

Serial 130  
Tenancies Legislation Amendment Bill 2020  
Ms Fyles

A Bill for an Act to amend the *Business Tenancies (Fair Dealings) Act 2003*  
and the *Residential Tenancies Act 1999*



NORTHERN TERRITORY OF AUSTRALIA

TENANCIES LEGISLATION AMENDMENT ACT 2020

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Act No. [ ] of 2020

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2020

An Act to amend the *Business Tenancies (Fair Dealings) Act 2003* and the *Residential Tenancies Act 1999*

[Assented to [ ] 2020]  
[Introduced [ ] 2020]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Tenancies Legislation Amendment Act 2020*.

### 2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

## Part 2 Amendment of Business Tenancies (Fair Dealings) Act 2003

### 3 Act amended

This Part amends the *Business Tenancies (Fair Dealings) Act 2003*.

**4 Section 5 amended (Interpretation)**

Section 5(1)

*insert*

**COVID-19**, for Part 1A, see section 11A.

**COVID-19 public health emergency**, for Part 1A, see section 11A.

**EMA declaration**, for Part 1A, see section 11A.

**emergency period**, for Part 1A, see section 11B(1).

**modification notice**, for Part 1A, see section 11B(2).

**occupation arrangement**, for Part 1A, see section 11B(2)(b)(ii).

**5 Part 1A inserted**

After section 11

*insert*

**Part 1A Minister's power in emergency****11A Definitions**

In this Part:

**COVID-19** means the Coronavirus disease named "COVID-19" by the World Health Organization.

**COVID-19 public health emergency** means:

- (a) the public health emergency initially declared by notice entitled "Declaration of Public Health Emergency" dated 18 March 2020 and published in *Gazette* S10 of 18 March 2020; and
- (b) if an extension of that declaration, or a subsequent declaration, is made – that public health emergency as extended or re-declared.

**EMA declaration** means any of the following:

- (a) a declaration under section 18 of the *Emergency Management Act 2013* that an emergency situation exists in relation to COVID-19;

- (b) a declaration of a state of emergency under section 19 of the *Emergency Management Act 2013* in relation to COVID-19;
- (c) a declaration of a state of disaster under section 21 of the *Emergency Management Act 2013* in relation to COVID-19.

**emergency period**, see section 11B(1).

**modification notice**, see section 11B(2).

**occupation arrangement**, see section 11B(2)(b)(ii).

### **11B Minister's power in emergency period**

- (1) Subsection (2) has effect during the following periods (the **emergency period**):
  - (a) while the COVID-19 public health emergency is declared under section 48 of the *Public and Environmental Health Act 2011*;
  - (b) while an EMA declaration is in force.
- (2) The Minister may, by *Gazette* notice (a **modification notice**), do any or all of the following:
  - (a) suspend or modify all or part of this Act and regulations made under it;
  - (b) make provisions to regulate the following:
    - (i) a business premises or a business lease to which this Act applies;
    - (ii) an arrangement (an **occupation arrangement**) for the occupation of premises for business purposes that is an arrangement to which this Act, but for this section, does not apply.
- (3) To avoid doubt:
  - (a) without limiting subsection (2)(a), that subsection extends to setting aside all or part of sections 6 to 8, and any regulations made under those sections, as the Minister considers appropriate; and

- (b) without limiting subsection (2)(b), that subsection empowers the Minister to make provisions:
  - (i) in relation to aspects of business leases or occupation arrangements to which this Act does not otherwise apply; and
  - (ii) in relation to matters ancillary to business premises, business leases or occupation arrangements, such as limitations or other modifications regarding the awarding of costs in court or tribunal proceedings hearing and determining disputes.
- (4) A modification notice may apply to any of the following:
  - (a) a specified person, business lease or business premises;
  - (b) a specified occupation arrangement;
  - (c) a specified class of person, business lease or business premises;
  - (d) a specified class of occupation arrangement;
  - (e) all business leases.
- (5) Without limiting subsection (2), a modification notice may require that a landlord must engage in a minimum period, not longer than 30 business days, of good faith negotiation with a tenant before the landlord issues a notice to quit premises.
- (6) A modification notice may, by reference, incorporate in whole or in part, an Act, subordinate instrument or other document as in force at a particular time or from time to time.
- (7) A modification notice has effect for the period specified in the notice, which may be any period during the emergency period.

*Note for subsection 7*

*Section 11G provides for ongoing effect of certain aspects of a modification notice.*

- (8) The Minister must table a modification notice in the Legislative Assembly on the next sitting day after it is published in the *Gazette*.

### **11C Notice overrides business leases and other arrangements**

- (1) A modification notice operates despite the provisions of a business lease or an occupation arrangement.



- (2) A provision of a business lease or occupation arrangement is, for the period during which a modification notice is in force, set aside to the extent that the provision is inconsistent with a provision of the notice.
- (3) A provision of an agreement or arrangement between the parties to a business lease or occupation arrangement is set aside to the extent that the provision would be set aside if it were in the lease or arrangement.

#### **11D Effect of modification notice**

This Act must be applied with any modifications made by a modification notice as if the Act had been altered in that way.

#### **11E Interaction with *Law of Property Act 2000***

- (1) Subsection (2) has effect if:
  - (a) a modification notice sets aside all or part of section 6, 7 or 8 or a regulation made under any of those sections; and
  - (b) as a result, an occupation arrangement that was excluded from the operation of this Act immediately before the notice came into effect became subject to this Act.
- (2) Section 114 of the *Law of Property Act 2000* applies in relation to the occupation arrangement while the arrangement is subject to this Act.
- (3) Subsection (4) applies in relation to a breach of a term or condition of an occupation arrangement that is subject to this Act if the breach occurs after the commencement of this section.
- (4) Costs and expenses recoverable by a lessor in accordance with section 140 of the *Law of Property Act 2000* do not include legal costs in proceedings commenced during the emergency period.
- (5) Subsection (6) applies if:
  - (a) a business lease is for a period of 3 months or more; and
  - (b) a modification notice requires that the landlord engage in negotiations with a tenant for a minimum period, as mentioned in section 11B(5), before a notice to quit premises can be issued.
- (6) A time for giving notice under Part 8, Division 5 of the *Law of Property Act 2000* is extended by the same period as that required for the negotiations.

- (7) Section 152 of the *Law of Property Act 2000* does not apply in relation to a lease that ends during the emergency period unless, at the date of commencement of this section:
- (a) a demand has been made and notice has been given in writing to a person for delivery of possession of premises as mentioned in section 152(1)(a) of that Act; or
  - (b) a person has given a notice of intention to quit premises as mentioned in section 152(1)(b) of that Act.

#### **11F Acquisition on just terms**

If the operation of a modification notice would, apart from this section, result in an acquisition of property from a person otherwise than on just terms:

- (a) the person is entitled to receive from the Territory the compensation necessary to ensure the acquisition is on just terms; and
- (b) a court of competent jurisdiction may decide the amount of compensation or make the orders it considers necessary to ensure the acquisition is on just terms.

#### **11G Continuing effect of notice**

- (1) Despite the expiry or revocation of a modification notice, any time period set by the notice that has not expired continues in effect until the time period expires.

*Example for subsection (1)*

*This Act sets a time period of 30 days for a thing to be done. A modification notice modifies that time period to 120 days. After 60 days the modification notice expires. The time for doing the thing still has 60 days to run, despite the expiry of the notice.*

- (2) If a modification notice expires or is revoked, on the expiry of the time period as set by the notice and continued in effect by subsection (1), the original time period applicable under this Act is restored in effect.

*Example for subsection (2)*

*In the example for subsection (1), after the 120 day period as modified by the modification notice has expired, the time period reverts to the 30 day period set by this Act.*

- (3) If a modification notice makes provision in relation to costs of proceedings in a court or tribunal, the provision continues to apply to proceedings that had commenced during the emergency period but were not completed before the end of the emergency period.

**11H Disallowance by Legislative Assembly**

- (1) A modification notice is subject to disallowance by a resolution of the Legislative Assembly passed within 3 sitting days after the notice has been tabled in the Assembly under section 11B(8).
- (2) If a resolution disallows the modification notice or provisions of it, the disallowance has, subject to subsection (3), the same effect as a revocation of the notice or provisions.
- (3) If a provision of a disallowed notice (the ***disallowed provision***) amended or set aside a provision of this Act or the Regulations in force immediately before the making of the disallowed provision, the disallowance revives the other provision from the date of the disallowance as if the disallowed provision had not been made.

**6 Section 105 amended (Jurisdiction of courts to hear unresolved retail tenancy claims)**

Section 105(1) and (2)

*omit, insert*

- (1) The Local Court has jurisdiction to hear and determine retail tenancy claims in respect of any disputed matter.

*Note for subsection (1)*

*Section 12 of the Local Court Act 2015 sets the jurisdictional limit of the Local Court's civil jurisdiction at \$250 000.*

- (2) The Supreme Court has jurisdiction to hear and determine retail tenancy claims that relate to a monetary amount in excess of \$200 000.

**7 Part 13, Divisions 2A and 2B inserted**

After section 132

*insert*

**Division 2A Alternative dispute resolution****132A Application of Division**

This Division applies if, during the emergency period, an application is made to the Local Court for a warrant of possession of business premises.

**132B Referral to NTCAT**

- (1) Before hearing and determining the application, the Local Court must refer the matter to NTCAT for alternative dispute resolution.
- (2) Despite subsection (1), if the Local Court is satisfied there are exceptional circumstances, the Local Court may proceed to hear and determine the application without referring the matter to NTCAT.
- (3) NTCAT must deal with a matter referred to it in accordance with subsection (1) under Part 4, Division 4 of the *Northern Territory Civil and Administrative Tribunal Act 2014* as if the matter were a proceeding in NTCAT's original jurisdiction.

**132C Alternative mediation or conciliation**

- (1) Despite section 132B(1), if the Local Court is satisfied that the parties prefer to arrange their own mediation or conciliation without involving NTCAT, and that such a course is appropriate, the Local Court may adjourn the hearing of an application to allow the mediation or conciliation to take place.
- (2) A mediator or conciliator engaged by the parties as mentioned in subsection (1) must advise the Local Court:
  - (a) of the date that the mediation or conciliation concluded; and
  - (b) whether the mediation or conciliation was successful or unsuccessful.
- (3) If mediation or conciliation in accordance with this section is successful, the application for a warrant of possession is taken to be withdrawn.

**132D Alternative dispute resolution successful**

NTCAT must notify the Local Court if the parties agree to a settlement in alternative dispute resolution before NTCAT, and the application for a warrant of possession is taken to be withdrawn.

**132E Alternative dispute resolution unsuccessful**

- (1) NTCAT must advise the Local Court that a resolution has not been achieved if:
  - (a) NTCAT is satisfied that the applicant has participated in good faith in alternative dispute resolution before NTCAT, but a settlement could not be reached; or

- (b) a settlement is not reached within 60 days after the Local Court referred the matter to NTCAT under section 132B.
- (2) If the Local Court is considering the matter of costs in a proceeding, the court may request from NTCAT a report on the conduct of the parties in alternative dispute resolution proceedings before NTCAT.

## **Division 2B      Offences in relation to negotiations during emergency period**

### **132F      Misrepresentation**

A person commits an offence if:

- (a) the person is a party to negotiations between a landlord and a tenant or is acting on behalf of such a party; and
- (b) the negotiations take place during the emergency period; and
- (c) the negotiations seek to adjust the terms of an arrangement for the occupation of premises for business purposes; and
- (d) the person intentionally or recklessly misrepresents the financial situation of the party in the course of the negotiations.

Maximum penalty:      200 penalty units or imprisonment for 2 years.

### **132G      Unauthorised disclosure of information**

- (1) A person commits an offence if:
- (a) the person is a party to negotiations between a landlord and a tenant or is acting on behalf of such a party; and
  - (b) the negotiations take place during the emergency period; and
  - (c) the negotiations seek to adjust the terms of an arrangement for the occupation of premises for business purposes; and
  - (d) the person intentionally or recklessly discloses information about the other party's financial situation that was obtained in the course of the negotiations.

Maximum penalty:      500 penalty units or imprisonment for 5 years.

- (2) A person does not commit an offence against subsection (1) if:
- (a) the disclosure is:
    - (i) necessary for the administration of this Act; or
    - (ii) for a legal proceeding; or
    - (iii) for obtaining legal advice from a legal practitioner; or
    - (iv) to report suspected illegal conduct to a government organisation with responsibility for investigating that kind of illegal conduct; or
    - (v) with the consent of the other party; or
  - (b) the person has knowledge of the information independently from obtaining the information in the course of the negotiations.
- (3) For subsection (1), it is immaterial whether the disclosure was made during, or after, the emergency period.

## Part 3                      Amendment of Residential Tenancies Act 1999

### 8                      Act amended

This Part amends the *Residential Tenancies Act 1999*.

### 9                      Section 4 amended (Definitions)

Section 4

*insert*

**COVID-19**, for Part 16A, see section 157A.

**COVID-19 public health emergency**, for Part 16A, see section 157A.

**EMA declaration**, for Part 16A, see section 157A.

**emergency period**, see section 157B(1).

**modification notice**, for Part 16A, see section 157B(2).

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**10 Parts 16A, 16B and 16C inserted**

After section 157

*insert*

**Part 16A Special provisions for COVID-19 emergency situation****157A Definitions**

In this Part:

**COVID-19** means the Coronavirus disease named "COVID-19" by the World Health Organization.

**COVID-19 public health emergency** means:

- (a) the public health emergency initially declared by notice entitled "Declaration of Public Health Emergency" dated 18 March 2020 and published in *Gazette* S10 of 18 March 2020; and
- (b) if an extension of that declaration, or a subsequent declaration, is made – that public health emergency as extended or re-declared.

**EMA declaration** means any of the following:

- (a) a declaration under section 18 of the *Emergency Management Act 2013* that an emergency situation exists in relation to COVID-19;
- (b) a declaration of a state of emergency under section 19 of the *Emergency Management Act 2013* in relation to COVID-19;
- (c) a declaration of a state of disaster under section 21 of the *Emergency Management Act 2013* in relation to COVID-19.

**modification notice**, see section 157B(2).

**occupation arrangement**, see section 157B(2)(b)(ii).

**157B Minister's power in emergency period**

- (1) Subsection (2) has effect during the following periods (the **emergency period**):
  - (a) while the COVID-19 public health emergency is declared under section 48 of the *Public and Environmental Health Act 2011*;
  - (b) while an EMA declaration is in force.
- (2) The Minister may, by *Gazette* notice (a **modification notice**), do any or all of the following:
  - (a) suspend or modify part or all of this Act and regulations made under it;
  - (b) make provisions to regulate the following:
    - (i) a premises or a tenancy agreement to which this Act applies;
    - (ii) an arrangement (an **occupation arrangement**) for the occupation of premises for residential purposes that is an arrangement to which this Act, but for this section, does not apply.
- (3) To avoid doubt:
  - (a) without limiting subsection (2)(a), that subsection extends to:
    - (i) setting aside all or part of section 7, and any regulations made under that section, as the Minister considers appropriate; and
    - (ii) specifying an offence as offence for which an infringement notice may be issued as an alternative to prosecution for the offence; and
    - (iii) increasing the penalty amount provided in relation to an infringement notice issued instead of a prosecution for an offence; and
  - (b) without limiting subsection (2)(b), that subsection empowers the Minister to make provisions:
    - (i) in relation to aspects of residential tenancies or occupation arrangements to which this Act does not otherwise apply; and



- (ii) in relation to matters ancillary to residential premises, residential tenancies or other arrangements, such as limitations or other modifications regarding the awarding of costs in court or tribunal proceedings hearing and determining disputes.
- (4) A modification notice may apply to any of the following:
  - (a) a specified person, tenancy agreement or premises;
  - (b) a specified occupation arrangement;
  - (c) a specified class of person, tenancy agreement or premises;
  - (d) a specified class of occupation arrangement;
  - (e) all tenancy agreements.
- (5) A modification notice may, by reference, incorporate in whole or in part, an Act, subordinate instrument or other document as in force at a particular time or from time to time.
- (6) A modification notice has effect for the period specified in the notice, which may be any period during the emergency period.
- (7) The Minister must table a modification notice in the Legislative Assembly on the next sitting day after it is published in the *Gazette*.

### **157C Matters that Minister may deal with in modification notice**

- (1) To avoid doubt, and without limiting section 157B(2)(a), that section empowers the Minister to change, add or remove:
  - (a) any procedural step under this Act that relates to termination of a periodic, fixed-term or employment-related tenancy, or the time required or allowed for the taking of such a step; or
  - (b) any other provision of this Act that relates to termination of a periodic, fixed-term or employment-related tenancy; or
  - (c) provisions in relation to matters ancillary to tenancy agreements, such as:
    - (i) service of notices by electronic means; or
    - (ii) limitations or other modifications regarding the awarding of costs of proceedings in courts or Tribunals hearing and determining disputes; or

- (iii) the continuation of a tenancy after the death of a sole tenant, if other persons would be affected if the tenancy were terminated.
- (2) The power to make a modification notice extends to empowering the Minister to make provisions that deal with any of the following:
  - (a) suspension by NTCAT of an order for possession;
  - (b) the conditions on which such a suspension may be imposed;
  - (c) any time periods applicable to the suspension or conditions of the suspension.
- (3) The Minister's power to make or change provisions by a modification notice includes the power to substantively affect:
  - (a) rights and interests held by a landlord or a tenant in relation to a tenancy; and
  - (b) obligations on a landlord or a tenant arising from a tenancy.

*Example for subsection (3)(b)*

*A landlord's obligation to effect non-emergency repairs.*

- (4) Subject to section 157E, but without limiting that section, the Minister's power to make provisions under this Part includes a power for those provisions to have retrospective effect in the following circumstances:
  - (a) a notice to terminate has been issued on or after 18 March 2020 and any related proceedings have not been finalised;
  - (b) a termination arose under section 82(1)(e) on or after 18 March 2020 but the premises have not been vacated.
- (5) In a modification notice, for the purposes of making or changing provisions to alleviate hardship, the Minister may specify the nature of the hardship to be alleviated.
- (6) Without limiting subsection (5), the nature of the hardship may include financial or any other kind of hardship to either party.
- (7) The Minister may specify different kinds of hardship for specified classes of persons, tenancies or occupation arrangements.
- (8) The Minister may, in a modification notice, specify any evidentiary or procedural requirement for determining whether a party is suffering hardship or may suffer hardship.

- (9) The Minister may, by a modification notice, make the alleviation of hardship the principal consideration in a tenancy dispute, including by changing provisions of this Act affecting:
- (a) a landlord's right to:
    - (i) obtain fair rent; or
    - (ii) terminate a tenancy; and
  - (b) any other right of a party, or obligation on a party, arising as a result of a tenancy or occupation arrangement.
- (10) The Minister may, in a modification notice, specify that NTCAT has additional powers in relation to deciding a matter under this Act, including ordering any of the following dispositions:
- (a) terminating a tenancy, with or without suspension of the order for possession;
  - (b) refusing to terminate a tenancy;
  - (c) creating a new fixed term tenancy for up to 6 months with the same terms and conditions or any condition that could legally be agreed between the landlord and tenant.

*Examples for subsection (10)(c)*

- 1 *A reduction in the amount of rent payable.*
- 2 *Deferring the amount of rent payable, with or without forgiving an amount of interest accruing.*
- 3 *Adding or removing tenants from the tenancy.*

- (11) The Minister may, in a modification notice, add to, modify or suspend any provision of this Act for, but not limited to, any of the following purposes:
- (a) determining matters that may, or may not, be listed on a tenancy database;
  - (b) facilitating social distancing and other public health measures;
  - (c) determining health and safety considerations for landlords, tenants and other persons who may visit premises;
  - (d) ensuring that financial losses are distributed as fairly as possible while alleviating hardship.

**157D Ongoing effect of changes to tenancy agreement**

- (1) Subsection (2) applies to a modification notice in which the Minister changes the time for a procedural step to be taken in relation to a tenancy agreement, as mentioned in section 157C(1)(a).
- (2) The time as changed continues to be the time for that step for that tenancy agreement while the tenancy agreement remains in effect, despite that the emergency period may have come to an end.

*Example for subsection (2)*

*This Act sets a time period of 30 days for a thing to be done. A modification notice modifies that time period to 120 days. After 60 days the emergency period comes to an end. The time for doing the thing still has 60 days to run, despite that the emergency period has ended.*

- (3) Subsection (4) applies if, during the emergency period:
  - (a) the terms of a tenancy agreement are changed by negotiation;  
or
  - (b) a new tenancy agreement is created, or a tenancy agreement is modified, by NTCAT.
- (4) The terms of the agreement, or the agreement as changed, continue for that tenancy agreement while the tenancy agreement remains in effect, despite that the emergency period may have come to an end.
- (5) If a tenancy agreement mentioned in subsection (3) comes to an end and the agreement rolls over to become a periodic tenancy, whether the emergency period has ended or not, the terms of the agreement continue to apply unless the parties negotiate different terms.

**157E Retrospective effect**

- (1) A provision of a modification notice may be expressed to have effect from a date earlier than the date on which the notice is made, but no earlier than 18 March 2020.
- (2) Subsection (1) includes modification of any procedural steps or proceedings that may follow a notice to terminate that was issued on or after 18 March 2020.
- (3) Subsection (1) applies whether or not proceedings mentioned in subsection (2) were commenced before the commencement of this section.

**157F Notice overrides tenancy agreements and other arrangements**

- (1) A modification notice operates despite the provisions of a tenancy agreement or an occupation arrangement.
- (2) A provision of a tenancy agreement or occupation arrangement is, for the period during which a modification notice is in force, set aside to the extent that the provision is inconsistent with a provision of the notice.
- (3) A provision of an agreement or arrangement between the parties to a tenancy agreement or occupation arrangement is set aside to the extent that the provision would be set aside if it were in the tenancy agreement or arrangement.

**157G Effect of modification notice**

This Act must be applied with any modifications made by a modification notice as if this Act had been altered in that way.

**157H Interaction with *Law of Property Act 2000***

- (1) This section applies if:
  - (a) a modification notice sets aside, wholly or in part, section 7; and
  - (b) as a result, a tenancy or occupation arrangement that was excluded from the operation of the Act immediately before the notice came into effect became subject to this Act.
- (2) Section 114 of the *Law of Property Act 2000* applies in relation to the tenancy or occupation arrangement while the tenancy or arrangement is subject to this Act.

**157J Acquisition on just terms**

If the operation of a modification notice would, apart from this section, result in an acquisition of property from a person otherwise than on just terms:

- (a) the person is entitled to receive from the Territory the compensation necessary to ensure the acquisition is on just terms; and
- (b) a court of competent jurisdiction may decide the amount of compensation or make the orders it considers necessary to ensure the acquisition is on just terms.

**157K Disallowance by Legislative Assembly**

- (1) A modification notice is subject to disallowance by a resolution of the Legislative Assembly passed within 3 sitting days after the notice has been tabled in the Assembly under section 157B(7).
- (2) If the resolution disallows the modification notice or provisions of it, the disallowance has, subject to subsection (3), the same effect as a revocation of the notice or provisions.
- (3) If a provision of a disallowed notice (the **disallowed provision**) amended or set aside a provision of this Act or the Regulations in force immediately before the making of the disallowed provision, the disallowance revives the other provision from the date of the disallowance as if the disallowed provision had not been made.

**Part 16B Offences in relation to negotiations during emergency period****157L Misrepresentation**

A person commits an offence if:

- (a) the person is a party to negotiations between a landlord and a tenant or is acting on behalf of such a party; and
- (b) the negotiations take place during the emergency period; and
- (c) the negotiations seek to adjust the terms of an arrangement for the occupation of premises for residential purposes; and
- (d) the person intentionally or recklessly misrepresents the financial situation of the party in the course of the negotiations.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

**157M Unauthorised disclosure of information**

- (1) A person commits an offence if:
  - (a) the person is a party to negotiations between a landlord and a tenant or is acting on behalf of such a party; and
  - (b) the negotiations take place during the emergency period; and
  - (c) the negotiations seek to adjust the terms of an arrangement for the occupation of premises for residential purposes; and

- (d) the person intentionally or recklessly discloses information about the other party's financial situation or personal affairs that was obtained in the course of the negotiations.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

- (2) A person does not commit an offence against subsection (1) if:
- (a) the disclosure is:
- (i) necessary for the administration of this Act; or
  - (ii) for a legal proceeding; or
  - (iii) for obtaining legal advice from a legal practitioner; or
  - (iv) to report suspected illegal conduct to a government organisation with responsibility for investigating that kind of illegal conduct; or
  - (v) with the consent of the other party; or
- (b) the person has knowledge of the information independently from obtaining the information in the course of the negotiations.
- (3) For subsection (1), it is immaterial whether the disclosure was made during, or after, the emergency period.

## **Part 16C Increased penalties for offences during emergency period**

### **157N Certain penalties increased for offences during emergency period**

The maximum penalty for an offence against a provision specified in column 1 of the Table is increased as shown in the corresponding entry in column 2 of the Table for an offence committed during the emergency period.

**Table**

<b>Column 1 – Provision</b>	<b>Column 2 – Maximum penalty</b>
section 20(4)	200 penalty units
section 23	100 penalty units

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<b>Column 1 – Provision</b>	<b>Column 2 – Maximum penalty</b>
section 24(1)	200 penalty units
section 24(3)	200 penalty units
section 29(1)	200 penalty units
section 36(4)	200 penalty units
section 44(1)	200 penalty units
section 50(2)	200 penalty units
section 66(2)	200 penalty units
section 106	200 penalty units
section 112(2)	200 penalty units
section 117	200 penalty units

## **Part 4                      Repeal of Act**

### **11                      Repeal of Act**

This Act is repealed on the day after it commences.