



Legislation Review Committee

Correspondence received in response to the Legislation Review
Committee Digest No. 14/57 – 12 May 2020



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The Hon Damien Tudehope MLC
Minister for Finance and Small Business,
Vice-President of the Executive Council and
Leader of the Government in the Legislative Council

22 May 2020

Ms Felicity Wilson MP
Chair
Legislation Review Committee
Parliament of New South Wales

By email

Your ref: LAC20/007.05

Dear Chair

Thank you for the opportunity to respond to the issues raised by the Legislation Review Committee in its consideration of the *Retail and Other Commercial Leases (COVID-19) Regulation 2020*.

The Committee considers the possibility that the regulation may impact on property rights and freedom of contract and have an adverse impact on the business community. However, the Committee concludes that "*the Regulation is a reasonable and proportionate response to the far-reaching economic consequences of COVID-19*".

The Committee also notes that while it "*generally prefers significant matters ... to be included in primary legislation*", it concludes that "*in the current case and given the emergency created by COVID-19, the Committee considers that it may be reasonable to include such provisions in subordinate legislation*".

I agree with these conclusions reached by the Committee.

Yours sincerely

Damien Tudehope MLC
Minister for Finance and Small Business,
Vice-President of the Executive Council and
Leader of the Government in the Legislative Council



The Honourable Kevin Anderson MP
Minister for Better Regulation and Innovation

Our reference: COR-03095-2020

Ms Felicity Wilson MP
Member for North Shore
By email: northshore@parliament.nsw.gov.au

Dear Ms Wilson

Thank you for your correspondence conveying the Legislation Review Committee's comments in relation to the Residential Tenancies Amendment (COVID-19) Regulation 2020.

I appreciate the Committee's recognition that the Regulation is an extraordinary measure that seeks to respond to the public health and economic crisis created by the COVID-19 pandemic, and protect the health, safety and welfare of tenants and residents.

As noted by the Committee, these sorts of changes would ordinarily be introduced through primary legislation. I appreciate Committee's recognition that the Regulation was made in order to enable a swift response to the public health emergency, when Parliamentary was not sitting.

The NSW Government is committed to helping the community navigate this difficult time and will continue to fairly balance the impacts on all stakeholders in its response to the crisis.

Thank you for conveying the Committee's findings to me.

Yours sincerely

A handwritten signature in black ink that reads 'Kevin Anderson'.

Kevin Anderson MP
Minister for Better Regulation and Innovation

Date: 25/09/20