



# LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON THE COVID-19 2021 PANDEMIC RESPONSE

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## Submission Cover Sheet

Inquiry into the COVID-19 2021 pandemic response

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# About ACTCOSS

ACTCOSS acknowledges Canberra has been built on the land of the Ngunnawal people. We pay respects to their Elders and recognise the strength and resilience of Aboriginal and/or Torres Strait Islander peoples. We celebrate Aboriginal and/or Torres Strait Islander cultures and ongoing contributions to the ACT community.

The ACT Council of Social Service Inc. (ACTCOSS) advocates for social justice in the ACT and represents not-for-profit community organisations.

ACTCOSS is a member of the nationwide COSS Network, made up of each of the state and territory Councils and the national body, the Australian Council of Social Service (ACOSS).

ACTCOSS's vision is for Canberra to be a just, safe and sustainable community in which everyone has the opportunity for self-determination and a fair share of resources and services.

The membership of the Council includes the majority of community-based service providers in the social welfare area, a range of community associations and networks, self-help and consumer groups and interested individuals.

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# Table of contents

<b>Acronyms</b> .....	<b>4</b>
<b>Introduction</b> .....	<b>5</b>
<b>Aboriginal and Torres Strait Islander Canberrans</b> .....	<b>7</b>
<b>Poverty</b> .....	<b>9</b>
<b>Housing</b> .....	<b>11</b>
<b>Corrections</b> .....	<b>13</b>
Overview .....	13
Issues: .....	13
<b>Disability and Carers</b> .....	<b>15</b>
Overview .....	15
Issues: .....	15
<b>Valuing community services</b> .....	<b>18</b>
Contribution of the community sector .....	18
Community sector facilities and the pandemic .....	18

## Acronyms

ACTCOSS	ACT Council of Social Service Inc.
ACTCS	ACT Corrective Services
AMC	Alexander Maconochie Centre
CO	Corrections Officer
NDIA	National Disability Insurance Agency

## Introduction

The ACT Council of Social Service (ACTCOSS) appreciates this opportunity to make a submission to the Inquiry into the COVID-19 2021 pandemic response. ACTCOSS also thanks the Select Committee for the opportunity to give evidence at a public hearing on 30 September 2021. This process is an important oversight and transparency mechanism for the Legislative Assembly and the broader ACT community.

ACTCOSS supported the lockdown as an essential public health measure. We recognise that the groups of people most vulnerable to poor health outcomes because of the pandemic are those who already experience social disadvantage, such as poverty, racism, lack of access and discrimination. The lockdown was necessary to support and protect these groups of people from the harms related to COVID-19.

ACTCOSS has observed that the 2021 lockdown has seen a more timely and appropriate set of responses from the ACT Government.

These include sizeable relief packages for the ACT Community Sector and the ACT Mental Health, Drug and Alcohol Sectors as well as for primary health care by community organisations. Flexibility in contracts has also been welcomed.

Emergency food relief was stood up quickly as was work on a rent moratorium. These implementations recognised the particular impact of the pandemic on vulnerable or disadvantaged groups of people in the ACT. We appreciate how willing the ACT Government has been to work with and alongside the sector to ensure continued and meaningful service delivery for the communities we serve.

Efforts to vaccinate vulnerable communities have been effective, such as the Access and Sensory Clinic and a strong vaccination rollout through Winnunga Nimmityjah Aboriginal Health and Community Services, Directions Health Service and other community organisations.

There has been better and more regular provision of information and support to the sector. These include the daily press conferences and a number of ACT community sector organisation briefings, such as the weekly briefings for the disability sector from Ministers.

However, there remain areas of concern. These include the entrenching of poverty amongst low-income earners, housing security both in public and private rentals, the wellbeing of detainees in the AMC, culturally and linguistically diverse (CALD) Canberrans, people with disabilities and carers.

As the pandemic becomes endemic the vulnerabilities of some groups of Canberrans to COVID-19 are being further exposed. These include Aboriginal and Torres Strait Islander Canberrans and people with disabilities. There continues to be outbreaks amongst these groups as well as valid concerns that they are being further isolated and left behind while other parts of

the community re-open. There is need for attention to vaccine take up, 'Vaccine Plus' strategies and work to enhance health system access for vulnerable groups who may need treatment for COVID-19.

Many community organisations working with vulnerable people also continue to be stretched and stressed with Government funding not covering the true costs of services, let alone an increase in demand and case complexity.

## Aboriginal and Torres Strait Islander Canberrans

ACTCOSS is concerned COVID-19 is having a disproportionate impact on Aboriginal and Torres Strait Islander people in Canberra. These issues have been highlighted by respected leaders in community. Aboriginal and Torres Strait Islander people are at increased risk of COVID-19 due to existing health and socio-economic inequities.<sup>1</sup>

It's been reported that eleven per cent of the ACT's COVID-19 cases during the outbreak identify as Aboriginal and/or Torres Strait Islander, with Aboriginal children being disproportionately affected<sup>2</sup>.

ACTCOSS notes the need for more transparency and regular reporting on the direct and indirect impacts of COVID-19 in vulnerable communities. For instance, the dashboard and weekly updates should include data disaggregated by population status including Aboriginal and/or Torres Strait Islander status, Multicultural status, LGBTIQ+ people and disability. We understand that this has also been highlighted by Health Care Consumers ACT.

The Aboriginal and Torres Strait Islander community has seen a rapid increase in new cases as the pandemic continued leading to increased concerns. These concerns included community members living in social housing and/or high-density properties, detainees at the AMC and children, particularly those not yet eligible to receive a vaccination. Delays in receiving mental health assistance, elder wellbeing and support and transport (to and from testing facilities or for vaccinations etc) were also raised as major concerns for the Aboriginal and Torres Strait Islander community. Whilst the ACT Government acknowledged transport for testing as an issue, it did not provide timely solutions.

As at 17 November 2021, 89.19% of Aboriginal and Torres Strait Islander people aged 15 and over in the ACT had received one dose and 84.05% had received two doses of a COVID-19 vaccine.<sup>3</sup> ACTCOSS would like to see increased information and awareness about 3<sup>rd</sup> doses and booster doses for eligible Aboriginal and Torres Strait Islander people.

There is a need to adequately resource Aboriginal and Torres Strait Islander community organisations to effectively manage the impacts of the pandemic

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<sup>1</sup> A Yashadhana, N Pollard-Wharton, AB Zwi & B Biles, '[Indigenous Australians at increased risk of COVID-19 due to existing health and socioeconomic inequities](#)', *The Lancet Regional Health – Western Pacific*, 1 (2020).

<sup>2</sup> Julie Tongs CEO of Winnunga Nimmityjah cited in ACT Government Media Release from Minister for Health Rachel Stephen-Smith MLA on 2 November 2021 [https://www.cmtedd.act.gov.au/open\\_government/inform/act\\_government\\_media\\_releases/rachel-stephen-smith-mla-media-releases/2021/act-government-working-with-community-partners-to-support-the-aboriginal-and-torres-strait-islander-community](https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/rachel-stephen-smith-mla-media-releases/2021/act-government-working-with-community-partners-to-support-the-aboriginal-and-torres-strait-islander-community)

<sup>3</sup> Commonwealth Department of Health, [COVID-19 vaccination – Geographic vaccination rates – SA4 – Indigenous population – 17 November 2021](#), Australian Government, 2021.



and to combat vaccine hesitancy and misinformation in community in a culturally appropriate way.

The Government must continue to work with and actively engage in co-designed responses with community-controlled organisations including Winnunga Nimmityjah, Gugan Gulwan and Yeddung Mura. We support the ACT Government's response to working with these services to implement culturally appropriate pop-up vaccination and testing sites, the establishment of a dedicated ACT Health Aboriginal Covid Response Team, and the facilitation of community forums.

ACTCOSS acknowledges and commends the tireless efforts of Winnunga Nimmityjah, Gugan Gulwan, the Dhunlung Yarra Service and Yeddung Murra, in particular, who continue to respond to, support and meet the increased needs of the Aboriginal and Torres Strait Islander communities in the ACT and surrounds, which has inevitably put a immense strain on their capacity to deliver their already stretched services.

### **Recommendations**

The ACT Government focus on the following issues in the coming stages of the COVID-19 response:

- The ACT Government support and resource Aboriginal and Torres Strait Islander community controlled organisations in the ACT to manage the impacts of the pandemic, respond to gaps in areas like transport, support to elders and prioritise work to combat vaccine hesitancy and misinformation
- Focus on Aboriginal and/or Torres Strait Islander communities in COVID-19 recovery support measures
- The dashboards and weekly updates include data on COVID-19 infections and hospital admission disaggregated by population status including Aboriginal and/or Torres Strait Islander status, Multicultural status, LGBTIQ+ people and disability.

## Poverty

The COVID-19 pandemic and associated restrictions including lockdowns have increased the vulnerability of some Canberrans who were already lacking basic incomes, human rights, services and supports and has amplified areas of existing injustice.

For example, people on income support are in a *worse* position than last year. People on Jobseeker were already struggling to live on a mere \$44 a day. According to ACTCOSS's 2021 ACT Cost of Living Report, the number of Canberrans living below the poverty line has increased to an estimated 38,000 during the pandemic, including approximately 9,000 children.<sup>4</sup> When the Australian Government introduced the Coronavirus Supplement of \$550 per fortnight between April and September 2020, JobSeeker increased above the poverty line and ACT's poverty rate dropped from 8.6% to 5.2%. As the Coronavirus Supplement was phased out, JobSeeker returned to below the poverty line and ACT's poverty rate rose to 9.0%.

During the 2020 lockdown the number of people receiving income support while looking for work more than doubled peaking at just under 15,000 people – during the 2021 lockdown this number has peaked at 9,500 people, still 33% above the pre-COVID level.<sup>5</sup> On 20 August 2021, the Commonwealth-funded COVID-19 Disaster Payment became available to people who had lost 8 or more hours of work per week but did not provide assistance for people who were not in work or could not find work. Since then, 70,000 people in the ACT have received at least one COVID Disaster Payment.<sup>6</sup> The COVID-19 Disaster Payment provided a lump-sum payment of up to \$750 per week.

The phasing out of the COVID-19 Disaster Payment for ACT residents in November 2021 means that any of those 70,000 Canberrans who have not regained adequate employment or income will need to rely on JobSeeker or Youth Allowance for income support as they seek to re-enter the workforce. At around \$320 per week, the JobSeeker payment is less than half of the full COVID-19 Disaster Payment, and almost \$140 per week below the poverty line of \$457 for a single adult.<sup>7</sup>

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<sup>4</sup> ACTCOSS '2021 ACT Cost of Living Report', August 2021

<sup>5</sup> ACTCOSS, [Factsheet: Poverty and COVID-19 in the ACT](#), ACTCOSS, Canberra, 2021.

<sup>6</sup> Services Australia, [Senate Select Committee on COVID-19 Fortnightly Report on Pandemic Leave Disaster Payment for Victoria and COVID-19 Disaster Payment](#), Report as at midnight 4 November 2021, Services Australia, Canberra, 2021.

<sup>7</sup> ACTCOSS, *2021 ACT Cost of Living Report*, August 2021.

## Recommendations

The ACT Government focus on the following issues in the coming stages of the COVID-19 response:

- Take action on key cost of living pressures by reviewing the ACT Targeted Assistance Strategy to ensure concessions are targeted to need
- Ensuring that ACT Government revenue is collected in a way that is progressive
- Extending financial and other support for all young people transitioning from care, introducing, an income-based approach to ACT Government fines, fees, and other charges
- Conducting a cost benefit analysis on free public transport for the ACT
- Implement the Canberra Gambling Reform Alliance's program for reducing gambling harm
- Advocacy to the Federal Government to increase JobSeeker and related payments to at least \$67 a day, lift Rent Assistance by 50%, fix family payments and introduce a cost of disability allowance for people on DSP while retaining Disaster Payment while the pandemic continues.

## Housing

Lockdown has highlighted the ongoing situation of public housing tenants in poorly maintained and underserviced housing in the ACT. ACTCOSS was concerned about ACT Government responses to positive cases of COVID-19 at the Condamine Court complex early in the 2021 lockdown.

While it is important to prevent an outbreak amongst vulnerable people living in close quarters, in the early response, tenants' basic needs, including medical care, social supports, groceries, sanitary products and access to internet and phone communications, were not adequately met. Feedback provided to ACTCOSS said that communication with residents and tenants in the complex was poor, as was communication with the community sector and the services on the ground.

This situation at Condamine Court was improved as government departments coordinated and partnered with community sector organisations on the ground. Learnings from the response to the outbreak in Condamine Court were quickly applied to the response to the COVID-19 outbreak affecting residents of Ainslie Village. This resulted in a good program of support and services for affected tenants in Ainslie Village.

Lessons learned from the Condamine Court response, including the value of working directly with community service organisations, also helped inform ongoing preventative measures such as testing and vaccination services that targeted vulnerable communities. We were pleased to see acknowledgement of the sector's hard work in the motion passed in the Legislative Assembly in September as well as recent 2021-22 Budget commitments of \$80 million for the upkeep of public housing.<sup>8</sup>

ACTCOSS welcomed the ACT Government's introduction of a moratorium on evictions for renters who have been impacted by COVID-19, including those under quarantine orders.

However, many tenants have and will slip through this safety net. The moratorium on evictions for rental arrears that came into effect in early September was limited to tenants who had lost 20% or more of gross income or had lost 8 or more hours of weekly work since lockdown commenced on 12 August. For those on low-incomes, any loss in income, including losses of less than 20% can mean the difference between eating or going without.

As with the COVID Disaster Payment itself, this excludes those people who were already out of work before the lockdown started. ACTCOSS also wants to make sure that the eviction moratorium applies to tenants in these circumstances, including public housing tenants and occupants.

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<sup>8</sup> ACT Government, Budget 2021 Budget Outlook, p. 191.

The eviction moratorium is due to end shortly, on 25 November, with a transitional period in place until 8 February, 2022.<sup>9</sup> Given that work hours are not likely to be immediately restored, especially for people at higher risk of COVID-19, it would be prudent to extend the moratorium longer into 2022.

ACTCOSS recently wrote to Attorney General Rattenbury, outlining the need for rental relief measures in the ACT. Such relief has been provided in Victoria. ACTCOSS has proposed that a rental relief scheme be developed by the ACT Government to support households experiencing rental stress regardless of whether they have lost income and/or work hours due to COVID-19. We would be happy to provide the Select Committee with our more detailed recommendation on introducing such a scheme.

Many low-income rental households in the ACT were currently faced with the double jeopardy of finding work and an affordable and appropriate rental property during lockdown. As we have described on page 9 of this submission the rates of income support combined with high costs of living leaves people on extremely low incomes face with impossible compromises between food, clothing, utilities, healthcare and unaffordable housing in the ACT market.

Some of these hardships faced during the pandemic would have been avoidable if we had sufficient affordable housing in the ACT. ACTCOSS continues to advocate for more 'build to rent' housing run by community providers and additional public housing.

### **Recommendations**

The ACT Government focus on the following issues in the coming stages of the COVID-19 response:

- Continue to work with the community sector to protect and support vulnerable people living in public housing, or without stable housing
- Extend and expand the rental moratorium until at least early 2022
- Explore rent relief measures in the ACT
- Invest in 'build to rent' housing, run by community providers in the ACT.

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<sup>9</sup> Legal Aid ACT, [Tenancy and COVID-19](#), no date, accessed 10 November 2021.

# Corrections

## Overview

ACT Corrective Services (ACTCS) has been willing to engage with the community sector around its COVID-19 response in the Alexander Maconochie Centre (AMC). We believe the high level of transparency ACTCS has offered around restrictions, positive cases and vaccination rates for detainees has demonstrated good practice and contributed to its success in preventing major COVID-19 outbreaks in the AMC.

Corrective Services has also begun sewerage testing at the AMC, to quickly identify and deal with any infections that might arise. There are new induction testing and quarantine requirements, which we also support. ACTCOSS appreciates the public health approach that has been taken within the prison, the plans in place to ensure adequate personal protective equipment (PPE) is available and to potentially implement a rapid testing regime for staff and visitors.

As we reach vaccine milestones in the general community and lockdowns come to an end, increased access to phone credit and Audio Visual Links (AVL) for detainee communication with family, lawyers and other external supports should continue *alongside* the reintroduction of face-to-face engagement.

## Issues:

ACTCOSS has had some significant concerns about detainee welfare during the pandemic and in the latest lockdown period. Many detainees within the AMC have not been able to hug or touch family members for more than 18 months. The mental health impacts of this need to be seriously considered alongside risk of disease transmission.

Further, we have heard concerning reports that responsive lockdowns have meant that detainees have been, at times, locked in their cells for 24 hours a day, bar the 10 minutes they were each allocated for a phone call. Access to exercise, family connection and vital external support systems have been substantively restricted.

Detainees should have full access to external supports and advocacy bodies such as legal services, Aboriginal health services and Official Visitors even in situations such as pandemics, and associated lockdowns and other emergencies. While the form of engagement may change (online instead of face-to-face), the quality and frequency of those engagements must be maintained.

During the COVID-19 outbreak, Official Visitors were unable to enter the prison throughout lockdown. They were accessible via email and phone; however, many detainees have expressed significant distrust with these platforms of communication. The oversight work by Official Visitors is essential, most particularly during times of crisis such as a pandemic. JACS and the AMC must

develop a sustainable plan to ensure that detainees can safely and confidentially engage with Official Visitors whatever the situation or crisis.

We have been in pandemic circumstances for two years so it's a reasonable expectation that the AMC would have found ways to maintain critical contacts needed for detainees to maintain basic contacts and rights protections by now.

While vaccination rates have markedly improved for detainees as Justice Health have collaborated with the community sector to tackle vaccine hesitancy, ACTCOSS believes more could be done to ensure detainees are able to access their second dose as they exit the prison. Currently, detainees are left to organise their second dose themselves, rather than being automatically booked in as per the rest of the ACT community, despite being highly vulnerable given the challenges faced by people as they leave prison and re-join the broader Canberra community.

The lack of transparency and regulation around Corrective Services staff vaccination rates is also concerning, as it conceals actual risks associated with outbreaks within the prison.

### **Recommendations**

The ACT Government focus on the following issues in the coming stages of the COVID-19 response:

- Review of measures to ensure regular and sustained access for detainees to family, legal representation, and external support services during future lockdowns
- A clear and public roadmap towards contact visits with family members
- Collated data on vaccination rates for Corrective Services staff for adequate risk assessments
- Onsite vaccination access for Corrective Services staff to ensure a timely and efficient rollout
- An exit testing protocol be urgently implemented. This should be done via rapid antigen testing where necessary to avoid prolonged time in isolation or in detention
- A dedicated clinic or community service provider to ensure a safe and welcoming space for exiting detainees to access their second and/or third/booster doses of the vaccine
- Implementation of early release and parole programs where possible, especially for people at increased risk of harm from COVID-19, including Aboriginal and/or Torres Strait Islander people, older people, people with chronic illnesses and disabilities, people with mental health conditions and young people.

# Disability and Carers

## Overview

While the ACT has achieved high rates of vaccination in the general population and for people with disability, ACTCOSS has shared concerns expressed by the Royal Commission into Disability Abuse and Neglect about the slow pace of the national vaccination rollout for people with disabilities compared with people in aged care settings.

The federal vaccination rollout for people with disabilities failed to consult with disability community, has lacked transparency regarding critical information for the community and has not recognised the key differences between aged and disability care homes.

As with people in the general population, people with disabilities have been exposed to some misinformation about vaccination. There is the need for a targeted response to provide quality information.

We recognise positive steps the ACT Government has taken to keep people with disabilities and carers supported and informed during the COVID-19 outbreak and the recent lockdown. These measures include:

- The Access and Sensory Vaccination Clinic
- In home vaccination and testing for people who genuinely cannot leave their homes.
- Information and videos encouraging groups of people with disabilities like women to be vaccinated.
- The timely round of Respite Effect grants
- The regular Disability Sector COVID-19 Webinar with Ministers and senior staff
- Office for Disability's Involve newsletter

We also note some positive responses from the National Disability Insurance Agency (NDIA). For instance we have seen more regular engagement with people with disabilities in Canberra and some indications that the NDIA is open to increased flexibility (e.g meal supports). There have been very detailed and useful information packages for the ACT and southern NSW.

## Issues:

There were some issues and learnings we can take from the response.

The announcement of the initial outbreak in disability residential services was problematic. A delay in announcing the outbreak and the lack of details in the early part of the outbreak lead to confusion and alarm amongst a wide group of people with disabilities who also use services and did not know if these were



affected. We acknowledge that the ACT Government and Ministers recognised and responded to this.

The strength of demand for in-home vaccination and in-home COVID-19 testing due to disability and/ or transport disadvantage was not anticipated and it took some time for ACT Health to ramp up to capacity.

People with disabilities are keen to see timely rollout of the Disability Health Strategy so it anticipates the needs of people who might come into contact with the health system if COVID-19 becomes endemic.

The easing of restrictions is presenting a range of distinct and urgent concerns in the disability community. For instance, as restrictions have eased many people with disabilities have withdrawn from supports and become more isolated due to concerns about catching COVID-19 and the higher risk of serious illness or death.

Disability groups have emphasised a need to prioritise work that ensures people with disabilities are kept safe from COVID-19, continue to receive supports in a safe way and experience non-discriminatory responses from the health system.

As a guidance for areas of action, we note the [advice](#) from OzSage, a multi-disciplinary network of Australian experts from a broad range of sectors, relevant to the well-being of the Australian population during and after the COVID-19 pandemic. OzSage with the support of disability rights leaders have released an advisory note on protecting people with disability from COVID-19.

The advice document, which we support, includes nine recommendations to reduce the risk of COVID-19 for people with disabilities.

In this next phase of the pandemic we also note the [Statement of Concern](#) issued by internationally recognised independent experts in the area of human rights, bioethics and disability who have come together to emphasise key human rights principles and standards that need to underpin ethical decision-making in the context of disability and the COVID-19 pandemic.

We also note the [Statement of Concern](#) from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability which highlights the enhanced risk to people from the virus and a lack of access to health care, disability supports, essentials, income support and the situation of First Nations people with disability.

## Recommendations

The ACT Government focus on the following issues in the coming stages of the COVID-19 response:

- Ensuring quality information and transparency on outbreak situations where they occur in the disability community
- Maintaining high vaccine uptake for Canberrans with disability
- Acting on the suite of OzSage recommendations for keeping people safe from COVID-19 as restrictions are eased, workplans should be developed by Government, health providers, disability services, the NDIS and human rights bodies to chart the way forward and these should be developed in consultation with disabled people's organisations/people with disabilities.
- Communicating, strengthening and implementing approaches to health care access for people with disability as recommended by disabled peoples organisations. This should include both prompt measures through the ACT Health Disability Access and Inclusion Plan and continued work on the ACT Disability Health Strategy.
- More nuanced messaging in the easing of restrictions so that people with disabilities are able to maintain protective measures in households, workplaces and their own living and service situations.
- Supports for carers including funding of the Carers Strategy (especially mental health respite supports as recommended by Carers ACT)

# Valuing community services

## Contribution of the community sector

The community sector has played a critical role in assisting the ACT community during the COVID-19 pandemic. It has seen a significant increase in demand for services and an increase in the complexity of cases during COVID-19.

The sector has provided material support such as emergency financial relief, food assistance and mental health services, and provided key linkages between government, service providers and clients to ensure communication and information was widely accessible to community members. While ACTCOSS welcomes the Government's community sector support packages (as detailed above), the pandemic and 2021 lockdown has highlighted ongoing, existing stresses within the community sector.

When the pandemic hit the ACT, services in the community sector were already stretched with existing funding not covering the true cost of delivering these services. This was exacerbated by increasingly complex cases, the need to move to remote service delivery, an existing digital divide especially for people facing multiple disadvantage, and the impact of closed borders and lockdown/quarantine requirements on the community sector workforce.

The community sector was able to adapt service delivery to online modes in many cases, reach communities and mediate needs with service providers including the ACT Government, and represent and advocate on behalf of vulnerable community members.

## Community sector facilities and the pandemic

The pandemic has also highlighted existing the short-comings of Government owned community facilities which are dated and in desperate need of urgent maintenance and upgrading work. Some of the issues facing community hubs include

- Ventilation, spacing and other issues which will be needed to deliver services with the expected endemic presence of COVID in the community
- Soundproofed, comfortable rooms where people meet clients as we return to face to face engagement
- Heating/cooling
- Safety, lighting and parking
- Worn, damaged and deteriorating internal fixtures
- Poor disability access
- Threat of sale and closure.

## Recommendations

The ACT Government focus on the following issues in the coming stages of the COVID-19 response:

- Valuing the contribution of the community sector in addressing the health and economic implications of the pandemic and often pivotal role in the vaccine roll-out for vulnerable communities
- Valuing the contribution of the community sector to the economic recovery of the Territory through employment and service delivery
- Appropriately fund the community sector for the true cost of services, including through the proposed review of indexation
- Maintain timely, transparent communication with the community sector
- Undertake an audit and develop a workplan for community sector asset maintenance and upgrades including COVID safe operations.