



Legislative Changes in Response to Covid19 & What they Mean

	Date of Law Change	Act	What does it mean?
All Law Areas (specifically, Criminal, Family, Local Government, Wills & Estates, Property)	25/03/2020	COVID-19 Legislation Amendment (Emergency Measures) Act 2020 (NSW)	Implemented temporary changes to 20 NSW Acts in response to the COVID-19 pandemic. Amendments relate to reducing the risk of transmission by enhancing the enforcement of public health orders, limiting unnecessary human interaction, and introducing flexibility into procedures. The amendments generally have sunset clauses of between 6 and 12 months. Amendments also include additional regulatory powers in relation to the Residential Tenancies Act 2010 (Item 2.17) and the Retail Leases Act 1994 (Item 2.18). Note also the broad definition of relevant Act in in Item 2.18, clause 87(5)(c), to include any other Act relating to the leasing of premises or land for commercial purposes.
All Law Areas	25/03/2020	Treasury Legislation Amendment (COVID-19) Act 2020 (NSW)	An Act to amend the Long Service Leave Act 1955 and Payroll Tax Act 2007 as a result of the COVID-19 pandemic. Amendments to the Payroll Tax include a temporary reduction for businesses with annual wages of \$10 million or less. Amendments to the Long Service Leave Act allow employers to give workers a period of long service leave that is less than 1 month, if the employee agrees.
All Law Areas	30/03/2020	Public Health (COVID-19 restrictions on gathering and movement) Order 2020 (Cth)	The object of this Order is to give certain Ministerial directions to deal with the public health risk of COVID- 19 and its possible consequences. In particular, this Order directs that a person must not, without reasonable excuse, leave the person's place of residence. Examples of a reasonable excuse include leaving for reasons involving- (a) obtaining food or other goods and services, or

			<p>(b) travelling for the purposes of work or education if the person cannot do it at home, or</p> <p>(c) exercise, or</p> <p>(d) medical or caring reasons. In addition, this Order directs that a person must not participate in a gathering in a public place of more than 2 persons.</p> <p>Exceptions include –</p> <p>(a) gatherings of members of the same household, and</p> <p>(b) gatherings essential for work or education.</p>
Criminal	3/04/2020	Crimes (Administration of Sentences) Amendment (COVID-19) Regulation 2020 (NSW)	Under s 276 of the Crimes (Administration of Sentences) Act 1999 the Commissioner of Corrective Services may release an inmate on parole if the inmate belongs to a class specified in the Crimes (Administration Of Sentences) Amendment (Covid-19) Regulation 2020 (NSW) and if the Commissioner is satisfied it is reasonably necessary because of the risk to public health or to the good order and security of correctional premises arising from the COVID-19 pandemic.
Criminal	3/04/2020	Evidence (Audio and Audio Visual Links) Amendment (Emergency Measures— COVID-19) Regulation 2020 (NSW)	The object of the Evidence (Audio and Audio Visual Links) Amendment (Emergency Measures-COVID-19) Regulation 2020 is to prescribe proceedings on indictment as proceedings to which a special provision enacted in response to the COVID-19 pandemic, that enables a court to direct that accused persons may appear in physical appearance proceedings by way of audio visual link, does not apply.
Criminal	3/04/2020	Children (Interstate Transfer of Offenders) Regulation 2020 (NSW)	The object of the Children (Interstate Transfer of Offenders) Regulation 2020 (NSW) is to repeal and remake, with minor amendments, the Children (Interstate Transfer of Offenders) Regulation 2015, which would otherwise be repealed on 1 September 2020 by section 10(2) of the Subordinate Legislation Act 1989.

Commercial, Property	3/04/2020	National Cabinet Mandatory Code of Conduct for Commercial Tenants	<p>The purpose of this Code of Conduct (“the Code”) is to impose a set of good faith leasing principles for application to commercial tenancies (including retail, office and industrial) between owners/operators/other landlords and tenants, where the tenant is an eligible business for the purpose of the Commonwealth Government’s JobKeeper programme.</p>
Employment, Commercial	9/04/2020	Coronavirus Economic Response Package (Payments and Benefits) Rules 2020 (Cth)	<p>The JobKeeper payment is intended to assist businesses affected by the Coronavirus to cover the costs of wages of their employees. The JobKeeper scheme starts on 30 March 2020 and ends on 27 September 2020.</p> <p>A business that has suffered a substantial decline in turnover can be entitled to a JobKeeper payment of \$1,500 per fortnight for each eligible employee. It is a condition of entitlement that the business has paid salary and wages of at least that amount to the employee in the fortnight. A business can also be entitled to a JobKeeper payment of \$1,500 per fortnight for one business participant who is actively engaged in operating the business.</p> <p>The JobKeeper scheme is administered by the Commissioner of Taxation.</p> <p>The Commissioner pays the JobKeeper payment to entities shortly after the end of each calendar month, for fortnights ending in that month.</p>
Criminal	9/04/2020	Public Health Amendment (COVID-19 Spitting and Coughing) Regulation 2020	<p>The object of this Regulation is to allow for the issue of penalty notices for an offence against section 10 of the Public Health Act 2010 involving a contravention of a Ministerial direction under the Public Health (COVID-19 Spitting and Coughing) Order 2020 about intentionally spitting or coughing on a public official in a way that is likely to cause fear about the spread of COVID-19.</p>

Criminal	9/04/2020	Supreme Court (Amendment No 433) Rule 2020 (NSW)	The object of this Rule is to amend the Supreme Court Rules 1970 for the following purposes – (a) to permit an applicant to file a bail application by email, in person and by post, (b) to clarify that only an applicant who is in custody may file a bail application by fax, (c) to correct the email address that an application made to the Supreme Court under the Service and Execution of Process Act 1992 of the Commonwealth must be sent to.
Criminal	10/04/2020	Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2020 (Cth)	This instrument adds Ch. 77 to the Anti-Money Laundering and Counter-Terrorism Financing Rules (AML/CTF Rules) Instrument 2007 (No. 1). Part of the Australian Government's response to the COVID-19 pandemic, Ch. 77 is a time-limited measure that provides a reporting entity with an exemption from s. 32 of the AML/CTF Act to facilitate the early release of superannuation to those individuals approved by the Australian Taxation Office as meeting the relevant criteria.
Commercial, Property	15/04/2020	Residential Tenancies Amendment (COVID-19) Regulation 2020 (NSW)	The Residential Tenancies Amendment (COVID-19) Regulation 2020 commenced on 15 April 2020. The new measures include an interim 60-day stop on landlords issuing termination notices or applying for NSW Civil and Administrative Tribunal eviction orders due to rental arrears, where tenants are financially disadvantaged by COVID-19.
Criminal	15/04/2020	Weapons Prohibition Amendment (COVID-19) Regulation 2020	This Regulation— (a) extends certain time periods specified in the Regulation in circumstances where a person is restricted or prevented from complying with those periods because of the operation of an order made under section 7 of the Public Health Act 2010 relating to the COVID-19 pandemic (a COVID-19 order), and (b) exempts the secretary or relevant office holder of a club from complying with a requirement to notify certain particulars to the Commissioner of Police in circumstances where that compliance is

			<p>restricted or prevented because of the operation of a COVID-19 order, and (c) makes a miscellaneous amendment.</p>
<p>Local Government</p>	<p>16/04/2020</p>	<p>Local Government (General) Amendment (COVID-19) Regulation 2020 (NSW)</p>	<p>The objects of this Regulation are—</p> <p>(a) to introduce the following temporary modifications to the application of provisions of the Local Government Act 1993 in response to the public health emergency caused by the COVID-19 pandemic—</p> <ul style="list-style-type: none"> (i) pushing back dates on which certain things must be done by councils (including the adoption of annual operational plans, preparation and auditing of financial records and the preparation of annual reports), (ii) providing additional time for the payment of an instalment of annual rates and charges, (iii) permitting councils to waive payment of, or reduce, a fee in a category of cases without first giving public notice of that category if the category relates to a response to the COVID-19 pandemic, (iv) removing the need for councils to make certain documents available for inspection by members of the public in the offices of the councils and to instead make these documents available by other means, and <p>(b) to remove requirements on councils to publish certain notices and advertisements in newspapers and to instead require publication on council websites and in other ways that a particular council (or in the case of a notice relating to a constitutional referendum or council poll, the relevant election manager) considers necessary to bring the notice or advertisement to the attention of appropriate persons, and</p> <p>(c) to provide that a water supply restriction may be imposed by a council by notice published on the website of the council rather than in a newspaper.</p>

Employment	16/04/2020	Workers Compensation Amendment (COVID-19) Regulation 2020	<p>The object of this Regulation is to require a second or subsequent certificate of capacity provided by an injured worker to the insurer to be—</p> <p>(a) in a form approved by the State Insurance Regulatory Authority, and</p> <p>(b) given by a medical practitioner or an appropriately qualified physiotherapist or psychologist who is treating the worker for the injury</p>
Criminal	16/04/2020	Firearms Amendment (COVID-19) Regulation 2020	<p>The object of this Regulation is to create exemptions from requirements of the Firearms Act 1996 (the Act) and to modify provisions of the Firearms Regulation 2017 (the Regulation) in response to the COVID-19 pandemic.</p> <p>This Regulation—</p> <p>(a) creates exemptions in relation to certain required time periods specified in the Act in circumstances where a person is restricted or prevented from complying with those periods because of the operation of an order made under section 7 of the Public Health Act 2010 relating to the COVID-19 pandemic (a COVID-19 order), and</p> <p>(b) extends certain time periods specified in the Regulation in circumstances where a person is restricted or prevented from complying with those periods because of the operation of a COVID-19 order, and</p> <p>(c) prescribes circumstances in which a person is exempted from, or is taken to comply with, other provisions of the Regulation in circumstances where the person is restricted or prevented from complying with the provisions because of the operation of a COVID-19 order (including circumstances in which club members are taken to meet minimum participation requirements).</p>

General	17/04/2020	Legal Profession Uniform Law Application Amendment (Savings and Transitional) Regulation 2020 (NSW)	The object of this Regulation is to amend the Legal Profession Uniform Law Application Act 2014 to make a transitional provision consequent on the enactment of the Justice Legislation Amendment Act (No 2) 2019 to allow for certain proceedings to commence. This Regulation is made under the Legal Profession Uniform Law Application Act 2014, including section 166 (the general local regulation-making power) and clause 1(1) and (5) of Schedule 9 to the Act.
Criminal	17/04/2020	Poisons and Therapeutic Goods Amendment (Prescriptions) Regulation 2020	The objects of this Regulation are— (a) to provide for prescriptions for restricted substances issued by medical practitioners and nurse practitioners to be sent to pharmacists by email or facsimile for 12 months because of the COVID-19 pandemic, and (b) to include new prescribed restricted substances, and (c) to exempt hospitals from current storage requirements for those new substances for 12 months
Commercial	17/04/2020	Fair Work Amendment (Variation of Enterprise Agreements) Regulation 2020 (Cth)	These regulations amend the Fair Work Regulations 2009 to temporarily shorten the period that employees must have access to a copy of a proposed variation of an enterprise agreement, and before which employees must be notified of the details of the vote on the variation, from seven calendar days to one calendar day.
ALL	22/04/2020	Electronic Transactions Amendment (COVID-19 Witnessing of Documents) Regulation 2020	The objects of this Regulation are, during the COVID-19 pandemic— (a) to provide that documents that require a witness may be witnessed by audio visual link, and (b) to provide that tasks in relation to witnessing a document may be performed by audio visual link, and (c) to allow an oath, declaration or affidavit required for a purpose specified in section 26 of the Oaths Act 1900 to be taken or made before an Australian legal practitioner, and (d) to allow a statutory declaration to be made before a person before whom a statutory declaration under the Statutory Declarations Act 1959 of the Commonwealth may be made.

<p>Commercial, Property</p>	<p>24/04/2020</p>	<p>Retail and Other Commercial Leases (COVID-19) Regulation 2020</p>	<p>The object of this Regulation is to give effect to the National Cabinet Mandatory Code of Conduct—SME Commercial Leasing Principles During COVID-19 adopted by the National Cabinet on 7 April 2020. In particular, the Regulation— (a) prohibits and regulates the exercise of certain rights of lessors relating to the enforcement of certain commercial leases during the COVID-19 pandemic period, and (b) requires, in response to the COVID-19 pandemic, that lessors and lessees renegotiate the rent and other terms of those commercial leases in good faith having regard to the leasing principles set out in the National Code of Conduct, before any legal enforcement action of the terms of those commercial leases can be commenced.</p>
<p>Employment, Commercial</p>	<p>24/04/2020</p>	<p>Coronavirus Economic Response Package (Payments and Benefits) Alternative Decline in Turnover Test Rules 2020 (Cth)</p>	<p>This instrument applies to provide alternative bases for a class of entities to satisfy the decline in turnover test for the purposes of seeking to be a qualifying employer for JobKeeper payments, when the Commissioner is satisfied that there is not an appropriate relevant comparison period for the purposes of an entity in the class of entities satisfying the decline in turnover test under subsection 8(1) of the Coronavirus Economic Response Package (Payments and Benefits) Rules 2020 (F2020L00419) registered on 9 April 2020 (the Rules). This instrument is intended to keep more Australian workers in jobs through the course of the COVID-19 coronavirus disease pandemic by creating alternative decline in turnover tests for classes of entities where the relevant comparison period is not appropriate.</p>