

Commercial Tenancies (COVID-19 Response) Amendment Regulations 2021

SL 2021/8

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Commercial Tenancies (COVID-19 Response) Amendment Regulations 2021*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Commercial Tenancies (COVID-19 Response) Regulations 2020*.

4. Regulation 4AA inserted

After regulation 4 insert:

4AA. Modified s. 9 of Act applies to certain cases after emergency period (s. 23)

- (1) For the purposes of section 23 of the Act, after the emergency period, section 9 of the Act applies as if amended as set out in subregulation (3) to a case where the grounds for taking prohibited action is a breach that —
 - (a) occurred when the tenant was an eligible tenant in relation to the small commercial lease; and
 - (b) is the subject of a dispute that is being dealt with, but is not yet resolved, under Part 5 of the Act.
- (2) For the purposes of subregulation (1)(b), a dispute is being dealt with under Part 5 if a party to the dispute has —

- (a) under section 18 of the Act, requested the Commissioner to undertake alternative dispute resolution with the other party in respect of the dispute; or
 - (b) under section 16 of the Act, applied to the Tribunal to have the dispute determined by the Tribunal.
- (3) In section 9 delete “cannot take prohibited action during the emergency period” and insert:

cannot take prohibited action after the emergency period

N. HAGLEY, Clerk of the Executive Council.