



Queensland

# COVID-19 Emergency Response Act 2020

Current as at [Not applicable]

## Indicative reprint note

This is an ***unofficial*** version of a reprint of this Act that incorporates all proposed amendments to the Act included in the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021. This indicative reprint has been prepared for information only—***it is not an authorised reprint of the Act.***

The point-in-time date for this indicative reprint is the introduction date for the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021—11 March 2021.

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Queensland

# COVID-19 Emergency Response Act 2020

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# COVID-19 Emergency Response Act 2020

**An Act to protect the health, safety and welfare of persons affected by the COVID-19 emergency, to facilitate the continuance of public administration, judicial process, small business and other activities disrupted by the COVID-19 emergency, including by easing regulatory requirements and establishing an office of small business commissioner, to provide for matters related to residential, retail and prescribed leases affected by the COVID-19 emergency and to support the Queensland rental sector during the COVID-19 emergency period**

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## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *COVID-19 Emergency Response Act 2020*.

### 2 Main purposes

The main purposes of this Act are—

- (a) to protect the health, safety and welfare of persons affected by the COVID-19 emergency; and
- (b) to facilitate the continuance of public administration, judicial process, small business and other activities disrupted by the COVID-19 emergency, including by easing regulatory requirements and establishing an office of small business commissioner; and

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- (c) to provide for matters related to residential, retail and prescribed leases affected by the COVID-19 emergency; and
- (d) to support the Queensland rental sector during the COVID-19 emergency period.

### 3 Definitions

The dictionary in schedule 1 defines particular words used in this Act.

### 4 Application of Act

- (1) This Act applies despite any other Act or law other than the *Human Rights Act 2019*.
- (2) A reference in section 5(5), 6(3) or 25(3) to being inconsistent with an Act does not include a reference to being inconsistent with the *Human Rights Act 2019*.

### 4A Meaning of *COVID-19 legislation expiry day*

In an Act or statutory instrument, *COVID-19 legislation expiry day* means the earlier of—

- (a) 30 September 2021; or
- (b) another day prescribed by regulation as the COVID-19 legislation expiry day.

## Part 2 Powers to make regulations and instruments

### 5 Extraordinary regulations

- (1) Each of the following provisions is an *additional regulation-making provision*—
  - section 8

- section 9
  - section 13
  - section 15(3)(a)
  - section 17.
- (2) An Act to which an additional regulation-making provision applies is an ***affected Act***.
  - (3) A regulation made under an affected Act in reliance on an additional regulation-making provision is an ***extraordinary regulation***.
  - (4) The Minister administering an affected Act may recommend to the Governor in Council the making of an extraordinary regulation under the Act only if the Minister is satisfied the regulation is necessary for a purpose of this Act.
  - (5) An extraordinary regulation under an affected Act may be inconsistent with the affected Act, and any other Act, to the extent necessary to achieve a purpose of this Act.
  - (6) Without limiting subsection (5), to the extent a person's act or omission complies with an extraordinary regulation made under an affected Act, the person does not incur civil or criminal liability under the affected Act for the act or omission.
  - (7) An extraordinary regulation must declare it is made under the relevant additional regulation-making provision.
  - (7A) An extraordinary regulation must be made before, and expires on, the COVID-19 legislation expiry day.
  - (8) An additional regulation-making provision does not limit any other regulation-making power conferred under an affected Act.
  - (9) The *Statutory Instruments Act 1992*, section 49(1) applies to the tabling of an extraordinary regulation as if the reference to 14 sitting days were a reference to 14 days.

## **6 Statutory instruments under s 12**

- (1) An Act to which section 12 applies is an *affected Act*.
- (2) An entity may make a statutory instrument under an affected Act in reliance on section 12(5)(a) only if satisfied the instrument is necessary for a purpose of this Act.
- (3) The statutory instrument may be inconsistent with the affected Act, and any other Act, to the extent necessary to achieve a purpose of this Act.
- (4) Without limiting subsection (3), to the extent a person's act or omission complies with the statutory instrument, the person does not incur civil or criminal liability under the affected Act for the act or omission.
- (5) The statutory instrument must declare it is made under section 12(5)(a).
- (6) The *Statutory Instruments Act 1992*, sections 49, 50 and 51 apply to the statutory instrument as if the instrument were subordinate legislation.
- (7) However, despite the *Statutory Instruments Act 1992*, section 49(1), the statutory instrument must be tabled in the Legislative Assembly within 14 days after the instrument is published on a relevant website under section 12(9).
- (8) To remove any doubt, it is declared that a provision mentioned in the notes to the *Statutory Instruments Act 1992*, section 49(1) does not apply to the statutory instrument.

## **7 Meaning of words in extraordinary regulations and instruments under s 12**

Words used in an extraordinary regulation or a statutory instrument under section 12(5)(a) that are defined in this Act have the same meaning the words have in this Act, subject to a contrary intention in the regulation or instrument.



## Part 3 Reducing physical contact between persons

### 8 Regulation-making power relating to attendance at places or meetings

- (1) This section applies if an Act requires or permits—
- (a) a person to physically attend a place or meeting for a particular purpose or particular matter; or
- Examples of a place or meeting attended for a particular purpose or particular matter—*
- a visit or inspection by an authorised person of a particular site
  - a meeting of a board or committee
  - attendance before a person to answer questions
  - appearance before a person to take an oath
  - a physical examination of a person by a doctor for a particular purpose
- (b) an entity to call or hold a meeting for a particular purpose or particular matter.
- (2) The Act is taken to include a power to make a regulation as provided in this section.
- (3) A regulation under the Act may make provision about how the purpose or matter can be achieved or otherwise dealt with in a modified way, including by doing any of the following—
- (a) providing the person may attend the place or meeting for the purpose or matter in a way that does not involve physical attendance, including, for example, using communication technology;
- (b) modifying a procedure or requirement relating to a meeting;
- (c) suspending a requirement or entitlement for a person to attend a place or meeting;

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- (d) suspending a requirement for an entity to call or hold a meeting;
- (e) empowering the chief executive under the Act to exercise discretion about whether, when or how attendance at a meeting or place is to be required;
- (f) empowering the chief executive under the Act to modify or waive any requirement connected to the purpose or matter to which the attendance relates;
- (g) empowering the chief executive under the Act to suspend a requirement for an entity to call or hold a meeting;
- (h) empowering the chief executive under the Act to issue guidelines about the modified way the purpose or matter is to be achieved or otherwise dealt with;
- (i) providing for any matter incidental to the purpose or matter.

*Examples of incidental matters—*

- alternative ways a person may produce a stated thing required for a meeting
  - modifications to quorum, voting, decision-making and the way decisions are recorded
- (4) A regulation made under subsection (2) may have retrospective operation to a day not earlier than 19 March 2020.
  - (5) In this section—  
*meeting* includes a conference, conciliation or mediation.

## **9 Regulation-making power for particular matters relating to documents**

- (1) This section applies if an Act or a common law rule requires or permits any of the following (each a *relevant matter*)—
  - (a) the signing of a document by a person;
  - (b) the witnessing of signatures;

- (c) the certification of matters by signatories, witnesses or other persons involved in the making of a document;
  - (d) the verification of the identity of individuals;
  - (e) the attestation of a document;
  - (f) the production of a document by a person;
  - (g) the making of a document in a particular form or way;
  - (h) the following of particular processes for making a document;
  - (i) the making or signing of a document or certification of a matter by a particular person or class of persons;
  - (j) the inclusion of particular content in a document;
  - (k) the recording of information;
  - (l) the filing, lodgement, giving or service of a notice or other document;
  - (m) the sighting of a document by a person for a particular purpose;
  - (n) the publication or display of a notice or advertisement for a particular purpose;
  - (o) the retention of documents or information.
- (2) The Act is taken to include a power to make a regulation as provided in this section.
- (3) A regulation under the Act may make provision about a relevant matter required or permitted under the Act, or required or permitted under a common law rule, by—
- (a) prescribing modified requirements or arrangements; or
  - (b) suspending requirements or arrangements.
- (4) A regulation under the Act may make provision about a matter incidental to a relevant matter mentioned in subsection (3).
- (5) In this section—

**document** does not include a statutory instrument.

## **Part 4                      Modifying statutory time limits**

### **10        Definitions for part**

In this part—

*Act* includes a savings or transitional provision of an Act.

*authorise* includes require.

*document* includes information.

*power* includes duty.

### **11        References to doing a thing**

A reference in this part, other than section 12(4)(a), to doing a thing includes a reference to omitting to do a thing.

### **12        Power of entity to modify statutory time limit**

- (1) This section applies if an entity is expressly authorised under an Act to modify on any ground—
  - (a) a period within which the entity, or another entity, is authorised to do a thing, including, for example, any of the following things—
    - (i) make an application;
    - (ii) pay an amount;
    - (iii) give a document;
    - (iv) comply with a notice or direction;
    - (v) ask for a document;
    - (vi) exercise a power;
    - (vii) perform a function;
    - (viii) make a decision;
    - (ix) give reasons for a decision; or

- (b) a period at the end of which a thing expires, including, for example, any of the following things—
  - (i) a document;
  - (ii) an authority, licence or permit;
  - (iii) a digital photo or digitised signature of a person.
- (2) The power of the entity under the Act to modify the period is taken to include a power to modify the period on the ground the entity is satisfied the modification is necessary for a purpose of this Act.
- (3) Subsection (4) applies if, under the Act, the entity's power to modify the period may be exercised only if another entity—
  - (a) consents or agrees to the modification; or
  - (b) requests, or makes an application for, the modification.
- (4) The power to modify the period under subsection (2) may be exercised—
  - (a) only if the other entity does the thing mentioned in subsection (3)(a) or (b); and
  - (b) by giving the other entity a notice stating the modification and the reasons for the modification.
- (5) If subsection (4) does not apply, the power to modify the period under subsection (2) may be exercised—
  - (a) if the modification applies generally or to particular classes of entities or matters—by statutory instrument; or
  - (b) if the modification applies to a particular entity—by giving the entity a notice stating the modification and the reasons for the modification.
- (6) The power to modify the period under subsection (2) may be exercised under subsection (5)(b) on the entity's own initiative or on the application of a particular entity interested in the modification of the period.

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- (7) If a period is extended under subsection (2), the period may be extended only for a period that ends on or before the COVID-19 legislation expiry day.
- (8) A statutory instrument made under subsection (5)(a) may have retrospective operation to a day not earlier than 19 March 2020.
- (9) A statutory instrument made under subsection (5)(a) must be published on a relevant website.
- (10) This section does not limit section 13.
- (11) A reference in this section to a period within which an entity is authorised to do a thing includes a reference to any expression of time provided for under a provision for doing the thing.

*Examples of an expression of time in a provision—*

- a provision requiring a person to do a thing immediately
  - a provision requiring a person to do a thing promptly
- (12) In this section—
- expire***, for a thing mentioned in subsection (1)(b), includes—
- (a) stop having legal operation or effect; and
  - (b) stop being valid.

### **13 Regulation-making power to modify statutory time limit**

- (1) This section applies if an Act—
- (a) provides for—
    - (i) a period within which an entity is authorised to do a thing, including, for example, any of the things mentioned in section 12(1)(a); or
    - (ii) a period at the end of which a thing expires, including, for example—
      - (A) any of the things mentioned in section 12(1)(b); or
      - (B) a savings or transitional regulation; and

- (b) does not expressly authorise an entity to modify the period mentioned in paragraph (a).
- (2) The Act is taken to include a power to make a regulation providing for the period to be modified.
- (3) Without limiting subsection (2), a regulation may—
- (a) expressly modify the period; or
  - (b) authorise an entity having a function under the Act to modify the period; or
  - (c) authorise an entity mentioned in paragraph (b) to delegate or subdelegate a power given under paragraph (b) to modify the period.
- (4) If a regulation under subsection (2) extends a period, the period may be extended only for a period that ends on or before the COVID-19 legislation expiry day.
- (5) A regulation made under subsection (2) may have retrospective operation to a day not earlier than 19 March 2020.
- (6) A reference in this section to a period within which an entity is authorised to do a thing includes a reference to any expression of time provided for under a provision for doing the thing.

*Examples of an expression of time in a provision—*

- a provision requiring a person to do a thing immediately
- a provision requiring a person to do a thing promptly

## Part 5 Proceedings

### 14 Definitions for part

In this part—

***enabling Act***, for a proceeding before a relevant entity, means the Act under which the proceeding is conducted.

***proceeding***, before a relevant entity, includes—

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- (a) a matter related to the starting of the proceeding; and
- (b) a matter related to the making of a decision or order by the relevant entity in the proceeding; and
- (c) a matter otherwise connected to the conduct of the proceeding.

*Example—*

a matter related to the making of a bail order for a defendant in a criminal proceeding

***relevant entity*** means—

- (a) a court or tribunal; or
- (b) another entity that—
  - (i) is established or otherwise provided for under an Act; and
  - (ii) has judicial or quasi-judicial functions.

## **15 Regulation-making power, and power of court, to modify statutory time limit relating to proceeding**

- (1) This section applies if an Act provides for a period within which an entity is authorised or required to do a thing relating to a proceeding, including, for example—
  - (a) start, or take a step in, or hear, a proceeding; or
  - (b) make a complaint in relation to an offence; or
  - (c) present an indictment for an offence; or
  - (d) appeal, or give notice of appeal, or notice of application for leave to appeal; or
  - (e) make a decision; or
  - (f) give reasons for a decision.
- (2) The period may be modified on the ground the modification is necessary for a purpose of this Act.
- (3) The power to modify the period under subsection (2) may be exercised—



- (a) if the modification applies generally or to particular classes of persons or matters—by a regulation made under the Act providing for the period; or
  - (b) if the modification applies in relation to a particular proceeding—by a court having jurisdiction relating to the proceeding giving each party to the proceeding a notice stating the modification and the reasons for the modification.
- (4) If a regulation under subsection (3)(a) extends a period, the period may be extended only for a period that ends on or before the COVID-19 legislation expiry day.
- (5) The power to modify the period under subsection (2) may be exercised under subsection (3)(b) on the court's own initiative or on the application of a party to the proceeding.
- (6) A regulation made under subsection (3)(a) may have retrospective operation to a day not earlier than 19 March 2020.
- (7) This section does not limit any other power of the court to modify a period, including, for example, a power under the *Supreme Court of Queensland Act 1991*.
- (8) To remove any doubt, it is declared that this section applies in relation to the following provisions—
  - (a) the Criminal Code, sections 590 and 671;
  - (b) the *Dangerous Prisoners (Sexual Offenders) Act 2003*, part 4;
  - (c) the *Justices Act 1886*, section 222;
  - (d) the *Limitation of Actions Act 1974*, parts 2 and 3.
- (9) A reference in this section to a period within which an entity is authorised or required to do a thing relating to a proceeding includes a reference to any expression of time provided for under a provision for doing the thing.

*Examples of an expression of time in a provision—*

- a provision requiring a person to do a thing immediately
- a provision requiring a person to do a thing promptly

- (10) In this section—  
*court* includes—
- (a) a tribunal; and
  - (b) an entity having a judicial or quasi-judicial function.

**16 Regulation-making power for particular matters relating to proceedings**

- (1) A regulation under this Act may make provision for any of the following matters in relation to proceedings before a relevant entity—
- (a) alternative processes or methods for making, signing, filing, giving or verifying documents;
  - (b) alternative methods for presenting indictments;
  - (c) the use of audio visual links or audio links to enable persons—
    - (i) to appear before a relevant entity; or
    - (ii) to give evidence or make submissions; or
    - (iii) to take an oath or make an affirmation;
  - (d) the restriction of access to the proceedings by members of the public.
- (2) If a regulation is made under subsection (1)(c)(i) in relation to a proceeding, a person who appears before the relevant entity for the proceeding as provided under the regulation is taken to be present before the relevant entity.
- (3) A regulation made under subsection (1) is taken to be an extraordinary regulation.
- (4) For subsection (3)—
- (a) subsection (1) is taken to be an additional regulation-making provision within the meaning of section 5(1); and

- (b) a reference in section 5 to an extraordinary regulation under an affected Act is taken to be a reference to a regulation made under subsection (1); and
  - (c) section 5(4) applies as if the reference in the section to the Minister administering an affected Act were a reference to the Minister administering this Act; and
  - (d) section 5(5), (6) and (8) applies as if a reference in the section to an affected Act, other than a reference to an extraordinary regulation under an affected Act, were a reference to the enabling Act for a proceeding before a relevant entity in relation to which a regulation made under subsection (1) applies.
- (5) In this section—
- audio link** see the *Evidence Act 1977*, section 39C.
- audio visual link** see the *Evidence Act 1977*, schedule 3.
- verify**, in relation to a document, includes—
- (a) witness another person's signature of the document; and
  - (b) certify a copy of the document; and
  - (c) make a statutory declaration in relation to the document; and
  - (d) take an oath or make an affirmation in relation to the document.

## 17 Regulation-making powers under enabling Acts

- (1) The enabling Act for a proceeding before a relevant entity is taken to include a power to make a regulation that makes provision for any of the following matters in relation to the proceeding—
- (a) a matter mentioned in section 16(1)(a), (b), (c) or (d);
  - (b) alternative provisions about the constitution of the relevant entity for conducting the proceeding;

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- (c) provision for an alternative method of service to satisfy a requirement about personal service of a document in the proceeding;
  - (d) provision for a videorecording of a witness's evidence to be viewed and heard in the proceeding instead of direct testimony;
  - (e) provision for the proceeding to be conducted in an alternative location;
  - (f) other procedural arrangements in relation to the proceeding.
- (2) A regulation under the enabling Act providing for a matter mentioned in subsection (1)(a) may have retrospective application to a day not earlier than 19 March 2020.
- (3) If there is an inconsistency between a regulation under section 16 and a regulation under the enabling Act mentioned in subsection (1), the regulation under the enabling Act prevails to the extent of the inconsistency.

## **18 Relationship with pts 3 and 4**

This part does not limit the application of a provision in part 3 or 4, other than section 12(5)(a), in relation to a proceeding before a relevant entity.

# **Part 6 Small business commissioner**

## **19 Appointment of commissioner**

- (1) There is to be a small business commissioner.
- (2) The commissioner is appointed by the Governor in Council on the recommendation of the Minister (small business).
- (3) The Minister (small business) may recommend a person for appointment only if the Minister is satisfied the person is appropriately qualified.

- (4) The commissioner is to be paid the remuneration and allowances decided by the Governor in Council.
- (5) A person holds office as the small business commissioner on the conditions decided by the Governor in Council.
- (6) The commissioner must be appointed under this Act and not the *Public Service Act 2008*.

## 20 Functions and powers of commissioner

- (1) The functions of the commissioner are—
  - (a) to provide information and advisory services to the public about matters relevant to small businesses, particularly in relation to the COVID-19 response measures; and
  - (b) to assist small businesses in reaching an informal resolution for disputes relating to small business leases; and
  - (c) to administer a mediation process prescribed by regulation under section 23(1)(g) in relation to small business tenancy disputes.
- (2) The commissioner has all the powers necessary for performing the commissioner's functions.
- (3) In this section—

***small business lease*** means a lease of premises used wholly or predominantly for carrying on a small business.

***small business tenancy dispute*** means a dispute about a small business lease, or about the use or occupation of the leased premises, regardless of when the lease was entered into.

## 21 Preservation of rights of commissioner

- (1) This section applies if a person who is a public service officer is appointed as commissioner.

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- (2) The person keeps all rights accrued or accruing to the person as a public service officer as if service as the commissioner were a continuation of service as a public service officer.
- (3) At the end of the person's term of office or resignation as commissioner, the person's service as the commissioner is taken to be service of a like nature in the public service for deciding the person's rights as a public service officer.

## **22 Reporting**

The commissioner must—

- (a) keep the Minister (small business) reasonably informed about the performance of the commissioner's functions; and
- (b) comply with a reasonable request by the Minister (small business) to give the Minister stated information at a stated time about the performance of the commissioner's functions.

# **Part 7 Retail leases and other prescribed leases**

## **23 Regulation-making power for retail leases and other prescribed leases**

- (1) A regulation under this Act or the *Retail Shop Leases Act 1994* may, for responding to the COVID-19 emergency—
  - (a) prohibit the recovery of possession of premises under a relevant lease by a lessor of the premises from a lessee of the premises; or
  - (b) prohibit the termination of a relevant lease by a lessor or owner of premises; or
  - (c) regulate or prevent the exercise or enforcement of another right of a lessor of premises under a relevant lease or other agreement relating to the premises; or

- (d) exempt a lessee, or a class of lessees, from the operation of a provision of an Act, relevant lease or other agreement relating to the leasing of premises; or
  - (e) require parties to a relevant lease to have regard to particular matters or principles, or a prescribed standard, code or other document, in negotiating or disputing a matter under or in relation to the relevant lease; or
  - (f) require a mediator, conciliator, arbitrator, tribunal, court or other decision-maker to have regard to particular matters or principles, or a prescribed standard, code or other document, in mediating, conciliating, hearing or deciding a matter or proceeding relating to a relevant lease; or
  - (g) provide for a dispute resolution process for disputes relating to relevant leases, including, for example, by providing for the following—
    - (i) who may apply for dispute resolution;
    - (ii) how the dispute resolution process is started;
    - (iii) the appointment and jurisdiction of mediators to mediate disputes;
    - (iv) the conduct of mediations;
    - (v) the conferral of jurisdiction on a tribunal to hear and decide disputes;
    - (vi) the referral of disputes to a court or tribunal; or
  - (h) prescribe any other matter necessary for, or incidental to, facilitating a matter mentioned in paragraphs (a) to (g).
- (2) A regulation under this section may—
- (a) be inconsistent with an Act or law, other than the *Human Rights Act 2019*, to the extent necessary to achieve a purpose of the regulation and this Act; and
  - (b) have retrospective operation to a day not earlier than the commencement of this Act; and

- (c) provide for a maximum penalty of not more than 20 penalty units for a contravention of the regulation.
- (3) Without limiting subsection (2)(a), to the extent a person's act or omission complies with a regulation made under this section that is inconsistent with an Act or law, the person does not incur civil or criminal liability under the Act or law for the act or omission.
- (4) A regulation under this section must declare it is made under this section.
- (5) This section does not limit a regulation-making power under the *Retail Shop Leases Act 1994*.
- (6) A regulation under this section must be made before, and expires on, the COVID-19 legislation expiry day.
- (7) The *Statutory Instruments Act 1992*, section 49(1) applies to the tabling of a regulation made under this section as if the reference to 14 sitting days were a reference to 14 days.
- (8) In this section—
  - lease*** includes a lease, sub-lease, licence or other agreement under which a person grants a right to another person to occupy premises, other than as a residence.
  - premises*** includes land.
  - relevant lease*** means—
    - (a) a retail shop lease under the *Retail Shop Leases Act 1994*; or
    - (b) a lease prescribed by regulation for this definition.



## Part 8 Residential tenancies and rooming accommodation

### 24 Regulation-making power for residential tenancies and rooming accommodation etc.

- (1) A regulation under this Act or the *Residential Tenancies and Rooming Accommodation Act 2008* (the **RTRA Act**) may make provision for any matter necessary for responding to the COVID-19 emergency, including—
  - (a) to ensure rights, obligations and processes under the RTRA Act operate appropriately having regard to COVID-19 response measures; and
  - (b) to assist in achieving the objectives of COVID-19 response measures; and
  - (c) to support the Queensland residential rental sector during the COVID-19 emergency period.
- (2) Without limiting subsection (1), a regulation may—
  - (a) impose a moratorium on evictions of tenants and residents during the COVID-19 emergency period; or
  - (b) alter the grounds on which notices to leave may be given; or
  - (c) enable particular disputes about unpaid rent to be conciliated by the Residential Tenancies Authority; or
  - (d) suspend a right or obligation under the RTRA Act in particular circumstances; or
  - (e) provide for applications to be made to, and decided by, a different entity to the entity provided for under the RTRA Act; or
  - (f) prohibit the inclusion of particular matters in a tenancy database within the meaning of section 457 of the RTRA Act; or

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- (g) amend a residential tenancy agreement or rooming accommodation agreement, including, for example, by—
  - (i) extending the term of the agreement; or
  - (ii) terminating the agreement; or
  - (iii) if there is more than 1 tenant or resident for the agreement—ending the interest of a tenant or resident in the agreement; or
- (h) extend the application of particular provisions of the RTRA Act to additional persons.
- (3) A regulation under this section may—
  - (a) be inconsistent with an Act or law, other than the *Human Rights Act 2019*, to the extent necessary to achieve a purpose of the regulation and this Act; and
  - (b) have retrospective operation to a day not earlier than 19 March 2020; and
  - (c) impose a penalty of not more than 100 penalty units for a contravention of the regulation.
- (4) Without limiting subsection (3)(a), to the extent a person's act or omission complies with a regulation made under this section that is inconsistent with an Act or law, the person does not incur civil or criminal liability under the Act or law for the act or omission.
- (5) A regulation under this section must declare it is made under this section.
- (6) This section does not limit a regulation-making power under the RTRA Act.
- (7) If there is an inconsistency between a regulation made under this section and any of the following, the regulation prevails to the extent of the inconsistency—
  - (a) a provision of an Act or law, other than the *Human Rights Act 2019*;
  - (b) another regulation made under the RTRA Act;

- (c) a standard term or special term of a residential tenancy agreement or rooming accommodation agreement.
- (8) A regulation under this section must be made before, and expires on, the COVID-19 legislation expiry day.
- (9) The *Statutory Instruments Act 1992*, section 49(1) applies to the tabling of a regulation made under this section as if the reference to 14 sitting days were a reference to 14 days.
- (10) In this section—
  - resident** see the *Residential Tenancies and Rooming Accommodation Act 2008*, schedule 2.
  - residential tenancy agreement** see the *Residential Tenancies and Rooming Accommodation Act 2008*, section 12.
  - rooming accommodation agreement** see the *Residential Tenancies and Rooming Accommodation Act 2008*, section 16.
  - tenant** see the *Residential Tenancies and Rooming Accommodation Act 2008*, schedule 2.

## Part 8A Validation provision

### 24A Validation of particular regulations

- (1) This section applies to each of the following regulations—
  - (a) the *Justice Legislation (COVID-19 Emergency Response—Wills and Enduring Documents) Amendment Regulation 2020*;
  - (b) the *Residential Tenancies and Rooming Accommodation (COVID-19 Emergency Response) Regulation 2020*.
- (2) The regulation is taken—
  - (a) to have been validly made, notified and tabled in the Legislative Assembly; and

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- (b) not to have ceased having effect under the *Statutory Instruments Act 1992*, section 49, as modified under this Act, section 5(9) or 24(9).
- (3) All acts, matters and things done before the commencement in reliance on the regulation are taken to be as lawfully done as they would have been if the regulation had not ceased having effect as mentioned in subsection (2)(b).
- (4) To remove any doubt, it is declared that—
  - (a) the limitation for passing a resolution disallowing the regulation under the *Statutory Instruments Act 1992*, section 50(1) continues to apply in relation to the day the regulation was tabled in the Legislative Assembly; and
  - (b) the *Statutory Instruments Act 1992*, section 51 does not apply to the regulation; and
  - (c) a document made before the commencement in compliance with the regulation is taken to be as valid as it would have been if the regulation had not ceased having effect as mentioned in subsection (2)(b).

## Part 9 Transitional provisions

### Division 1 Transitional regulation-making power

#### 25 Transitional regulation-making power

- (1) A regulation (the *transitional regulation*) may make provision about a matter for which—
  - (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of an affected law, as modified by a COVID-19 law, to the operation of the affected law after the expiry of the COVID-19 law; and

- (b) this Act or the affected law does not make provision or sufficient provision.
- (2) The transitional regulation may have retrospective operation to a day not earlier than the day the COVID-19 law expires.
- (3) The transitional regulation may be inconsistent with the affected law, and any other Act, to the extent necessary to achieve the transition mentioned in subsection (1).
- (4) An affected law is taken to include a power to make the transitional regulation.
- (5) The transitional regulation must declare it is a transitional regulation.
- (6) The transitional regulation must also declare—
  - (a) if it is made under this section—that it is made under this section; or
  - (b) if it is made under an affected law—that it is made under the affected law as modified by subsection (4).
- (7) The transitional regulation for a COVID-19 law expires 2 years after the day the COVID-19 law expires.
- (8) In this section—
  - affected law*** means—
    - (a) an Act under which an extraordinary regulation has been made; or
    - (b) the *Residential Tenancies and Rooming Accommodation Act 2008*; or
    - (c) the *Retail Shop Leases Act 1994*; or
    - (d) another Act of which a COVID-19 law is a provision or was a provision before it expired.
  - COVID-19 law*** means—
    - (a) an extraordinary regulation, or a provision of an extraordinary regulation, even if the extraordinary regulation or provision expired before the commencement; or

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- (b) a regulation made under section 23 or 24, or a provision of a regulation made under section 23 or 24, even if the regulation or provision expired before the commencement; or
- (c) a provision of an Act mentioned in schedule 1AA, even if the provision expired before the commencement.

*expiry* includes repeal.

## **Division 2                      Transitional provision for COVID-19 Emergency Response and Other Legislation Amendment Act 2020**

### **26              Appointment of small business commissioner**

- (1) This section applies in relation to a person who, immediately before commencement, held office as the commissioner.
- (2) The person's appointment has effect despite the term of appointment stated in the person's instrument of appointment.

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**Schedule 1AA COVID-19 laws****section 25(6) definition *COVID-19 law*, paragraph (c)**

the *Acts Interpretation Act 1954*, sections 15DB and 15DC

the *Body Corporate and Community Management Act 1997*, chapter 7, part 3

the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, part 7A

the *Building Units and Group Titles Act 1980*, part 6A

the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*, part 6A

the *Corrective Services Act 2006*, chapter 6, part 15A

the *Disability Services Act 2006*, part 8, division 2A

the *Disaster Management Act 2003*, part 12A

the *Environmental Protection Act 1994*, chapter 11A

the *Forensic Disability Act 2011*, chapter 12, part 2A

the *Gaming Machine Act 1991*, part 11A

the *Liquor Act 1992*, part 10A

the *Manufactured Homes (Residential Parks) Act 2003*, section 146A

the *Mental Health Act 2016*, chapter 18B

the *Police Powers and Responsibilities Act 2000*, chapter 18B

the *Private Health Facilities Act 1999*, part 11A

the *Public Health Act 2005*, chapter 8, to the extent that chapter relates to the COVID-19 emergency

the *Statutory Instruments Act 1992*, section 56B

the *Youth Justice Act 1992*, section 264A



## Schedule 1 Dictionary

### section 3

**Act**, for part 4, see section 10.

**authorise**, for part 4, see section 10.

**commissioner** means the small business commissioner appointed under section 19.

**COVID-19 emergency** means the declared public health emergency under the *Public Health Act 2005*, section 319(2) for COVID-19 declared on 29 January 2020 as extended and further extended under that Act.

**COVID-19 emergency period** means the period for which the COVID-19 emergency is in effect.

**COVID-19 response measures** means any measures (however called) under an Act, including, for example, under the *Public Health Act 2005*, chapter 8, part 7A—

- (a) to minimise the serious risks to the health and safety of persons caused by the COVID-19 emergency; or
- (b) to assist in responding to the COVID-19 emergency.

**document**, for part 4, see section 10.

**enabling Act**, for a proceeding before a relevant entity, for part 5, see section 14.

**extraordinary regulation** see section 5.

**Minister (small business)** means the Minister given responsibility for the public business of small business matters under the Administrative Arrangements.

**modify**, a period, includes extend or shorten the period.

**power**, for part 4, see section 10.

**proceeding**, before a relevant entity, for part 5, see section 14.

Schedule 1

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***relevant department***, for publishing a matter or doing another thing on a website, means the department administering the Act in relation to which the matter is published or thing is done.

***relevant entity***, for part 5, see section 14.

***relevant website***, for publishing a matter or doing another thing on a website, means—

- (a) if the entity publishing the matter or doing the thing is a local government—the local government’s website; or
- (b) if the entity publishing the matter or doing the thing is a Minister or the chief executive of a department—the relevant department’s website; or
- (c) otherwise—
  - (i) the whole-of-government website; or
  - (ii) the website of the entity publishing the matter or doing the thing; or
  - (iii) if the entity publishing the matter or doing the thing does not have a website—
    - (A) the relevant department’s website; or
    - (B) a website identified on the relevant department’s website as a website for the purpose of publishing the matter or doing the thing.

***whole-of-government website*** means—

- (a) [www.qld.gov.au](http://www.qld.gov.au); or
- (b) another website prescribed by regulation.