

South Australia

COVID-19 Emergency Response (Commercial Leases) Regulations 2020

under the *COVID-19 Emergency Response Act 2020*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Commercial leases—financial hardship

Legislative history

1—Short title

These regulations may be cited as the *COVID-19 Emergency Response (Commercial Leases) Regulations 2020*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations, unless the contrary intention appears—
Act means the *COVID-19 Emergency Response Act 2020*.

4—Commercial leases—financial hardship

- (1) Pursuant to section 19(2)(a) of the Act, for the purposes of section 7 of the Act, a lessee will be taken to be suffering financial hardship as a result of the COVID-19 pandemic if the lessee is eligible for, or receiving, a JobKeeper payment in respect of the business of the lessee (whether in their capacity as an employer or on their own behalf).
- (2) Pursuant to section 19(2)(b) of the Act, the Small Business Commissioner must, in making a determination under section 7(8)(b) of the Act, have regard to the following:
 - (a) whether or not the lessee is eligible for, or is receiving, a JobKeeper payment in respect of the business of the lessee (whether in their capacity as an employer or on their own behalf);
 - (b) any reduction in turnover of the business of the lessee (as verified by financial records or statements provided by the lessee) during a specified period as compared with another specified period determined by the Commissioner as being relevant to the circumstances of whether or not the lessee is suffering financial hardship as a result of COVID-19.

(3) In this regulation—

JobKeeper payment means the fortnightly wage subsidy announced by the Prime Minister on 30 March 2020 due to the COVID-19 pandemic to employers for the purposes of employers continuing to pay their employees.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *COVID-19 Emergency Response (Commercial Leases) Regulations 2020* were revoked by Sch 1 of the *COVID-19 Emergency Response (Commercial Leases No 2) Regulations 2020* on 15.5.2020.

Principal regulations

Year	No	Reference	Commencement
2020	46	<i>Gazette 16.4.2020 p779</i>	16.4.2020: r 2