

South Australia

# COVID-19 Emergency Response Act 2020

An Act to make various temporary modifications of the law of the State in response to the COVID-19 pandemic and for other purposes.

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### Legislative history

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

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

#### 2—Commencement

- (1) Subject to this section, this Act comes into operation on the day on which it is assented to by the Governor.
- (2) Sections 7 to 9 (inclusive) will be taken to have come into operation on 30 March 2020.

#### 3—Interpretation

In this Act, unless the contrary intention appears—

*instrument* includes any document that affects legal rights or obligations;

*relevant declaration* means a declaration under Part 4 Division 3 of the *Emergency Management Act 2004* or a declaration under section 87 of the *South Australian Public Health Act 2011*.

#### 4—Application of Act

It is the intention of the Parliament that this Act apply within the State and outside the State to the full extent of the extraterritorial legislative capacity of the Parliament.

#### 5—Interaction with other Acts

Except as is provided in this Act, this Act is in addition to and does not limit, or derogate from, the provisions of any other Act or law.

#### 6—Expiry of Act

- (1) The Minister—
  - (a) may, by notice in the Gazette, fix a day, or days, on which particular provisions of—
    - (i) Part 2; or
    - (iii) Schedule 2,will expire; and
  - (b) must, by notice in the Gazette, fix a day on which—
    - (i) all provisions of Part 2 (other than section 7, section 10A(5) and (6) and section 20); and
    - (iii) all provisions of Schedule 2,will expire (if they have not previously expired in accordance with this section); and
  - (c) may, by notice in the Gazette, fix a day on which this Act will finally expire.

- (2) The day fixed by the Minister for the purposes of subsection (1)(b) must be—
- (a) 28 days after the day on which all relevant declarations relating to the outbreak of the human disease named COVID-19 within South Australia have ceased; or
  - (b) 17 September 2021,
- whichever is the earlier.
- (3) For the avoidance of doubt (and without derogating from section 16 of the *Acts Interpretation Act 1915*), the expiry of a provision of this Act under this section does not affect the validity or operation of anything done in accordance with the provision before that expiry.

**Note—**

This means, for example, that a contract executed in accordance with any modified requirements under section 16 would remain validly executed even after the expiry of that section.

## **Part 2—General modifications**

### **8—Provisions applying to residential tenancies**

- (1) Subject to this section, the operation of the *Residential Tenancies Act 1995* is modified as follows:
- (a) the terms of any residential tenancy agreement will be taken to be modified to such extent necessary to give effect to the modifications made by this section;
  - (b) the landlord must not increase the rent payable under a residential tenancy agreement (whether under section 55 of that Act or otherwise) if the tenant is suffering financial hardship as a result of the COVID-19 pandemic;
  - (c) despite any other provision of that Act, or any other Act or law, an act or omission of the tenant required under the laws of the State in response to the COVID-19 pandemic will be taken not to amount to a breach of a residential tenancy agreement or otherwise amount to grounds for termination of the agreement;
  - (d) a tenant may have repairs carried out on the premises (in accordance with any agreement with the landlord relating to such repairs) without seeking prior approval (and section 68(3)(e) and (5) of that Act will be taken to apply to costs or compensation incurred by or owing to the tenant accordingly);
  - (e) section 78A of that Act will be taken not to apply in respect of—
    - (i) a breach of a residential tenancy agreement consisting of a failure to pay rent where the tenant is suffering financial hardship as a result of the COVID-19 pandemic; or
    - (ii) any act or omission of the tenant required under the laws of the State in response to the COVID-19 pandemic;
  - (f) a residential tenancy cannot be terminated under that Act solely on the grounds of a breach of a residential tenancy agreement consisting of a failure to pay rent where the tenant is suffering financial hardship as a result of the COVID-19 pandemic;

- (g) the Tribunal cannot terminate a residential tenancy or make an order for possession of the premises in respect of a breach of a residential tenancy agreement consisting of a failure to pay rent where the tenant is suffering financial hardship as a result of the COVID-19 pandemic;
- (h) on an application under section 89 of that Act relating to financial hardship suffered as a result of the COVID-19 pandemic, the Tribunal may, instead of or in addition to an order terminating the agreement, make such orders as the Tribunal thinks fit;
- (i) on an application under section 89 of that Act, as modified by paragraph (h), the Tribunal must have particular regard to the circumstances of the COVID-19 pandemic (including the need to ameliorate the effects of the pandemic in the State and the need to avoid homelessness during such a public health emergency);
- (j) despite any other Act or law, the Tribunal may, on application or otherwise in proceedings under that Act, make any order it considers appropriate in the circumstances of the COVID-19 pandemic (including an order that specified costs associated with the termination of a residential tenancy agreement be reduced or waived);
- (k) the Tribunal, on an application under section 93 of that Act (whether the application was made before or after the commencement of this section)—
  - (i) must have regard to the circumstances of the COVID-19 pandemic (including the need to ameliorate the effects of the pandemic in the State and the need to avoid homelessness during such a public health emergency); and
  - (ii) may, in a case where a tenant is suffering financial hardship as a result of the COVID-19 pandemic, despite section 93(4)(a), suspend the operation of an order under that section for such period, and on such conditions, as the Tribunal thinks fit; and
  - (iii) may, in a case where a tenant is suffering financial hardship as a result of the COVID-19 pandemic, despite section 93(4a), modify a residential tenancy agreement during such a period of suspended operation so as to reduce the tenant's immediate financial obligations under the agreement;
- (l) the Tribunal may, in relation to an order made under section 93(4)(a) of that Act before the commencement of this section, on an application by a tenant or landlord, further suspend the operation of the order for possession if the tenant is suffering financial hardship as a result of the COVID-19 pandemic;
- (m) the preceding paragraphs will be taken to apply in relation to a rooming house agreement under that Act (where a reference in a preceding paragraph to a provision of that Act will be taken to be a reference to a provision of a corresponding kind under Part 7 of that Act);
- (n) despite any other Act or law, the Tribunal must not make an order requiring interest to be paid on an amount payable by a tenant under a residential tenancy agreement;

- (o) despite a provision of any other Act or law, an order of the Tribunal contemplated by a preceding paragraph may have retrospective effect;
  - (p) section 99(4) of that Act does not apply in circumstances where the tenant, or another person lawfully residing in the premises, is self-isolating because they have, or may have, COVID-19;
  - (q) section 115 of that Act will be taken not to apply to an agreement or arrangement required by this section or otherwise required to give effect to this section;
  - (r) the following matters must not be recorded on a residential tenancies database:
    - (i) a matter consisting of, or relating to, a failure to pay rent due where the tenant is suffering financial hardship as a result of the COVID-19 pandemic;
    - (ii) any other matter that the Tribunal orders not to be so recorded;
    - (iii) any other matter prescribed by the regulations.
- (2) A purported termination or other action in contravention of the *Residential Tenancies Act 1995* (as modified by this section) will be taken to be void and of no effect.
- (3) A provision of the *Residential Tenancies Act 1995* not referred to in a preceding subsection will be taken to be modified to the extent necessary to give effect to the modifications set out in this section.
- (4) The Tribunal may, on application by a landlord or tenant under a residential tenancy agreement (whether or not the agreement is still in force), make such of the following orders as the Tribunal thinks fit:
- (a) an order modifying or suspending any prescribed order of the Tribunal made during the prescribed period in relation to a residential tenancy period;
  - (b) an order confirming, varying or quashing any prescribed action done, or purportedly done, by a landlord under the *Residential Tenancies Act 1995* in respect of a residential tenancy agreement during the prescribed period;
  - (c) any other order the Tribunal thinks appropriate to address the consequences of the retrospective commencement of this section.
- (5) An application under subsection (4) must be made within 28 days after the commencement of this section (or such longer period as the Tribunal may allow).
- (6) In making orders under this section, the Tribunal must have regard to the intended effect of the operation of this section as it relates to matters of the relevant kind.
- (7) Section 111 of the *Residential Tenancies Act 1995* applies in relation to orders under this section.
- (8) To avoid doubt, the jurisdiction conferred by this section comes within the original jurisdiction of the Tribunal.
- (9) Subject to any regulations under section 20, an order of the Tribunal under this section will be taken to be revoked on the day on which this section expires.
- (10) In this section, a reference to the payment of rent will be taken to include a reference to the payment of an amount relating to water supply and usage.

- (11) A term or phrase used in this section will, unless the contrary intention appears, have the same meaning as in the *Residential Tenancies Act 1995*.
- (12) In this section—
- prescribed action*, by a landlord, means an action taken by the landlord that would, if it occurred after the commencement of this section, contravene the *Residential Tenancies Act 1995* (as modified by this section);
- prescribed order* means an order of the Tribunal made, or having effect, during the prescribed period;
- prescribed period* means the period commencing on 30 March 2020 and ending on 9 April 2020.

### 9—Provisions applying to residential parks

- (1) The operation of the *Residential Parks Act 2007* is modified such that the modifications made by section 8 to the *Residential Tenancies Act 1995* (including, to avoid doubt, the provisions of section 8 relating to the Tribunal) apply in relation to the *Residential Parks Act 2007* as if a reference in that section to a residential tenancy agreement were a reference to a residential park tenancy agreement, residential park site agreement or residential park agreement (as the case requires).
- (2) A purported termination or other action in contravention of the *Residential Parks Act 2007* (as modified by this section) will be taken to be void and of no effect.
- (3) A term or phrase used in this section will, unless the contrary intention appears, have the same meaning as in the *Residential Parks Act 2007*.

### 10—Provisions applying to supported residential facilities

- (1) Subject to this section, the operation of the *Supported Residential Facilities Act 1992* is modified as follows:
- (a) a proprietor cannot take any other action under that Act for the purpose of terminating a resident contract, where—
- (i) the grounds for termination are a failure of the resident to pay fees and charges under the resident contract; and
- (ii) the resident is suffering financial hardship as a result of the COVID-19 pandemic;
- (b) a proprietor cannot increase fees and charges payable in relation to a resident contract;
- (c) a resident will be taken not to have breached a term of a resident contract or other agreement by complying with a direction or law relating to the COVID-19 pandemic that applies to or regulates residents of supported residential facilities;
- (d) a proprietor must not give a notice to a resident under section 39 of that Act that purports to be notice of a proposed termination on grounds of failure to pay fees or charges if the resident is suffering financial hardship as a result of the COVID-19 pandemic;

- (e) a proprietor cannot make an application under section 43 of that Act in relation to a dispute consisting of a failure to pay fees and charges if the resident is suffering financial hardship as a result of the COVID-19 pandemic (and, to avoid doubt, a licensing authority cannot make orders under that section on an application relating to any other kind of dispute that purports to terminate a resident contract or otherwise require payment of fees and charges in relation to such a resident);
  - (f) the Tribunal must not, on a review under section 44 of that Act, make an order that purports to terminate a resident contract or otherwise require a resident to pay fees and charges to the proprietor if the resident is suffering financial hardship as a result of the COVID-19 pandemic;
  - (g) the operation of section 47 of that Act is modified such that—
    - (i) a visit or attendance by a person will only fall within the ambit of that section if it complies with any direction or law applying to or regulating such visits or attendances; and
    - (ii) a person does not commit an offence under section 47(2) if the person is acting in accordance with a direction or law referred to in subparagraph (i);
  - (h) section 50 of that Act will be taken not to apply to an agreement or arrangement required by this section or otherwise required to give effect to this section;
  - (i) a proprietor will be taken not to commit an offence against that Act, or breach a term of a licence or resident contract or other agreement, to the extent that an act or omission of the proprietor is reasonably required to give effect to the modification made by this section, or by any direction or law relating to the COVID-19 pandemic that applies to or regulates supported residential facilities;
  - (j) the Tribunal or a licensing authority, in performing a function or exercising a power under that Act, must have regard to the circumstances of the COVID-19 pandemic (including the need to ameliorate the effects of the pandemic in the State and the need to avoid homelessness during such a public health emergency).
- (2) For the purposes of this section, a reference to fees and charges payable in relation to a resident contract will be taken to include a reference to any costs (however described) payable by a resident under the resident contract (whether for accommodation, personal care services or otherwise).
- (3) A term or phrase used in this section will, unless the contrary intention appears, have the same meaning as in the *Supported Residential Facilities Act 1992*.

## 10A—Provisions relating to certain community visitors

- (1) A community visitor may perform a function or exercise a power under a prescribed law to visit and inspect premises, or visit a patient, resident or other person contemplated by the prescribed law, by means of audiovisual or other electronic means that do not involve the community visitor physically entering the premises and, in relation to such visits and inspections—
  - (a) a requirement under the prescribed law that the community visitor physically attend and inspect premises (however described)—
    - (i) if it is reasonably practicable to comply with the requirement by audiovisual or other electronic means—will be taken to be modified to the extent necessary to give effect to this subsection; or
    - (ii) if it is not reasonably practicable to comply with the requirement by audiovisual or other electronic means—will be taken to be suspended until the expiry of this section); and
  - (b) a requirement under the prescribed law that such visits or inspections be conducted by more than 1 community visitor will be taken to be modified so that the visit or inspection may be conducted by a single community visitor; and
  - (c) a reference in the prescribed law that contemplates a community visitor visiting or otherwise being on premises is to be construed accordingly.
- (2) A community visitor may, in relation to a visit or inspection referred to in subsection (1), give such directions as the community visitor considers reasonably necessary to enable the visit or inspection to occur, including—
  - (a) directions requiring a person, or person of a class—
    - (i) to take reasonable steps to facilitate the visit or inspection (including by making equipment of a specified kind available for use in the course of the visit or inspection); or
    - (ii) to grant access to specified parts of the premises, or such parts of the premises as may reasonably be accessed using the relevant audiovisual or other means; or
  - (b) directions requiring a person, or person of a class, to provide the community visitor with access to a specified patient or resident of the premises, or patients or residents of a specified class, and for an appropriate area within the premises to be made available to enable confidential communication with the community visitor.
- (3) A person must not, without reasonable excuse, refuse or fail to comply with a direction under subsection (2).  
Maximum penalty: \$5 000.
- (4) Nothing in this section limits any functions or powers that a community visitor has under a prescribed law in relation to a visit or inspection.



- (5) A community visitor must ensure that the following information is reported on a publicly accessible website and updated on at least a monthly basis:
- (a) the number of visits or inspections by the community visitor that have occurred by audiovisual or other electronic means in accordance with this section;
  - (b) the name and location of any premises subject to such a visit or inspection;
  - (c) the date on which, and time at which, each such visit or inspection occurred;
  - (d) the reasons why each such visit or inspection occurred by audiovisual or other electronic means in accordance with this section;
  - (e) if a visit or inspection by audiovisual or other electronic means in accordance with this section was not possible for any reason—the reasons why such a visit or inspection was not possible.
- (6) A report under subsection (5)—
- (a) must identify, by reference to paragraphs (a) to (d) of the definition of **community visitor** in subsection (7), which category of community visitor the report relates to; and
  - (b) must, in a case where the report relates to a category of community visitor referred to in paragraph (a), (b) or (c) of that definition, be made by the Principal Community Visitor (within the meaning of the Act to which that paragraph relates).
- (7) In this section—
- community visitor** means—
- (a) a community visitor within the meaning of the *Mental Health Act 2009*;
  - (b) a community visitor within the meaning of the *Disability Services (Community Visitor Scheme) Regulations 2013*;
  - (c) a community visitor under the *COVID-19 Emergency Response (Schedule 1) Regulations 2020*;
  - (d) the Chief Psychiatrist within the meaning of the *Mental Health Act 2009*;
- prescribed law** means—
- (a) the *Mental Health Act 2009*;
  - (b) the *Disability Services (Community Visitor Scheme) Regulations 2013*;
  - (c) the *COVID-19 Emergency Response (Schedule 1) Regulations 2020*;
  - (d) the *Health Care Act 2008*.

## 16—Requirements relating to documents

- (1) The Governor may, by regulation, suspend or modify any requirements under an Act or law, or an instrument, relating to the preparation, signing, witnessing, attestation, certification, stamping or other treatment of any document.
- (2) Without limiting subsection (1), a regulation under this section—
  - (a) may be subject to conditions or other limitations; and

- (b) may be expressed as applying to a particular requirement under an Act or law or to a class of requirements or otherwise in circumstances described in the regulation; and
- (c) may have the effect of modifying any Act or law or any instrument.

## 18—Service

Except where this Act requires otherwise, a notice or other document required or authorised to be given to or served on a person under this Act may—

- (a) be given to the person personally; or
- (b) be left for the person at the person's place of residence or business with someone apparently over the age of 16 years; or
- (c) be posted to the person at the person's last known place of residence or business; or
- (d) be transmitted by fax or email to a fax number or email address provided by the person (in which case the notice or other document will be taken to have been given or served at the time of transmission); or
- (e) if the person is a company or registered body within the meaning of the *Corporations Act 2001* of the Commonwealth, be served in accordance with that Act.

## 19—Regulations

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) Without limiting the generality of subsection (1), the regulations may provide for—
  - (a) the circumstances in which a person will be taken to be suffering financial hardship as a result of the COVID-19 pandemic for the purposes of a tenancy provision of this Act; and
  - (c) mitigation of adverse impacts on a party to a lease resulting from the COVID-19 pandemic, including by making provision for any measures to regulate the parties to a lease or the provisions of a lease; and
  - (d) modification of the operation of any provisions of this Act or a relevant Act for a purpose related to any circumstances brought about by the COVID-19 pandemic (or measures taken to address the COVID-19 pandemic) or to economic stimulus during and after the COVID-19 pandemic; and
  - (e) provisions making related modifications to any Act or law consequent on the tenancy provisions of this Act; and
  - (h) the keeping of records, or the making of any reports to the Minister or another specified person or body, in relation to any matter dealt with by this Act; and
  - (i) provisions of a saving or transitional nature consequent on the enactment of this Act or the making of any regulation under this Act; and
  - (j) fines, not exceeding \$10 000, for offences against the regulations; and
  - (k) expiation fees, not exceeding \$5 000, for offences against the regulations; and

- (l) facilitation of proof of the commission of offences and other evidentiary matters.
- (3) The regulations may—
  - (a) be of general or limited application; and
  - (b) make different provision according to the circumstances or entities to which they are expressed to apply; and
  - (c) apply or incorporate, wholly or partially and with or without modification, a code, standard, policy or other document prepared or published by the Minister or another specified person or body; and
  - (d) provide that any matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister, the State Co-ordinator, the Chief Public Health Officer or any other specified body or person.
- (4) If a code, standard or other document is referred to or incorporated in the regulations—
  - (a) a copy of the code, standard or other document must be kept available for public inspection, without charge and during ordinary office hours, at an office or offices specified in the regulations; and
  - (b) evidence of the contents of the code, standard or other document may be given in any legal proceedings by production of a document apparently certified by the Minister to be a true copy of the code, standard or other document.
- (5) On the expiry of a provision of this Act under section 6, all regulations made for the purposes of the provision are taken to be revoked.
- (6) In this section—

*relevant Act* means the *Landlord and Tenant Act 1936*, the *Real Property Act 1886*, the *Residential Parks Act 2007*, the *Residential Tenancies Act 1995*, the *Retail and Commercial Leases Act 1995*, the *Supported Residential Facilities Act 1992* or any other Act in so far as it relates to or affects landlords and tenants in the State or other residential leases, licences or agreements;

*tenancy provision* of this Act means sections 8 to 10 (inclusive).

## 20—Savings and transitional matters

- (1) The Governor may make regulations of a savings or transitional nature consequent on the expiry of any provision of this Act under section 6 (or on the revocation of any regulation in accordance with section 19(5)).
- (2) The regulations may—
  - (a) be of general or limited application; and
  - (b) make different provision according to the circumstances or entities to which they are expressed to apply; and
  - (c) apply or incorporate, wholly or partially and with or without modification, a code, standard, policy or other document prepared or published by the Minister or another specified person or body; and

- (d) provide that any matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister, the State Co-ordinator, the Chief Public Health Officer or any other specified body or person.
- (3) If a code, standard or other document is referred to or incorporated in the regulations—
  - (a) a copy of the code, standard or other document must be kept available for public inspection, without charge and during ordinary office hours, at an office or offices specified in the regulations; and
  - (b) evidence of the contents of the code, standard or other document may be given in any legal proceedings by production of a document apparently certified by the Minister to be a true copy of the code, standard or other document.
- (4) If—
  - (a) a regulation made under section 14 postpones any time or extends any period; and
  - (b) the regulation is revoked by operation of section 19(5) before that time or before the expiration of that period,the postponement or extension continues to have effect according to its terms (as in force immediately before the revocation).

## 21—Disallowance of regulations made under Act

- (1) Despite section 10(3) of the *Subordinate Legislation Act 1978*, all regulations made under this Act must be laid before each House of Parliament on the next sitting day of that House after the regulations are made.
- (2) Except as is provided under subsection (1), nothing in this section limits the operation of the *Subordinate Legislation Act 1978*.
- (3) Where regulations made under this Act are disallowed, the Governor must not, except in accordance with a resolution of the House that disallowed the regulations, remake those regulations, or make regulations that are of the same effect, within 6 months after the day on which the regulations are disallowed.

## 22—Immunity from liability etc

No civil or criminal liability attaches to the Crown, or to any person acting in good faith, in respect of—

- (a) any acts or omissions in connection with—
  - (i) the exercise or discharge, or purported exercise or discharge, of a power or function under this Act; or
  - (ii) the carrying out, or purported carrying out, of any direction or requirement given or imposed, or purportedly given or imposed, in accordance with this Act; or
- (b) any failure to exercise or discharge a power or function under this Act, in relation to the outbreak of the human disease named COVID-19 within South Australia.

## 23—Further provisions in Schedules

- (2) The operation of a law of the State specified in a provision of Schedule 2 is modified as set out in that provision until that provision expires in accordance with section 6.

## Schedule 2—Temporary modification of particular State laws

### Part 1—*Emergency Management Act 2004*

#### 1—Modification of *Emergency Management Act 2004*

The *Emergency Management Act 2004* applies with the following modifications:

- (c) section 25(2)—after "but subject to" insert:  
this section and
- (d) section 25(2)(a)—delete "(using such force as is necessary)"
- (e) section 25(3)—delete subsection (3) and substitute:
- (3) The State Co-ordinator (or a delegate of the State Co-ordinator) may give a direction or make a requirement under this section that applies to persons generally throughout the State.
- (4) A direction or requirement of a kind referred to in subsection (3) must be published on a website determined by the State Co-ordinator within 24 hours after it is given or made.
- (5) For the avoidance of doubt—
- (a) the State Co-ordinator or an authorised officer may exercise or discharge a power or function under this section even if to do so would contravene another law of the State; and
- (b) the State Co-ordinator or an authorised officer may use such force as is reasonably necessary in the exercise or discharge of a power or function under this section or in ensuring compliance with a direction or requirement under this section; and
- (c) a direction or requirement given or imposed by the State Co-ordinator or an authorised officer under this section may do any of the following:
- (i) it may apply to a person, or a class of persons, or in respect of any place or during any period;
- (ii) it may require or allow a person or a class of persons to act in contravention of another law of the State;

- (iii) it may affect the lawful rights or obligations of any person or class of persons; and
    - (d) a direction or requirement may be issued in the form of a written instrument or in any other form (including, without limitation, orally, by SMS or email).
  - (6) If a direction applies to a class of persons or applies in respect of any place or during any period, the State Co-ordinator, or an authorised officer, may exempt (conditionally or unconditionally) any person or class of persons from the direction.
  - (7) The State Co-ordinator must consider the advice of the Chief Public Health Officer before exercising or discharging a power or function under this section that would (conditionally or unconditionally) authorise authorised officers, or authorised officers of a particular class, to provide, direct, require or allow the provision of health goods or services or a particular class of such goods or services.
- (fa) section 27A(1), definition of *market participant*—after paragraph (c) insert:
  - (d) any person who engages in the transmission or distribution of electricity;
- (fb) section 27C(2)(b)—delete paragraph (b) and substitute:
  - (b) require a market participant to give any directions of a kind that the market participant may lawfully give (which may include, for example, requiring a market participant to give directions to, or to exercise authority over, another person or body, whether or not that other person or body is also a market participant);
- (fc) section 27C—after subsection (2) insert:
  - (2a) A direction to a market participant may—
    - (a) require the performance of specific acts or omissions; or
    - (b) require the exercise of specific powers or functions; or
    - (c) require specific outcomes or performance standards.

## **Part 2AA—*Health Practitioner Regulation National Law (South Australia) Act 2010***

### **2AA—Modification of *Health Practitioner Regulation National Law (South Australia) Act 2010***

Part 4 of the *Health Practitioner Regulation National Law (South Australia) Act 2010* applies with the following modifications:

- (a) Section 43—after subsection (1) insert:
  - (1a) Section 43(1) will be taken not to apply to a person who carries on a pharmacy business in circumstances where—
    - (a) the person is authorised by the Authority to operate the pharmacy business without a pharmacist being physically in attendance at the pharmacy; and
    - (b) a pharmacist is, by means of internet or other electronic communication (other than communication of a kind specified by the Authority), in attendance during any period the pharmacy business is operating and is available for consultation by members of the public.
- (b) Section 46—after subsection (5) insert:
  - (6) A condition of the registration of a pharmacy that is inconsistent with section 43(1a) will, to the extent of the inconsistency, be taken to be modified to give effect to the modification made by that subclause.

## **Part 2A—*National Electricity (South Australia) Act 1996***

### **2A—Modification of *National Electricity (South Australia) Act 1996***

Part 5 of the *National Electricity (South Australia) Act 1996* applies with the following modification:

After section 15A insert:

#### **15B—Regulations varying rules under the National Electricity Law**

- (1) The Governor may, for the purpose of protecting the reliability and security of the South Australian power system, make regulations modifying the operation of the rules under the National Electricity Law (insofar as they apply as part of the law of South Australia).
- (2) Section 21 of the *COVID-19 Emergency Response Act 2020* applies to a regulation made under this section as if it were a regulation made under that Act.

## Legislative history

### Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- 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](http://www.legislation.sa.gov.au).

### Legislation amended by principal Act

The *COVID-19 Emergency Response Act 2020* amended the following:

*Emergency Management Act 2004*

*Payroll Tax Act 2009*

*South Australian Public Health Act 2011*

### Principal Act and amendments

New entries appear in bold.

| Year        | No        | Title   | Assent           | Commencement   |
|-------------|-----------|---|------------------|--|
| 2020        | 7         | <i>COVID-19 Emergency Response Act 2020</i>                                     | 9.4.2020         | 9.4.2020: s 2(1) except ss 7 to 9—30.3.2020: s 2(2)                                  |
| 2020        | 9         | <i>COVID-19 Emergency Response (Bail) Amendment Act 2020</i>                    | 7.5.2020         | 7.5.2020   |
| 2020        | 14        | <i>COVID-19 Emergency Response (Further Measures) Amendment Act 2020</i>        | 15.5.2020        | 15.5.2020  |
| 2020        | 23        | <i>COVID-19 Emergency Response (Further Measures) (No 2) Amendment Act 2020</i> | 24.7.2020        | 24.7.2020  |
| 2020        | 30        | <i>COVID-19 Emergency Response (Expiry and Rent) Amendment Act 2020</i>         | 25.9.2020        | 25.9.2020  |
| 2021        | 1         | <i>COVID-19 Emergency Response (Expiry) Amendment Act 2021</i>                  | 4.2.2021         | 4.2.2021   |
| 2021        | 19        | <i>COVID-19 Emergency Response (Expiry) (No 2) Amendment Act 2021</i>           | 20.5.2021        | 20.5.2021  |
| <b>2021</b> | <b>25</b> | <b><i>Statutes Amendment (COVID-19 Permanent Measures) Act 2021</i></b>         | <b>17.6.2021</b> | <b>Sch 1 (cll 1 &amp; 2)—9.9.2021 (<i>Gazette 18.8.2021 p3099</i>)</b>               |
| 2021        | 34        | <i>COVID-19 Emergency Response (Expiry) (No 3) Amendment Act 2021</i>           | 16.9.2021        | 16.9.2021: s 2(1) except s 5—2.9.2021 immediately after expiry of ss 8 to 10: s 2(2) |



## Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision                        | How varied  | Commencement               |
|----------------------------------|---|----------------------------|
| Long title                       | amended under <i>Legislation Revision and Publication Act 2002</i>                        | 7.5.2020                   |
| Pt 1                             |   |                            |
| s 3                              |   |                            |
| relevant declaration             | amended by 30/2020 s 3  | 25.9.2020                  |
| s 6                              |   |                            |
| s 6(1)                           | amended by 14/2020 s 3(1)   | 15.5.2020                  |
|                                  | amended by 30/2020 s 4(1)   | 25.9.2020                  |
|                                  | (a)(ii) omitted under <i>Legislation Revision and Publication Act 2002</i>                | 9.9.2021                   |
|                                  | (b)(ii) omitted under <i>Legislation Revision and Publication Act 2002</i>                | 9.9.2021                   |
|                                  | amended by 34/2021 s 4(1)   | 16.9.2021—not incorporated |
| s 6(2)                           | amended by 30/2020 s 4(2)   | 25.9.2020                  |
|                                  | amended by 1/2021 s 3   | 4.2.2021                   |
|                                  | amended by 19/2021 s 3  | 20.5.2021                  |
|                                  | amended by 34/2021 s 4(1)   | 16.9.2021—not incorporated |
| s 6(2a)                          | <i>inserted by 14/2020 s 3(2)</i>   | <i>15.5.2020</i>           |
|                                  | <i>amended by 30/2020 s 4(3)</i>  | <i>25.9.2020</i>           |
|                                  | <i>omitted under Legislation Revision and Publication Act 2002</i>                        | <i>4.2.2021</i>            |
| Pt 2                             |   |                            |
| s 7                              | <i>substituted by 14/2020 s 4</i>   | <i>15.5.2020</i>           |
|                                  | <i>expired: s 6(1)(a)—omitted under Legislation Revision and Publication Act 2002</i>     | <i>(21.1.2021)</i>         |
| s 8 before insertion by 34/2021  | expired: s 6(1)(a)  | (1.9.2021)                 |
| s 8(1)                           | (c) expired: s 6(1)(a)—omitted under <i>Legislation Revision and Publication Act 2002</i> | (2.7.2020)                 |
|                                  | amended by 30/2020 s 5  | 25.9.2020                  |
| s 8                              | inserted by 34/2021 s 5   | 2.9.2021                   |
| s 9                              | expired: s 6(1)(a)  | (1.9.2021)                 |
|                                  | inserted by 34/2021 s 5   | 2.9.2021                   |
| s 10 before insertion by 34/2021 | expired: s 6(1)(a)  | (1.9.2021)                 |
| s 10(1)                          | (i) expired: s 6(1)(a)—omitted under <i>Legislation Revision and Publication Act 2002</i> | (25.6.2020)                |
| s 10                             | inserted by 34/2021 s 5   | 2.9.2021                   |
| s 10A                            | inserted by 14/2020 s 5   | 15.5.2020                  |

|                   |  |                            |
|-------------------|--|----------------------------|
| ss 11—13          | <i>expired: s 6(1)(a)—omitted under Legislation Revision and Publication Act 2002</i>      | (3.9.2020)                 |
| s 14              | <i>expired: s 6(1)(a)—omitted under Legislation Revision and Publication Act 2002</i>      | (31.5.2021)                |
| s 15              | <i>expired: s 6(1)(a)—omitted under Legislation Revision and Publication Act 2002</i>      | (13.8.2020)                |
| s 17              | <b>deleted by 25/2021 Sch 1 cl 1</b>   | <b>9.9.2021</b>            |
| s 19              |  |                            |
| s 19(2)           | (b) deleted by 14/2020 s 6(1)  | 15.5.2020                  |
|                   | (f) omitted under <i>Legislation Revision and Publication Act 2002</i>                     | 9.9.2021                   |
|                   | (g) omitted under <i>Legislation Revision and Publication Act 2002</i>                     | 9.9.2021                   |
| s 19(6)           |  |                            |
| tenancy provision | amended by 14/2020 s 6(2)  | 15.5.2020                  |
| s 20              |  |                            |
| s 20(4)           | inserted by 14/2020 s 7  | 15.5.2020                  |
| s 23              |  |                            |
| s 23(1)           | <i>omitted under Legislation Revision and Publication Act 2002</i>                         | 9.9.2021                   |
| s 23(3)           | <i>omitted under Legislation Revision and Publication Act 2002</i>                         | 9.9.2021                   |
| Sch 1             | <i>expired: s 6(1)(a)—omitted under Legislation Revision and Publication Act 2002</i>      | (31.5.2021)                |
| Sch 2             |  |                            |
| Pt AA1            | <i>inserted by 14/2020 s 8(1)</i>  | 15.5.2020                  |
|                   | <b>deleted by 25/2021 Sch 1 cl 2(1)</b>  | <b>9.9.2021</b>            |
| Pt A1             | <i>inserted by 9/2020 s 3</i>  | 7.5.2020                   |
|                   | <i>expired: s 6(1)(a)—omitted under Legislation Revision and Publication Act 2002</i>      | (31.5.2021)                |
| Pt A2             | <i>inserted by 23/2020 s 3(1)</i>  | 24.7.2020                  |
|                   | <b>deleted by 25/2021 Sch 1 cl 2(2)</b>  | <b>9.9.2021</b>            |
| Pt B1             | <i>inserted by 14/2020 s 8(2)</i>  | 15.5.2020                  |
|                   | <i>expired: s 6(1)(a)—omitted under Legislation Revision and Publication Act 2002</i>      | (31.5.2021)                |
| Pt 1              |  |                            |
| cl 1              | amended by 14/2020 s 8(3), (4)   | 15.5.2020                  |
|                   | (ea) <i>expired: s 6(1)(a)—omitted under Legislation Revision and Publication Act 2002</i> | (7.1.2021)                 |
|                   | <b>(a) deleted by 25/2021 Sch 1 cl 2(3)</b>  | <b>9.9.2021</b>            |
|                   | <b>(b) deleted by 25/2021 Sch 1 cl 2(3)</b>  | <b>9.9.2021</b>            |
|                   | <b>(f) deleted by 25/2021 Sch 1 cl 2(4)</b>  | <b>9.9.2021</b>            |
|                   | <b>(g) deleted by 25/2021 Sch 1 cl 2(5)</b>  | <b>9.9.2021</b>            |
|                   | amended by 34/2021 s 6   | 16.9.2021—not incorporated |
| Pt 2              | <b>deleted by 25/2021 Sch 1 cl 2(6)</b>  | <b>9.9.2021</b>            |
| Pt 2AA            | inserted by 23/2020 s 3(2)   | 24.7.2020                  |

|             |   |                 |
|-------------|---|-----------------|
| Pt 2A       | inserted by 14/2020 s 8(5)  | 15.5.2020       |
| Pt 3        | <i>omitted under Legislation Revision and Publication Act 2002</i>                        | 9.9.2021        |
| cl 3        | <i>amended by 14/2020 s 8(6)</i>  | 15.5.2020       |
|             | <i>(a) expired: s 6(1)(a)—omitted under Legislation Revision and Publication Act 2002</i> | (31.5.2021)     |
|             | <b><i>(b) deleted by 25/2021 Sch 1 cl 2(7)</i></b>  | <b>9.9.2021</b> |
| Pt 3A       | <i>inserted by 14/2020 s 8(7)</i>   | 15.5.2020       |
|             | <i>expired: s 6(1)(a)—omitted under Legislation Revision and Publication Act 2002</i>     | (31.5.2021)     |
| Pt 4        | <i>omitted under Legislation Revision and Publication Act 2002</i>                        | 4.2.2021        |
| cl 4        | <i>expired: s 6(1)(a)—omitted under Legislation Revision and Publication Act 2002</i>     | (21.1.2021)     |
| <b>Pt 5</b> | <b><i>deleted by 25/2021 Sch 1 cl 2(8)</i></b>  | <b>9.9.2021</b> |
| Sch 3       | <i>omitted under Legislation Revision and Publication Act 2002</i>                        | 7.5.2020        |

## Historical versions

7.5.2020  
15.5.2020  
24.7.2020  
25.9.2020  
4.2.2021  
20.5.2021  
2.9.2021 (electronic only)