

2020

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Chief Minister)

# COVID-19 Emergency Response Legislation Amendment Bill 2020 (No 3)

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(As presented)

(Chief Minister)

# **COVID-19 Emergency Response Legislation Amendment Bill 2020 (No 3)**

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## **A Bill for**

An Act to amend legislation to provide for emergency measures in response to the COVID-19 emergency, and for other purposes

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

1 **1 Name of Act**

2 This Act is the *COVID-19 Emergency Response Legislation*  
3 *Amendment Act 2020 (No 3)*.

4 **2 Commencement**

5 (1) This Act (other than schedule 1, amendments 1.5 and 1.7) commences  
6 on the day after its notification day.

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

9 (2) Schedule 1, amendment 1.5 commences on the commencement of the  
10 [COVID-19 Emergency Response Legislation Amendment Act 2020](#),  
11 schedule 1, amendment 1.38.

12 (3) Schedule 1, amendment 1.7 commences on the commencement of the  
13 [COVID-19 Emergency Response Legislation Amendment Act 2020](#),  
14 schedule 1, amendment 1.39.

15 **3 Legislation amended—sch 1**

16 This Act amends the legislation mentioned in schedule 1

1 **Schedule 1**            **COVID-19 emergency**  
2                                **response—Amendments**

3 (see s 3)

4 **Part 1.1**                **Associations Incorporation**  
5                                **Act 1991**

6 **[1.1] Section 70AA (7)**

7 *substitute*

8 (7) This section expires on 8 October 2021.

9 **[1.2] Section 120 (6)**

10 *substitute*

11 (6) This subsection and subsections (3) to (5) expire on 8 October 2021.

12 **Part 1.2**                **Bail Act 1992**

13 **[1.3] Section 28 (7)**

14 *substitute*

15 (7) This subsection and subsections (2A) and (6) expire on the day the  
16 *COVID-19 Emergency Response Act 2020* expires.

1 **Part 1.3** **Corrections Management**  
2 **Act 2007**

3 **[1.4] Section 26 (7)**

4 *omit*

5 12 months after the day this subsection commences

6 *substitute*

7 on the day the *COVID-19 Emergency Response Act 2020* expires

8 **[1.5] Section 30 (7)**

9 *substitute*

10 (7) This subsection and subsections (2A) and (6) expire on the day the  
11 *COVID-19 Emergency Response Act 2020* expires.

12 **[1.6] Section 205 (5)**

13 *omit*

14 12 months after the day this subsection commences

15 *substitute*

16 on the day the *COVID-19 Emergency Response Act 2020* expires

17 **[1.7] Section 216I**

18 *omit*

19 120 days after the day

20 *substitute*

21 on the day

---

1 **Part 1.4** **COVID-19 Emergency Response**  
2 **Act 2020**

3 **[1.8] Section 3 (1)**

4 *omit*

5 month

6 *substitute*

7 reporting period

8 **[1.9] Section 3 (2) (a)**

9 *substitute*

10 (a) 1 month after the end of the reporting period to which the report  
11 applies; or

12 **[1.10] Section 3 (4), new definition of *reporting period***

13 *insert*

14 ***reporting period*** means—

15 (a) for a period in 2020—a month; and

16 (b) for a period in 2021 or later—a quarter.

17 **[1.11] Section 3A (2)**

18 *omit*

19 first sitting day

20 *substitute*

21 second sitting day

1 **Part 1.5 Crimes Act 1900**

2 **[1.12] Section 194A (7)**

3 *substitute*

4 (7) This section expires on the day the *COVID-19 Emergency Response*  
5 *Act 2020* expires.

6 **Part 1.6 Crimes (Sentence**  
7 **Administration) Act 2005**

8 **[1.13] Section 182 (2A) and (2B)**

9 *omit*

10 **[1.14] Section 185 (1A) and note**

11 *omit*

12 **[1.15] Section 322A**

13 *substitute*

14 **322A Expiry—COVID-19 emergency amendments**

15 The following provisions expire on the day the *COVID-19*  
16 *Emergency Response Act 2020* expires:

- 17 (a) this section;  
18 (b) section 47A;  
19 (c) section 59A;  
20 (d) section 62 (2) (d);  
21 (e) section 64 (3A);  
22 (f) section 92A;



- 1 (g) section 102A;  
2 (h) section 126 (2A) and (2B);  
3 (i) section 127 (2A);  
4 (j) section 143A;  
5 (k) section 322AA;  
6 (l) dictionary, definition of *COVID-19 emergency*.

## 7 **Part 1.7 Crimes (Sentencing) Act 2005**

### 8 **[1.16] Section 13 (10)**

9 *substitute*

- 10 (10) This subsection and subsections (2A) and (9) expire on the day the  
11 *COVID-19 Emergency Response Act 2020* expires.

### 12 **[1.17] Section 46C (9)**

13 *omit*

14 12 months after the day the *COVID-19 Emergency Response*  
15 *Act 2020*, section 4 commenced

16 *substitute*

17 on the day the *COVID-19 Emergency Response Act 2020* expires

## 18 **Part 1.8 Drugs of Dependence Act 1989**

### 19 **[1.18] Section 187A (5)**

20 *substitute*

- 21 (5) This section expires on the day the *COVID-19 Emergency Response*  
22 *Act 2020* expires.

1 **Part 1.9 Education Act 2004**

2 **[1.19] Sections 84A (3), 88AA (3) and 153B (7)**

3 *omit everything after*

4 This section expires

5 *substitute*

6 on the day the *COVID-19 Emergency Response Act 2020* expires.

7 **Part 1.10 Evidence (Miscellaneous**  
8 **Provisions) Act 1991**

9 **[1.20] Section 164 (2)**

10 *substitute*

11 (2) This chapter and any regulation made under it expires on the day the  
12 *COVID-19 Emergency Response Act 2020* expires.

13 **Part 1.11 Family Violence Act 2016**

14 **[1.21] Section 210**

15 *substitute*

16 **210 Expiry—pt 22**

17 This part expires on the day the *COVID-19 Emergency Response*  
18 *Act 2020* expires.

1 **Part 1.12** **Gaming Machine Regulation 2004**

2 **[1.22] New section 69 (3)**

3 *insert*

4 (3) This subsection and subsection (1) (c), note expire when the [Act](#),  
5 section 166A expires.

6 **[1.23] Section 69L**

7 *substitute*

8 **69L Expiry—COVID-19 emergency amendments**

9 This section and section 69DA expire at the end of a 12-month period  
10 during which no COVID-19 emergency has been in force.

11 **Part 1.13** **Personal Violence Act 2016**

12 **[1.24] Section 209**

13 *substitute*

14 **209 Expiry—pt 22**

15 This part expires on the day the [COVID-19 Emergency Response](#)  
16 [Act 2020](#) expires.

1 **Part 1.14 Retirement Villages Act 2012**

2 **[1.25] Section 265**

3 *substitute*

4 **265 Expiry—COVID-19 Emergency Response Act 2020**  
5 **amendments**

- 6 (1) The following provisions expire on 8 April 2021:
- 7 (a) section 107 (3A);
- 8 (b) section 159 (2A) and (2B).
- 9 (2) The following provisions expire at the end of a 12-month period  
10 during which no COVID-19 emergency has been in force:
- 11 (a) this section;
- 12 (b) section 112A;
- 13 (c) section 117 (1A) and (1B);
- 14 (d) section 261A;
- 15 (e) dictionary, definition of *COVID-19 emergency*.

16 **Part 1.15 Supreme Court Act 1933**

17 **[1.26] Section 68B (4), definition of *COVID-19 emergency period***

18 *substitute*

19 *COVID-19 emergency period* means the period beginning on  
20 16 March 2020 and ending on 30 June 2021.

1 **[1.27] Section 68B (5)**

2 *substitute*

- 3 (5) This subsection, subsection (3A) and subsection (4), definition of  
4 *COVID-19 emergency period* expire on 30 June 2021.

5 **Part 1.16 Working with Vulnerable People**  
6 **(Background Checking) Act 2011**

7 **[1.28] Sections 60B and 60C**

8 *substitute*

9 **60BA Extending registration—COVID-19 emergency period—**  
10 **further provisions**

- 11 (1) Subsection (2) applies if a person's registration was extended under  
12 repealed section 60B.
- 13 (2) The extension is replaced by an extension until 12 months after the  
14 day the registration would have expired if it had not been extended  
15 under repealed section 60B.
- 16 (3) Subsection (4) applies if a person's registration was due to expire  
17 between 16 March 2020 and the commencement of repealed  
18 section 60B.
- 19 (4) The registration is taken not to have expired and is extended by  
20 12 months from the date it was due to expire.
- 21 (5) In this section:
- 22 *repealed section 60B* means section 60B of this Act as in force at any  
23 time before the commencement of this section.

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## Endnotes

**1 Presentation speech**

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

**2 Notification**

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

**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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