



The COVID-19 Impact

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The COVID-19 Impact

The COVID-19 Legislation Amendment (Emergency Measures) Act 2020 (NSW) has been passed in both Houses of Parliament in response to the pandemic crisis Australia is facing currently.

With widespread business closures, job losses and uncertainty, it is fair to suggest that this legislative response to some current concerns is welcomed. What you may be hearing about in the property industry is the legislative response to tenancy and non-payment of rent.

Let's clarify this - the wording of this Act relating to tenancy is as follows:

229 REGULATION-MAKING POWER

1. The regulations under any relevant Act may provide for the following matters for the purpose of responding to the public health emergency caused by the COVID-19 pandemic –
 - » Prohibiting the recovery of possession by a landlord, owner or proprietor of premises from a tenant or resident of the premises under the relevant Act in particular circumstances,
 - » Prohibiting the termination of a residential tenancy agreement, occupancy agreement or site agreement by a landlord, proprietor of premises or



operator of a community under the relevant Act in particular circumstances,

- » Regulating or preventing the exercise or enforcement of another right of a landlord, proprietor of premises or operator of a community by the landlord, proprietor or operator under the relevant Act or an agreement relating to the premises

- » Exempting a tenant, resident or homeowner, or a class of tenants, residents or homeowners, from the operation of a provision of the relevant Act or any agreement relating to premises

Whilst we are hearing through the media releases that this piece of legislation is to restrict landlords from terminating a tenancy for non-payment of rent, the concern is that the legislation wording does not specifically only restrict termination based on non-payment of rent, in fact it does not yet specify what the “particular circumstances” are and as such we must await the corresponding regulations to provide that clarity.


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At this stage, the bottom line is what is being announced in the media releases from government, which is that a landlord cannot terminate for non-payment of rent.

Working on the basis that this legislative move is designed to protect those tenants who are ordinarily taking care of the property they are leasing and are normally reliable with paying their rental amounts, this legislation will be in force for a period of six months or a time that is earlier if decided by Parliament, in the event the effects of the pandemic do not last as long as six months.

In simple terms this means that, providing the regulations limits the prohibition to only non-payment of rent, a landlord will not be able to terminate a lease within the next six months for the sole reason of non-payment. If the tenant is breaching the lease outside of the standard payment provisions, there should be no reason why the landlord cannot have a lease terminated, utilising the proper processes already in place.

It should also be made very clear to tenants that this is not a reason to not pay their rent if they are able to. It is designed to protect tenants who are not able to pay rather than choosing not to pay. Negotiation and



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collaboration is the key at this stage in such uncertain times. As agents, you need to speak to both your landlords and your tenants and ascertain their individual circumstances. Yes, there will be pain through this entire process, and as our Prime Minister stated, the pain needs to be shared and not carried by just one side. Remember this as you take on these sensitive discussions and negotiations.

Also remember that NCAT is not hearing cases regarding non-payment of rent for the next six months, which commenced on 25 March 2020.

As soon as the regulations are released, we will be able to provide a little more clarity on what the “Certain Circumstances” are.

Stay safe, stay healthy, and look after yourself, your family and your community.

‘Til next time, wishing you every success in your business ventures,

Rosy Sullivan
College Director & Principal

A man with short brown hair and a goatee, wearing a dark blue long-sleeved shirt, is sitting at a desk. He is looking towards the camera with a slight smile. His right hand is resting on his chin. In the background, there is a computer monitor and some papers. The image has a blue and yellow color overlay.

There are government funding and subsidies for qualification training.

If you're looking to undertake your licence training or upgrade to the Diploma for a Class 1 licence, now is the time to commence this training online.

GOVERNMENT FUNDING OPTIONS >



From the office

Wow, what a fortnight. We have split our team and half are working from home and half at the office – and we are rotating this each week.

We are into our second week and it seems to be working. Naturally, this is changing daily. We are keeping our training services continuing through our online student portal and through webinars. We are enjoying the webinars as we get to actually see our students, rather than just our online presence – but we are happy with whatever aspect you choose to interact with us.

We are hearing from loads of students and potential students this past week who are seeking government funding to undertake their training. With workloads reduced, now is a good time to prepare yourself for the post-COVID environment and what we believe will be a gradual return to normalcy. Naturally, paying for these courses is a concern in the current uncertain

employment environment (even with the announcement this week of the \$1,500 Jobkeeper allowance). ACOP have access to numerous government funding options, where the government provide subsidies for you to take on additional study – just contact us at enquiries@acop.edu.au

For those of you who follow our cake activity – we have only had one birthday in the past fortnight and that was Anthony, our e-development manager, who is so busy at the moment with the development of new and exciting online options for all of our training. He emerged for a resounding version of happy birthday from those in the office joined by the rest of the team via our afternoon GoToMeeting team catch-up. Mind you, there has been no shortage of chocolate being consumed in the office this past fortnight – there are some items that truly are a necessity.

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