

LEGISLATIVE COUNCIL

**COVID-19 COMMERCIAL AND RESIDENTIAL TENANCIES LEGISLATION
AMENDMENT (EXTENSION) BILL 2020**

(Amendments to be proposed in Committee by Ms PATTEN)

1. Clause 3, line 9, after "waiver" insert ", reduction".
2. Clause 5, line 27, before "In" insert "(1)".
3. Clause 5, page 4, lines 1 to 5, omit all words and expressions on these lines and insert—
 - ""(na) the making of orders (*binding orders*)—
 - (i) directing landlords under eligible leases to give or agree to give specified rent relief to tenants under eligible leases, including in the case of a waiver or reduction of rent payable under eligible leases, rent relief that results in the rent payable under eligible leases conforming with the current market rent;
 - (ii) directing landlords under eligible leases to waive their rights to the payment of fees or liquidated damages (however described) under eligible leases in cases where tenants under eligible leases terminate them;
 - (naa) the content of binding orders;"
4. Clause 5, page 4, line 8, omit "*rent*".
5. Clause 5, page 4, line 9, omit "rent".
6. Clause 5, page 4, line 10, omit "rent".
7. Clause 5, page 4, line 12, omit "rent".
8. Clause 5, page 4, line 14, omit "rent".
9. Clause 5, page 4, line 17, omit "rent".
10. Clause 5, page 4, line 20, omit "rent".
11. Clause 5, page 4, line 22, omit "rent".
12. Clause 5, page 5, after line 21 insert—
 - '(2) After section 15(2) of the **COVID-19 Omnibus (Emergency Measures) Act 2020** insert—
 - "(2A) For the purposes of subsection (1)(na), current market rent is taken to be the rent obtainable at the time of the making of the binding

order in a free and open market between a willing landlord and willing tenant in an arm's length transaction having regard to these matters—

- (a) the provisions of the eligible lease;
- (b) the rent that would reasonably be expected to be paid for the premises or part of the premises if they were unoccupied and offered for lease for the same, or a substantially similar, use to which that premises or part of premises may be put under an eligible lease;
- (c) the landlord's outgoings to the extent to which the tenant is liable to contribute to those outgoings;
- (d) rent concessions and other benefits offered to prospective tenants of unoccupied premises for lease under eligible leases—

but the current market rent is not to take into account the value of goodwill created by the tenant's occupation or the value of the tenant's fixtures and fittings.

- (2B) Regulations made under subsection (1)(ne) must include, as a criterion to be applied in determining relief applications relating to specified rent relief, the financial hardship that may be suffered by a landlord as a consequence of the making of a binding order directing them to give, or agree to give, specified rent relief."!