
- (2) The offender is taken to have done the community service work in accordance with the direction for the period, not more than 8 hours for each week or part of a week during the work period, decided by the director-general.

[1.21] New section 64 (3A)

insert

- (3A) Subsection (3) does not apply to a warning given during a COVID-19 emergency.

[1.22] New section 92A

insert

**92A Good behaviour orders—community service work—
failure to report etc—COVID-19 emergency**

- (1) This section applies if—
 - (a) an offender fails to report to do community service work for a period (a *work period*) in accordance with a direction under section 91; and
 - (b) the failure happens during the COVID-19 emergency, whether before, on or after the commencement of this section; and
 - (c) the director-general is satisfied that the offender's failure to report for the work period is because of the COVID-19 emergency.
- (2) The offender is taken to have done the community service work in accordance with the direction for the period, not more than 8 hours for each week or part of a week during the work period, decided by the director-general.

[1.23] New section 126 (2A) and (2B)

insert

- (2A) Despite subsection (2) (b), for an inquiry conducted during a COVID-19 emergency, the board may refuse to make a parole order for an offender if the board is satisfied that the application has no reasonable prospects of success.
- (2B) If the board refuses to make a parole order under subsection (2A), the board must—
- (a) give the offender written notice of the decision, including reasons for the decision; and
 - (b) if requested by the offender at least 14 days after the offender is given notice under paragraph (a)—
 - (i) set a time for a hearing by the board about the offender’s parole; and
 - (ii) give notice under section 127 of the hearing.

[1.24] New section 127 (2A)

insert

- (2A) Despite subsection (2) (c), for a hearing held in whole or in part during a COVID-19 emergency, the board may give an offender less than 7 days to tell the board a thing mentioned in that subsection if the board—
- (a) considers it is in the public interest to do so; and
 - (b) is satisfied the offender understands the effect of shortening the notice period under this section.

[1.25] New section 182 (2A) and (2B)

insert

- (2A) Despite subsection (2), the chair may, during a COVID-19 emergency, assign 1 judicial member to a division if it is not reasonably practicable to assign more than 1 member.
- (2B) A division constituted by 1 judicial officer may—
- (a) exercise a supervisory function of the board in relation to—
 - (i) intensive correction orders (other than cancellation of an intensive correction order under section 64 (2) (c)); or
 - (ii) parole (other than cancellation of parole under section 148 (2) (e)); and
 - (b) in exercising a function mentioned in paragraph (a)—
 - (i) conduct an inquiry; or
 - (ii) if satisfied the offender understands the matter is being dealt with by 1 judicial officer—hold a hearing.

[1.26] New section 185 (1A)

insert

- (1A) However, during a COVID-19 emergency, business may be carried out at a meeting of the board by 1 judicial member—
- (a) if it is not reasonably practicable for 3 members to be present;
or
 - (b) in exercising a supervisory function as a division of the board constituted under section 182 (2A).

Note A meeting may be held other than in person (see s 187).

[1.27] New section 322A

insert

322A Expiry—COVID-19 emergency amendments

The following provisions expire 12 months after the commencement of this section:

- (a) this section;
- (b) section 47A;
- (c) section 64 (3A);
- (d) section 92A;
- (e) section 126 (2A) and (2B);
- (f) section 127 (2A);
- (g) section 182 (2A) and (2B);
- (h) section 185 (1A);
- (i) dictionary, definition of *COVID-19 emergency*.

[1.28] Dictionary, new definition of COVID-19 emergency

insert

COVID-19 emergency means—

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

Part 1.4 Crimes (Sentencing) Act 2005

[1.29] New section 13 (2A)

insert

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

[1.30] New section 13 (9) and (10)

insert

- (9) In this section:
- COVID-19 emergency*** means—
- (a) a state of emergency declared under the *Emergencies Act 2004* section 156 because of the coronavirus disease 2019 (COVID-19); or
 - (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (10) This subsection and subsections (2A) and (9) expire 12 months after the day this subsection commences.

Part 1.5 Evidence (Miscellaneous Provisions) Act 1991

[1.31] New part 12

insert

Part 12 COVID-19 emergency response

164 Regulation-making power—COVID-19 emergency response

- (1) A regulation may make provision in relation to the following matters for the purpose of responding to the public health emergency caused by the COVID-19 pandemic:
 - (a) permitting the recording by the court of evidence given by a witness in a proceeding;
 - (b) how the evidence must or may be given and recorded for the proceeding;
 - (c) how the evidence may be used in the proceeding;
 - (d) any procedural or other matter relating to paragraphs (a) to (c).
- (2) This part and any regulation made under it expires on the day the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, ends.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

Part 1.6 Family Violence Act 2016

[1.32] New part 22

insert

Part 22 COVID-19 emergency response

205 Meaning of *COVID-19 emergency*—pt 22

In this part:

COVID-19 emergency means—

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

206 Extending general interim orders

- (1) This section applies if a general interim order ends, will end or is likely to end during a COVID-19 emergency.
- (2) The court may extend the general interim order for a stated period of not more than 6 months.

207 Requirement for party to be present

- (1) This section applies if a provision in this Act (other than section 43 (1) (a))—
 - (a) requires a party to a proceeding, or the party's legal representative, to be present in court; or
 - (b) is conditional on the party, or the party's legal representative, being present in court.

- (2) Unless the court otherwise orders, during a COVID-19 emergency the party, or the party's legal representative, may be present by telephone or other electronic audio-visual means.
- (3) For section 43 (1) (a), unless the court otherwise orders, during a COVID-19 emergency it is sufficient for the person's legal representative to be present when the family violence order was made.

208 Requirement for party to give consent

- (1) This section applies if a party's consent is required under a provision in this Act.
- (2) Unless the court otherwise orders, during a COVID-19 emergency the party, or the party's legal representative, may give consent by telephone or other electronic audio-visual means.

209 Acknowledgment of undertaking by respondent

For section 64, during a COVID-19 emergency an acknowledgment—

- (a) may be given in writing or before the court; and
- (b) if given before the court, must be recorded by the court.

210 Expiry—pt 22

This part expires 12 months after the day it commences.

Part 1.7 Financial Management Act 1996

[1.33] Section 18 (2)

substitute

- (2) The amount appropriated for Treasurer's advances must not exceed—
- (a) for the 2019-20 or 2020-21 financial years—5% of the total amount appropriated by all Appropriation Acts for the year; or
 - (b) for any other financial year—1% of the total amount appropriated by all Appropriation Acts for the year.

Part 1.8 Firearms Act 1996

[1.34] New part 26

insert

Part 26 COVID-19 emergency response

417 Declaration—COVID-19 emergency response

- (1) The Minister may make a declaration in relation to the following matters for the purpose of responding to the public health emergency caused by the COVID-19 pandemic:
- (a) preventing the registrar from issuing a licence under this Act;
 - (b) preventing the registrar from issuing a permit to acquire a firearm under this Act;
 - (c) prohibiting or limiting the sale of firearms, firearms parts or ammunition.

Note Power to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

- (2) A declaration is a disallowable instrument.

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

- (3) A declaration expires on—

- (a) the day the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, ends (the *declaration end date*); or
- (b) if the Minister considers that the effect of the COVID-19 pandemic justifies a later day, being a day not later than 3 months after the declaration end date—a later day notified by the Minister before the declaration end date.

- (4) A notification under subsection (3) (b) is a notifiable instrument.

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

418 Expiry—pt 26

This part expires on the day the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, ends.

Part 1.9 Gaming Machine Act 2004

[1.35] Section 161A (4)

substitute

- (4) In this section:

required amount means the amount payable by the licensee under section 163H.

[1.36] New section 163H (4A) and (4B)

insert

- (4A) Despite subsection (3), the required amount for a tax period that begins after 23 March 2020 and ends before 8 April 2021 is \$0.
- (4B) This subsection and subsection (4A) expire 2 years after the day this subsection commences.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

[1.37] Section 164, new definition of *emergency declaration*

insert

emergency declaration means a declaration under—

- (a) the [Emergencies Act 2004](#), section 156 (Declaration of state of emergency); or
- (b) the [Public Health Act 1997](#), section 119 (Emergency declarations).

[1.38] Section 166 (1), definition of *community purpose*, new paragraph (ca)

insert

- (ca) providing relief or assistance to the community in relation to an emergency to which an emergency declaration applies; or

[1.39] Section 166 (1), definition of *community purpose contribution*, paragraph (b)

substitute

(b) includes—

- (i) a contribution prescribed by regulation to be a community purpose contribution; and
- (ii) an emergency community purpose contribution.

[1.40] Section 166 (2)

after

community purpose contribution

insert

(other than an emergency community purpose contribution)

[1.41] New section 166 (4)

insert

(4) In this section:

emergency community purpose contribution means a contribution declared under section 166A to be a community purpose contribution.

Example

a contribution to people employed by a club for remuneration, allowances or other entitlements mentioned in an emergency community purpose contribution declaration under s 166A

[1.42] New section 166A

insert

166A Emergency community purpose contribution declaration

- (1) Despite anything else in this Act, if an emergency declaration is in force or was in force at any time in the previous 12 months, the Minister may declare (an ***emergency community purpose contribution declaration***) that a contribution by a licensee that is a club is a community purpose contribution.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (2) An emergency community purpose contribution declaration may apply to anything that happens at any time during the reporting year for the licensee in which that declaration is made.
- (3) An emergency community purpose contribution declaration—
- (a) has effect for the period stated in the declaration; and
 - (b) may be subject to any conditions declared by the Minister.
- (4) An emergency community purpose contribution declaration is a disallowable instrument.

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

[1.43] Dictionary, new definition of emergency declaration

insert

emergency declaration, for part 12 (Community contributions)—see section 164.

Part 1.10 Gaming Machine Regulation 2004

[1.44] Section 69 (1) (c), new note

insert

Note Under an emergency community purpose contribution declaration, a contribution to people employed by a club for remuneration, allowances or other entitlements may be declared to be a community purpose contribution (see [Act](#), s 166 (2), def *community purpose contribution* and s 166A).

[1.45] New section 69DA

insert

69DA Providing food to emergency-affected people

- (1) This section applies to a community purpose contribution to support a charitable cause.

Note See the [Act](#), s 166 (1), def *community purpose*, par (a) (i).

- (2) This section only applies to a reporting year of a licensee that is a club if an emergency declaration applies for all or part of the reporting year.

Note *Emergency declaration*—see the [Act](#), s 164.

- (3) For every \$1 that a licensee that is a club contributes under a written arrangement or agreement to provide food to an emergency-affected person as part of a defined program, the licensee's minimum community purpose contribution must be worked out as if the licensee had contributed \$2.

- (4) In this section:

emergency-affected person means a person adversely affected by an emergency to which an emergency declaration applies.

Part 1.11 Leases (Commercial and Retail) Act 2001

[1.46] New part 17

insert

Part 17 COVID-19 emergency response

177 Declaration—COVID-19 emergency response

- (1) The Minister may make a declaration in relation to the following matters for the purpose of responding to the public health emergency caused by the COVID-19 pandemic:
 - (a) prohibiting the termination of a lease to which this Act applies by a lessor in stated circumstances;
 - (b) prohibiting the recovery of possession of premises under the lease by the lessor in stated circumstances;
 - (c) changing any period under the lease or this Act in which someone must or may do something;
 - (d) changing, limiting or preventing the exercise or enforcement of any other right of the lessor under the lease or this Act in stated circumstances;
 - (e) exempting a tenant or lessor, or class of tenant or lessor, from the operation of a provision of this Act, a lease to which this Act applies or any other agreement relating to the lease of the premises.
- (2) A declaration is a disallowable instrument.

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

- (3) A declaration expires on—
- (a) the day the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, ends (the *declaration end date*); or
 - (b) if the Minister considers that the effect of the COVID-19 pandemic justifies a later day, being a day not later than 3 months after the declaration end date—a later day notified by the Minister before the declaration end date.
- (4) A notification under subsection (3) (b) is a notifiable instrument.

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

- (5) In this section:

lease to which this Act applies includes a lease prescribed under section 12 (2) (a) and (b).

178 Expiry—pt 17

This part expires on the day the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, ends.

Part 1.12 Long Service Leave Act 1976

[1.47] Section 6 (3)

substitute

- (3) Subsection (2) does not apply if—
- (a) the leave is—
 - (i) taken during—
 - (A) a state of emergency declared under the *Emergencies Act 2004*, section 156; or

- (B) a public health emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension); and
- (ii) agreed between the employer and employee; or
- (b) the employee agrees otherwise.

Part 1.13 Long Service Leave (Portable Schemes) Act 2009

[1.48] Schedule 1, new section 1.6 (3) and (4)

insert

- (3) A registered worker for the building and construction industry is entitled to the number of days of workers long service leave worked out in accordance with the criteria determined by the Minister if—
 - (a) a state of emergency, declared under the *Emergencies Act 2004*, section 156, exists; or
 - (b) an emergency declaration made under the *Public Health Act 1997*, section 119 (including any extension or further extension) is in force.
- (4) A determination under subsection (3) is a disallowable instrument.

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

[1.49] Schedule 1, new section 1.8 (1A) and (1B)

insert

- (1A) However, subsection (1) (b) and (c) does not apply to a registered worker if—
- (a) the worker has permanently left the building and construction industry; and
 - (b) the worker has not been credited with service in the workers register for any of the days after the worker permanently left the building and construction industry; and
 - (c) either—
 - (i) a state of emergency, declared under the *Emergencies Act 2004*, section 156, exists; or
 - (ii) an emergency declaration made under the *Public Health Act 1997*, section 119 (including any extension or further extension) is in force.
- (1B) Also, this section applies to a registered worker for the building and construction industry if the worker—
- (a) has left the industry during—
 - (i) a state of emergency declared under the *Emergencies Act 2004*, section 156; or
 - (ii) a public health emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension); and
 - (b) satisfies the criteria determined by the Minister.

[1.50] Schedule 1, section 1.8 (3)

substitute

- (3) If the governing board is satisfied that this section applies to the worker, the worker is entitled to payment instead of long service leave for—
- (a) if subsection (1) or (2) applies to the worker—the amount of long service leave credited to the worker in the workers register; or
 - (b) if subsection (1B) applies to the worker—the amount of long service leave determined by the Minister.
- (3A) A determination under this section is a disallowable instrument.

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

[1.51] Schedule 2, new section 2.6 (3) and (4)

insert

- (3) A registered worker for the contract cleaning industry is entitled to the number of days of workers long service leave worked out in accordance with the criteria determined by the Minister if—
- (a) a state of emergency, declared under the [Emergencies Act 2004](#), section 156, exists; or
 - (b) an emergency declaration made under the [Public Health Act 1997](#), section 119 (including any extension or further extension) is in force.
- (4) A determination under subsection (3) is a disallowable instrument.

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

[1.52] Schedule 2, new section 2.8 (1A) and (1B)

insert

- (1A) However, subsection (1) (b) and (c) does not apply to a registered worker if—
- (a) the worker has permanently left the contract cleaning industry; and
 - (b) the worker has not been credited with service in the workers register for any of the days after the worker permanently left the contract cleaning industry; and
 - (c) either—
 - (i) a state of emergency, declared under the *Emergencies Act 2004*, section 156, exists; or
 - (ii) an emergency declaration made under the *Public Health Act 1997*, section 119 (including any extension or further extension) is in force.
- (1B) Also, this section applies to a registered worker for the contract cleaning industry if the worker—
- (a) has left the industry during—
 - (i) a state of emergency declared under the *Emergencies Act 2004*, section 156; or
 - (ii) a public health emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension); and
 - (b) satisfies the criteria determined by the Minister.

[1.53] Schedule 2, section 2.8 (3)

substitute

- (3) If the governing board is satisfied that this section applies to the worker, the worker is entitled to payment instead of long service leave for—
- (a) if subsection (1) or (2) applies to the worker—the number of weeks long service leave worked out in accordance with the long service leave formula; or
 - (b) if subsection (1B) applies to the worker—the amount of long service leave determined by the Minister.
- (3A) A determination under this section is a disallowable instrument.

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

[1.54] Schedule 3, new section 3.7 (3) and (4)

insert

- (3) A registered worker for the community sector industry is entitled to the number of days of workers long service leave worked out in accordance with the criteria determined by the Minister if—
- (a) a state of emergency, declared under the [Emergencies Act 2004](#), section 156, exists; or
 - (b) an emergency declaration made under the [Public Health Act 1997](#), section 119 (including any extension or further extension) is in force.
- (4) A determination under subsection (3) is a disallowable instrument.

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

[1.55] Schedule 3, new section 3.9 (1A)

insert

- (1A) Also, this section applies to a registered worker for the community sector industry if the worker—
- (a) has left the industry during—
 - (i) a state of emergency declared under the *Emergencies Act 2004*, section 156; or
 - (ii) a public health emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension); and
 - (b) satisfies the criteria determined by the Minister.

[1.56] Schedule 3, section 3.9 (2)

substitute

- (2) If the governing board is satisfied that this section applies to the worker, the worker is entitled to payment instead of long service leave for—
- (a) if subsection (1) applies to the worker—the number of weeks long service leave worked out in accordance with the long service leave formula; or
 - (b) if subsection (1A) applies to the worker—the amount of long service leave determined by the Minister.
- (2A) A determination under this section is a disallowable instrument.

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

[1.57] Schedule 4, new section 4.7 (3) and (4)

insert

- (3) A registered worker for the security industry is entitled to the number of days of workers long service leave worked out in accordance with the criteria determined by the Minister if—
- (a) a state of emergency, declared under the *Emergencies Act 2004*, section 156, exists; or
 - (b) an emergency declaration made under the *Public Health Act 1997*, section 119 (including any extension or further extension) is in force.
- (4) A determination under subsection (3) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act*.

[1.58] Schedule 4, new section 4.9 (1A)

insert

- (1A) Also, this section applies to a registered worker for the security industry if the worker—
- (a) has left the industry during—
 - (i) a state of emergency declared under the *Emergencies Act 2004*, section 156; or
 - (ii) a public health emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension); and
 - (b) satisfies the criteria determined by the Minister.

[1.59] Schedule 4, section 4.9 (2)

substitute

- (2) If the governing board is satisfied that this section applies to the worker, the worker is entitled to payment instead of long service leave for—
- (a) if subsection (1) applies to the worker—the amount of long service leave worked out in accordance with the long service leave formula; or
 - (b) if subsection (1A) applies to the worker—the amount of long service leave determined by the Minister.
- (2A) A determination under this section is a disallowable instrument.

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

Part 1.14 Medicines, Poisons and Therapeutic Goods Regulation 2008

[1.60] Schedule 3, part 3.2, new items 5 and 6

insert

5	specialist practising in specialist area of dermatology, intensive care medicine, paediatrics and child health, physician, emergency medicine	hydroxychloroquine	for initial treatment
6	designated prescriber	hydroxychloroquine	(a) for treatment initiated before commencement of the <i>Poisons Standard Amendment (Hydroxychloroquine and Salbutamol) Instrument 2020</i> (Cwlth) (F2020L00291); or (b) for continuation of treatment initiated by a specialist under item 5

Part 1.15 Official Visitor Act 2012

[1.61] New section 23DA (3A) and (3B)

after the note, insert

- (3A) The first annual report for the board must be given to the Minister within 3 months after the end of the financial year ending on 30 June 2021.
- (3B) This subsection and subsection (3A) expire 6 months after the day this subsection commences.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

Part 1.16 Personal Violence Act 2016

[1.62] New part 22

insert

Part 22 COVID-19 emergency response

204 Meaning of *COVID-19 emergency*—pt 22

In this part:

COVID-19 emergency means—

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

205 Extending interim orders

- (1) This section applies if an interim order ends, will end or is likely to end during a COVID-19 emergency.
- (2) The court may extend the interim order for a stated period of not more than 6 months.

206 Requirement for party to be present

- (1) This section applies if a provision in this Act (other than section 35 (1) (a))—
 - (a) requires a party to a proceeding, or the party’s legal representative, to be present in court; or
 - (b) is conditional on the party, or the party’s legal representative, being present in court.
- (2) Unless the court otherwise orders, during a COVID-19 emergency the party, or the party’s legal representative, may be present by telephone or other electronic audio-visual means.
- (3) For section 35 (1) (a), unless the court otherwise orders, during a COVID-19 emergency it is sufficient for the person’s legal representative to be present when the protection order was made.

207 Requirement for party to give consent

- (1) This section applies if a party’s consent is required under a provision in this Act.
- (2) Unless the court otherwise orders, during a COVID-19 emergency the party, or the party’s legal representative, may give consent by telephone or other electronic audio-visual means.

208 Acknowledgment of undertaking by respondent

For section 58, during a COVID-19 emergency an acknowledgment—

- (a) may be given in writing or before the court; and
- (b) if given before the court, must be recorded by the court.

209 Expiry—pt 22

This part expires 12 months after the day it commences.

Part 1.17 Prohibited Weapons Act 1996

[1.63] New part 6

insert

Part 6 COVID-19 emergency response

55 Declaration—COVID-19 emergency response

- (1) The Minister may, for the purpose of responding to the public health emergency caused by the COVID-19 pandemic, make a declaration prohibiting the registrar from issuing a permit under this Act.

Note Power to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

- (2) A declaration is a disallowable instrument.

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

- (3) A declaration expires on—
- (a) the day the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, ends (the *declaration end date*); or
 - (b) if the Minister considers that the effect of the COVID-19 pandemic justifies a later day, being a day not later than 3 months after the declaration end date—a later day notified by the Minister before the declaration end date.
- (4) A notification under subsection (3) (b) is a notifiable instrument.

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

56 Expiry—pt 6

This part expires on the day the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, ends.

Part 1.18 Residential Tenancies Act 1997

[1.64] New part 16

insert

Part 16 COVID-19 emergency response

156 Declaration—COVID-19 emergency response

- (1) The Minister may make a declaration in relation to the following matters for the purpose of responding to the public health emergency caused by the COVID-19 pandemic:
- (a) prohibiting the termination of a residential tenancy agreement or an occupancy agreement by a lessor or grantor in stated circumstances;

- (b) prohibiting the recovery of possession of premises under a residential tenancy agreement or an occupancy agreement in stated circumstances;
 - (c) changing any period under a residential tenancy agreement, an occupancy agreement or this Act in which someone must or may do something;
 - (d) changing, limiting or preventing the exercise or enforcement of any other right of a lessor or grantor under a residential tenancy agreement, an occupancy agreement or this Act;
 - (e) prohibiting or limiting the matters that may be included in a residential tenancy database;
 - (f) exempting a party, or class of party, to a residential tenancy agreement or an occupancy agreement from the operation of a provision of this Act, the agreement or any other agreement relating to the premises;
 - (g) modifying a provision of this Act (including a standard residential tenancy term) to allow parties to a residential tenancy agreement or an occupancy agreement to agree to temporary rent or fee reductions under the agreement.
- (2) A declaration is a disallowable instrument.
- Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).
- (3) A declaration expires on—
- (a) the day the *Public Health (Emergency) Declaration 2020 (No 1)* (NI2020-153), as extended or further extended, ends (the ***declaration end date***); or
 - (b) if the Minister considers that the effect of the COVID-19 pandemic justifies a later day, being a day not later than 3 months after the declaration end date—a later day notified by the Minister before the declaration end date.

- (4) A notification under subsection (3) (b) is a notifiable instrument.

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

157 Expiry—pt 16

This part expires on the day the [Public Health \(Emergency\) Declaration 2020 \(No 1\)](#) (NI2020-153), as extended or further extended, ends.

Part 1.19 Supreme Court Act 1933

[1.65] New section 68B (3A)

insert

- (3A) During the COVID-19 emergency period, this section also applies to a criminal proceeding—
- (a) that begins before, on or after the commencement day; and
 - (b) for an excluded offence.

[1.66] Section 68B (4), new definition of *COVID-19 emergency period*

insert

COVID-19 emergency period means the period beginning on 16 March 2020 and ending on—

- (a) 31 December 2020; or
- (b) if another day is prescribed by regulation—the prescribed day.

[1.67] New section 68B (5)

insert

- (5) This subsection, subsection (3A) and subsection (4), definition of ***COVID-19 emergency period*** expire 12 months after the day this subsection commences.

[1.68] New section 68BA

insert

68BA Trial by judge alone in criminal proceedings—COVID-19 emergency period

- (1) This section applies to a criminal proceeding against an accused person for an offence against a territory law if the trial is to be conducted, in whole or in part, during the COVID-19 emergency period.
- (2) To remove any doubt, this section applies—
- (a) to a criminal proceeding—
 - (i) that begins before, on or after the commencement day; and
 - (ii) for an excluded offence within the meaning of section 68B (4); and
 - (b) whether or not an election has been made by the accused person under section 68B, including before the commencement day.
- (3) The court may order that the proceeding will be tried by judge alone if satisfied the order—
- (a) will ensure the orderly and expeditious discharge of the business of the court; and
 - (b) is otherwise in the interests of justice.

- (4) Before making an order under subsection (3), the court must—
- (a) give the parties to the proceeding written notice of the proposed order; and
 - (b) in the notice, invite the parties to make submissions about the proposed order within 7 days after receiving the notice.
- (5) In this section:
- commencement day* means the day the *COVID-19 Emergency Response Act 2020*, section 4 commences.
- COVID-19 emergency period* means the period beginning on 16 March 2020 and ending on—
- (a) 31 December 2020; or
 - (b) if another day is prescribed by regulation—the prescribed day.
- (6) This section expires 12 months after the commencement day.

Part 1.20 **Working with Vulnerable People (Background Checking) Act 2011**

[1.69] New division 6.6

insert

Division 6.6 **COVID-19 emergency response**

60A **Meaning of *COVID-19 emergency period*—div 6.6**

In this division:

COVID-19 emergency period means the period during which the [*Public Health \(Emergency\) Declaration 2020 \(No 1\)*](#) (NI2020-153), as extended or further extended, is in force.

60B Extending registration—COVID-19 emergency period

- (1) This section applies if a person's registration will, or is likely to, expire during—
 - (a) the COVID-19 emergency period; or
 - (b) the 6 months following the COVID-19 emergency period.
- (2) The registration is extended until 6 months after the day the COVID-19 emergency period ends.

60C Renewing expired registration—COVID-19 emergency period

- (1) The commissioner may, during the COVID-19 emergency period, renew a person's expired registration if—
 - (a) the registration expired during the 12 months before the COVID-19 emergency period; and
 - (b) the commissioner considers the renewal is appropriate because of the public health emergency caused by the COVID-19 emergency.
- (2) The renewal ends 6 months after the day the COVID-19 emergency period ends.
- (3) If the commissioner renews a person's registration, the commissioner must tell the person, in writing—
 - (a) that the person has been registered; and
 - (b) the person's unique identifying number; and
 - (c) the day the registration ends; and
 - (d) anything else prescribed by regulation.

60D Expiry—div 6.6

This division expires 6 months after the day the COVID-19 emergency period ends.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2 April 2020.

2 Notification

Notified under the [Legislation Act](#) on 7 April 2020.

3 Republications of amended laws

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

I certify that the above is a true copy of the COVID-19 Emergency Response Bill 2020, which was passed by the Legislative Assembly on 2 April 2020.

Clerk of the Legislative Assembly