

PARLIAMENT OF VICTORIA

**COVID-19 Commercial and Residential Tenancies
Legislation Amendment (Extension) Bill 2020**

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PARLIAMENT OF VICTORIA

Introduced in the Assembly

COVID-19 Commercial and Residential Tenancies Legislation Amendment (Extension) Bill 2020

A Bill for an Act to amend the **COVID-19 Omnibus (Emergency Measures) Act 2020** and the **Residential Tenancies Act 1997** and to make consequential amendments to other Acts and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The main purposes of this Act are—

(a) to amend the **COVID-19 Omnibus (Emergency Measures) Act 2020**—

(i) to extend the operation of Part 2.2 of that Act under which regulations may be made to modify the law relating to retail leases and non-retail commercial

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Part 1—Preliminary

leases and licences until 26 April 2021;
and

5

(ii) to make further provision in relation to
the subject matter of regulations which
may be made under Part 2.2 of that Act,
including the making of orders
directing landlords under eligible leases
to give or agree to give specified rent
relief to tenants under eligible leases
and conferring jurisdiction on VCAT to
enforce such orders; and

10

(b) to amend the **Residential Tenancies Act
1997** to extend the operation of Part 16 of
that Act until—

15

(i) 28 March 2021; or

(ii) if a later date is fixed by Governor in
Council (being a date after
28 March 2021 and before
27 April 2021), that date; and

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(c) to make consequential amendments to the
**Residential Tenancies Amendment Act
2018** and the **Consumer and Other Acts
Miscellaneous Amendments Act 2020**.

2 Commencement

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(1) This Act, except Division 1 of Part 2 and
Division 3 of Part 3, comes into operation on the
day after the day on which it receives the Royal
Assent.

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(2) Subject to subsection (3), Division 1 of Part 2 and
Division 3 of Part 3 come into operation on a day
or days to be proclaimed.

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(3) If a provision of Division 1 of Part 2 or Division 3
of Part 3 does not come into operation before
1 June 2021, it comes into operation on that day.

Part 2—Amendment of COVID-19 Omnibus (Emergency Measures) Act 2020

Division 1—Retail leases and non-retail commercial leases and licences related amendments

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3 Definitions

In section 12 of the **COVID-19 Omnibus
(Emergency Measures) Act 2020**—

(a) **insert** the following definition—

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"specified rent relief means a waiver or
deferral of rent payable under an
eligible lease;"

(b) the definitions of *qualifies for the jobkeeper
scheme* and *SME entity* are **repealed**.

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4 Meaning of eligible lease

For section 13(1) of the **COVID-19 Omnibus
(Emergency Measures) Act 2020** substitute—

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"(1) An *eligible lease* is a retail lease or a non-
retail commercial lease or licence, or a retail
lease or a non-retail commercial lease or
licence of a specified class—

(a) that is prescribed; and

(b) that is in effect on the day the first
regulations made under section 15
come into operation."

25

5 Regulations modifying law relating to certain retail leases and non-retail commercial leases and licences

In section 15(1) of the **COVID-19 Omnibus
(Emergency Measures) Act 2020**—

(a) after paragraph (n) **insert**—

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Part 2—Amendment of COVID-19 Omnibus (Emergency Measures) Act
2020

- 5 "(na) the making of orders directing
landlords under eligible leases to give
or agree to give specified rent relief to
tenants under eligible leases (***binding
orders***) and the content of such orders;
- 10 (nb) the process for applications by tenants
under eligible leases for binding orders
(***rent relief applications***) including the
content of rent relief applications and
documents that may accompany rent
relief applications;
- 15 (nc) requiring matter in a rent relief
application, or a document that may
accompany a rent relief application, be
verified by statutory declaration;
- (nd) preconditions that must exist or be met
before a rent relief application may be
made;
- 20 (ne) the process for dealing with and
deciding rent relief applications,
including the criteria to be applied in
deciding rent relief applications;
- (nf) the amendment or revocation of
binding orders;
- 25 (ng) the process for applications for the
amendment or revocation of binding
orders;
- 30 (nh) the process for dealing with and
deciding applications referred to in
paragraph (ng), including the criteria to
be applied in deciding such
applications;
- 35 (ni) the correction of errors or omissions in
binding orders on the application of
persons to whom the orders relate or by

the entity that makes the orders on its
own initiative;

(nj) the enforcement of binding orders in
cases of non-compliance with such
orders;

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(nk) preconditions that must exist or be met
before proceedings relating to
compliance with binding orders may be
commenced in VCAT;

10

(nl) the admissibility in evidence in a
proceeding in VCAT or a court of
specified material related to a
mediation referred to in
paragraph (k);";

15

(b) after paragraph (o) **insert—**

"(oa) conferring jurisdiction on VCAT—

(i) to review the making, amendment
or revocation of a binding order;

20

(ii) to hear and determine proceedings
relating to compliance with
binding orders;".

6 Effect of regulations and certain orders made under regulations

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(1) In the heading to section 17 of the **COVID-19
Omnibus (Emergency Measures) Act 2020**,
after "**regulations**" **insert "and certain orders
made under regulations"**.

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(2) In section 17(1) of the **COVID-19 Omnibus
(Emergency Measures) Act 2020**, after
"section 15" **insert "or an order made pursuant to
regulations made under section 15(1)(na)"**.

**7 Change to Minister reference to reflect machinery
of government change**

- 5 (1) In the heading to section 16 of the **COVID-19
Omnibus (Emergency Measures) Act 2020**, for
"Jobs, Innovation and Trade" substitute
"Industry Support and Recovery".
- 10 (2) In section 16 of the **COVID-19 Omnibus
(Emergency Measures) Act 2020**, for "Jobs,
Innovation and Trade" substitute "Industry
Support and Recovery".

8 Extension of operation of Part 2.2

15 In section 22 of the **COVID-19 Omnibus
(Emergency Measures) Act 2020**, for "the day
that is 6 months after its commencement"
substitute "26 April 2021".

Division 2—Miscellaneous

9 Regulations dealing with transitional matters

20 In section 62(6) of the **COVID-19 Omnibus
(Emergency Measures) Act 2020**, for "the day
that is 6 months after its commencement"
substitute "26 April 2021".

Part 3—Residential tenancies related amendments

**Part 3—Residential tenancies related
amendments**

**Division 1—Amendment of Residential Tenancies
Act 1997**

5 **10 Section 615 substituted and new section 616 inserted**

For section 615 of the **Residential Tenancies
Act 1997** substitute—

"615 Repeal of Part

This Part is **repealed** on—

- 10 (a) 28 March 2021; or
 (b) if a later date is fixed under
 section 616, that date.

**616 Order to extend operation of Part beyond
28 March 2021**

15 The Governor in Council, by Order
 published in the Government Gazette, may
 fix a date on which this Part is repealed,
 being a date after 28 March 2021 and before
 27 April 2021."

20 **Division 2—Amendment of Residential Tenancies
 Amendment Act 2018**

11 Commencement

25 In section 2(2) of the **Residential Tenancies
 Amendment Act 2018**, for "1 January 2021"
 substitute "27 April 2021".

Part 3—Residential tenancies related amendments

12 Repeal of amending Act

In section 389 of the **Residential Tenancies Amendment Act 2018**, for "1 January 2022" substitute "27 April 2022".

5 **Division 3—Amendment of Consumer and Other Acts Miscellaneous Amendments Act 2020**

13 Purposes

10 Section 1(e)(iii) of the **Consumer and Other Acts Miscellaneous Amendments Act 2020** is repealed.

14 Section 86 repealed

15 Section 86 of the **Consumer and Other Acts Miscellaneous Amendments Act 2020** is repealed.

Part 4—Repeal of this Act

Part 4—Repeal of this Act

15 Repeal of this Act

This Act is **repealed** on 1 June 2022.

Note

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The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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Endnotes

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

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