

c2020-044E
GRNS--The Greens

LEGISLATIVE COUNCIL

COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020

First Print

Proposed amendment

No. 1 **Retaliatory evictions**

Page 31, Schedule 1.28. Insert after line 17—

[1AA] Sections 115A and 115B

Insert after section 115—

115A Retaliatory evictions during COVID-19 pandemic

- (1) This section applies if, during the relevant period, a tenant makes an application under section 115(1).
- (2) Despite section 115(1), the Tribunal must, when dealing with the application for the termination order or in relation to the termination notice—
 - (a) refuse to make the termination order, or
 - (b) declare that the termination notice has no effect, unless the landlord satisfies the Tribunal that the termination notice was not a retaliatory notice or the application was not a retaliatory application.
- (3) The Tribunal may be satisfied that the termination notice is a retaliatory notice, or the application was a retaliatory application, for the reasons set out in section 115(2) or any other reason the Tribunal considers relevant.
- (4) In this section—

relevant period means the period—

 - (a) starting on the commencement of this section, and
 - (b) ending on 26 March 2021.

115B Limitation on no grounds termination during COVID-19 pandemic

- (1) This section applies if the Tribunal makes a declaration under section 115(1)(a) in relation to a termination notice given by a landlord to a tenant.

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- (2) The landlord must not give a termination notice to the tenant under section 85 within the period of 12 months after the day the Tribunal makes the declaration.

Maximum penalty—20 penalty units.

- (3) A termination notice that contravenes this section has no effect.

- (4) This section applies for the relevant period.

- (5) In this section—

relevant period means the period—

- (a) starting on the commencement of this section, and
(b) ending on 26 March 2021.