



## **Legislative Assembly for the Australian Capital Territory**

Select Committee on the COVID-19 2021  
pandemic response

# **Inquiry into the COVID-19 2021 pandemic response**

Legislative Assembly for the Australian Capital Territory  
Select Committee on the COVID-19 2021 pandemic response

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Approved for publication

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Tenth Assembly  
December 2021



# About the committee

## Establishing resolution

The Assembly established the Select Committee on the COVID-19 2021 pandemic response on Thursday, 16 September 2021.

The full establishing resolution can be found [on the Committee's website](#).

## Committee members

Ms Elizabeth Lee MLA, Chair

Ms Suzanne Orr MLA, Deputy Chair

Ms Jo Clay MLA

## Secretariat

Dr David Monk, Committee Secretary

Ms Miona Ikeda, Senior Research Officer

Ms Lydia Chung, Administrative Assistant

## Contact us

**Mail**      Select Committee on the COVID-19 2021 pandemic response  
Legislative Assembly for the Australian Capital Territory  
GPO Box 1020  
CANBERRA ACT 2601

**Phone**      (02) 6205 0129

**Email**      [LCommitteecovid19@parliament.act.gov.au](mailto:LCommitteecovid19@parliament.act.gov.au)

**Website**    [parliament.act.gov.au/parliamentary-business/in-committees](http://parliament.act.gov.au/parliamentary-business/in-committees)

## About this inquiry

At its meeting on Thursday, 16 September 2021, the Assembly passed the following resolution:

“That:

(1) in response to the August 2021 outbreak of COVID-19 in the ACT, a select committee be appointed to consider and report to the Assembly on any matter relating to the ACT Government’s health and financial response and any other matter relating to the COVID-19 pandemic as it relates to the ACT;

(2) the committee be composed of:

(a) one Member to be nominated by the Government;

(b) one Member to be nominated by the Opposition; and

(c) one Member to be nominated by The Greens;

to be notified in writing by each whip to the Speaker by close of business on 16 September 2021;

(3) an Opposition Member shall be elected chair of the committee by the committee;

(4) in conducting public hearings, the committee shall be mindful of the Public Health Emergency declaration, including that:

(a) all efforts are made to minimise the time witnesses are required to be present by scheduling designated hearing times, advising in advance which witnesses the committee wishes to call or topics that will be discussed, and other measures that minimise impact on essential government, non-government, business or other witness’s organisational resources;

(b) where a public hearing is scheduled requiring government ministers and/or officials, hearings are not held at the same time as National Cabinet, a meeting of the ACT Government Cabinet, or when another committee of the Assembly is holding hearings, or on a sitting day of the Assembly, and:

(i) these are to be held no more than once per fortnight for a maximum of two hours, with no directorate/agency or minister to appear for more than an hour; and

(ii) the committee must advise of the ministers, directorates and officers required and the committee’s intended lines of inquiry no less than one week prior;

(c) hearings are held virtually or via secure teleconference until such time as health declarations permit face-to-face hearings;

- (d) the above provisions only apply during the Public Health Emergency declaration; and
  - (e) the committee members endeavour to seek broad input from a range of community members and organisations into the COVID response;
- (5) for the purposes of this committee's operation, standing order 254D does not apply; and
- (6) the committee deliver its final report no later than the last sitting day of 2021."

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# Acronyms

Abbreviation	Full Term
ABN	Australian Business Number
ACT	Australian Capital Territory
ACTCOSS	ACT Council of Social Services
AMC	Alexander Maconochie Centre
ANU	Australian National University
ANZSIC	Australian and New Zealand Standard Industrial Classification
ATOD	Alcohol Tobacco and Other Drug
ATODA	Alcohol Tobacco and Other Drug Association
CEO	Chief Executive Officer
CHO	Chief Health Officer
CHS	Canberra Health Services
CMTEDD	Chief Minister, Treasury and Economic Development Directorate
GST	Goods & Services Tax
HCCA	Health Care Consumers' Association
IGA	Independent Grocers of Australia
MBA	Master Builders Association of the ACT
MLA	Member of the Legislative Assembly
NGO	Non-Governmental Organisation
NSW	New South Wales
PCBU	Person Conducting a Business or Undertaking
PHAA	Public Health Association of Australia
QON	Questions on Notice
QTON	Questions Taken on Notice
RBA	Reserve Bank of Australia
SCA	Strata Community Association
UC	University of Canberra



# Recommendations

## Recommendation 1

The Committee recommends that the ACT Government make publicly available all human rights compatibility statements with every public health direction made.

## Recommendation 2

The Committee recommends that the ACT Government continue to explore ways to minimise the risk of COVID-19 infections at the AMC amongst detainees, particularly those vulnerable to COVID-19, including First Nations detainees, detainees who are elderly or have disabilities, pregnant women and new mothers, and those who may need to care for children or other family members.

## Recommendation 3

The Committee recommends that the ACT Government consider the impact of COVID-19 on those awaiting sentencing or trial.

## Recommendation 4

The Committee recommends that the ACT Government review protocols between ACT Health and ACT Policing for dealing with breaches of isolation or quarantine orders in relation to individuals who are known to be potentially infectious in ACT Policing facilities, AMC and Bimberi Youth Justice Centre to protect front-line workers.

## Recommendation 5

The Committee recommends that ACT Policing review police powers for enforcing isolation or quarantine orders to ensure they are informed by public health considerations and that there are sufficient arrangements made with ACT Health to inform these powers.

## Recommendation 6

The Committee recommends that the ACT Government conduct ACT Civil and Administrative Tribunal hearings via video rather than over the phone, as it would allow for some of the issues faced by mental health consumers and other vulnerable cohorts to be better accommodated.

## Recommendation 7

The Committee recommends that the ACT Government continue to work with community sector providers to connect members of the community to services wherever temporary relief organisations cease operations, including examining the possibility of physical locations in each town centre where emergency relief can be provided in a COVID-safe manner.

## Recommendation 8

The Committee recommends that the ACT Government work with businesses to ensure the application and implementation of public health directions are as clear and transparent as possible.

### **Recommendation 9**

The Committee recommends that the ACT Government consider the financial impacts of public health restrictions on businesses when determining support measures for them.

### **Recommendation 10**

The Committee recommends that the ACT Government undertake a full review of the rollout of the Business Support Grant and the Small Business Hardship Scheme in consultation with local businesses and present the findings of its review to the Assembly by the end of 2022.

### **Recommendation 11**

The Committee recommends that the ACT Government continue to explore new ways to support local businesses in their recovery from the lockdown.

### **Recommendation 12**

The Committee recommends that the ACT Government review its rate of interest for late or non-payment of duties and taxes in line with the cash rate set by the Reserve Bank of Australia.

### **Recommendation 13**

The Committee recommends that the ACT Government review the wider impacts of its working-from-home arrangements for ACT Government employees.

### **Recommendation 14**

The Committee recommends that the ACT Government review the impact of contactless trade on the retail sector and take these industry-specific characteristics into consideration when determining the application of public health directions.

### **Recommendation 15**

The Committee recommends that the ACT Government continue to work with the hospitality sector and take into consideration industry-specific density limitations when determining the application of public health directions and industry-specific business support measures.

### **Recommendation 16**

The Committee recommends that the ACT Government review its implementation of cross-border travel arrangements with NSW to inform any future decision-making on cross-border travel arrangements and report to the Assembly by the end of 2022.

### **Recommendation 17**

The Committee recommends that the ACT Government continue to work with all stakeholders, so they are fully aware of decisions that impact their industries, including those who made those decisions, any assessment undertaken, and reasons for decisions.

### **Recommendation 18**

The Committee recommends that the ACT Government review its decision to close the building and construction industry to inform future decision-making and present to the Assembly by the end of 2022.

### **Recommendation 19**

The Committee recommends that the ACT Government make any grant application processes more accessible with clearer communication on the eligibility criteria.

### **Recommendation 20**

The Committee recommends that the ACT Government report COVID-19 cases in a more consistent manner across all industries.

### **Recommendation 21**

The Committee recommends that the ACT Government ensure that unvaccinated front-facing ACT Directorate staff continue to be redeployed to non-front-facing roles and that their employment remains secure whilst the vaccination mandate remains in place.

### **Recommendation 22**

The Committee recommends that the ACT Government continue to provide targeted programs to improve access to services for young people, particularly in the areas of education, mental health, employment, housing, rental affordability, and homelessness in response to the challenges of the COVID-19 pandemic.

### **Recommendation 23**

The Committee recommends that the ACT Government disseminate lessons learnt on the effective partnership between the ACT Government, Capital Health Network and the Alcohol Tobacco and Other Drug (ATOD) sector in reaching priority populations with the broader NGO sector.

### **Recommendation 24**

The Committee recommends that the ACT Government ensure Canberra Health Services clinics are set up physically and technologically for telehealth.

### **Recommendation 25**

The Committee recommends that the ACT Government support front-line medical professionals, including training, to provide telehealth appointment options.

### **Recommendation 26**

The Committee recommends that the ACT Government adequately support Access Canberra to ensure compliance of owners' corporations and managers with the *Workplace Health and Safety Act 2011* in relation to COVID-19.

### **Recommendation 27**

The Committee recommends that the ACT Government work with Commonwealth and other State and Territory jurisdictions to progress national priorities for suicide prevention following the COVID-19 pandemic, including implementation of the new National Mental Health and Suicide Prevention Agreement.

### **Recommendation 28**

The Committee recommends that the ACT Government further extend and increase as needed the funding of extra school psychologists to schools due to long-term collective stress experienced by children during COVID-19, noting that demand is currently outstripping supply and that the tail end of COVID-19 stress is likely to last for several years.

### **Recommendation 29**

The Committee recommends that the ACT Government investigate giving home educated students access to school psychologists and ensure that future restrictions about gathering for home educated children are consistent with restrictions placed on school educated children.

### **Recommendation 30**

The Committee recommends that the ACT Government consider the benefits of remote learning for some children and consider whether to introduce this as an ongoing arrangement for those who are better suited to remote learning.

### **Recommendation 31**

The Committee recommends that the ACT Government work with the university sector to boost marketing Canberra as an attractive and liveable city targeted at drawing international students to Canberra.

### **Recommendation 32**

The Committee recommends that the ACT Government work with artists, musicians, event professionals and staff to provide targeted support, including more timely payments and rapid access to approvals where employment requires travel within and between states and territories.

### **Recommendation 33**

The Committee recommends that the ACT Government work with other States and Territories to construct best practice and consistent COVID-safe regulations across all indoor and outdoor events, including sport, music and theatre.

# 1. Introduction

- 1.1 The Legislative Assembly for the ACT established a select committee to consider and report to the Assembly on any matter relating to the ACT Government's health and financial response and any other matter relating to the COVID-19 pandemic, as it relates to the ACT.
- 1.2 The Committee held seven public hearings in total and a variety of witnesses gave evidence, including several Ministers, government officials, and representatives of community organisations. A list of witnesses the Committee heard from is available at Appendix A.
- 1.3 The Committee received 25 submissions. A list of submissions the Committee received is available at Appendix B.
- 1.4 The Committee had 13 Questions on Notice/Questions Taken on Notice in total. A list of these QONs and QTONs is available at Appendix C.
- 1.5 The Committee's evidence is available from the Committee's website, through [parliament.act.gov.au/parliamentary-business/in-committees](https://parliament.act.gov.au/parliamentary-business/in-committees).

## 2. The ACT lockdown

### August

- 2.1. Following the detection of the initial positive COVID-19 case in the ACT, the Chief Health Officer (CHO) signed the *Public Health (Lockdown Restrictions) Emergency Direction 2021 (No 1)* to formally implement the ACT's seven-day lockdown with effect from 5.00 pm on Thursday, 12 August 2021.<sup>1</sup>
- 2.2. Due to the lockdown, people in the ACT could only leave their homes for the following essential reasons:
  - To shop for essentials like groceries and medicine and supplies that are essential for personal needs or for vulnerable people;
  - To obtain essential health care, including to undertake a COVID-19 test or receive a scheduled COVID-19 vaccination;
  - To exercise outdoors for no more than one hour per day, with one other person, or their household group;
  - To provide essential caregiving services; and
  - To undertake essential work.<sup>2</sup>
- 2.3. People were also encouraged to undertake these essential activities within their local region 'where possible'.<sup>3</sup>
- 2.4. Those aged 12 years and over were mandated to wear a mask at all times upon leaving home, including in workplaces.
- 2.5. Non-essential businesses, including non-essential retail, were closed for the duration of the lockdown.
- 2.6. By the following day, on Friday 13 August 2021, there were three additional cases of COVID-19 recorded in the ACT, bringing the total number of cases to four. Genomic sequencing confirmed that this was the fast-spreading Delta variant.<sup>4</sup>
- 2.7. The lockdown was initially scheduled to conclude at 5.00 pm on Thursday, 19 August 2021, however, due to the epidemiological situation in the ACT and surrounding regions, on

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<sup>1</sup> ACT Health, *Chief Health Officer Report on the Status of the Public Health Emergency due to COVID-19 Report 18 – 8 September 2021*, September 2021, p 4 (tabled 16 September 2021).

<sup>2</sup> ACT Government, *Seven-day lockdown for the ACT*, <https://www.covid19.act.gov.au/news-articles/seven-day-lockdown-for-the-act>, accessed 16 November 2021.

<sup>3</sup> ACT Government, *Seven-day lockdown for the ACT*, <https://www.covid19.act.gov.au/news-articles/seven-day-lockdown-for-the-act>, accessed 16 November 2021.

<sup>4</sup> ACT Government, *ACT COVID-19 Update – 13 August 2021*, <https://www.covid19.act.gov.au/news-articles/act-covid-19-update-13-august-2021>, accessed 16 November 2021.

Tuesday, 17 August 2021 it was announced that the lockdown would be extended for two weeks until 5.00 pm on Thursday, 2 September 2021.<sup>5</sup>

- 2.8. A jointly funded package from the Commonwealth and the ACT Government was announced on Friday, 13 August 2021, to support small and medium businesses in the ACT who had been impacted by the lockdown measures.
- 2.9. The ACT COVID-19 Business Support Grant provided \$3,000 for employing businesses and \$1,000 for non-employing businesses where turnover declined by 30 percent or more in the week defined as Friday, 13 August 2021 – Friday, 20 August 2021 (compared to the prior seven-day period) as a result of the COVID-19 restrictions.<sup>6</sup>
- 2.10. The ACT Government also opened for expressions of interest, a COVID-19 Small Business Hardship Scheme where eligible ACT businesses could apply for credits on the cost of eligible fees and charges of up to \$10,000 (inclusive of GST) per Australian Business Number (ABN). This scheme provided credits for payroll tax, utilities, rates, and certain business licences for small to medium businesses that could demonstrate a 30 percent loss in revenue.<sup>7</sup>
- 2.11. On Tuesday, 31 August 2021, it was announced that the lockdown would be extended for a further two weeks until Friday, 17 September 2021, due to the number of new cases being notified, including the number that were in the community for part of their infectious period, which presented a significant risk of COVID-19 spreading in the community.<sup>8</sup>

## September

- 2.12. On Wednesday, 1 September 2021, Canberrans between the ages of 16 and 29 became eligible to book a Pfizer COVID-19 vaccination at an ACT COVID-19 mass vaccination clinic.<sup>9</sup>
- 2.13. From Friday 3 September, Transport Canberra began providing free transport on bus and light rail for anyone travelling to any ACT Government COVID-19 vaccination clinic. The free travel included family, carers, guardians, support people, and children accompanying the person getting vaccinated.<sup>10</sup>

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<sup>5</sup> ACT Health, *Chief Health Officer Report on the Status of the Public Health Emergency due to COVID-19 Report 18 – 8 September 2021*, September 2021, p 4 (tabled 16 September 2021).

<sup>6</sup> ACT Government, *Support for local businesses*, <https://www.covid19.act.gov.au/news-articles/support-for-local-business>, accessed 22 November 2021.

<sup>7</sup> ACT Government, *Support for local businesses*, <https://www.covid19.act.gov.au/news-articles/support-for-local-business>, accessed 22 November 2021.

<sup>8</sup> ACT Health, *Chief Health Officer Report on the Status of the Public Health Emergency due to COVID-19 Report 18 – 8 September 2021*, September 2021, p 4 (tabled 16 September 2021).

<sup>9</sup> ACT Government, *COVID-19 vaccine bookings open for 16-29 year old Canberrans*, <https://www.covid19.act.gov.au/news-articles/covid-19-vaccine-bookings-open-for-16-29-year-old-canberrans>, accessed 22 November 2021.

<sup>10</sup> ACT Government, *Free public transport to ACT Government COVID-19 vaccination clinics*, <https://www.covid19.act.gov.au/news-articles/free-public-transport-to-act-government-covid-19-vaccination-clinics>, accessed 22 November 2021.

- 2.14. On Tuesday, 14 September 2021, the ACT lockdown was extended again, this time for another four weeks, until Friday, 15 October 2021.<sup>11</sup>

## October

- 2.15. On Tuesday, 5 October 2021, it was reported that the past week saw a large increase in the number of COVID-19 cases in the ACT, with a new record number of 52 cases in a 24-hour period for two days in a row.<sup>12</sup>
- 2.16. This rise in case numbers was expected after the long weekend of 2–4 October, due to the highly infectious nature of the Delta strain combined with the increased movement of people across the community.
- 2.17. After a total of nine weeks, the ACT emerged from lockdown on Friday, 15 October 2021.
- 2.18. The ACT Government lifted the lockdown following strong community support for vaccines. However, masks were still mandatory in both indoor and outdoor settings (unless eating or drinking), and the 'Check in CBR' app was mandatory for people who were out in the community.<sup>13</sup>
- 2.19. Other lifted restrictions included:
- Licensed venues, cafes and restaurants were now able to serve seated customers, with the option of indoor or outdoor service.
    - For indoor service, capacity limits were set at one person per four square metres or 25 people — whichever was less.
    - For outdoors, the capacity was set at 50 people or one person per four square metres — again, whichever was less.
  - Five people permitted to visit another household, and 25 people could meet in outdoor gatherings.
  - Aged care facilities allowed to have guests — up to two vaccinated people permitted to visit per day, per resident.
  - Wedding celebrations were allowed to have 25 guests, and funerals were permitted to have 50 guests.

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<sup>11</sup> ACT Government, *ACT COVID-19 Update – 14 September 2021*, <https://www.covid19.act.gov.au/news-articles/act-covid-19-update-14-september-2021>, accessed 25 November 2021.

<sup>12</sup> ACT Government, *ACT COVID-19 Update – 5 October 2021*, <https://www.covid19.act.gov.au/news-articles/act-covid-19-update-5-october-2021>, accessed 23 November 2021.

<sup>13</sup> ABC News, *The COVID-19 lockdown has ended in the ACT – here's what you can and can't do*, <https://www.abc.net.au/news/2021-10-15/covid19-lockdown-has-ended-in-the-act-what-you-can-do/100536278>, accessed 23 November 2021.



## November

- 2.20. Following significant consultation between the ACT Health Directorate and stakeholders representing the disability and aged care sectors, a new public health direction was signed on Monday, 1 November 2021.<sup>14</sup>
- 2.21. The new direction would require affected workers and volunteers to receive their first dose of a COVID-19 vaccination by Monday, 15 November 2021 and a second dose by Monday, 13 December 2021.
- 2.22. The Minister for Health, Ms Rachel Stephen-Smith MLA said that feedback from stakeholders indicated that the originally proposed dates of Monday, 1 November 2021 and Monday, 29 November 2021 for the first and second dose requirements would not give employers enough time to ensure they were meeting their obligations.
- 2.23. On Tuesday, 9 November 2021, with the ACT reaching 95 percent of the eligible population fully vaccinated – one of the highest levels of vaccination in the world – the next stage of the ACT's Pathway Forward was brought forward to Thursday, 11 November 2021.<sup>15</sup>
- 2.24. From Thursday, 11 November 2021, the ACT had no limits on home visits or informal outdoor gatherings, and indoor and outdoor entertainment venues with fixed seating were able to host events at 100 percent seated capacity.
- 2.25. Restrictions on cinemas and swimming pools were relaxed, and most indoor settings and industries such as hospitality, retail, and organised sport could recommence with one person per two square metres in indoor settings.
- 2.26. Face masks are only now required in high-risk settings, such as hospitals, medical centres and aged care facilities, as well as on public transport, in school settings, and some business settings.
- 2.27. On Friday, 12 November 2021, the ACT Public Health Directions were updated, and to support these Directions, and in recognition of the ongoing case numbers of COVID-19 in the ACT, the Minister for Health signed an extension of the Public Health Emergency Declaration until Saturday, 12 February 2022.<sup>16</sup>
- 2.28. On Monday, 15 November 2021, the ACT Government's COVID-19 Small Business Hardship Scheme opened.<sup>17</sup>

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<sup>14</sup> ACT Government, *New Public Health Direction for disability and aged care workers*, <https://www.covid19.act.gov.au/news-articles/new-public-health-direction-for-disability-and-aged-care-workers-to-be-signed-today>, accessed 18 November 2021.

<sup>15</sup> ACT Government, *ACT Pathway Forward brought forward by two weeks*, <https://www.covid19.act.gov.au/news-articles/next-step-in-act-pathway-forward-brought-forward-by-two-weeks>, accessed 18 November 2021.

<sup>16</sup> ACT Government, *ACT COVID-19 Update – 12 November 2021*, <https://www.covid19.act.gov.au/news-articles/act-covid-19-update-12-november-2021>, accessed 18 November 2021.

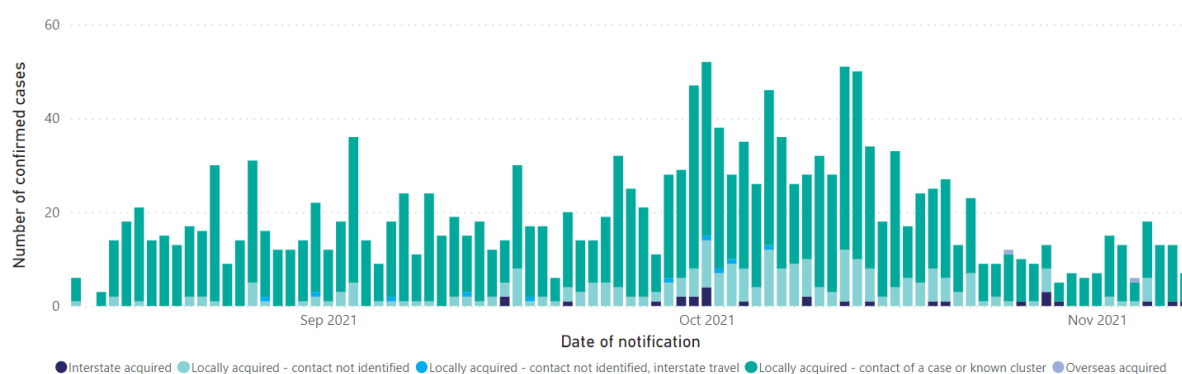
<sup>17</sup> ACT Government, *COVID-19 Small Business Hardship Scheme – FAQs*, <https://www.act.gov.au/business/business-support/covid-19-economic-support-for-business/covid-19-small-business-hardship-scheme-faqs>, accessed 25 November 2021.

## Current case numbers

2.29. Since the beginning of lockdown on Thursday, 12 August 2021, to Tuesday, 23 November 2021, the ACT had recorded:

- 1,872 confirmed cases;
- 1,718 recovered cases;
- 14 deaths; and
- 140 active cases remaining.<sup>18</sup>

2.30. The figure below shows the occurrence of cases over time. Peak cases occurred in October.



Source of Exposure	Confirmed Cases %
Locally acquired - contact of a case or known cluster	82.78%
Locally acquired - contact not identified	14.99%
Interstate acquired	1.54%
Locally acquired - contact not identified, interstate travel	0.57%
Overseas acquired	0.11%
<b>Total</b>	<b>100.00%</b>

Figure 1: Laboratory confirmed COVID-19 cases in the ACT by date of notification and source [Source: ACT Government, 23 November 2021, p 3.]

<sup>18</sup> ACT Government, *Coronavirus (COVID-19) in the Australian Capital Territory*, <https://www.covid19.act.gov.au/updates/act-covid-19-statistics>, accessed 23 November 2021.

### 3. Issues and recommendations

#### Human rights

3.1. At the first public hearing, the Committee heard evidence regarding the importance to provide human rights justifications up-front for public health directions, and, if they cannot be provided immediately, then it should be done as soon as possible afterwards.<sup>19</sup>

3.2. Dr Helen Watchirs OAM, President and Human Rights Commissioner of the ACT Human Rights Commission, believes this is necessary to avoid unintended consequences:

...so that those limitations under section 28 [of the *Human Rights Act 2004*] are reasonable, necessary and proportionate so that we can examine what is underlying ...so that we can check that there are not unintended consequences that were not thought of when it was made in that very short amount of time. The whole point of safeguards and oversight is to check that there are not unintended consequences, particularly on vulnerable populations.<sup>20</sup>

3.3. The ACT Human Rights Commission also encouraged the Government to go beyond minimum compliance:

...the Commission is keen to see that the government takes a human rights-based approach. A human rights-based approach goes beyond simply achieving technical or baseline compatibility with the *Human Rights Act 2004*, but rather sets out an approach to respect, protect and fulfil human rights in both process and outcome. This includes building in, wherever possible, preventative safeguards to minimise the impact on human rights, and to guard against any inadvertent consequences.<sup>21</sup>

#### Recommendation 1

The Committee recommends that the ACT Government make publicly available all human rights compatibility statements with every public health direction made.

3.4. In its submission to the inquiry, the ACT Human Rights Commission also wrote that measures to prevent the spread of infection could increase the severity of detention:

The grave dangers of a COVID-19 outbreak in a prison environment to both detainees and staff alike have been well documented. Notwithstanding the best efforts of ACT Corrective Services to prevent further transmission, it must be recognised that the complexity and difficulty in managing COVID-19 is greatly increased in closed and over-crowded environments such as prisons.

<sup>19</sup> Dr Helen Watchirs OAM, President and Human Rights Commissioner, ACT Human Rights Commission, *Committee Hansard*, 30 September 2021, p 19.

<sup>20</sup> Dr Helen Watchirs OAM, President and Human Rights Commissioner, ACT Human Rights Commission, *Committee Hansard*, 30 September 2021, p 19.

<sup>21</sup> ACT Human Rights Commission, *Supplementary Submission 3(a)*, p 1.

Precautionary measures are also likely to result in more severe conditions of detention and make it harder to humanely quarantine detainees.<sup>22</sup>

3.5. It was acknowledged that “managing the risk of a widespread outbreak in the Alexander Maconochie Centre (AMC) is not the responsibility of ACT Corrective Services alone but requires a collective response from everyone in the justice sector, including police, prosecutors, courts, and the government”.<sup>23</sup>

3.6. This view is echoed in the ACT Council of Social Services’ (ACTCOSS) submission to the inquiry. ACTCOSS have significant concerns on detainees’ welfare and believes that:

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.<sup>24</sup>

3.7. In its submission to the inquiry, the Public Health Association of Australia (PHAA) stated that the standard of health services for prisoners must be maintained:

Health care services in criminal justice settings should be equivalent to those available in community settings. The United Nations Standard Minimum Rules for the Treatment of Prisoners 2015 includes provisions for healthcare including Rule 24 that ‘Prisoners should enjoy the same standards of health care that are available in the community and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status. Health-care services should be organised in close relationship to the general public health administration and in a way that ensures continuity of treatment and care’.

Due to lockdowns, PHAA understands some health care services have been disrupted. We advocate that the government prioritise re-establishing these services.<sup>25</sup>

## Recommendation 2

The Committee recommends that the ACT Government continue to explore ways to minimise the risk of COVID-19 infections at the AMC amongst detainees, particularly those vulnerable to COVID-19, including First Nations detainees, detainees who are elderly or have disabilities, pregnant women and new mothers, and those who may need to care for children or other family members.

<sup>22</sup> ACT Human Rights Commission, *Submission 3*, p 4.

<sup>23</sup> ACT Human Rights Commission, *Submission 3*, p 4.

<sup>24</sup> ACT Council of Social Service, *Submission 25*, p 13.

<sup>25</sup> Public Health Association of Australia, *Submission 19*, p 4.

- 3.8. While the ACT Courts have recognised that the impact of COVID-19 on an accused can be considered for the purposes of a bail application, the ACT Human Rights Commission believe that there would be benefit in legislating the criteria that courts must consider when assessing the risk that the current pandemic would present to an accused if remanded.<sup>26</sup>
- 3.9. The Commission also suggested that “express consideration should be given to the current elevated risk of a COVID-19 outbreak in the AMC when determining whether it is strictly necessary for someone to be held in custody before a bail hearing”.<sup>27</sup>

### **Recommendation 3**

The Committee recommends that the ACT Government consider the impact of COVID-19 on those awaiting sentencing or trial.

- 3.10. In its submission to the inquiry, the ACT Human Rights Commission noted that incarcerating someone who breached a public health order may be self-defeating:

As individuals who are subject to isolation or quarantine orders are known to be infectious or potentially infectious, it would appear self-evident that using a criminal justice response to deal with isolation or quarantine breaches must be undertaken with great care, and only as a measure of last resort. Arresting, transporting, and detaining someone who is known to be infectious or potentially infectious in the watchhouse and subsequently at the AMC undermines the purpose of such orders, namely, to contain the spread of COVID-19.<sup>28</sup>

### **Recommendation 4**

The Committee recommends that the ACT Government review protocols between ACT Health and ACT Policing for dealing with breaches of isolation or quarantine orders in relation to individuals who are known to be potentially infectious in ACT Policing facilities, AMC and Bimberi Youth Justice Centre to protect front-line workers.

### **Recommendation 5**

The Committee recommends that ACT Policing review police powers for enforcing isolation or quarantine orders to ensure they are informed by public health considerations and that there are sufficient arrangements made with ACT Health to inform these powers.

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<sup>26</sup> ACT Human Rights Commission, *Letter to the Attorney-General and Minister for Corrections regarding managing COVID-19 risks at the AMC*, September 2021, p 1.

<sup>27</sup> ACT Human Rights Commission, *Letter to the Attorney-General and Minister for Corrections regarding managing COVID-19 risks at the AMC*, September 2021, p 2.

<sup>28</sup> ACT Human Rights Commission, *Submission 3*, p 5.

- 3.11. The ACT Human Rights Commission notes that, as was the case last year, hearings are typically via phone, which can be particularly challenging for mental health consumers and those who have cognitive impairment, hearing impairment, et cetera.<sup>29</sup>
- 3.12. While the Commission appreciates that the current pandemic situation presents challenges for holding face-to-face hearings, they consider that the option of video hearings would be preferable over hearings that are conducted by phone.

### **Recommendation 6**

The Committee recommends that the ACT Government conduct ACT Civil and Administrative Tribunal hearings via video rather than over the phone, as it would allow for some of the issues faced by mental health consumers and other vulnerable cohorts to be better accommodated.

- 3.13. In its submission to the inquiry, the Salvation Army documented that, while some community and social support organisations were forced to close in-person operations, the Salvation Army worked to find practicable solutions to keep its Braddon Corps services operational during lockdown, under strict COVID-19-safe conditions.<sup>30</sup>
- 3.14. This allowed the local community to continue to obtain take-away meals, necessities including fresh fruit and vegetables, request a financial support 'Salvos Card', and to access other essential support.
- 3.15. The Braddon Corps location close to the Australian National University (ANU) also saw a marked increase in visits from international students during this time, as these students were not eligible for Commonwealth Government financial support.
- 3.16. The Salvation Army had some concern that should new food relief supports be discontinued, there is a risk that people who have relied upon their services will feel abandoned. Referring community members to appropriate services is vital to keeping people connected to the community, and able to access services.
- 3.17. This includes providing a physical location where people could go for vouchers, access the internet, or charge phones if needed, and could be operated in a COVID-safe manner.<sup>31</sup>

### **Recommendation 7**

The Committee recommends that the ACT Government continue to work with community sector providers to connect members of the community to services wherever temporary relief organisations cease operations, including examining the possibility of physical locations in each town centre where emergency relief can be provided in a COVID-safe manner.

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<sup>29</sup> ACT Human Rights Commission, *Submission 3*, p 7.

<sup>30</sup> The Salvation Army, *Submission 15*, p 2.

<sup>31</sup> The Salvation Army, *Submission 15*, p 5.

## Business

3.18. At the first public hearing, the Committee heard evidence about the pressures the pandemic and related economic effects are having on the Canberra business sector.<sup>32</sup>

3.19. Mr Archie Tsirimokos, Chair of the Canberra Business Chamber, stated that many businesses are taking on debt to stay afloat is a growing concern:

...it feels like there is a disconnect to business in terms of the support that individuals who were stood down got. They got federal government support very quickly, and business was seen as some amorphous being which was not about people. We are really talking about people who, just like a wage and salary earner, have not received the money that they were relying on from that week of trade. Many people have received zero income through this period. Not only are they eating into their savings, but they are borrowing against their homes, they are using their credit cards and they are deferring other obligations in order to be able to put food on the table.<sup>33</sup>

3.20. This view was shared by other business organisations and business owners in their submissions to the inquiry, including Fyshwick Business Association and Braddon's United Retailers & Traders.<sup>34</sup>

### Recommendation 8

The Committee recommends that the ACT Government work with businesses to ensure the application and implementation of public health directions are as clear and transparent as possible.

### Recommendation 9

The Committee recommends that the ACT Government consider the financial impacts of public health restrictions on businesses when determining support measures for them.

3.21. In their submission to the inquiry, Mr Rob Evans, President of the Fyshwick Business Association, stated that “the parameters enforced by the ACT Government have unnecessarily stifled business to a huge extent and show the complete disconnect between the government and business sector”.<sup>35</sup>

3.22. He also noted that the ACT Government did not understand the business sector, stating that “it [the pathway out of lockdown] really smacks of not listening, not understanding and not learning — and as a natural follow on from that, the business sector perceives

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<sup>32</sup> Mr Graham Catt, CEO, Canberra Business Chamber, *Committee Hansard*, 30 September 2021, p 1.

<sup>33</sup> Mr Archie Tsirimokos, Chair, Canberra Business Chamber, *Committee Hansard*, 30 September 2021, p 8.

<sup>34</sup> Fyshwick Business Association, *Submission 6*, p 2 & Braddon's United Retailers & Traders, *Submission 11*, p 7.

<sup>35</sup> Fyshwick Business Association, *Submission 6*, p 1.

[that] the government does not want to and does not care, preferring to persist with what it thinks is best without any solid evidence base.”<sup>36</sup>

3.23. In their submission to the inquiry, Mr Kel Watt from Braddon’s United Retailers & Traders stated that “for 2021, the grant process has added to business owners’ anger and frustration. The lengthy delays, lack of communication, challenging application processes and support levels that do not meet needs, have turned business sentiment from one of support for government operations in their challenges to one of anger.”<sup>37</sup>

3.24. Dr David Marshall AM, Chair of the Canberra Region Tourism Leaders Forum, stated that the overall support for the tourism industry has been very welcome:

...we have been meeting regularly with the Economic Development Directorate under Ms Kareena Arthy. That has been very effective. We have had also Minister Cheyne on that call, as well as representatives from the Chief Minister’s office. They have given us very good access to those decision-makers. It has proved to be very beneficial from a communication point of view between our sectors and also the business sectors and government.<sup>38</sup>

3.25. At the second public hearing, the Chief Minister discussed the rollout of the Business Support Grant and the Small Business Hardship Scheme in the ACT.

3.26. The purpose of the COVID-19 Business Support Grant was to provide short-term support for small to medium businesses whose turnover had significantly declined as a result of COVID-19 restrictions in place since the lockdown. The COVID-19 Business Support Grant was open from Thursday, 26 August 2021 to Thursday, 7 October 2021.<sup>39</sup>

3.27. The COVID-19 Small Business Hardship Scheme provides a one-off reimbursement for eligible businesses for costs incurred with selected utilities (gas, water and electricity), commercial rates and commercial vehicle registrations up to the value of \$10,000 per business. Applications opened on Monday, 15 November 2021 and will close on Monday, 31 January 2022.<sup>40</sup>

### Recommendation 10

The Committee recommends that the ACT Government undertake a full review of the rollout of the Business Support Grant and the Small Business Hardship Scheme in consultation with local businesses and present the findings of its review to the Assembly by the end of 2022.

<sup>36</sup> Fyshwick Business Association, *Submission 6*, p 1.

<sup>37</sup> Braddon’s United Retailers & Traders, *Submission 11*, p 11.

<sup>38</sup> Dr David Marshall AM, Chair, Canberra Region Tourism Leaders Forum, *Committee Hansard*, 14 October 2021, p 55.

<sup>39</sup> ACT Government, *COVID-19 Business Support Grant – FAQs*, <https://www.act.gov.au/business/business-support/covid-19-economic-support-for-business/support-grant-faqs>, accessed 24 November 2021.

<sup>40</sup> ACT Government, *COVID-19 economic support for business*, <https://www.act.gov.au/business/business-support/covid-19-economic-support-for-business>, accessed 24 November 2021.



## Recommendation 11

The Committee recommends that the ACT Government continue to explore new ways to support local businesses in their recovery from the lockdown.

- 3.28. During the third public hearing, Mr John-Paul Romano, Chair of the Inner-South Canberra Business Council, stated that elements of ACT Government policy and attitudes are not consistent with its actions to support business:

Fundamentally, with respect to where we are at in the ACT, there is a non-understanding of business by government. All of us business traders have met with the government, with Ms Cheyne (Minister for Business and Better Regulation) and with bureaucrats, and most of us have been quite shocked by the way we have been treated, basically with the assumption of guilt and fraud before the assumption of innocence.<sup>41</sup>

- 3.29. This also extends to interest on late payments. He added, "...it is also crazy that the ACT Government charges 9 percent interest on late rates. The RBA cash rate is 0.1 percent, and the ACT Government is charging 9 percent interest."<sup>42</sup>

## Recommendation 12

The Committee recommends that the ACT Government review its rate of interest for late or non-payment of duties and taxes in line with the cash rate set by the Reserve Bank of Australia.

- 3.30. In their submission to the inquiry, Mr Kel Watt from Braddon's United Retailers & Traders, stated that "the result [of the lockdown] was a drop in trade of between 30 percent and 70 percent for coffee sales at Braddon cafes, as the public servants making their way to the office [near the city] were now working from home."<sup>43</sup>

- 3.31. He also noted that this is something out of their control:

Business owners can accept the risks of failure if they have their destiny in their own hands. The right products and services, along with the right business plan should deliver a profitable operation. The wrong ones likely result in a failed business. However, a business failing because of matters outside of their control is unpalatable.<sup>44</sup>

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<sup>41</sup> Mr John-Paul Romano, Chair, Inner-South Canberra Business Council, *Committee Hansard*, 14 October 2021, p 73.

<sup>42</sup> Mr John-Paul Romano, Chair, Inner-South Canberra Business Council, *Committee Hansard*, 14 October 2021, p 73.

<sup>43</sup> Braddon's United Retailers & Traders, *Submission 11*, p 11.

<sup>44</sup> Braddon's United Retailers & Traders, *Submission 11*, p 7.

### Recommendation 13

The Committee recommends that the ACT Government review the wider impacts of its working-from-home arrangements for ACT Government employees.

- 3.32. In their submission to the inquiry, Mr Rob Evans, President of the Fyshwick Business Association, stated that not all businesses can go online:

Retail businesses have adapted with some online services but when your business needs to let people see and touch and feel and try on, you can only get so far with contactless trade. And many smaller retail businesses are not geared up with online sales platforms, so it's been a huge burden to manage what little trade they can generate.<sup>45</sup>

- 3.33. In another submission, a small business owner wrote that essential businesses, such as supermarkets, exploited the restrictions on general retail to take their market share:

I cry, I vent, I swear, I don't sleep, I shake my head.

I watch the IGA in our strip take full advantage of the situation by diversifying and selling things that people can't source at the moment because businesses like mine just can't open their doors.

I wonder if I start selling tea, can people then buy giftware from my store? Maybe I should diversify so I can open the doors. It's very, very frustrating.

Why is it that across Australia the ACT is the only place that is treating small retailers this way? Is the government really under the impression that click and collect works for small businesses like mine? I really hope that small retailers will see a change in this decision, and we will be able to trade in some reasonable capacity.<sup>46</sup>

### Recommendation 14

The Committee recommends that the ACT Government review the impact of contactless trade on the retail sector and take these industry-specific characteristics into consideration when determining the application of public health directions.

- 3.34. In their submission, Mr Anthony Brierley, General Manager of Australian Hotels Association (ACT), expressed concern that the four-square metre rule would leave many hospitality businesses unviable:

...I articulated to the ACT Government at considerable length and in great detail that, once the lockdown was over, the hospitality industry would not be viable if it was subject to a four-square metre rule as part of any ongoing

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<sup>45</sup> Fyshwick Business Association, *Submission 6*, p 2.

<sup>46</sup> Name Withheld, *Submission 10*, p 2.

public health social measures. This is because the four-square metre rule restricts hospitality businesses to approximately 25 per cent of their normal patronage. At this level of patronage, a hospitality business's revenue is significantly outweighed by its costs of being open. This rule forces hospitality businesses to make a financial loss.<sup>47</sup>

- 3.35. On the issue of density limitations and the four-square metre rule, the Chief Minister explained during the second public hearing that the ACT Government was working on a plan to open up more outdoor areas for hospitality venues which will extend the capacity of patrons:

We are looking at particularly precincts and streets that we may be able to in fact close off to through traffic—not main streets but side streets—to enable some additional outdoor space. Given that the outdoor dining capacity limit will be 50, at one per four square metres we will be looking for 200 square metre spaces. There are many businesses that already have 200 square metre spaces outdoors but there are others that might only have 100 metres where we might be able to expand their footprint as a temporary arrangement.

Beyond the next two weeks, we then take a step where the capacity limits increase further. That would enable outdoor at one per two square metres and up to a maximum of 150.<sup>48</sup>

### Recommendation 15

The Committee recommends that the ACT Government continue to work with the hospitality sector and take into consideration industry-specific density limitations when determining the application of public health directions and industry-specific business support measures.

## Building and construction

- 3.36. In their submission to the inquiry, Mr Michael Hopkins, CEO of Master Builders Association of the ACT (MBA), wrote that:

According to Australian Bureau of Statistics' employment data, there were 15,331 people working in the ACT building and construction industry in August 2021. This has fallen from 20,025 people in May 2020. The ACT has lost more construction jobs compared to pre-pandemic levels than any other State or Territory in Australia."<sup>49</sup>

- 3.37. The Committee also noted and considered the year-to-year comparative figures — that, in May 2021, there were approximately 18,500 people working in the ACT building and

<sup>47</sup> Mr Anthony Brierley, General Manager, Australian Hotels Association (ACT), *Committee Hansard*, 14 October 2021, p 50.

<sup>48</sup> Mr Andrew Barr MLA, Chief Minister, *Committee Hansard*, 11 October 2021, p 46.

<sup>49</sup> Master Builders Association of the ACT, *Submission 8*, p 1.

construction industry (in comparison with approximately 20,000 people in May 2020), and that there were approximately 16,800 people working in the ACT building and construction industry in August 2020 (in comparison with approximately 15,300 people in August 2021).<sup>50</sup>

- 3.38. At the third public hearing, Ms Ashlee Berry, Member Services Director for MBA, stated that one of the main issues which impacted the industry was restrictions on travel between the ACT and New South Wales. She stated that:

There are probably three issues in total that are really impacting our industry. The first one is the complexity of the border rules between the ACT and NSW and the minefield that a small business owner would need to go through in order to understand whether their workers can come in, say, from NSW to the ACT and, similarly, whether ACT workers can go and work on projects that may be in the border bubble or beyond. Some of our members might have projects in Goulburn, the ACT – actually, all around regional NSW – and they almost need to segment their workforce and have some working on regional NSW projects and some coming into the ACT, due to the complexities.<sup>51</sup>

### Recommendation 16

The Committee recommends that the ACT Government review its implementation of cross-border travel arrangements with NSW to inform any future decision-making on cross-border travel arrangements and report to the Assembly by the end of 2022.

- 3.39. In their submission to the inquiry, Mr Michael Hopkins, CEO of MBA, stated that construction in the ACT had a long shutdown, without explanation:

The shutdown of the ACT's construction industry lasted for three weeks (for Government, civil and large-scale projects) to four weeks (for small-scale projects). As of the date of this submission [8 October 2021], some elements of the construction industry remain shut down. This is the longest shutdown of the construction industry in any State or Territory. There has been no explanation of why the ACT's construction industry was shut down for this length when other States and Territories have been either able to completely avoid a shutdown of the construction industry or do so for a significantly less period of time.<sup>52</sup>

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<sup>50</sup> Australian Bureau of Statistics, *Table 05. Employed persons by State, Territory and Industry division of main job (ANZSIC)*, <https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-australia-detailed/latest-release>, accessed 1 December 2021.

<sup>51</sup> Ms Ashlee Berry, Member Services Director, Master Builders Association of the ACT, *Committee Hansard*, 14 October 2021, p 62.

<sup>52</sup> Master Builders Association of the ACT, *Submission 8*, p 2.

### Recommendation 17

The Committee recommends that the ACT Government continue to work with all stakeholders, so they are fully aware of decisions that impact their industries, including those who made those decisions, any assessment undertaken, and reasons for decisions.

- 3.40. At the third public hearing, Mr Michael Hopkins, CEO of MBA, stated that “it would be important to learn out of this experience. We would hope that the construction industry would not need to be shut down at all if we face the same situation again.”<sup>53</sup>
- 3.41. In its submission to the inquiry, WorkSafe ACT provided data on compliance with COVID-safe work practices in the construction industry during the ACT lockdown. Significant levels of non-compliance were observed in the early stages of lockdown in the residential construction sector, with 24 matters referred to the AFP in total.<sup>54</sup> Ninety-nine percent of COVID-19 compliance notices were issued in the construction industry.<sup>55</sup>
- 3.42. With the staged re-opening of the construction and retail industries in September and October, WorkSafe ACT conducted 314 workplace visits. From these visits:
- 277 improvement notices were issued — 101 issued for COVID-19 breaches; and
  - 69 prohibition notices were issued — 10 issued for COVID-19 breaches.<sup>56</sup>
- 3.43. The proportion of notices issued for COVID-19 breaches has since decreased, from 39 percent in September to 19 percent in October, suggesting PCBUs are adjusting to living and working under a COVID-normal status.<sup>57</sup>

### Recommendation 18

The Committee recommends that the ACT Government review its decision to close the building and construction industry to inform future decision-making and present to the Assembly by the end of 2022.

- 3.44. Also, at the third public hearing, Mr Hopkins stated there were insufficient communications about the construction industry not being eligible for industry assistance:

...this decision from government to make the construction industry ineligible for these payments was never communicated to us. We discovered this by chance, from some of our members reporting to us that they applied for the grant. The ACT website says that all industries are eligible. Members have applied for these

<sup>53</sup> Mr Michael Hopkins, CEO, Master Builders Association of the ACT, *Committee Hansard*, 14 October 2021, p 67.

<sup>54</sup> WorkSafe ACT, *Submission 16*, p 1.

<sup>55</sup> WorkSafe ACT, *Submission 16*, p 3.

<sup>56</sup> WorkSafe ACT, *Submission 16*, p 1.

<sup>57</sup> WorkSafe ACT, *Submission 16*, p 2.

grants in good faith only to receive a written letter saying, ‘Your application is declined’.”<sup>58</sup>

- 3.45. As the business support grants were initially available for any business that suffered a 30 percent decline in turnover, the building and construction sector expected that any businesses that continued to have a 30 percent turnover decline would still be eligible for the payments.<sup>59</sup>
- 3.46. The MBA stated that they were “puzzled as to why government would unilaterally rule out a whole industry from being eligible for these very important payments, even though our industry – while it might not be doing it as tough as some parts of the business community – is certainly struggling through the lockdown and the recovery phase.”<sup>60</sup>
- 3.47. The ACT Government’s COVID-19 Business Support Grant website communicated that there have been changes to eligibility for some construction and real estate businesses:

[Businesses] in the construction or real estate sectors (ANZSIC Classes 30, 31, 32 and 67) are not eligible for the extension or top-up payments as these industries were reopened before 17 September 2021.

Certain subsections of the construction and real estate sectors may have continued to be significantly impacted as a result of the extended lockdown and now have access to apply for the extension and top up payments under a Special Circumstances Review process.<sup>61</sup>

- 3.48. Due to the Special Circumstances Review process being implemented on Friday 29 October 2021, weeks after the ACT lockdown took effect, some Members of the Committee are concerned that there have been unilateral changes to the eligibility criteria without notice.

### Recommendation 19

The Committee recommends that the ACT Government make any grant application processes more accessible with clearer communication on the eligibility criteria.

- 3.49. Also, at the third public hearing, Mr Hopkins stated that the construction industry had good COVID-safe practices, which wasn’t reflected in reporting or regulation:

We would be keen for the construction requirements documents, as part of a health order, to be removed as quickly as possible and, instead, encourage

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<sup>58</sup> Mr Michael Hopkins, CEO, Master Builders Association of the ACT, *Committee Hansard*, 14 October 2021, p 65.

<sup>59</sup> Mr Michael Hopkins, CEO, Master Builders Association of the ACT, *Committee Hansard*, 14 October 2021, p 65.

<sup>60</sup> Mr Michael Hopkins, CEO, Master Builders Association of the ACT, *Committee Hansard*, 14 October 2021, p 65.

<sup>61</sup> ACT Government, *COVID-19 Business Support Grant – FAQs*, <https://www.act.gov.au/business/business-support/covid-19-economic-support-for-business/support-grant-faqs>, accessed 30 November 2021.

businesses to adopt more long-term COVID-19 safety management practices, and that that be done on a business-by-business, side-by-side, basis.<sup>62</sup>

I think that in the environment that we have worked in, when there has been a case it has been highlighted and reported very widely. The actual number of cases in the construction industry, I think, have been quite minimal. They have been very well handled.<sup>63</sup>

## Recommendation 20

The Committee recommends that the ACT Government report COVID-19 cases in a more consistent manner across all industries.

## Health

- 3.50. The CHO has issued public health directions to require workers in residential aged care facilities, certain health care and education settings, and disability support workers or in-home and community aged care workers to be vaccinated or to have an approved exemption in order to be permitted to attend work.
- 3.51. In its supplementary submission to the inquiry, the ACT Human Rights Commission accepted that “vaccination mandates in high-risk settings were aimed at legitimate public health objectives. However, by their nature, vaccination mandates are likely to involve restrictions on a range of rights which are guaranteed in the *Human Rights Act 2004*”, including:
- the right to equality and non-discrimination (section 8);
  - the right not to be subjected to medical treatment without free consent (subsection 10(2));
  - the right to privacy and personal autonomy (section 12);
  - the right to freedom of thought, conscience, religion and belief (section 14); and
  - the right to work and rights in work (section 27B).<sup>64</sup>
- 3.52. While the ACT Human Rights Commission welcomed the ACT Government’s assurances that public sector employees who remain unvaccinated will be redeployed, it noted that the government must also consider the impact of a vaccination mandate on the rights of private sector employees, including their ongoing right to work, in determining whether

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<sup>62</sup> Mr Michael Hopkins, CEO, Master Builders Association of the ACT, *Committee Hansard*, 14 October 2021, p 67.

<sup>63</sup> Mr Michael Hopkins, CEO, Master Builders Association of the ACT, *Committee Hansard*, 14 October 2021, p 64.

<sup>64</sup> ACT Human Rights Commission, *Supplementary Submission 3(a)*, p 7.

such a mandate (and its implementation) will remain reasonable and proportionate in accordance with the *Human Rights Act 2004*.

### **Recommendation 21**

The Committee recommends that the ACT Government ensure that unvaccinated front-facing ACT Directorate staff continue to be redeployed to non-front-facing roles and that their employment remains secure whilst the vaccination mandate remains in place.

- 3.53. In its submission to the inquiry, the Tuggeranong Community Council noted that “dedicated outreach needs to be provided to those who are vulnerable and without practical access to updated health and wellbeing information”.<sup>65</sup>
- 3.54. The Council also wrote that the ACT COVID-19 website “could have included on-line courses/programs or general information with at-home exercises, support services details, and acknowledgment of issues such as increased levels of alcohol and drug use, insomnia and anxiety.”<sup>66</sup>

### **Recommendation 22**

The Committee recommends that the ACT Government continue to provide targeted programs to improve access to services for young people, particularly in the areas of education, mental health, employment, housing, rental affordability, and homelessness in response to the challenges of the COVID-19 pandemic.

- 3.55. In its submission to the inquiry, the Alcohol Tobacco and Other Drug Association (ATODA) stated that “during pandemics, disadvantaged populations often experience disproportionate disease incidence and severity. Causes include diminished access to health care and protective measures designed for majority populations.”<sup>67</sup>
- 3.56. Whilst addressing these issues is vital to improving health outcomes generally, it is critically important in the context of a pandemic because effective public health responses, such as vaccination, testing, and social restrictions, require whole-of-society coordination.
- 3.57. ATODA writes that “the ACT Government’s investment in the ATOD sector, both through existing and stimulus funding, has enabled the sector to support the public health response in 2021 and facilitate access to a critical priority population.”<sup>68</sup>
- 3.58. In effect, the ATOD sector was able to leverage its uniquely trusted status among marginalised people to increase that population’s engagement with government and other public health initiatives.

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<sup>65</sup> Tuggeranong Community Council, *Submission 13*, p 2.

<sup>66</sup> Tuggeranong Community Council, *Submission 13*, p 5.

<sup>67</sup> Alcohol Tobacco and Other Drug Association, *Submission 22*, p 1.

<sup>68</sup> Alcohol Tobacco and Other Drug Association, *Submission 22*, p 1.



- 3.59. The ATOD sector's status as trusted health providers in the community, cohesion between services (including between government and NGO services), and the ACT Government's willingness to leverage the sector's strengths and support NGO engagement with funding, all contributed to reaching priority populations during the pandemic.

### Recommendation 23

The Committee recommends that the ACT Government disseminate lessons learnt on the effective partnership between the ACT Government, Capital Health Network and the Alcohol Tobacco and Other Drug (ATOD) sector in reaching priority populations with the broader NGO sector.

- 3.60. In its submission to the inquiry, the Health Care Consumers' Association (HCCA) wrote that "an effective telehealth system will have benefits far beyond its use during the COVID-19 pandemic."<sup>69</sup>
- 3.61. Telehealth can enable easier access to health care services for consumers across the ACT, as well as those living in neighbouring regional areas.<sup>70</sup> Research has also shown that benefits associated with virtual care experiences include convenience, saving time, and feeling at ease in their own home/surroundings.<sup>71</sup>
- 3.62. HCCA hopes that ACT Health services continue to promote, support and invest in telehealth, in recognition that it offers superior accessibility, convenience, and safety for many people, particularly for routine health care matters. Its benefits include convenience (less waiting, no travel time) and removing accessibility barriers for people with disabilities or limited mobility. It also limits potential exposure to viral illnesses — colds and influenza as well as COVID-19.<sup>72</sup>
- 3.63. HCCA have also documented that "learning from and sustaining COVID-19 driven innovations in patient care, in particular telehealth and virtual health care delivery", is something which consumers have identified as critical.<sup>73</sup>

### Recommendation 24

The Committee recommends that the ACT Government ensure Canberra Health Services clinics are set up physically and technologically for telehealth.

<sup>69</sup> Health Care Consumers' Association, *Submission 23*, p 27.

<sup>70</sup> Deeble Institute for Health Policy Research, *Providing telehealth in general practice during COVID-19 and beyond* (2020) [https://ahha.asn.au/sites/default/files/docs/policy-issue/perspectives\\_brief\\_no\\_10\\_providing\\_telehealth\\_in\\_general\\_practice\\_0.pdf](https://ahha.asn.au/sites/default/files/docs/policy-issue/perspectives_brief_no_10_providing_telehealth_in_general_practice_0.pdf), accessed 23 November 2021.

<sup>71</sup> NSW Bureau of Health, *Patient Survey Results: Virtual Care Survey 2020* (2021) [https://www.bhi.nsw.gov.au/BHI\\_reports/patient\\_survey\\_results/virtual\\_care\\_survey\\_2020](https://www.bhi.nsw.gov.au/BHI_reports/patient_survey_results/virtual_care_survey_2020), accessed 23 November 2021.

<sup>72</sup> Health Care Consumers' Association, *Submission 23*, p 29.

<sup>73</sup> Health Care Consumers' Association, *Submission 23*, p 41.

### Recommendation 25

The Committee recommends that the ACT Government support front-line medical professionals, including training, to provide telehealth appointment options.

- 3.64. In its submission to the inquiry, the Strata Community Association (SCA) wrote that, in their correspondence to the Minister for Health, the SCA outlined numerous concerns articulated by the core of its membership of strata managers.<sup>74</sup>
- 3.65. These included issues such as:
- The application of the *Workplace Health and Safety Act 2011* in relation to owners' corporations and managers;
  - The duty of care in relation to protecting the health and safety of persons in a building or development, specifically in relation to COVID-19; and
  - The risk management in relation to the *Workplace Health and Safety Act 2011* with respect to ongoing works (such as maintenance) undertaken for owners' corporations where a third party may attend a premises.

### Recommendation 26

The Committee recommends that the ACT Government adequately support Access Canberra to ensure compliance of owners' corporations and managers with the *Workplace Health and Safety Act 2011* in relation to COVID-19.

- 3.66. In its submission to the inquiry, Suicide Prevention Australia stated that "the COVID-19 pandemic has been a once-in-a-generation social and economic crisis in Australia. It has created significant distress across the community and will have lasting impacts in the months and years ahead."<sup>75</sup>
- 3.67. Suicide Prevention Australia urged the ACT Government to prioritise research funding for suicide prevention related to its jurisdictional responsibilities.<sup>76</sup>

### Recommendation 27

The Committee recommends that the ACT Government work with Commonwealth and other State and Territory jurisdictions to progress national priorities for suicide prevention following the COVID-19 pandemic, including implementation of the new National Mental Health and Suicide Prevention Agreement.

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<sup>74</sup> Strata Community Association, *Submission 24*, p 2.

<sup>75</sup> Suicide Prevention Australia, *Submission 20*, p 2.

<sup>76</sup> Suicide Prevention Australia, *Submission 20*, p 7.

## Education

- 3.68. The COVID-19 pandemic has had a significant adverse impact on the education sector – from pre-school to higher education, both government and non-government – and initial observations and assessments made will not be able to fully capture the impacts of lockdown, as many of its effects will emerge in the future.
- 3.69. Ms Veronica Elliott, Policy Officer for the ACT Council of Parents and Citizens Associations, stated that, due to the uncertainty in school environments caused by COVID-19, the impact on young people’s mental health will have potential long-term effects:

We have definitely seen the need for more mental health and wellbeing supports in schools. We know that the [Education] Directorate has put additional resources into that, with telehealth and additional psychologists in schools. The problem that we are seeing is that demand is really outstripping supply, so parents would welcome more support in that area.<sup>77</sup>

### Recommendation 28

The Committee recommends that the ACT Government further extend and increase as needed the funding of extra school psychologists to schools due to long-term collective stress experienced by children during COVID-19, noting that demand is currently outstripping supply and that the tail end of COVID-19 stress is likely to last for several years.

- 3.70. Ms Karen Chegwiddden, President of the Home Education Association, suggests that home educated students also be given access to school psychologists, to ensure their mental health and wellbeing is looked after:

One of the things that government could do that would really make a positive difference for home educated students’ mental health would be to make some funding available to support access to counsellors. When children go to school, they get access to school counsellors, but home educated students do not generally have that same level of access, so something that could fill that gap could possibly be very useful.<sup>78</sup>

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<sup>77</sup> Ms Veronica Elliott, Policy Officer, ACT Council of Parents and Citizens Associations, *Committee Hansard*, 4 November 2021, p 111.

<sup>78</sup> Ms Karen Chegwiddden, President, Home Education Association, *Committee Hansard*, 4 November 2021, p 111.

### Recommendation 29

The Committee recommends that the ACT Government investigate giving home educated students access to school psychologists and ensure that future restrictions about gathering for home educated children are consistent with restrictions placed on school educated children.

- 3.71. Ms Chegwidden also gave evidence during the fifth public hearing that they are “hearing from a group of parents who have really enjoyed the remote learning experience and would like to be able to continue; they would like that to be a choice that they could make.”<sup>79</sup>
- 3.72. Currently in the ACT, distance education is only available to a small group of people who qualify due to medical conditions. However, Ms Chegwidden is hopeful that these existing protocols could be amended:

Remote learning is a lot like distance education, and I think that that would be a choice that some families would like to be able to make. If we have more choices in education and we meet more of our students’ needs, then our students do better, and everyone wins.<sup>80</sup>

### Recommendation 30

The Committee recommends that the ACT Government consider the benefits of remote learning for some children and consider whether to introduce this as an ongoing arrangement for those who are better suited to remote learning.

- 3.73. Professor Ian Anderson AO, Deputy Vice-Chancellor of the ANU, stated that the best approach for marketing the tertiary sector in the ACT has changed:

I think the other view I would have, as we are going forward, is that probably where the government could position itself, is a stronger sense of the ACT community. So rather than running the marketing for the university, which has been done prior to the pandemic, and was completely appropriate then, to really get a better sell for ACT. And differentiate that from the markets in Sydney and Melbourne, where they have significantly higher capacity. And to build a sharper differentiation between the students who are going to a major metropolitan capital, and those who might actually choose to come to the ANU and the University of Canberra, to Canberra.<sup>81</sup>

<sup>79</sup> Ms Karen Chegwidden, President, Home Education Association, *Committee Hansard*, 4 November 2021, p 112.

<sup>80</sup> Ms Karen Chegwidden, President, Home Education Association, *Committee Hansard*, 4 November 2021, p 112.

<sup>81</sup> Professor Ian Anderson OA, Deputy Vice-Chancellor, Australian National University, *Proof Committee Hansard*, p 188.

- 3.74. This view was shared by Professor Paddy Nixon, Vice-Chancellor and President of UC, who stated that:

“[Canberra] is very safe and has one of the best quality-of-life recognised internationally. So, it is certainly a place that I want to – as a community – to market to sell. But also, to welcome them [international students] when they arrive. So, part of that is actually not what we just do in the university, but what we do more collectively to integrate students into our community.”<sup>82</sup>

### Recommendation 31

The Committee recommends that the ACT Government work with the university sector to boost marketing Canberra as an attractive and liveable city targeted at drawing international students to Canberra.

## The Arts

- 3.75. In its submission to the inquiry, MusicACT wrote that “Australia’s live and recorded music market was valued at \$1.1 billion in 2020 — a decline of nearly 39 percent on the previous year, driven almost entirely by the suspension of the live music industry which shed 90 percent of its revenue at \$86 million.”<sup>83</sup>
- 3.76. There are currently no accurate assessments of the magnitude of the impact of the lockdown to the ACT music industry, but Mr Daniel Ballantyne, Director of MusicACT, describes the situation as “first to be hit, the last to begin to recover — that is the live music industry experience on the pandemic roller coaster.”<sup>84</sup>
- 3.77. Furthermore, the closure of venues, threat to confidence and loss of skilled workers places the industry at risk of being unable to trade out of the impacts of COVID-19 and rebuild on its own.<sup>85</sup>
- 3.78. During the sixth public hearing, Mr Ballantyne recommended ongoing support, in particular:

...there could be a continuation of the kind of support for venues and artists locally, a willingness to align as soon and as quickly as possible with conditions as they are elsewhere in Australia, so that touring can occur, and, as I mentioned, the forthcoming reform with the creation of entertainment areas, so that we have an opportunity to start opening businesses — new businesses, not just old ones.<sup>86</sup>

<sup>82</sup> Professor Paddy Nixon, Vice-Chancellor and President, University of Canberra, *Proof Committee Hansard*, p 188.

<sup>83</sup> MusicACT, *Submission 17*, p 1.

<sup>84</sup> MusicACT, *Submission 17*, p 3.

<sup>85</sup> Open MIC (Music Industry Community), *Letter to the Federal, State, Territory, and Local authorities*, September 2021, p 1.

<sup>86</sup> Mr Daniel Ballantyne, Director, MusicACT, *Proof Committee Hansard*, p 137.

### **Recommendation 32**

The Committee recommends that the ACT Government work with artists, musicians, event professionals and staff to provide targeted support, including more timely payments and rapid access to approvals where employment requires travel within and between states and territories.

### **Recommendation 33**

The Committee recommends that the ACT Government work with other States and Territories to construct best practice and consistent COVID-safe regulations across all indoor and outdoor events, including sport, music and theatre.

## 4. Conclusion

- 4.1. The Committee thanks everyone who contributed to this inquiry and this Final Report, including all witnesses who appeared at a public hearing or made a written submission.
- 4.2. The COVID-19 2021 pandemic has had a significant impact on the entire ACT community and the Committee acknowledges the challenges faced by everyone this year.

Ms Elizabeth Lee MLA

Chair

December 2021

# Appendix A: Witnesses

Thursday, 30 September 2021

## Canberra Business Chamber

- **Mr Archie Tsirimokos**, Chair
- **Mr Graham Catt**, CEO

## ACT Human Rights Commission

- **Dr Helen Watchirs OAM**, President and Human Rights Commissioner
- **Ms Jodie Griffiths-Cook**, Public Advocate and Children and Young People Commissioner
- **Ms Karen Toohey**, Discrimination, Health Services, Disability and Community Services Commissioner

## ACT Council of Social Service

- **Dr Emma Campbell**, CEO
- **Mr Craig Wallace**, Head of Policy

Monday, 11 October 2021

## Chief Minister and Directorate Officials from the Chief Minister, Treasury and Economic Development Directorate (CMTEDD)

- **Mr Andrew Barr MLA**, Chief Minister/Treasurer
- **Ms Kathy Leigh**, Head of Service, CMTEDD
- **Ms Leesa Croke**, Coordinator-General, Whole of Government COVID-19 (Non-Health) Response, CMTEDD
- **Ms Kareena Arthy**, Deputy Director-General, Economic Development, CMTEDD
- **Mr Stephen Miners**, Under Treasurer, CMTEDD

Thursday, 14 October 2021

## Australian Hotels Association (ACT)

- **Mr Anthony Brierley**, General Manager

## Canberra Region Tourism Leaders Forum

- **Dr David Marshall AM**, Chair

## Master Builders Association of the ACT

- **Mr Michael Hopkins**, CEO



### Panel of local business associations

- **Mr Kel Watt** (Braddon United Retailers and Traders)
- **Mr Rob Evans**, President (Fyshwick Business Association)
- **Ms Jane Seaborn** (Fyshwick Business Association)
- **Mr John-Paul Romano** (Inner-South Canberra Business Council)
- **Mr Tom Adam**, President (Phillip Business Community)

## Monday, 1 November 2021

### Minister for Health and Directorate Officials from the Health Directorate

- **Ms Rachel Stephen-Smith MLA**, Minister for Health
- **Ms Rebecca Cross**, Director-General, ACT Health
- **Dr Kerry Coleman**, Chief Health Officer, Public Health, Protection and Regulation Division, ACT Health
- **Mr Dave Pepper**, CEO, Canberra Health Services

## Thursday, 4 November 2021

### Minister for Education and Directorate Officials from the Education Directorate

- **Ms Yvette Berry MLA**, Minister for Education
- **Ms Katy Haire**, Director-General, ACT Education
- **Ms Jane Simmons**, Deputy Director-General, ACT Education
- **Mr David Matthews**, Executive Group Manager, Business Services, ACT Education
- **Ms Deb Efthymiades**, Deputy Director-General, System Policy and Reform, ACT Education
- **Ms Kate McMahon**, Executive Group Manager, Service Design and Delivery, ACT Education
- **Mr Mark Huxley**, Executive Group Manager, School Improvement, ACT Education
- **Mr Andrew Parkinson**, Executive Branch Manager, Infrastructure and Capital Works, ACT Education
- **Mr Sean Moysey**, Executive Branch Manager, Early Childhood Regulation and Services, ACT Education

### ACT Council of Parents & Citizens Associations and Home Education Association

- **Ms Veronica Elliott**, Policy Officer, ACT Council of Parents & Citizens Associations
- **Ms Karen Chegwidan**, President, Home Education Association
- **Mrs Kylie McMillan**, Volunteer, Home Education Association

### Minister for Mental Health and Directorate Officials from the Health Directorate

- **Ms Emma Davidson MLA**, Minister for Mental Health

- **Ms Rebecca Cross**, Director-General, ACT Health
- **Ms Cheryl Garrett**, A/g Executive Branch Manager, Mental Health Policy, ACT Health
- **Dr Elizabeth Moore**, Coordinator-General, Office for Mental Health and Wellbeing, ACT Health
- **Mr Dave Pepper**, CEO, Canberra Health Services
- **Ms Katrina Rea**, A/g Executive Director, Mental Health, Justice Health and Alcohol & Drug Service, Canberra Health Services

#### **Mental Health Community Coalition ACT**

- **Ms Bec Cody**, Chief Executive Officer
- **Ms Corinne Dobson**, Senior Policy and Systemic Advocacy Officer

### **Thursday, 18 November 2021**

#### **MusicACT**

- **Mr Daniel Ballantyne**, Director

#### **Australian National University**

- **Professor Ian Anderson AO**, Deputy Vice-Chancellor, Student and University Experience
- **University of Canberra**
- **Professor Paddy Nixon**, Vice-Chancellor and President

### **Monday, 22 November 2021**

#### **Minister for Police and Emergency Services and Policing representatives**

- **Mr Mick Gentleman MLA**, Minister for Police and Emergency Services
- **Mr Neil Gaughan**, Deputy Commissioner, Chief Police Officer, ACT Policing
- **Mr Richard Glenn**, Director-General, Justice and Community Safety Directorate
- **Ms Karen Doran**, Deputy Director-General, Community Safety, Justice and Community Safety Directorate

#### **Minister for Business and Better Regulation and Directorate Officials from the Chief Minister, Treasury and Economic Development Directorate (CMTEDD)**

- **Ms Tara Cheyne MLA**, Minister for Business and Better Regulation
- **Mr David Pryce**, Deputy Director-General, Access Canberra, CMTEDD
- **Ms Margaret McKinnon**, Chief Operating Officer, Access Canberra, CMTEDD
- **Mr Josh Rynehart**, Executive Branch Manager, Fair Trading and Compliance Regulatory Strategy, Access Canberra, CMTEDD
- **Ms Emily Springett**, Executive Branch Manager, Engagement, Compliance and COVID-19 Response, Access Canberra, CMTEDD

- **Ms Jo Verden**, Executive Branch Manager, Licensing and Registrations, Access Canberra, CMTEDD
- **Ms Derise Cubin**, Executive Branch Manager, Projects, Governance and Support, Access Canberra, CMTEDD
- **Ms Yu-Lan Chan**, Executive Branch Manager, Projects, Governance and Support, Access Canberra, CMTEDD
- **Mr Nick Lhuede**, Executive Branch Manager, Construction, Utilities, and Environment Protection, Access Canberra, CMTEDD
- **Ms Kareena Arthy**, Deputy Director-General, Economic Development, CMTEDD
- **Ms Kate Starick**, Executive Group Manager, Policy and Strategy, Economic Development, CMTEDD
- **Ms Anita Perkins**, Executive Group Manager, Business Support Grants, Economic Development, CMTEDD
- **Mr Sam Engle**, Head, Better Regulation Taskforce, Policy and Cabinet, CMTEDD
- **Dr David Clapham**, Executive Branch Manager, Policy and Cabinet, CMTEDD

## Appendix B: Submissions

Number	Submission by	Received
1	Jayde Robb	28/09/21
2	Andrew Donnellan	28/09/21
3	ACT Human Rights Commission	29/09/21
3(a)	ACT Human Rights Commission (Supplementary)	08/11/21
4	Louise Jurd	02/10/21
5	John Elliott	02/10/21
6	Fyshwick Business Association	05/10/21
7	Guardian Exercise Rehabilitation	06/10/21
8	Master Builders Association of the ACT	08/10/21
9	Confidential	07/10/21
10	Name Redacted	06/10/21
11	Braddon United Retailers & Traders	14/10/21
12	Confidential	14/10/21
13	Tuggeranong Community Council	13/11/21
14	Confidential	17/11/21
15	The Salvation Army Australia	18/11/21
16	WorkSafe ACT	18/11/21
17	MusicACT	18/11/21
18	Australian National University	18/11/21
19	Public Health Association Australia	19/11/21
20	Suicide Prevention Australia	19/11/21
21	Confidential	19/11/21
22	Alcohol Tobacco and Other Drug Association ACT	19/11/21
23	Health Care Consumers' Association	19/11/21
24	Strata Community Association	19/11/21
25	ACT Council of Social Services	22/11/21

## Appendix C: Questions on Notice and Questions Taken on Notice

Number	Type of Question	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
1	QToN	30/09/21	Jones	ACT Human Rights Commission	Compensation for home detention under health orders	18/10/21
2	QToN	30/09/21	Jones	ACT Human Rights Commission	Complaint statistics	25/10/21
3	QToN	11/10/21	Lee	CMTEDD	Calculation of Small Business Hardship Scheme cost	20/10/21
4	QToN	11/10/21	Lee	CMTEDD	Vaccination rates in Pialligo and nearby suburbs	20/10/21
5	QToN	11/10/21	Lee	CMTEDD	Size of Access Canberra Team re outdoor activation taskforce	21/10/21
6	QoN	18/10/21	Lee	CMTEDD	Ineligibility of construction sector for COVID-19 grant	05/11/21
7	QoN	18/10/21	Lee	CMTEDD	Business grants	05/11/21
8	QToN	04/11/21	Lee	ACT Health	Increased figures	29/11/21
9	QToN	04/11/21	Jones	CHS	Patient feedback	23/11/21
10	QToN	04/11/21	Jones	CHS	Young people seeking acute assistance	01/12/21
11	QToN	04/11/21	Jones	ACT Health	List of grants	18/11/21
12	QToN	04/11/21	Jones	Mental Health Community Coalition ACT	Decrease in funding	23/11/21
13	QToN	04/11/21	Jones	Mental Health Community Coalition ACT	Funding for mental health	23/11/21
14	QToN	22/11/21	Clay	Police and Emergency Services	Arrest numbers of COVID-19 positive people	01/12/21