



# FURTHER LEGISLATION AMENDMENTS IN RESPONSE TO COVID-19

*The NSW Government has continued to pass emergency legislation amendments to adapt to the COVID-19 landscape. The most recent amendments to various Acts came into force on 14 May 2020. Below we provide just a few examples of the numerous amendments made to existing legislation in the COVID-19 Legislation Amendment (Emergency Measures – Miscellaneous) Act 2020.*



## ***Local Government Act 1993 (NSW)***

Local councils can more flexibly catch up on any shortfall in general income. Councils have the option to recover their shortfall over any *one or more of the next ten years*, instead of the previous provision allowing recovery of income in *either or both of the next two years*. The example provided in the amendment states that if a council has experienced a shortfall of \$100,000 in one year, they have the option to increase rates or charges in 1 year to recover that full amount, in four of the next ten years to recover an extra \$25,000 in each of those years or each of the next ten years to recover an extra \$10,000 in each year. Amongst other amendments, a council must consider various matters before commencing proceedings to recover a rate or charge during the COVID-19 pandemic prescribed period.



## ***Workers Compensation Act 1987 (NSW)***

A section has been inserted into this Act providing for some presumptions relating to certain prescribed employment, including, amongst others, teachers, nurses, paramedics, retail and hospitality workers. If a worker is engaged in prescribed employment and during this time contracts COVID-19 then it is presumed, unless the contrary is established, that the disease was contracted in the course of employment and that the employment was a main contributing factor to contracting the disease (or substantial contributing factor for certain specified workers). Unless the contrary is established, such a worker is presumed to be incapable of work due to COVID-19 for a specified period. This section is also applicable to casual workers where the worker has performed casual work in that employment on one or more of the 21 days before the date of the injury.





### ***Residential Tenancies Act 2010 (NSW)***

The Civil and Administrative Tribunal may make a termination order during the moratorium period if satisfied that either:

(a) an impacted tenant has given written notice to a landlord asking for a formal rent negotiation process and the landlord has in some way failed to respond or participate in a negotiation

(b) the landlord does not respond to notice of a part of the negotiation process given by NSW Fair Trading within 7 days of issuing of the notice or fails to participate in or ceases to participate in the process, or

(c) the impacted tenant and landlord have participated in a formal rent negotiation process in good faith but failed to reach an agreement avoiding financial hardship for the tenant because of the rent amount that would be payable or the amount of unpaid rent that has accrued or will accrue if the agreement is not terminated



### ***Annual Holidays Act 1944 (NSW)***

A new COVID-19 emergency provision has been inserted into this Act in order to protect annual holiday entitlements. This provision allows for the continuing accrual of annual holidays of workers that have been stood down without pay during the prescribed period due to COVID-19.



### ***Property and Stock Agents Act 2002 (NSW)***

A section has been inserted into this Act detailing Parliament's recommendation that the Act be amended to allow the Secretary to establish a scheme whereby financial assistance from the Property Services Compensation Fund can be given to landlords suffering financial hardship due to COVID-19, providing the landlord first proves certain requirements.



### ***Strata Schemes Management Act 2015 (NSW)***

The regulations under this Act may now provide for certain matters in response to the COVID-19 pandemic, including altered arrangements for convening strata meetings, altered arrangements for the means of voting at such meetings and alternatives for affixing the seal of the ownership corporation and relevant witnessing and attesting methods. The regulations may also provide for an extension of time in which something is required to be done pursuant to the Act.