



Andrew Barr MLA

Chief Minister
Treasurer
Minister for Climate Action
Minister for Economic Development
Minister for Tourism

Member for Kurrajong

Mr Jeremy Hanson CSC MLA
Chair
Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Mr Hanson

Thank you for considering the COVID-19 Emergency Response Legislation Amendment Bill 2020 (No 3) in *Scrutiny Report 1* of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) (the Committee).

I note that the Committee has commented on the amendment in the Bill changing the frequency of reporting on the use of COVID-19 emergency response measures from monthly to quarterly. The Committee has requested further information about the reasons for this change.

Monthly reporting on the use of emergency response legislative measures was appropriate in the months immediately following their commencement when the measures were new and the way in which they might be used, and how often they might be used, was less clear. However, the measures are now more mature and we have the benefit of a full ten months' of monthly reports.

Recent monthly reporting indicates that as at 30 November 2020, 12 measures had not been used at all and that for the 1-30 November 2020 reporting period:

- only 24 of the 55 reported measures were used; and
- details on the use of eight reported measures could not be provided due to unavailability of data.

Two reasons explain the unavailability of data for eight measures.

The first relates to circumstances where the use of the measure is not able to be captured by existing business management systems, such as the ACT Courts and Tribunal case management system. Manual collection and reporting of data on the measure has not been undertaken as this would inappropriately divert resources away from operations, adversely impacting on services and the efficiency of the justice system.

The second category relates to circumstances where the impact of the change made as a result of the measure occurs without involvement of government. Examples are the requirements on guardians and attorneys and certain matters relating to residential tenancy agreements. In these situations, the fact of the measure's use is not something government agencies have direct visibility of, meaning information relating to the activity cannot be collected.

The Legislative Assembly will have had the benefit of ten monthly reports on the application of each of the emergency response measures and quarterly reporting going forward. Quarterly reporting will enable the Legislative Assembly to continue to monitor the use of measures and to identify trends over longer reporting intervals. It will also align with the length of time a public health emergency declaration may be extended by the Minister for Health under the *Public Health Act 1997*.

I also note that transparency is supported not only by reports for the Legislative Assembly but also by mechanisms such as the notification of relevant instruments on the ACT Legislation Register and Committee hearings.

The shift to quarterly reporting will reduce the administrative costs associated with monthly reporting and free up public resources to support our community, as we work towards recovery from the pandemic. This includes the roll-out of the national COVID-19 immunisation program. It is important that we focus the use of public resources where those resources will have the most benefit for the community.

I thank the Committee for its consideration of the Bill.

Yours sincerely



Andrew Barr MLA
Chief Minister

23 APR 2021