



Northern Territory of Australia

Residential Tenancies Act 1999

Residential Tenancies COVID-19 Modification Notice Amendment (No. 4) 2021

I, Selena Jane Malijarri Uiyo, Attorney-General and Minister for Justice under sections 157B, 157C and 157E of the *Residential Tenancies Act 1999* make the following instrument:

1 Title

This instrument may be cited as the *Residential Tenancies COVID-19 Modification Notice Amendment (No. 4) 2021*.

2 Commencement

This instrument commences on the day after it is notified in the *Gazette*.

3 Residential Tenancies COVID-19 Modification Notice 2020

This instrument amends the *Residential Tenancies COVID-19 Modification Notice 2020*.

Notes for section 3

- 1 *The Residential Tenancies COVID-19 Modification Notice 2020 was published in Gazette No. S28 of 28 April 2020.*
- 2 *See section 43 of the Interpretation Act 1978.*

4 Section 5A inserted

After section 5

insert

5A Exception to COVID-19 hardship

Despite section 5, a person is taken not to be suffering the COVID-19 hardship specified in section 5(a) if the household income is reduced only because the person, or a person whose income contributes to the household income:

- (a) failed to comply with a Government COVID-19 direction; or

- (b) is unable to attend a workplace because the person has not received a dose of an approved COVID-19 vaccine and has no evidence of a contraindication to all approved COVID-19 vaccines under the Government COVID-19 direction entitled *COVID-19 Directions (No. 55) 2021* or any subsequent Directions that replace and substantially correspond to those Directions.

5 Section 19 amended (Termination of periodic tenancy, other than for breach)

Section 19(1)

omit, insert

- (1) This section applies in place of section 89 of the Act to a periodic tenancy that meets any of the following criteria:
 - (a) it was existing on the *Gazette* date;
 - (b) it was entered into after the *Gazette* date and no notice was given for it under section 89 of the Act before the commencement of the *Residential Tenancies COVID-19 Modification Notice Amendment (No. 4) 2021*;
 - (c) it is entered into on or after the commencement of the *Residential Tenancies COVID-19 Modification Notice Amendment (No. 4) 2021*.

6 Section 20 amended (Termination of fixed term tenancy)

Section 20(1)

omit, insert

- (1) This section applies in place of section 90 of the Act to a fixed term tenancy that:
 - (a) is due, under the tenancy agreement, to terminate during the emergency period; and
 - (b) meets any of the following criteria:
 - (i) it was existing on the *Gazette* date;
 - (ii) it was entered into after the *Gazette* date and no notice was given for it under section 90 of the Act before the commencement of the *Residential Tenancies COVID-19 Modification Notice Amendment (No. 4) 2021*;

- (iii) it is entered into on or after the commencement of the *Residential Tenancies COVID-19 Modification Notice Amendment (No. 4) 2021*.

7 Section 21 amended (Failure to pay rent due to COVID-19 hardship – existing tenancy agreement)

Section 21(4)(a) and (b)

omit, insert

- (a) a statutory declaration, under the *Oaths, Affidavits and Declarations Act 2010*, from the tenant's employer of:
 - (i) the reduction in income or the termination or suspension of the tenant's employment, as the case requires; and
 - (ii) the reasons for the reduction, termination or suspension;
- (b) evidence of an approval of the tenant for, or receipt by the tenant of, Commonwealth COVID-19 related financial assistance;

8 Section 24 amended (Failure to pay rent due to COVID-19 hardship – new tenancy agreement)

Section 24(4)(a) and (b)

omit, insert

- (a) a statutory declaration, under the *Oaths, Affidavits and Declarations Act 2010*, from the tenant's employer of:
 - (i) the reduction in income or the termination or suspension of the tenant's employment, as the case requires; and
 - (ii) the reasons for the reduction, termination or suspension;
- (b) evidence of an approval of the tenant for, or receipt by the tenant of, Commonwealth COVID-19 related financial assistance;

9 Section 29 amended (COVID-19 hardship – Tribunal application – new tenancy agreement)

Section 29(5)(a) and (b)

omit, insert

- (a) a statutory declaration, under the *Oaths, Affidavits and Declarations Act 2010*, from the tenant's employer of:
 - (i) the reduction in income or the termination or suspension of the tenant's employment, as the case requires; and

- (ii) the reasons for the reduction, termination or suspension;
- (b) evidence of an approval of the tenant for, or receipt by the tenant of, Commonwealth COVID-19 related financial assistance;

10 Section 30 amended (Commissioner may issue certificate of COVID-19 hardship)

After section 30(4)(a)

insert

- (ab) the reduction in household income was due to COVID-19 hardship; and

S. J. M. Uibo
Attorney-General and Minister for Justice

Dated 26 November 2021
