

South Australia

COVID-19 Emergency Response (Commercial Leases) Regulations 2020

under the *COVID-19 Emergency Response Act 2020*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Commercial leases—financial hardship

Legislative history

1—Short title

These regulations may be cited as the *COVID-19 Emergency Response (Commercial Leases) Regulations 2020*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations, unless the contrary intention appears—
Act means the *COVID-19 Emergency Response Act 2020*.

4—Commercial leases—financial hardship

- (1) Pursuant to section 19(2)(a) of the Act, for the purposes of section 7 of the Act, a lessee will be taken to be suffering financial hardship as a result of the COVID-19 pandemic if the lessee is eligible for, or receiving, a JobKeeper payment in respect of the business of the lessee (whether in their capacity as an employer or on their own behalf).
- (2) Pursuant to section 19(2)(b) of the Act, the Small Business Commissioner must, in making a determination under section 7(8)(b) of the Act, have regard to the following:
 - (a) whether or not the lessee is eligible for, or is receiving, a JobKeeper payment in respect of the business of the lessee (whether in their capacity as an employer or on their own behalf);
 - (b) any reduction in turnover of the business of the lessee (as verified by financial records or statements provided by the lessee) during a specified period as compared with another specified period determined by the Commissioner as being relevant to the circumstances of whether or not the lessee is suffering financial hardship as a result of COVID-19.

(3) In this regulation—

JobKeeper payment means the fortnightly wage subsidy announced by the Prime Minister on 30 March 2020 due to the COVID-19 pandemic to employers for the purposes of employers continuing to pay their employees.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
2020	46	<i>Gazette 16.4.2020 p779</i>	16.4.2020: r 2