

# COVID-19 Response and Economic Recovery Omnibus Bill 2020

## Contents

<b>Part 1 — Preliminary</b>		
1.	Short title	2
2.	Commencement	2
3.	Primary purposes of Act	2
4.	Terms used	2
5.	Act binds Crown	3
6.	Relationship of this Act to other written laws	3
<b>Part 2 — Provisions of general application</b>		
<b>Division 1 — Fees and charges</b>		
<b>Subdivision 1 — Preliminary</b>		
7.	Terms used	4
<b>Subdivision 2 — CEO and chief employee orders</b>		
8.	CEOs or chief employees may reduce, waive or refund fees and charges	4
9.	CEOs or chief employees may extend timeframes for payment of fees and charges	6
10.	Subdivision and orders cease to have effect	6
<b>Subdivision 3 — Validation of reductions, waivers and refunds</b>		
11.	Validation of reductions, waivers and refunds	6
<b>Division 2 — Meetings</b>		
<b>Subdivision 1 — Meetings</b>		
12.	Term used: body	8
13.	Meetings under relevant enactments may occur by instantaneous communication	8

Contents

---

14.	Decisions without meetings	9
15.	Public meetings	9
16.	Locations of meetings	10
17.	Venues for meetings	10
18.	Subdivision ceases to have effect	10
	<b>Subdivision 2 — Validation of meetings and decisions</b>	
19.	Validation of meetings and decisions	11
	<b>Division 3 — Public availability of documents</b>	
	<b>Subdivision 1 — Public availability of documents</b>	
20.	Public availability of documents	12
21.	Subdivision ceases to have effect	12
	<b>Subdivision 2 — Validation of things done</b>	
22.	Validation of things done	13
	<b>Division 4 — Presence and dealing with documents by audiovisual communication</b>	
23.	Presence by audiovisual communication	13
24.	Signing documents witnessed by audiovisual communication	14
25.	Relevant enactments	15
26.	Relationship with other laws relating to electronic processes	15
27.	Division ceases to have effect	16
	<b>Division 5 — General provisions</b>	
28.	Postponing cessation of Divisions and Subdivisions	16
	<b>Part 3 — Provisions affecting obligations or authorisations under Acts</b>	
	<b>Division 1 — Preliminary</b>	
29.	Terms used	18
	<b>Division 2 — Authorisations generally</b>	
30.	Decision-maker may set new expiry day for authorisations during operative period	18
31.	Decision-maker may modify or remove conditions of authorisations during operative period	22

32.	Decision-maker may decide order no longer applies to relevant authorisation if condition of order breached	23
<b>Division 3 — Specific provisions</b>		
33.	Exemption from local planning scheme taken to be exemption from region planning scheme	24
34.	Extension of certain time limits under relevant schemes	25
<b>Division 4 — End of operative periods for provisions of Part</b>		
35.	Postponing ending of operative periods for provisions of this Part	26
36.	End of operative period does not affect things done during period	27
37.	Orders cease to have effect at the end of 30 June 2025	27
<b>Part 4 — Modification of Acts</b>		
<b>Division 1 — <i>Bail Act 1982</i> modified</b>		
38.	Act modified	28
39.	Section 43A modified	28
<b>Division 2 — <i>Mental Health Act 2014</i> modified</b>		
40.	Term used: Mental Health Infection Control Directions	28
41.	Act modified	29
42.	Section 48 modified	29
43.	Section 79 modified	29
44.	Validation of assessments and examinations	30
<b>Division 3 — <i>Oaths, Affidavits and Statutory Declarations Act 2005</i> modified</b>		
45.	Act modified	31
46.	Section 9 modified	31
<b>Division 4 — <i>Sentencing Act 1995</i> modified and consequential modification</b>		
<b>Subdivision 1 — <i>Sentencing Act 1995</i> modified</b>		
47.	Act modified	31
48.	Section 14 modified	32
49.	Section 14B inserted	32
14B.	Use of audio link for sentencing	32

Contents

---

50.	Section 34 modified	33
	<b>Subdivision 2 — Criminal Procedure Act 2004 modified consequentially</b>	
51.	Act modified	33
52.	Section 77 modified	33
	<b>Division 5 — Postponing cessation of modifying provisions</b>	
53.	Postponing cessation of modifying provisions	34
	<b>Part 5 — Acts amended: facilitating electronic transactions</b>	
	<b>Division 1 — Extending the application of the <i>Courts and Tribunals (Electronic Processes Facilitation) Act 2013</i></b>	
54.	<i>Administration Act 1903</i> amended	35
	3A. <i>Courts and Tribunals (Electronic Processes Facilitation) Act 2013 Pt. 2</i> applies	35
55.	<i>Coroners Act 1996</i> amended	35
	4A. <i>Courts and Tribunals (Electronic Processes Facilitation) Act 2013 Pt. 2</i> applies	35
56.	<i>Courts and Tribunals (Electronic Processes Facilitation) Act 2013</i> amended	35
57.	<i>Criminal Investigation Act 2006</i> amended	36
	5A. <i>Courts and Tribunals (Electronic Processes Facilitation) Act 2013 Pt. 2</i> applies	37
58.	<i>Criminal Investigation (Extra-territorial Offences) Act 1987</i> amended	37
	3B. <i>Courts and Tribunals (Electronic Processes Facilitation) Act 2013 Pt. 2</i> applies	37
59.	<i>Criminal Investigation (Identifying People) Act 2002</i> amended	37
	4A. <i>Courts and Tribunals (Electronic Processes Facilitation) Act 2013 Pt. 2</i> applies	37
60.	<i>Family Court Act 1997</i> amended	38
	9B. <i>Courts and Tribunals (Electronic Processes Facilitation) Act 2013 Pt. 2</i> applies	38

61.	<i>Juries Act 1957</i> amended	38
	3B. <i>Courts and Tribunals (Electronic Processes Facilitation) Act 2013 Pt. 2</i> applies	38
62.	<i>Sentence Administration Act 2003</i> amended	38
	4A. <i>Courts and Tribunals (Electronic Processes Facilitation) Act 2013 Pt. 2</i> applies	38
	<b>Division 2 — Amendment of environmental and water related legislation</b>	
	<b>Subdivision 1 — Contaminated Sites Act 2003 amended</b>	
63.	Act amended	39
64.	Schedule 2 amended	39
	<b>Subdivision 2 — Litter Act 1979 amended</b>	
65.	Act amended	39
66.	Section 33 amended	39
	<b>Subdivision 3 — Rights in Water and Irrigation Act 1914 amended</b>	
67.	Act amended	40
68.	Section 6 amended	40
69.	Section 26GZB amended	40
70.	Section 26GZG amended	40
71.	Section 26N amended	41
72.	Section 27 amended	41
73.	Section 66 amended	41
	<b>Subdivision 4 — Waste Avoidance and Resource Recovery Act 2007 amended</b>	
74.	Act amended	42
75.	Section 28 amended	42
76.	Section 47 amended	43
77.	Schedule 3 amended	43
	<b>Subdivision 5 — Water Agencies (Powers) Act 1984 amended</b>	
78.	Act amended	43
79.	Section 36 amended	44
	<b>Subdivision 6 — Water Services Act 2012 amended</b>	
80.	Act amended	44
81.	Section 222 amended	44

<b>Part 6 — Acts amended: miscellaneous matters</b>		
<b>Division 1 — <i>Bail Act 1982</i> amended</b>		
82.	Act amended	45
83.	Various provisions amended	45
<b>Division 2 — <i>Constitution Acts Amendment Act 1899</i> amended</b>		
84.	Act amended	45
85.	Section 45A inserted	45
	45A. Executive Council meetings	45
<b>Division 3 — <i>Criminal Procedure Act 2004</i> amended</b>		
86.	Act amended	46
87.	Section 21 amended	46
88.	Section 23 amended	47
89.	Schedule 1 clause 3 amended	47
<b>Division 4 — <i>Evidence Act 1906</i> amended</b>		
90.	Act amended	47
91.	Section 106K amended	47
92.	Section 106N amended	49
<b>Division 5 — <i>Interpretation Act 1984</i> amended and consequential amendments</b>		
<b>Subdivision 1 — <i>Interpretation Act 1984</i> amended</b>		
93.	Act amended	49
94.	Section 3 amended	49
95.	Section 45 amended	49
<b>Subdivision 2 — Consequential amendments</b>		
96.	<i>Auction Sales Act 1973</i> amended	49
97.	<i>Debt Collectors Licensing Act 1964</i> amended	50
98.	<i>Employment Agents Act 1976</i> amended	50
99.	<i>Finance Brokers Control Act 1975</i> amended	50
100.	<i>Land Valuers Licensing Act 1978</i> amended	50
101.	<i>Motor Vehicle Dealers Act 1973</i> amended	50
102.	<i>Real Estate and Business Agents Act 1978</i> amended	50
103.	<i>Transfer of Land Act 1893</i> amended	50

**Part 7 — Miscellaneous**

104.	Provisions about orders made under Act	51
105.	Effect of provisions of this Act, certain regulations and orders ceasing to have effect	51
106.	Regulations	52

**Defined terms**





Western Australia

LEGISLATIVE ASSEMBLY

## **COVID-19 Response and Economic Recovery Omnibus Bill 2020**

**A Bill for**

**An Act —**

- **to provide for the amelioration of problems and impediments arising from the emergency response to the COVID-19 pandemic; and**
- **to facilitate aspects of the economic recovery from the emergency response to the pandemic; and**
- **to make related amendments to various Acts; and**
- **to validate certain actions taken immediately before, during or following the state of emergency declared in relation to the pandemic on 16 March 2020; and**
- **for related purposes.**

The Parliament of Western Australia enacts as follows:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## Part 1 — Preliminary

### 1. Short title

This is the *COVID-19 Response and Economic Recovery Omnibus Act 2020*.

### 2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

### 3. Primary purposes of Act

The primary purposes of this Act are —

- (a) to provide for the amelioration of problems in relation to compliance with statutory requirements, and of impediments to the processes of government, arising from the emergency response to the COVID-19 pandemic; and
- (b) to provide for the amelioration of problems arising from the emergency response to an outbreak, or the risk of an outbreak, of COVID-19 in the State; and
- (c) to facilitate aspects of the economic recovery from the emergency response to the COVID-19 pandemic.

### 4. Terms used

(1) In this Act —

*agency* has the meaning given in the *Public Sector Management Act 1994* section 3(1);

*authorisation* includes an approval, licence or permit;

*COVID emergency declaration* means a declaration made under the *Emergency Management Act 2005* section 56, or the

- 1            *Public Health Act 2016* section 167, in relation to the  
2            COVID-19 pandemic;
- 3            *non-SES organisation* has the meaning given in the *Public*  
4            *Sector Management Act 1994* section 3(1);
- 5            *portfolio Minister*, in relation to an Act, means the Minister to  
6            whom the administration of the whole or a part of the Act is  
7            committed;
- 8            *prescribed* means prescribed by regulations under this Act.
- 9            (2) In this Act —
- 10            (a) a reference to a thing done includes a reference to a  
11            thing omitted to be done; and
- 12            (b) a reference to a requirement under an Act includes a  
13            reference to the Act providing consequences for doing  
14            or not doing a thing; and
- 15            (c) a reference to the portfolio Minister in relation to an Act  
16            is, if the administration of the Act is committed to more  
17            than 1 Minister, a reference to any of those Ministers.

18            **5. Act binds Crown**

19            This Act binds the Crown in right of Western Australia and, so  
20            far as the legislative power of the Parliament permits, the Crown  
21            in all its other capacities.

22            **6. Relationship of this Act to other written laws**

23            This Act has effect despite any other written law.

1 **Part 2 — Provisions of general application**

2 **Division 1 — Fees and charges**

3 **Subdivision 1 — Preliminary**

4 **7. Terms used**

5 In this Division —

6 *chief employee* has the meaning given in the *Public Sector*  
7 *Management Act 1994* section 3(1);

8 *fee* includes the following —

- 9 (a) a due;
- 10 (b) an amount of Metropolitan Region Improvement Tax  
11 under the *Planning and Development Act 2005*  
12 section 200;
- 13 (c) a penalty for a late application under any of the  
14 following Acts —
- 15 (i) the *Auction Sales Act 1973*;
- 16 (ii) the *Debt Collectors Licensing Act 1964*;
- 17 (iii) the *Employment Agents Act 1976*;
- 18 (iv) the *Land Valuers Licensing Act 1978*;
- 19 (v) the *Motor Vehicle Dealers Act 1973*;
- 20 (vi) the *Real Estate and Business Agents Act 1978*.

21 **Subdivision 2 — CEO and chief employee orders**

22 **8. CEOs or chief employees may reduce, waive or refund fees**  
23 **and charges**

- 24 (1) The chief executive officer or chief employee of an agency or  
25 non-SES organisation principally assisting in the administration  
26 of a relevant enactment may by order reduce, waive or refund a  
27 fee or charge under the enactment.

1 Note for this subsection:

2 See section 104 for provisions about orders.

3 (2) Subsection (1) is in addition to and does not affect any power to  
4 reduce, waive or refund a fee or charge under a written law.

5 (3) For the purposes of this section, the relevant enactments are —

6 (a) the *Environmental Protection Act 1986*; and

7 (b) the *Firearms Act 1973*; and

8 (c) the *Government Railways Act 1904*; and

9 (d) the *Jetties Act 1926*; and

10 (e) the *Land Administration Act 1997*; and

11 (f) the *Land Information Authority Act 2006*; and

12 (g) the *Licensed Surveyors Act 1909*; and

13 (h) the *Planning and Development Act 2005*; and

14 (i) the *Public Transport Authority Act 2003*; and

15 (j) the *Road Traffic (Administration) Act 2008*; and

16 (k) the *Road Traffic (Authorisation to Drive) Act 2008*; and

17 (l) the *Road Traffic (Vehicles) Act 2012*; and

18 (m) the *Road Traffic (Vehicles) (Taxing) Act 2008*; and

19 (n) the *Rottnest Island Authority Act 1987*; and

20 (o) the *Security and Related Activities (Control) Act 1996*;  
21 and

22 (p) the *Shipping and Pilotage Act 1967*; and

23 (q) the *Valuation of Land Act 1978*; and

24 (r) the *Western Australian Marine Act 1982*; and

25 (s) a prescribed enactment.

1 **9. CEOs or chief employees may extend timeframes for**  
2 **payment of fees and charges**

3 (1) If a fee or charge under a relevant enactment needs to be paid  
4 before, by or at a particular time or within a particular period,  
5 the chief executive officer or chief employee of the agency or  
6 non-SES organisation principally assisting in the administration  
7 of the enactment, may by order —

8 (a) postpone the particular time; or

9 (b) extend the particular period.

10 Note for this subsection:

11 See section 104 for provisions about orders.

12 (2) For the purposes of this section, the relevant enactments are —

13 (a) the *Environmental Protection Act 1986*; and

14 (b) a prescribed enactment.

15 **10. Subdivision and orders cease to have effect**

16 (1) This Subdivision ceases to have effect at the end of  
17 31 December 2021.

18 (2) The cessation of this Subdivision may be postponed under  
19 section 28.

20 (3) An order made under this Subdivision ceases to have effect  
21 when this Subdivision ceases to have effect.

22 **Subdivision 3 — Validation of reductions, waivers and refunds**

23 **11. Validation of reductions, waivers and refunds**

24 (1) In this section —

25 *validation period* means the period —

26 (a) beginning on 1 April 2020; and

27 (b) ending on the last day of the period of 6 months  
28 beginning on the day on which this section comes into  
29 operation.

- 1 (2) Any fee or charge under a relevant Act purportedly reduced,  
2 waived or refunded during the validation period is taken to be,  
3 and to have always been, validly reduced, waived or refunded.
- 4 (3) Anything done, or purportedly done, as a result or consequence  
5 of, or in reliance on or in relation to, a reduction, waiver or  
6 refund validated under subsection (2) (a **validated reduction,**  
7 **waiver or refund**) is as valid and effective, and is taken to have  
8 always been as valid and effective, as it would have been if the  
9 validated reduction, waiver or refund had been valid at the time  
10 the thing was done or purportedly done.
- 11 (4) For the purposes of subsection (2), the relevant Acts are —
- 12 (a) the *Associations Incorporation Act 2015*; and  
13 (b) the *Auction Sales Act 1973*; and  
14 (c) the *Building Services (Registration) Act 2011*; and  
15 (d) the *Co-operatives Act 2009*; and  
16 (e) the *Dangerous Goods Safety Act 2004*; and  
17 (f) the *Debt Collectors Licensing Act 1964*; and  
18 (g) the *Electricity Act 1945*; and  
19 (h) the *Employment Agents Act 1976*; and  
20 (i) the *Gas Standards Act 1972*; and  
21 (j) the *Government Railways Act 1904*; and  
22 (k) the *Jetties Act 1926*; and  
23 (l) the *Land Valuers Licensing Act 1978*; and  
24 (m) the *Limited Partnerships Act 2016*; and  
25 (n) the *Mines Safety and Inspection Act 1994*; and  
26 (o) the *Motor Vehicle Dealers Act 1973*; and  
27 (p) the *Motor Vehicle Repairers Act 2003*; and  
28 (q) the *Occupational Safety and Health Act 1984*; and  
29 (r) the *Plumbers Licensing Act 1995*; and  
30 (s) the *Public Transport Authority Act 2003*; and

- 1 (t) the *Real Estate and Business Agents Act 1978*; and  
2 (u) the *Settlement Agents Act 1981*; and  
3 (v) the *Shipping and Pilotage Act 1967*.

4 **Division 2 — Meetings**

5 **Subdivision 1 — Meetings**

6 **12. Term used: body**

7 In this Subdivision —

8 *body* includes a Development Assessment Panel as defined in  
9 the *Planning and Development Act 2005* section 4(1).

10 **13. Meetings under relevant enactments may occur by**  
11 **instantaneous communication**

12 (1) If, under a relevant enactment, a board, committee or other body  
13 is required or permitted to hold a meeting, the meeting may be  
14 held in whole or in part using —

- 15 (a) a telephone; or  
16 (b) audiovisual communication; or  
17 (c) any other means of instantaneous communication.

18 (2) If, under a relevant enactment, a person is required or permitted  
19 to attend or be present at a meeting, the person may participate  
20 in the meeting in whole or in part using —

- 21 (a) a telephone; or  
22 (b) audiovisual communication; or  
23 (c) any other means of instantaneous communication.

24 (3) A person who participates in a meeting in reliance on  
25 subsection (1) or (2) is taken to have attended and been present  
26 at the meeting and, if the person votes at the meeting, the person  
27 is taken to have voted in person.



- 1 (4) For the purposes of this section, the relevant enactments are —  
2 (a) the *Aboriginal Affairs Planning Authority Act 1972*; and  
3 (b) the *Aboriginal Heritage Act 1972*; and  
4 (c) the *Conservation and Land Management Act 1984*; and  
5 (d) the *Environmental Protection Act 1986*; and  
6 (e) the *Land Administration Act 1997*; and  
7 (f) the *Litter Act 1979*; and  
8 (g) the *Planning and Development Act 2005*; and  
9 (h) the *Rottnest Island Authority Act 1987*; and  
10 (i) a prescribed enactment.

11 **14. Decisions without meetings**

12 A resolution in writing signed or otherwise assented to in  
13 writing by a majority of the members of a prescribed board,  
14 committee or other body (the *prescribed body*) has the same  
15 effect as if it had been passed at a meeting of the prescribed  
16 body.

17 **15. Public meetings**

- 18 (1) A requirement under a relevant enactment that a meeting be  
19 open to the public is satisfied if members of the public can  
20 observe the meeting using audiovisual communication.
- 21 (2) For the purposes of this section, the relevant enactments are —  
22 (a) the *Planning and Development Act 2005*; and  
23 (b) a prescribed enactment.

1 **16. Locations of meetings**

2 (1) A requirement under a relevant enactment that the location of a  
3 meeting be published or given is satisfied if the following are  
4 published or given —

5 (a) if the meeting is a public meeting — details of how a  
6 person may observe the meeting using audiovisual  
7 communication;

8 (b) if the meeting is not a public meeting — details of how a  
9 person may participate in the meeting in reliance on  
10 section 13(2).

11 (2) For the purposes of this section, the relevant enactments are —

12 (a) the *Planning and Development Act 2005*; and

13 (b) a prescribed enactment.

14 **17. Venues for meetings**

15 (1) A requirement under a relevant enactment that a venue for a  
16 meeting be provided to a board, committee or other body is  
17 satisfied if suitable arrangements are made that enable the  
18 board, committee or other body to hold the meeting using  
19 audiovisual communication.

20 (2) For the purposes of this section, the relevant enactments are —

21 (a) the *Planning and Development Act 2005*; and

22 (b) a prescribed enactment.

23 **18. Subdivision ceases to have effect**

24 (1) This Subdivision ceases to have effect at the end of  
25 31 December 2021.

26 (2) The cessation of this Subdivision may be postponed under  
27 section 28.

1           **Subdivision 2 — Validation of meetings and decisions**

2   **19.    Validation of meetings and decisions**

3       (1) Any meeting held or purportedly held, or decision made or  
4       purportedly made, under a relevant Act during the period  
5       beginning on 16 March 2020 and ending immediately before the  
6       day on which this section comes into operation is taken to be,  
7       and to have always been, as validly held or made as it would  
8       have been if Subdivision 1, and any regulations made under that  
9       Subdivision, had been in effect at the time of the meeting or  
10      decision.

11      (2) Anything done, or purportedly done, as a result or consequence  
12      of, or in reliance on or in relation to, a meeting or decision  
13      validated under subsection (1) (a ***validated meeting or decision***)  
14      is as valid and effective, and is taken to have always been as  
15      valid and effective, as it would have been if the validated  
16      meeting or decision had been valid at the time the thing was  
17      done or purportedly done.

18      (3) For the purposes of subsection (1), the relevant Acts are —

- 19           (a) the *Aboriginal Heritage Act 1972*; and
- 20           (b) the *Conservation and Land Management Act 1984*; and
- 21           (c) the *Environmental Protection Act 1986*; and
- 22           (d) the *Litter Act 1979*; and
- 23           (e) the *Planning and Development Act 2005*; and
- 24           (f) the *Rottnest Island Authority Act 1987*.

1 **Division 3 — Public availability of documents**

2 **Subdivision 1 — Public availability of documents**

3 **20. Public availability of documents**

4 (1) A requirement under a relevant enactment that any document be  
5 made available for public inspection at a physical location  
6 (whether or not for a fee) is satisfied if the document is instead  
7 made available (free of charge) on a website maintained by, or  
8 on behalf of —

- 9 (a) the person subject to the requirement; or  
10 (b) if there is no website maintained by, or on behalf of, that  
11 person — the agency or non-SES organisation  
12 principally assisting in the administration of the relevant  
13 enactment.

14 (2) For the purposes of this section, the relevant enactments are —

- 15 (a) the *Forrest Place and City Station Development*  
16 *Act 1985*; and  
17 (b) the *Hope Valley-Wattleup Redevelopment Act 2000*; and  
18 (c) the *Metropolitan Redevelopment Authority Act 2011*;  
19 and  
20 (d) the *Planning and Development Act 2005*; and  
21 (e) the *Waste Avoidance and Resource Recovery Act 2007*;  
22 and  
23 (f) the *Water Services Act 2012*; and  
24 (g) the *Western Australian Land Authority Act 1992*; and  
25 (h) a prescribed enactment.

26 **21. Subdivision ceases to have effect**

27 (1) This Subdivision ceases to have effect at the end of  
28 31 December 2021.

- 1       (2) The cessation of this Subdivision may be postponed under  
2       section 28.

3                               **Subdivision 2 — Validation of things done**

4       **22. Validation of things done**

5               A failure to comply with a public availability requirement  
6               described in section 20(1) during the period commencing on  
7               16 March 2020 and ending immediately before the day on  
8               which this section comes into operation does not affect the  
9               validity of anything required or permitted to be done or arising  
10              in relation to or as a consequence of the public availability  
11              requirement.

12                              **Division 4 — Presence and dealing with documents by**  
13                              **audiovisual communication**

14       **23. Presence by audiovisual communication**

- 15       (1) For the purposes of a relevant enactment under which a person  
16       (*person A*) is required or permitted to do something before or in  
17       the presence of another person (the *witness*), person A does the  
18       thing before or in the presence of the witness if, by audiovisual  
19       communication at the time that person A does the thing —  
20              (a) person A and the witness are able to see and hear each  
21              other; and  
22              (b) the witness observes person A do the thing.
- 23       (2) For the purposes of a relevant enactment under which  
24       something is required or permitted to be done before or in the  
25       presence of a person (the *witness*), the thing is done before or in  
26       the presence of the witness if, by audiovisual communication at  
27       the time a person (*person A*) does the thing —  
28              (a) person A and the witness are able to see and hear each  
29              other; and  
30              (b) the witness observes person A do the thing.

**COVID-19 Response and Economic Recovery Omnibus Bill 2020**

**Part 2** Provisions of general application

**Division 4** Presence and dealing with documents by audiovisual communication

**s. 24**

---

1 (3) For the purposes of a relevant enactment a witness is present at  
2 the same time as another witness if they are able to see and hear  
3 each other, whether by audiovisual communication or in person.

4 **24. Signing documents witnessed by audiovisual communication**

5 (1) In this section —

6 *sign*, in relation to a document, includes —

- 7 (a) attest or subscribe the document; and  
8 (b) affix or make a seal, mark or thumbprint on the  
9 document; and  
10 (c) initial or make any other writing on the document.

11 (2) If section 23 applies and under the relevant enactment the  
12 witness is required to sign a document signed or otherwise dealt  
13 with by person A, the requirement is satisfied if the witness —

- 14 (a) satisfies themselves that the document they are about to  
15 sign is the document signed or otherwise dealt with by  
16 person A or a counterpart or copy of that document; and  
17 (b) signs the document or the counterpart or copy as  
18 required under the relevant enactment; and  
19 (c) endorses the document or the counterpart or copy with a  
20 statement that it was dealt with in accordance with this  
21 section.

22 (3) The witness must comply with subsection (2)(a) to (c) —

- 23 (a) if the relevant enactment imposes a requirement as to  
24 the presence of the witness — in accordance with the  
25 requirement; or  
26 (b) if paragraph (a) does not apply —  
27 (i) while the witness and person A are still able to  
28 see and hear each other by audiovisual  
29 communication; or  
30 (ii) if it is not practicable to comply with  
31 subparagraph (i) — as soon as practicable after



1 (c) a provision of any other written law (including a  
2 provision of a relevant enactment) that authorises or  
3 permits the use of electronic processes for the purposes  
4 of a relevant enactment.

5 (2) The *Electronic Transactions Regulations 2012* regulations 3 and  
6 4 do not apply in circumstances in which this Division applies.

7 **27. Division ceases to have effect**

8 (1) This Division ceases to have effect at the end of  
9 31 December 2021.

10 (2) The cessation of this Division may be postponed under  
11 section 28.

12 **Division 5 — General provisions**

13 **28. Postponing cessation of Divisions and Subdivisions**

14 (1) If, under a provision of this Part, the cessation of a Division or  
15 Subdivision may be postponed, the Governor, on the  
16 recommendation of the Minister, may postpone the cessation of  
17 the Division or Subdivision until the end of a day specified in a  
18 proclamation made before the Division or Subdivision ceases.

19 (2) The Minister cannot make a recommendation for the purposes  
20 of subsection (1) unless satisfied that postponing the cessation  
21 of the Division or Subdivision is necessary or expedient for a  
22 purpose in section 3.

23 (3) The Governor may postpone the cessation of a Division or  
24 Subdivision more than once, but cannot specify a day that is  
25 after 30 June 2025.

26 (4) Each postponement of a Division or Subdivision cannot be for  
27 longer than 12 months beginning on the day after the most  
28 recent day at the end of which the Division or Subdivision  
29 would have ceased.



**COVID-19 Response and Economic Recovery Omnibus Bill 2020**

Provisions of general application

**Part 2**

General provisions

**Division 5**

**s. 28**

---

- 1 (5) The *Interpretation Act 1984* section 42 applies to and in relation  
2 to a proclamation as if the proclamation were a regulation.

1                   **Part 3 — Provisions affecting obligations or**  
2   **authorisations under Acts**

3   **Division 1 — Preliminary**

4   **29.       Terms used**

5           In this Part —

6           *operative period*, for a provision of this Part, means the  
7           period —

- 8                   (a) beginning on the day on which this section comes into  
9   operation; and  
10                   (b) ending on 31 December 2021, or a later day specified  
11   under section 35;

12           *region planning scheme* has the meaning given in the *Planning*  
13           *and Development Act 2005* section 4(1);

14           *Transport CEO* means the chief executive officer of the  
15           department of the Public Service principally assisting in the  
16           administration of the *Road Traffic (Administration) Act 2008*.

17   **Division 2 — Authorisations generally**

18   **30.       Decision-maker may set new expiry day for authorisations**  
19           **during operative period**

20           (1) In this section —

21           *Environment CEO* means the CEO as defined in the  
22           *Environmental Protection Act 1986* section 3(1);

23           *expire*, for a relevant authorisation, includes the authorisation  
24           expiring, ceasing to have effect, lapsing or otherwise ending at  
25           the end of a period of time;

26           *original expiry day*, for a relevant authorisation, means the day  
27           on which the authorisation is to expire under the Act;

28           *relevant authorisation* means an authorisation, under an Act,  
29           listed in column 1 of the Table to subsection (2).

- 1           (2) A person (the ***decision-maker***) listed in column 2 of the Table  
 2           opposite a relevant authorisation may specify, by order made  
 3           during the operative period for this section, a new day (the ***new***  
 4           ***expiry day***) on which the authorisation expires if —
- 5               (a) the decision-maker is satisfied that the order is necessary  
 6               or expedient for a purpose in section 3; and
- 7               (b) the order is made before the original expiry day for the  
 8               authorisation; and
- 9               (c) the new expiry day is —
- 10                   (i) after the original expiry day for the authorisation;  
 11                   and
- 12                   (ii) before the day that is 12 months after the original  
 13                   expiry day for the authorisation; and
- 14                   (iii) before 30 June 2025.

**Table**

<b>Authorisation</b>	<b>Decision-maker</b>
A clearing permit under the <i>Environmental Protection Act 1986</i> Part V Division 2	The Environment CEO
A licence under the <i>Environmental Protection Act 1986</i> Part V Division 3	The Environment CEO
A works approval under the <i>Environmental Protection Act 1986</i>	The Environment CEO
A licence under the <i>Jetties Act 1926</i>	The chief executive officer as defined in the <i>Jetties Act 1926</i> section 3

**COVID-19 Response and Economic Recovery Omnibus Bill 2020**

**Part 3** Provisions affecting obligations or authorisations under Acts

**Division 2** Authorisations generally

**s. 30**

---

<b>Authorisation</b>	<b>Decision-maker</b>
A permit under regulations made under the <i>Jetties Act 1926</i>	The chief executive officer as defined in the <i>Jetties Act 1926</i> section 3
A driver's licence under the <i>Road Traffic (Authorisation to Drive) Act 2008</i>	The Transport CEO
A learner's permit under the <i>Road Traffic (Authorisation to Drive) Act 2008</i> Part 2 Division 2	The Transport CEO
A vehicle licence under the <i>Road Traffic (Vehicles) Act 2012</i>	The Transport CEO
A licence under the <i>Tobacco Products Control Act 2006</i>	The CEO as defined in the <i>Health Legislation Administration Act 1984</i> section 3
A licence under the <i>Water Services Act 2012</i> Part 2 Division 2	The Economic Regulation Authority established by the <i>Economic Regulation Authority Act 2003</i> section 4
A prescribed authorisation	A prescribed person who grants a prescribed authorisation

- 1 Note for this subsection:  
2 See section 104 for provisions about orders.

- 1       (3) An order may —
- 2           (a) apply to a relevant authorisation that has been the
- 3               subject of a previous order under this section; and
- 4           (b) specify a new expiry day by —
- 5               (i) specifying a particular day; or
- 6               (ii) referring to a period of time after the original
- 7                   expiry day for the relevant authorisation.
- 8       Example for this subsection:
- 9           An order may specify new expiry days for a class of relevant
- 10           authorisations by stating that the new expiry day for each authorisation
- 11           in the class is the day that is 6 months after the original expiry day for
- 12           the authorisation.
- 13       (4) A relevant authorisation the subject of an order —
- 14           (a) does not expire on the original expiry day for the
- 15               authorisation; but
- 16           (b) expires at the end of the new expiry day for the
- 17               authorisation under the order.
- 18       (5) However —
- 19           (a) a relevant authorisation the subject of an order may
- 20               be —
- 21               (i) suspended, cancelled or otherwise ended (other
- 22                   than by expiring) under a written law; or
- 23               (ii) the subject of a decision under section 32 that the
- 24                   order no longer applies to the authorisation;
- 25               and
- 26           (b) if a person is disqualified under a written law from
- 27               holding a relevant authorisation, an order under this
- 28               section does not affect the disqualification.

1 **31. Decision-maker may modify or remove conditions of**  
2 **authorisations during operative period**

3 (1) In this section —

4 *meter* has the meaning given in the *Rights in Water and*  
5 *Irrigation Act 1914* Schedule 1 clause 46(5);

6 *relevant authorisation* means an authorisation listed in  
7 column 1 of the Table to subsection (2).

8 (2) If a relevant authorisation is subject to a condition of a type  
9 listed in column 2 of the Table, a person (the *decision-maker*)  
10 listed in column 3 of the Table opposite the authorisation may  
11 determine, by order made during the operative period for this  
12 section, that the condition —

13 (a) no longer applies; or

14 (b) applies with the modifications set out in the order.

15

**Table**

<b>Authorisation</b>	<b>Condition</b>	<b>Decision-maker</b>
A clearing licence under the <i>Country Areas Water Supply Act 1947</i> section 12C	Any condition of the licence imposed under the <i>Country Areas Water Supply Act 1947</i>	The portfolio Minister for the <i>Country Areas Water Supply Act 1947</i>
A licence under the <i>Rights in Water and Irrigation Act 1914</i> section 5C	A condition about meters imposed on the licence by regulations made under the <i>Rights in Water and Irrigation Act 1914</i>	The portfolio Minister for the <i>Rights in Water and Irrigation Act 1914</i>

A prescribed authorisation	A prescribed class of conditions in relation to the prescribed authorisation	A prescribed person who grants the prescribed authorisation
----------------------------	--	---

- 1           Note for this subsection:  
 2                 See section 104 for provisions about orders.
- 3       (3)   The decision-maker cannot make the order unless satisfied that  
 4           the order is necessary or expedient for a purpose in section 3.
- 5       (4)   An order may apply to a relevant authorisation that has been the  
 6           subject of a previous order under this section.
- 7       (5)   An order ceases to have effect at the end of —
- 8                 (a)   the 1<sup>st</sup> anniversary of the day on which the order comes  
 9                         into operation; or
- 10                (b)   if an earlier day is specified in the order — that day.
- 11       (6)   Subject to section 32, during the period an order is in effect a  
 12           person is taken to have satisfied a condition of a relevant  
 13           authorisation the subject of the order if, under the order, the  
 14           condition —
- 15                 (a)   no longer applies to the authorisation; or
- 16                 (b)   applies with modifications and the modified condition is  
 17                         satisfied.
- 18       **32.   Decision-maker may decide order no longer applies to**  
 19           **relevant authorisation if condition of order breached**
- 20       (1)   If a condition of an order made under section 30 or 31 is not  
 21           satisfied in relation to a relevant authorisation, the  
 22           decision-maker for the relevant authorisation may decide that  
 23           the order no longer applies to the authorisation.

- 1 (2) Before making a decision under subsection (1), the  
2 decision-maker must —
- 3 (a) give the holder of the relevant authorisation a written  
4 notice stating that —
- 5 (i) a condition of the order has not been satisfied in  
6 relation to the relevant authorisation; and
- 7 (ii) because the condition of the order has not been  
8 satisfied, the decision-maker may make a  
9 decision under subsection (1); and
- 10 (iii) the holder may make a written submission about  
11 the decision during a period (of not less than  
12 28 days from the day on which the notice is  
13 received by the holder) stated in the notice;
- 14 and
- 15 (b) consider any submissions received under  
16 paragraph (a)(iii).
- 17 (3) After making a decision under subsection (1), the  
18 decision-maker must give the holder of the relevant  
19 authorisation a written notice setting out —
- 20 (a) the decision; and
- 21 (b) if the decision is that the order no longer applies to the  
22 relevant authorisation — the reasons for the decision.

23 **Division 3 — Specific provisions**

24 **33. Exemption from local planning scheme taken to be**  
25 **exemption from region planning scheme**

- 26 (1) In this section —
- 27 *clause 78H notice* means a notice made under the *Planning and*  
28 *Development (Local Planning Schemes) Regulations 2015*  
29 *Schedule 2 clause 78H(1) or (6).*



- 1       (2) This section applies if —
- 2           (a) a person does something (whether before or after the
- 3               day on which this section comes into operation)
- 4               pursuant to an exemption from a planning requirement
- 5               in a clause 78H notice in force when the thing is done;
- 6               and
- 7           (b) the thing done contravenes a requirement or provision of
- 8               a region planning scheme.
- 9       (3) Despite the requirement or provision of the region planning
- 10           scheme, the thing done is, and is taken to always have been,
- 11           done pursuant to an exemption from the requirement or
- 12           provision.
- 13   **34.     Extension of certain time limits under relevant schemes**
- 14       (1) In this section —
- 15           *development approval* means an approval granted under a
- 16           relevant scheme;
- 17           *relevant scheme* means an improvement scheme as defined in
- 18           the *Planning and Development Act 2005* section 4(1) or a region
- 19           planning scheme.
- 20       (2) This section applies to a development approval that —
- 21           (a) is valid on 8 April 2020; or
- 22           (b) is granted on or after 8 April 2020 if, at the time it is
- 23               granted, a COVID emergency declaration is in effect.
- 24       (3) Despite anything provided in a development approval or in the
- 25           relevant scheme under which it is granted, the development
- 26           approval —
- 27           (a) remains valid until the day which is 2 years after the day
- 28               on which, but for this section, it would have ceased to be
- 29               valid; and
- 30           (b) lapses if the development has not been substantially
- 31               commenced before that day.

- 1 (4) A development which has been substantially commenced by the  
2 day provided by subsection (3)(a) is taken to have been  
3 substantially commenced within the time required under the  
4 development approval and the relevant scheme under which it is  
5 granted.
- 6 (5) This section does not prevent the time until which a  
7 development approval remains valid or the time within which a  
8 development is required to be substantially commenced from  
9 being varied by an amendment to the development approval  
10 made under the *Planning and Development Act 2005*.

11 **Division 4 — End of operative periods for provisions of Part**

12 **35. Postponing ending of operative periods for provisions of this**  
13 **Part**

- 14 (1) The Governor, on the recommendation of the Minister, may, by  
15 proclamation made before the operative period for a provision  
16 of this Part ends, postpone the end of the operative period until a  
17 day specified for the provision in the proclamation.
- 18 (2) The Minister cannot make a recommendation for the purposes  
19 of subsection (1) unless satisfied that postponing the end of the  
20 operative period for a provision is necessary or expedient for a  
21 purpose in section 3.
- 22 (3) The Governor may postpone the end of an operative period  
23 more than once, but cannot specify a day that is after  
24 30 June 2025.
- 25 (4) Each postponement of the operative period for a provision  
26 cannot be for longer than 12 months beginning on the day after  
27 the most recent day on which the operative period would have  
28 ended.
- 29 (5) The *Interpretation Act 1984* section 42 applies to and in relation  
30 to a proclamation as if the proclamation were a regulation.

1 **36. End of operative period does not affect things done during**  
2 **period**

3 The ending of the operative period for a provision of this Part  
4 does not affect anything done during the operative period in  
5 reliance on the provision.

6 **37. Orders cease to have effect at the end of 30 June 2025**

7 An order made under this Part that has not ceased to have effect  
8 on or before 30 June 2025 ceases to have effect at the end of  
9 that day.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**Part 4 — Modification of Acts**

**Division 1 — *Bail Act 1982* modified**

**38. Act modified**

- (1) The *Bail Act 1982* applies as if modified as set out in this Division.
- (2) Subsection (1) ceases to have effect at the end of 31 December 2021.
- (3) The cessation of subsection (1) may be postponed under section 53.

**39. Section 43A modified**

Delete section 43A(2) and insert:

- (2) This section applies if —
  - (a) a proposed surety is in another State or a Territory; or
  - (b) it is impracticable for the proposed surety to enter into a surety undertaking in person before a relevant official.

**Division 2 — *Mental Health Act 2014* modified**

**40. Term used: Mental Health Infection Control Directions**

For the purposes of this Division —

***Mental Health Infection Control Directions*** means the directions, referred to as the Mental Health Infection Control Directions —

- (a) made under the *Public Health Act 2016* sections 157 and 190 on 6 April 2020; and

- 1 (b) that provide for infection control measures, relating to  
2 the COVID-19 pandemic, to be followed when  
3 conducting assessments and examinations under the  
4 *Mental Health Act 2014*.

5 **41. Act modified**

- 6 (1) The *Mental Health Act 2014* applies as if modified as set out in  
7 this Division.  
8 (2) Subsection (1) has effect while the Mental Health Infection  
9 Control Directions, or any replacement directions, have effect.

10 **42. Section 48 modified**

11 After section 48(4) insert:  
12

- 13 (5) Despite any other provision of this section, an  
14 assessment may be conducted using audiovisual  
15 communication if the practitioner is satisfied that it is  
16 necessary or expedient to do so to comply with the  
17 requirements of the Mental Health Infection Control  
18 Directions or any replacement directions.  
19

20 **43. Section 79 modified**

- 21 (1) Delete section 79(3)(c) and insert:  
22

23 (c) a health professional and the person being  
24 examined —

- 25 (i) are in one another's physical presence;  
26 or

- 1 (ii) if that is not practicable — are able to  
2 hear one another without using a  
3 communication device (for example, by  
4 being able to hear one another through a  
5 door).  
6

7 (2) After section 79(6) insert:  
8

- 9 (7) Despite any other provision of this section, an  
10 examination may be conducted using audiovisual  
11 communication if the psychiatrist or practitioner is  
12 satisfied that it is necessary or expedient to do so to  
13 comply with the requirements of the Mental Health  
14 Infection Control Directions or any replacement  
15 directions.  
16

17 **44. Validation of assessments and examinations**

- 18 (1) This section applies to an assessment or examination under the  
19 *Mental Health Act 2014* Part 6 Division 2 or 3 conducted —  
20 (a) using audiovisual communication; and  
21 (b) on or after 7 April 2020 (the day on which the Mental  
22 Health Infection Control Directions commenced to have  
23 effect) and before the day on which this section comes  
24 into operation.
- 25 (2) The assessment or examination, and any referral or order made  
26 as a result, is as valid and effective, and is to be taken to have  
27 always been as valid and effective, as it would have been if —  
28 (a) the modifications set out in this Division had been in  
29 effect at the time of the assessment or examination; and  
30 (b) the psychiatrist or practitioner had been satisfied as  
31 described in those modifications.



1 (3) The cessation of subsection (1) may be postponed under  
2 section 53.

3 **48. Section 14 modified**

4 In section 14(1) delete “section 14A.” and insert:

5

6 section 14A or audio link under section 14B.

7

8 **49. Section 14B inserted**

9 After section 14A insert:

10

11 **14B. Use of audio link for sentencing**

12 (1) In this section —

13 *audio link* means facilities, including telephones, that  
14 enable, at the same time, a court at one place to hear a  
15 person at another place and vice versa;

16 *non-custodial sentence* means a sentence imposed  
17 under Part 7, 8, 8A, 9 or 10;

18 *video link* has the meaning given in section 14A(4).

19 (2) A court sentencing an offender may, on an application  
20 by the offender, direct that the offender appear before it  
21 by audio link from a place in this State.

22 (3) The court must not make a direction under  
23 subsection (2) unless all of the following circumstances  
24 apply —

25 (a) the offender has been convicted of an offence  
26 on a plea of guilty;

27 (b) the court proposes to impose a non-custodial  
28 sentence on the offender in respect of the  
29 offence;



- 1 (c) the court is satisfied that —
- 2 (i) the audio link is available or can
- 3 reasonably be made available; and
- 4 (ii) the direction is in the interests of justice.
- 5 (4) The place where an offender attends for sentencing by
- 6 audio link is taken to be part of the court for the
- 7 purposes of the sentencing.
- 8 (5) An audio link must not be used under this section if a
- 9 video link is available or can reasonably be made
- 10 available.
- 11

12 **50. Section 34 modified**

13 In section 34(1) delete “section 14A,” and insert:

14

15 section 14A or audio link under section 14B,

16

17 **Subdivision 2 — *Criminal Procedure Act 2004* modified**

18 **consequentially**

19 **51. Act modified**

- 20 (1) The *Criminal Procedure Act 2004* applies as if modified as set
- 21 out in this Subdivision.
- 22 (2) Subsection (1) ceases to have effect when section 47(1) ceases
- 23 to have effect.

24 **52. Section 77 modified**

25 In section 77(7) delete “section 14A.” and insert:

26

27 section 14A or 14B.

28

1 **Division 5 — Postponing cessation of modifying provisions**

2 **53. Postponing cessation of modifying provisions**

- 3 (1) If, under this Part, the cessation of a provision that provides for  
4 the modification of an Act may be postponed, the Governor, on  
5 the recommendation of the portfolio Minister, may postpone the  
6 cessation of the provision to a day specified in a proclamation  
7 made before the provision ceases.
- 8 (2) The portfolio Minister cannot make a recommendation for the  
9 purposes of subsection (1) unless satisfied that postponing the  
10 cessation of the provision is necessary or expedient for a  
11 purpose in section 3.
- 12 (3) The Governor may postpone the cessation of a provision more  
13 than once, but cannot specify a day that is after 30 June 2025.
- 14 (4) Each postponement of the cessation of a provision cannot be for  
15 longer than 12 months beginning on the day after the most  
16 recent day at the end of which the provision would have ceased.
- 17 (5) The *Interpretation Act 1984* section 42 applies to and in relation  
18 to a proclamation as if the proclamation were a regulation.

---

**Part 5 — Acts amended: facilitating electronic transactions**

**Division 1 — Extending the application of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013***

**54. Administration Act 1903 amended**

(1) This section amends the *Administration Act 1903*.

(2) At the end of Part 1 insert:

**3A. Courts and Tribunals (Electronic Processes Facilitation) Act 2013 Pt. 2 applies**

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

**55. Coroners Act 1996 amended**

(1) This section amends the *Coroners Act 1996*.

(2) At the end of Part 1 insert:

**4A. Courts and Tribunals (Electronic Processes Facilitation) Act 2013 Pt. 2 applies**

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

**56. Courts and Tribunals (Electronic Processes Facilitation) Act 2013 amended**

(1) This section amends the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013*.

**COVID-19 Response and Economic Recovery Omnibus Bill 2020**

**Part 5** Acts amended: facilitating electronic transactions

**Division 1** Extending the application of the Courts and Tribunals  
(Electronic Processes Facilitation) Act 2013

**s. 57**

---

- 1 (2) In section 6(1):  
2 (a) before paragraph (a) insert:  
3  
4 (aa) the *Administration Act 1903*;  
5  
6 (b) after paragraph (c) insert:  
7  
8 (ca) the *Coroners Act 1996*;  
9  
10 (c) after paragraph (e) insert:  
11  
12 (ea) the *Criminal Investigation Act 2006*;  
13 (eb) the *Criminal Investigation (Extra-territorial*  
14 *Offences) Act 1987*;  
15 (ec) the *Criminal Investigation (Identifying People)*  
16 *Act 2002*;  
17  
18 (d) after paragraph (j) insert:  
19  
20 (ja) the *Family Court Act 1997*;  
21  
22 (e) after paragraph (k) insert:  
23  
24 (ka) the *Juries Act 1957*;  
25  
26 (f) after paragraph (n) insert:  
27  
28 (na) the *Sentence Administration Act 2003*;  
29

30 **57. Criminal Investigation Act 2006 amended**

- 31 (1) This section amends the *Criminal Investigation Act 2006*.



1 **60. *Family Court Act 1997* amended**

2 (1) This section amends the *Family Court Act 1997*.

3 (2) At the end of Part 1 insert:  
4

5 **9B. *Courts and Tribunals (Electronic Processes***  
6 ***Facilitation) Act 2013 Pt. 2* applies**

7 The *Courts and Tribunals (Electronic Processes*  
8 *Facilitation) Act 2013* Part 2 applies to this Act.  
9

10 **61. *Juries Act 1957* amended**

11 (1) This section amends the *Juries Act 1957*.

12 (2) At the end of Part 1 insert:  
13

14 **3B. *Courts and Tribunals (Electronic Processes***  
15 ***Facilitation) Act 2013 Pt. 2* applies**

16 The *Courts and Tribunals (Electronic Processes*  
17 *Facilitation) Act 2013* Part 2 applies to this Act.  
18

19 **62. *Sentence Administration Act 2003* amended**

20 (1) This section amends the *Sentence Administration Act 2003*.

21 (2) At the end of Part 1 insert:  
22

23 **4A. *Courts and Tribunals (Electronic Processes***  
24 ***Facilitation) Act 2013 Pt. 2* applies**

25 The *Courts and Tribunals (Electronic Processes*  
26 *Facilitation) Act 2013* Part 2 applies to this Act.  
27

1 **Division 2 — Amendment of environmental and water related**  
2 **legislation**

3 **Subdivision 1 — *Contaminated Sites Act 2003* amended**

4 **63. Act amended**

5 This Subdivision amends the *Contaminated Sites Act 2003*.

6 **64. Schedule 2 amended**

7 After Schedule 2 item 1 insert:

8

- 9 1A. Providing for notices, reports, approvals or other documents  
10 to be given, sent or served under this Act by electronic  
11 communication (as defined in the *Electronic Transactions*  
12 *Act 2011* section 5(1)) and providing for the proof of that  
13 giving, sending or service.  
14

15 **Subdivision 2 — *Litter Act 1979* amended**

16 **65. Act amended**

17 This Subdivision amends the *Litter Act 1979*.

18 **66. Section 33 amended**

19 Before section 33(2)(a) insert:

20

- 21 (aa) providing for notices or other documents to be  
22 given, sent or served under this Act by  
23 electronic communication (as defined in the  
24 *Electronic Transactions Act 2011* section 5(1))  
25 and providing for the proof of that giving,  
26 sending or service; and  
27

1 **Subdivision 3 — *Rights in Water and Irrigation Act 1914* amended**

2 **67. Act amended**

3 This Subdivision amends the *Rights in Water and Irrigation*  
4 *Act 1914*.

5 **68. Section 6 amended**

6 Delete section 6(6)(b)(iii) and insert:

7

8 (iii) indicating how submissions may be  
9 provided.

10

11 **69. Section 26GZB amended**

12 Delete section 26GZB(b) and insert:

13

14 (b) by giving them to the Minister, in a manner  
15 designated by the Minister, and so that they are  
16 received within that period.

17

18 **70. Section 26GZG amended**

19 Delete section 26GZG(4)(b) and insert:

20

21 (b) by giving them to the Minister, in a manner  
22 designated by the Minister, and so that they are  
23 received within that period.

24



1    **71.    Section 26N amended**

2           Delete section 26N(3)(b)(iii) and insert:

3

4                                   (iii)   indicating how submissions may be  
5                                   provided.

6

7    **72.    Section 27 amended**

8           After section 27(1)(f) insert:

9

10                               (fa)   giving, sending or serving by electronic  
11                               communication (as defined in the *Electronic*  
12                               *Transactions Act 2011* section 5(1)) notices or  
13                               other documents to be given, sent or served  
14                               under this Act and how that giving, sending or  
15                               service may be proven; and

16

17   **73.    Section 66 amended**

18       (1)   In section 66(1):

19           (a)   in paragraph (c) delete “abode.” and insert:

20

21                               abode;

22

23           (b)   after paragraph (c) insert:

24

25                               (d)   by sending the same by electronic  
26                               communication (as defined in the *Electronic*  
27                               *Transactions Act 2011* section 5(1)) in the  
28                               manner provided for in the regulations.

29

1 (2) In section 66(4) delete the passage that begins with  
2 “partnership, by” and ends with “State.” and insert:  
3

4 partnership by —

5 (a) being delivered to, left at, or posted in a prepaid  
6 letter to the registered office or principal place  
7 of business in the State of the corporation,  
8 company, or partnership; or

9 (b) being sent by electronic communication (as  
10 defined in the *Electronic Transactions Act 2011*  
11 section 5(1)) in the manner provided for in the  
12 regulations.  
13

14 **Subdivision 4 — Waste Avoidance and Resource Recovery Act 2007**  
15 **amended**

16 **74. Act amended**

17 This Subdivision amends the *Waste Avoidance and Resource*  
18 *Recovery Act 2007*.

19 **75. Section 28 amended**

20 Delete section 28(b) and insert:  
21

22 (b) by —

23 (i) delivering or posting them so that they  
24 are received within that period at the  
25 offices of the Waste Authority; or

26 (ii) sending them by electronic  
27 communication (as defined in the  
28 *Electronic Transactions Act 2011*  
29 section 5(1)) in the manner provided for  
30 in the regulations so that they are

1 received by the Waste Authority within  
2 that period.  
3

4 **76. Section 47 amended**

5 Delete section 47(4)(b) and insert:  
6

7 (b) by —

8 (i) delivering or posting them so that they  
9 are received within that period at the  
10 offices of the Waste Authority; or

11 (ii) sending them by electronic  
12 communication (as defined in the  
13 *Electronic Transactions Act 2011*  
14 section 5(1)) in the manner provided for  
15 in the regulations so that they are  
16 received by the Waste Authority within  
17 that period.  
18

19 **77. Schedule 3 amended**

20 After Schedule 3 item 2 insert:  
21

22 2A. Without limiting item 1 or 2, providing for notices,  
23 directions or other documents to be given, sent or served  
24 under this Act by electronic communication (as defined in  
25 the *Electronic Transactions Act 2011* section 5(1)) and  
26 providing for the proof of that giving, sending or service.  
27

28 **Subdivision 5 — *Water Agencies (Powers) Act 1984* amended**

29 **78. Act amended**

30 This Subdivision amends the *Water Agencies (Powers)*  
31 *Act 1984*.

1 **79. Section 36 amended**

2 In section 36(4):

3 (a) in paragraph (e) delete “verified.” and insert:

4

5 verified; and

6

7 (b) after paragraph (e) insert:

8

9 (f) without limiting paragraph (e), may provide for  
10 notices to be given, sent or served under this  
11 Act by electronic communication (as defined in  
12 the *Electronic Transactions Act 2011*  
13 section 5(1)) and for the proof of that giving,  
14 sending or service.  
15

16 **Subdivision 6 — *Water Services Act 2012* amended**

17 **80. Act amended**

18 This Subdivision amends the *Water Services Act 2012*.

19 **81. Section 222 amended**

20 After section 222(2)(j) insert:

21

22 (ja) without limiting paragraph (j), provide for  
23 notices and other instruments and documents to  
24 be given, sent or served under this Act by  
25 electronic communication (as defined in the  
26 *Electronic Transactions Act 2011* section 5(1))  
27 and providing for the proof of that giving,  
28 sending or service;  
29



**COVID-19 Response and Economic Recovery Omnibus Bill 2020**

**Part 6** Acts amended: miscellaneous matters

**Division 3** Criminal Procedure Act 2004 amended

**s. 86**

---

- 1 taking part in the meeting to communicate with each  
2 other at the same time in a reasonably continuous way.
- 3 (2) A meeting of the Executive Council may be held —  
4 (a) in person; or  
5 (b) using remote communication; or  
6 (c) by a mix of those 2 ways of meeting.
- 7 (3) A person (including the Governor or any member who  
8 is presiding) who participates in a meeting of the  
9 Executive Council using remote communication is  
10 taken to be present at the meeting.
- 11 (4) This section applies despite anything in any Letters  
12 Patent relating to the office of Governor.  
13

14 **Division 3 — *Criminal Procedure Act 2004* amended**

15 **86. Act amended**

16 This Division amends the *Criminal Procedure Act 2004*.

17 **87. Section 21 amended**

18 Delete section 21(3) and insert:  
19

- 20 (3) A prosecution is commenced on the day on which a  
21 prosecution notice, signed in accordance with  
22 section 23, is lodged with the court in which the  
23 prosecution is being commenced, whether or not the  
24 notice has been served on the accused.  
25

1 **88. Section 23 amended**

2 (1) In section 23(2)(d) delete “in accordance with subsection (3)  
3 and, if necessary, subsection (4).” and insert:

4  
5 by the person who is commencing the prosecution.  
6

7 (2) Delete section 23(3), (4) and (5).

8 **89. Schedule 1 clause 3 amended**

9 In Schedule 1 clause 3(2) delete “section 23(3).” and insert:

10  
11 section 23.  
12

13 **Division 4 — Evidence Act 1906 amended**

14 **90. Act amended**

15 This Division amends the *Evidence Act 1906*.

16 **91. Section 106K amended**

17 (1) Delete section 106K(3)(a) and insert:

18  
19 (a) the accused must not be in the same room as  
20 the affected child when the child’s evidence is  
21 being taken but must be able to —

22 (i) observe the proceedings by means of a  
23 closed circuit television system and at  
24 all times have the means of  
25 communicating with the accused’s  
26 counsel; or

**COVID-19 Response and Economic Recovery Omnibus Bill 2020**

**Part 6** Acts amended: miscellaneous matters

**Division 4** Evidence Act 1906 amended

**s. 91**

---

1 (ii) in accordance with subsection (3A),  
2 listen to the proceedings by means of an  
3 audio link and at all times have the  
4 means of communicating with the  
5 accused's counsel;

6 and

7

8 (2) After section 106K(3) insert:

9

10 (3A) Subsection (3)(a)(ii) applies to the accused if, in the  
11 opinion of the judge, it is not desirable for the accused  
12 to attend court due to the accused's health or another  
13 reason the judge thinks fit.

14 (3B) If the accused hears the proceedings by means of an  
15 audio link under subsection (3)(a)(ii), the accused must  
16 be provided with a reasonable opportunity to view a  
17 copy of the visually recorded evidence before the  
18 evidence is presented to the court.

19

20 (3) After section 106K(4) insert:

21

22 (4A) A person must not make a copy of, or otherwise  
23 reproduce, the proceedings, or any part of the  
24 proceedings, heard by means of an audio link under  
25 subsection (3)(a)(ii).

26 Penalty for this subsection: a fine of \$5 000.

27 (4B) A person must not play, supply or offer to supply any  
28 copy of, or reproduction of, the proceedings, or any  
29 part of the proceedings, heard by means of an audio  
30 link under subsection (3)(a)(ii).

31 Penalty for this subsection: a fine of \$5 000.



1 (4C) A person must not broadcast the proceedings, or any  
2 part of the proceedings, heard by means of an audio  
3 link under subsection (3)(a)(ii).

4 Penalty for this subsection: imprisonment for 1 year  
5 and a fine of \$100 000.  
6

7 **92. Section 106N amended**

8 In section 106N(2)(a) delete “outside the courtroom but within  
9 the court precincts,” and insert:

10  
11 at a place, other than the courtroom, that is approved by the  
12 court,  
13

14 **Division 5 — Interpretation Act 1984 amended and**  
15 **consequential amendments**

16 **Subdivision 1 — Interpretation Act 1984 amended**

17 **93. Act amended**

18 This Subdivision amends the *Interpretation Act 1984*.

19 **94. Section 3 amended**

20 In section 3(3) delete “45,”.

21 **95. Section 45 amended**

22 Delete section 45(3).

23 **Subdivision 2 — Consequential amendments**

24 **96. Auction Sales Act 1973 amended**

25 (1) This section amends the *Auction Sales Act 1973*.

26 (2) Delete section 37(2).

**COVID-19 Response and Economic Recovery Omnibus Bill 2020**

**Part 6** Acts amended: miscellaneous matters

**Division 5** Interpretation Act 1984 amended and consequential amendments

**s. 97**

---

1 **97. *Debt Collectors Licensing Act 1964* amended**

2 (1) This section amends the *Debt Collectors Licensing Act 1964*.

3 (2) Delete section 26(2).

4 **98. *Employment Agents Act 1976* amended**

5 (1) This section amends the *Employment Agents Act 1976*.

6 (2) Delete section 52(4).

7 **99. *Finance Brokers Control Act 1975* amended**

8 (1) This section amends the *Finance Brokers Control Act 1975*.

9 (2) Delete section 95(3).

10 **100. *Land Valuers Licensing Act 1978* amended**

11 (1) This section amends the *Land Valuers Licensing Act 1978*.

12 (2) Delete section 36(3).

13 **101. *Motor Vehicle Dealers Act 1973* amended**

14 (1) This section amends the *Motor Vehicle Dealers Act 1973*.

15 (2) Delete section 56(3).

16 **102. *Real Estate and Business Agents Act 1978* amended**

17 (1) This section amends the *Real Estate and Business Agents*  
18 *Act 1978*.

19 (2) Delete section 145(3).

20 **103. *Transfer of Land Act 1893* amended**

21 (1) This section amends the *Transfer of Land Act 1893*.

22 (2) Delete section 181(3).

**Part 7 — Miscellaneous****104. Provisions about orders made under Act**

(1) This section applies to an order made under this Act.

Note for this subsection:

Orders may be made under sections 8, 9, 30 and 31.

(2) The order is subsidiary legislation for the purposes of the *Interpretation Act 1984*.

(3) The *Interpretation Act 1984* section 43(1) and (6) do not apply to the order, however, the order must not be inconsistent with this Act.

(4) The order must, while in effect, be published on a website maintained by, or on behalf of —

(a) the person who made the order; or

(b) if there is no website maintained by, or on behalf of, that person — the agency or non-SES organisation principally assisting in the administration of the Act in relation to which the order is made.

(5) A failure to comply with subsection (4) does not affect the validity of the order.

**105. Effect of provisions of this Act, certain regulations and orders ceasing to have effect**

When a provision of this Act or an order made under this Act, ceases to have effect, the *Interpretation Act 1984* section 37 applies as if the provision, regulation or order had been repealed.

**s. 106**

---

- 1     **106.     Regulations**
- 2           (1)   The Governor may make regulations prescribing all matters that  
3           are required or permitted by this Act to be prescribed, or are  
4           necessary or convenient to be prescribed, for giving effect to the  
5           purposes of this Act.
- 6           (2)   The regulations may deal with all matters of a savings or  
7           transitional nature arising as a result of —
- 8                 (a)   a provision of this Act ceasing to have effect; or  
9                 (b)   an order made under this Act ceasing to have effect.
- 10          (3)   Regulations made for the purposes of subsection (2) may —
- 11                 (a)   have effect despite any other written law; or  
12                 (b)   provide that a specified provision of another written law  
13                 does not apply, or applies with specified modifications,  
14                 to or in relation to a matter.
- 15          (4)   If regulations made for the purposes of subsection (2) provide  
16           that a specified state of affairs is taken to have existed, or not to  
17           have existed, on and from a day that is earlier than the day on  
18           which the regulations come into operation (but not earlier than  
19           the day on which the relevant provision or order ceased to have  
20           effect), the regulations have effect according to their terms.
- 21          (5)   If regulations made for the purposes of subsection (2) contain a  
22           provision referred to in subsection (4), the provision does not  
23           operate so as to —
- 24                 (a)   affect, in a manner prejudicial to any person (other than  
25                 the State or a public authority), rights of that person  
26                 existing before the day on which the regulations come  
27                 into operation; or
- 28                 (b)   impose liabilities on any person (other than the State or  
29                 a public authority) in respect of anything done or  
30                 omitted to be done before the day on which the  
31                 regulations come into operation.

- 1 (6) Regulations made for the purposes of subsection (2) must be  
2 made within a period that is reasonably and practicably  
3 necessary to deal with the savings or transitional matter, and  
4 cannot be made after 30 June 2025.
- 5 (7) Regulations made for the purposes of subsection (2) are  
6 additional to any relevant provisions of the *Interpretation*  
7 *Act 1984*.
- 8 (8) In subsection (5) —  
9 ***public authority*** means —
- 10 (a) a Minister of the State; or  
11 (b) an agency, authority or instrumentality of the State; or  
12 (c) a body, whether incorporated or not, that is established  
13 or continued for a public purpose by or under a written  
14 law; or  
15 (d) a local government or regional local government.

16



## Defined terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
agency .....	4(1)
authorisation.....	4(1)
body .....	12
chief employee .....	7
clause 78H notice .....	33(1)
COVID emergency declaration.....	4(1)
decision-maker.....	30(2), 31(2)
development approval.....	34(1)
Environment CEO.....	30(1)
expire .....	30(1)
fee .....	7
Mental Health Infection Control Directions .....	40
meter .....	31(1)
new expiry day.....	30(2)
non-SES organisation.....	4(1)
operative period .....	29
original expiry day .....	30(1)
person A.....	23(1) and (2)
portfolio Minister .....	4(1)
prescribed.....	4(1)
prescribed body.....	14
public authority .....	106(8)
region planning scheme .....	29
relevant authorisation.....	30(1), 31(1)
relevant scheme.....	34(1)
sign.....	24(1)
Transport CEO.....	29
validated meeting or decision .....	19(2)
validated reduction, waiver or refund .....	11(3)
validation period .....	11(1)
witness .....	23(1) and (2)