



THE NEW COVID-19 EMERGENCY MEASURES LEGISLATION IN NSW

The Federal and State Governments around Australia are waging a war on two fronts, having passed legislation designed to protect both our population and economy.

In line with health advice the NSW Government has passed the **COVID-19 LEGISLATION AMENDMENT (EMERGENCY MEASURES) ACT 2020** which commenced on 25 March 2020

According to the Second Reading Speech; the new emergency legislation has the following objectives:

1. To address barriers in the law that may get in the way of social distancing;
2. To empower government agencies and institutions to continue functioning;
3. To build flexibility so that Government can act further as the public emergency evolves.

The Emergency Legislation has introduced a number of temporary changes to 20 NSW Acts to deal with the effects of COVID-19.

Due to the extraordinary nature of some of the changes; the amendments will have a limited time span with sunset dates of between 6 months to 12 months.

GOVERNMENT LINK TO COVID-19 RELATED LEGISLATION

In addition the New South Wales has set up a special COVID-related section has been set up on the home page of the [NSW legislation website](#) which provides links in one place to all the NSW COVID-related legislation, whether it's gazetted, assented to or notified.

SOME OF THE KEY CHANGES

Appearing on the following page are some of the key changes that have been introduced.

Click here to find out what you need to know

We know that are our construction and commercial clients will feel overwhelmed with the many changes that are being introduced.

We look forward to continuing our support to our clients during these challenging times.

Should you require further information please contact David Glinatsis, John Hodgkinson and Anthony Herron from our office.

For more information please go to our website.

CONTACT US

David Glinatsis (Director, Kreisson). For more information, contact us at excellence@kreisson.com.au or on 02 8239 6500.

This communication is sent by Kreisson Legal Pty Limited (ACN 113 986 824). This communication has been prepared for the general information of clients and professional associates of Kreisson Legal. You should not rely on the contents. It is not legal advice and should not be regarded as a substitute for legal advice. The contents may

LEGISLATION	SECTION	RELEVANT PARAGRAPH
<i>Environmental Planning and Assessment Act 1979</i>	<p><u>S10.17</u></p> <p><u>10.18</u></p>	<ol style="list-style-type: none"> 1. The amendments give the Minister for Planning and Public Spaces through an Order published in the Gazette to authorize development to be carried out on land without the need for any approval under the Act or consent from any period. 2. As explained in the Second Reading Speech the purpose of this amendment is to ensure that <i>"if we need to construct a COVID-19 clinic, we need, for the period of this crisis, to have the unfettered ability to be able to do that"</i>. 3. As detailed in the Parliamentary debates the changes will allow the Minister to approve the conversion of business and buildings into: <ol style="list-style-type: none"> a) vital services, b) To transform buildings into temporary hospitals, c) to transform community centers into homeless shelters and d) to covert restaurants to dark kitchens 1. Although the parliamentary debates are not binding they do provide some indication as to how the Minister may exercise its power. 2. The Minister may only make an order if the Minister has consulted the Minister for Health and Medical Research, and the order is necessary to protect the health, safety and welfare of the members of the public during the pandemic.
<i>Retail Leases Act 1994 No 46</i>	<u>Part 11</u>	<p>The new laws give the Minister powers to make regulations which may prohibit a landlord:</p> <ol style="list-style-type: none"> 1. Recovering possession of premise from a tenant 2. Terminating a lease 3. Exercising or enforcing their statutory rights or rights under an agreement between the parties; 4. And which exempt a tenant from the operation of the relevant Act or any agreement relating to the leasing of premises or land. <p>At the time of writing no regulations have been introduced.</p> <p>Once made the regulations will last for 6 months or an earlier date as may be decided by Parliament.</p> <p>The Amendments apply to "Agricultural Tenancies Act 1990; Retail Leases Act 1994 and <i>"any other Act relating to the leasing of premises or land for commercial purposes..."</i>"</p> <p>It is presently unclear if commercial premises will be affected by future regulations.</p>
<i>Residential Tenancies Act 2010</i>	<u>Part 13</u>	<p>The new laws give the Minister powers to make regulations which may prohibit a landlord:</p> <ol style="list-style-type: none"> 1. Recovering possession of premise from a tenant 2. Terminating a lease 3. Exercising or enforcing their statutory rights or rights under an agreement between the parties 4. Exempting a tenant, resident or homeowner from the operation of the relevant Act <p>At the time of writing no regulations have been introduced.</p> <p>Once made the regulations will last for 6 months or an earlier date as may be decided by Parliament.</p> <p>The 'relevant Act' is the Boarding Houses Act 2012 (NSW), <i>Residential (Land Lease) Communities Act 2013 (NSW)</i>, <i>Residential Tenancies Act 2010 (NSW)</i> or any other Act relating to the leasing of premises or land for residential purposes.</p>
<i>Local Government Act 1993</i>	<p><u>S747A</u></p> <p><u>S747B</u></p> <p><u>S318B</u></p>	<ol style="list-style-type: none"> 1. Councils will be permitted to hold meetings remotely for ordinary council or committee meetings. 2. The Local Government Minister will be permitted to make amendments to the Local Government Act 1993 by regulations if necessary "to the public health emergency caused by the COVID-19 pandemic" 3. The Minister may postpone local council elections by 12 months.

contain copyright.

FOR ADDITIONAL READING SEE OUR EBOOKS

AT: <https://kreisson.com.au/education/ebooks/>



Combustible Cladding

Across Australia various state governments have introduced a series of measures to address community concerns about public safety and to identify the extent of the issues posed by combustible cladding.



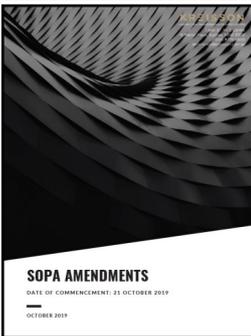
Impacts of the Coronavirus

For those clients with existing supply lines and current financial responsibilities, in most cases they have agreed a series of commercial contracts. The comfort of these contracts is that they help establish and develop the business.



Developer Building Bonds

Developers are now required to lodge a building bond with NSW Fair Trading to the value of 2 percent of the contract value for works to secure funding for the rectification of defective building work.



SOPA Amendments

The amendments to the Building and Construction Industry Security of Payment Act 1999 (NSW) commenced on 21 October, 2019; posing significant changes upon the building and construction industry.

Click here to find out what you need to know



Liability limited by a scheme approved under Professional Standards Legislation.
Legal practitioners employed by Kreisson Legal Pty Limited are members of the scheme.

