



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**SELECT COMMITTEE ON THE COVID-19 PANDEMIC RESPONSE**

(Reference: [COVID-19 pandemic response](#))

**Members:**

**MR A COE (Chair)**  
**MS T CHEYNE (Deputy Chair)**  
**MRS V DUNNE**  
**MS C LE COUTEUR**  
**MR M PETTERSSON**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**FRIDAY, 1 MAY 2020 (afternoon session)**

**Secretary to the committee:**  
**Mr H Finlay (Ph: 620 50129)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

## **WITNESSES**

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*Amended 20 May 2013*

**The committee met at 2.36 pm.**

**BARR, MR ANDREW**, Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment

**NICOL, MR DAVID**, Under Treasurer, Chief Minister, Treasury and Economic Development Directorate

**THE CHAIR:** Welcome to the seventh public hearing of the Select Committee on the COVID-19 pandemic response. On behalf of the committee, I would like to thank the Chief Minister and officials for returning today. I understand that you have been forwarded a copy of the privilege statement. Could you please confirm for the record that you understand the implications of the statement?

**Mr Barr:** Yes, I do.

**Mr Nicol:** I do as well.

**THE CHAIR:** Before we commence questions, do you have a brief opening statement that you would like to give?

**Mr Barr:** Yes, thank you, chair. I indicate at this stage that, following today's national cabinet meeting and the data that the ACT has presented in terms of our public health response, we have managed the first phase of the COVID-19 pandemic exceptionally well, and that having no active cases in the territory at the start of this month is a scenario that has exceeded expectations and reflects clearly the community's dedication to physical distancing and to seeking to suppress the spread of the virus. I particularly acknowledge the hard work of the many health professionals who have spent the last six weeks conducting more than 8,500 tests and thousands of contact tracing exercises. We are where we are now as a result of that community effort and that exceptional effort from health professionals.

But we are just through this first phase. The national cabinet—the Prime Minister, I think, is on his feet now—has indicated that in the meetings we will have next week, which are next Tuesday and next Friday, we will consider what will be the new national baselines in terms of the public health directions. The expectation is that the Prime Minister will be able to make an announcement, probably this time in seven days, on what those measures will look like. As much as possible across the jurisdictions, there will be consistency with those new directions, noting, as always, that the epidemiology is different in different parts of the country and there are some states and territories that will maintain closed borders for quite some time.

I draw the committee's attention to two changes in the ACT's public health directions that I have announced subsequent to the national cabinet today. The first relates to reasons people can leave home. That was broadened this weekend to include matters that would be considered non-essential shopping purposes: things that people have delayed, probably for the last five or six weeks. A day like today might remind people that they might want to purchase some more winter clothes. Those sorts of things are certainly okay to do, and we are seeking to support a range of retail stores as they

reopen. The clear public health message, though, is to maintain appropriate physical distancing inside any retail outlets or in any retail malls.

The second change is that restrictions on gatherings inside homes will be relaxed to allow families to visit each other. Two adults plus children will be allowed to visit, outside of the people who ordinarily live in a property. It is worth adding that the changes that New South Wales has made would make it possible for ACT residents to visit family and friends in small groups, as in a household unit—to go into New South Wales to visit on compassionate grounds. I believe that those changes in New South Wales came into effect today.

That is the broad statement on health matters and what has emerged out of national cabinet. I had to leave the treasurers' hook-up, which was at 2 o'clock, to come into this meeting, but the treasurers are also discussing the next phase of the economic recovery and there is a bunch of data that is available in relation to commonwealth programs and their take-up in the ACT that I can share with the committee in due course.

**THE CHAIR:** Thank you, Chief Minister. With regard to commercial general rates, have any waivers been granted at this stage?

**Mr Barr:** I will see what data I have got on that. I am just checking one other data source. Perhaps I will get someone to do that while we take the next question.

**THE CHAIR:** There are a string of questions related to commercial general rates which will largely pivot on that answer.

**Mr Barr:** I have a file here that has the take-up from the other day. I have payroll tax waiver submission totals; I do not have commercial general rates. All commercial properties with an AUV below \$2 million—that is about 90 per cent of them—have the fixed charge waived. That is done automatically. That is about 6,500 commercial properties. I will have to take on notice whether any others have applied for waivers. There may have been some who have applied for deferrals, but I will check on waivers.

**THE CHAIR:** What is the process for applying for a waiver?

**Mr Barr:** There are forms and contact numbers on both the revenue office website and the COVID-19 ACT website, in terms of information. There is a dedicated business hotline, and some businesses have approached the COVID business commissioner.

**THE CHAIR:** So there is a standard form that if you want a rates waiver you can fill out?

**Mr Barr:** There certainly are forms available for people to apply for the various elements of the support package. Most of them are, of course, automatically applied through the revenue office itself.

**THE CHAIR:** What will be the criteria used to assess those waiver requests?

**Mr Barr:** There is a written set of criteria. I will furnish that to the committee. I will make sure a copy of that is available to the committee.

**THE CHAIR:** I am on the revenue website and cannot locate a form for commercial property owners. If, during this hearing, you are able to provide some information as to where that form is located and what the process is—this is a pretty important question, because there are tenants right across the ACT that are in limbo with their landlord because the landlord, the property owner, has said, “Look, as soon as we get the commercial rates waivers we’ll pass it on.” It is an incomplete picture, so therefore negotiations are very tricky. When is—

**Mr Barr:** We are aware of that. We have been working with all of the industry stakeholders and there have been a series of business webinars. We are working through those questions and that information. The implementation of the national cabinet principles continues to be worked through. There will be information available very soon. The statements of principles are there, and the guidance. Whether it becomes one single form or whether there is a more detailed process, we will advise in due course.

**THE CHAIR:** But you said there is a form.

**Mr Barr:** There are forms for many of the rebates. Payroll tax is one. There are a range of forms. I will look at that for you and provide the information that I can to the committee.

**THE CHAIR:** Most people have told me that they have no idea what the process is to get a commercial rates waiver. If businesses are telling me this, regardless of whether it is on the website, there is obviously a communication issue.

**Mr Barr:** We are aware that there is a lot of information that needs to be conveyed, that there are multiple facets of both the commonwealth programs and ACT programs. We have a lot of detail to work through with stakeholders. There are teams of people doing this. Days and days of work has taken place. We will provide as much information as soon as we can. There are regular business webinars. We are meeting with the Property Council, with all of the industry stakeholders and with various elements of the legal fraternity around the complexity in relation to the commercial lease question. But the automatic application of the refund of the fixed charge requires no paperwork; it just happens automatically and will be deducted from bills in the next round, which starts this month.

**THE CHAIR:** All the same, in the course of this hearing, please do get back to me as to where that commercial rates waiver form is located. I am sure you have got—

**Mr Barr:** We will see what we can do. It may not be online yet.

**THE CHAIR:** It would be a problem if it is not.

**MS CHEYNE:** My questions relate to the modest relaxation of restrictions that was announced a little while ago. With one family being able to visit another family, are

you able to give us more information about what the thinking was behind this? Is it because it is similar to the bubble model that New Zealand has been talking about, where one bubble can visit another bubble—like the people that you are normally living with? Can family be extended to mean all the people that you are normally living with? Could one share house, if it had four people in it, visit another share house with four people in it?

**Mr Barr:** That example would be starting to get towards the outer edge of what would be reasonable, given the number of adults that that would involve. It is not an invitation for house parties. The previous public health direction said two visitors to a house. This extends that to include children, so another family—two adults and children—can visit. In relation to particular households that do not have children in them, yes, you can have more than two visitors, but this is not an invitation, as I say, for house parties. The guidance here is that physical distancing must remain in place and that this, really, is around care and compassionate reasons.

**MS CHEYNE:** To clarify, if a person lived alone, would it still just be either two adults or two adults with associated children, or is there potential to have, perhaps, three adults or four adults visit someone who lives alone, particularly if they were struggling mentally, for example?

**Mr Barr:** There are always compassionate exemptions but I would not be interpreting this as an encouragement for six, eight or 10 adults to gather together. It would be fine for a family that included adults and children to visit a single person, but it is not an open invitation for house parties.

**MS CHEYNE:** Understood. Is there a reason why we have not taken an even greater step forward, at least in the week ahead of 8 May, in relaxing our restrictions in some other areas, such as outdoor areas like playgrounds—that seems to be coming up quite a lot—and also, considering the compassionate grounds, things like libraries, particularly for people who might not, for example, have a computer at home and need to be applying for jobs or JobSeeker?

**Mr Barr:** Principally, consistency with the national cabinet approach and time frames with what is happening in New South Wales have been high-level principles that we have adopted. The other thing I am conscious of is not making a new announcement every day because, clearly, the volume of information that people are being asked to absorb can become overwhelming. Given that the national baseline measures are being considered by national cabinet starting next Tuesday, over a four-day period, with a conclusion of that deliberation expected next Friday, one announcement in seven days time that covers the arrangements for the medium term is the most desirable outcome, rather than a constant stream of new announcements each day that runs the risk of confusing people.

If we look at the journey of the restrictions, the situation where the Prime Minister was having to make lengthy laundry list-type announcements with multiple different elements seemingly every day or every second day—if you had your time again, you would not go down that path. So the national cabinet is of the view, and I agree with this, that having a measured approach as we move to relax restrictions is the best way.

**MS CHEYNE:** Finally, on that line of thinking, I have two quite different questions. One is on those people who would normally be using the libraries for their computer services or other services. Where should they be going now, particularly if they need to be applying for some support? Second, there has been a lot made of the Northern Territory's diagram that has been released in the last few days, which shows the staged stepping-out of restrictions. Could we expect to see something like that coming out of national cabinet or at least out of the ACT?

**Mr Barr:** In relation to the first question, obviously, telephone and face-to-face services available simply through Access Canberra would be the answer in that regard. Looking at libraries in the medium term, that is clearly one area where, with appropriate physical distancing, it may be possible to reopen them at some point in the future. That would certainly be something we would work towards.

I will not pre-empt where national cabinet will end up in relation to whether it will be something that looks exactly like the Northern Territory or otherwise. The Northern Territory's circumstances are somewhat different. They have border closures in place, are remote and isolated and have a range of other internal measures, particularly to protect the remote Indigenous communities. I commend the Northern Territory for their efforts in suppressing the virus in their jurisdiction. But, obviously, the epidemiology of every state and territory is different, so the responses will be somewhat different, depending on those individual circumstances, while we try to work collectively—and, I believe, successfully work collectively—across the federation, through the national cabinet.

**MS CHEYNE:** My question is less about exactly what the Northern Territory have said they will do but more about the value of having a diagram or something that steps out what people can expect things to look like with some certainty into the future.

**Mr Barr:** Certainly, that is something we would endeavour to provide, but the problem is we do not know where this pandemic will go next. We cannot give certainty a lot of the time. You will see that the Northern Territory's position is heavily caveated as well against the potential for localised clusters or outbreaks. They are possibly in a stronger position to be able to give a degree of certainty because of their isolation and their border controls. Our situation is very different. I am just not in a position to prejudge where the AHPPC and the national cabinet will end up in a week's time. I have not seen their papers yet. We are expecting to begin our deliberations next Tuesday. I think the AHPPC is working all day on Sunday to prepare materials for national cabinet for Tuesday of next week.

**MS LE COUTEUR:** Chief Minister, we are now allowed to have non-essential retail and two people visiting. Does that mean that cafes and places like that can have two people having their coffees or consuming things on the premises? Does that also mean that people are allowed to go back to working in a physical work environment as long as there is appropriate social distancing?

**Mr Barr:** No to the questions in relation to cafes. That decision has not been taken. Cafes are still takeaway only. In relation to the second question, that will depend on the individual workplace settings. There are obviously people now who are at work and there are others who are working from home. Those situations remain unchanged

in terms of today's announcement. That may change in the context of what national cabinet determines in a week's time.

**MR PETTERSSON:** I have had people raise with me previously concerns about going into New South Wales with ACT licence plates. I understand that with these new relaxed rules there is scope for people to venture into New South Wales. What communications have there been with the New South Wales government, and is the New South Wales government now expecting to see ACT residents in New South Wales?

**Mr Barr:** New South Wales made their announcement earlier this week that they would be relaxing their rules in terms of households visiting each other and that, under their public health directions, the exemptions that they had had in place throughout around compassionate reasons for undertaking travel would be more generously applied. They have signalled that publicly. We were given plenty of notice, several days notice, ahead of that coming into effect today.

Individual constables within the New South Wales police force have discretion in relation to how they apply public health orders in that state. But the public health direction has certainly loosened a little in the New South Wales context. Again, it is not, I believe, from the rhetoric of the New South Wales Premier, an invitation to undertake tourism or holidays or for everyone to go to the beach. But if you have a friend or relative in New South Wales who you seek to visit for compassionate reasons and you wish to take your household with you, you can do that.

The New South Wales guidance is two adults and children. So my advice to ACT residents is that if you, as a family unit, wished to go for compassionate reasons, then that would appear to be consistent with the New South Wales advice. But it probably would not mean a car load of teenagers going down to the beach for a party. In fact, I am fairly certain it would not mean that.

**MS LE COUTEUR:** I want to move on to residential tenancies. The ACT government's fact sheet says that the moratorium on evictions for residential tenancies will be for six months, in line with the national cabinet. But I understand that the current moratorium is for only three months. Why is this so?

**Mr Barr:** I believe that it has the capacity to be renewed at that three-month period.

**MS LE COUTEUR:** I understand that, but why is it not six months anyway? That is what the national guidelines are.

**Mr Barr:** In a number of instances, the measures that have been put in place have a renewal potential. Going for an initial period does not mean that it would not be renewed.

**MS LE COUTEUR:** Have you any knowledge of how many residential landlords have actually applied for the rates and land tax release that they can get if they reduce rent by 25 per cent?

**Mr Barr:** As of today it is 203.

**MS LE COUTEUR:** That is very good.

**Mr Barr:** Yes; it is going up every day.

**MS LE COUTEUR:** Good. I am very pleased to hear that. Have you also been looking in terms of extending the legislation to people on occupancy agreements who have been impacted by COVID-19—occupancy agreements, caravan parks, boarding houses, potentially share houses and those lots of people?

**Mr Barr:** I will take that one on notice. I believe that they would be covered in terms of the principles of the land taxation rebates and credits. How they are captured within the residential tenancy legislation, I will need to take on notice. But there would be no in-principle reason why that would not apply.

**MRS DUNNE:** Chief Minister, I am going back to the questions I asked last time we were together about the Aspen facility which is being built on Garran oval. We spoke about the contract. You, I think yesterday, provided us with an answer to a question on notice. I asked at the time, when the decision was made to go with Aspen, when cabinet made a decision and when the contract was signed. You told us in the answer to the question on notice that, in fact, the cabinet formally made its decision the day before you were in the last COVID-19 select committee hearing. Why was it that you could not tell us at that stage that cabinet had made that decision the day before?

**Mr Barr:** The first instance of that particular process began with conversations within security and emergency cabinet as well. So there were multiple cabinet meetings. I do not retain every single fact on every single date, Mrs Dunne. So, out of an abundance of caution, I take those sorts of questions on notice so that we get every single date correct. In the lead-up to cabinet formally making a decision there were many discussions, including within the national cabinet, on the need for Australia to significantly increase its intensive care unit capacity. Decisions were taken within national cabinet around a national target and we all had to contribute to that. Our process, similar to that of other states and territories, has necessitated the rapid expansion of ICU capability across the nation. That has been fundamental to our national response.

**MRS DUNNE:** But the Aspen Medical project is not ICU; it is ED surge capacity, not ICU. I am not quite sure whether that—

**Mr Barr:** But it is a broader health system response. The need to increase capacity, to have more respirators and to have all of that involves, clearly, a system-wide response, and that also involves adding to the capacity of our health system.

**MRS DUNNE:** Okay. Also, in relation to the answer to the question on notice, I asked when the contract was signed and you responded on 29 April, saying that a contract had been signed and is displayed on the public contracts register. Chief Minister, why could you not tell the committee in writing that the contract had not been signed until 24 April?

**Mr Barr:** I am not sure I understand the question. The contract has been signed.

**MRS DUNNE:** I specifically asked when the contract had been signed and you took it on notice. But when you came back the answer was that a contract had been signed. You did not give a date but referred members of the committee and, presumably, members of the public to the public contracts register. Why could you not have said that the contract was signed on 24 April?

**Mr Barr:** Well, presumably, that is information that is available on the contracts register with the contract, which is where I referred you. If I need to step everyone through every single element of this, I take that under advice in relation to how I answer questions on notice. But the question was answered, was it not?

**MRS DUNNE:** The question was not answered. I asked for the date and when it was signed, and you referred us to somewhere else. It would seem to me, chair, and Chief Minister, that if the question was “When was the contract signed?” the answer would include a date.

**THE CHAIR:** As I have repeatedly said, we want you to err on the side of giving more information, not less. That has to be the standard practice right across this period. It is best practice in government in general but especially in this difficult period, where it requires everybody to be on the same page. Chief Minister, if I may ask a supplementary, noting that Mrs Dunne may well have more questions: what number of ventilators did national cabinet advise you that we would require?

**Mr Barr:** I do not remember that. It will be in the papers. I know there was an order that required at least 5,000 additional ones through ResMed, the Australian manufacturer. I have a recollection that we might have needed about 7,000 in total. We may have had about 2,000 across the nation, and we needed 5,000 more. You are asking me about something that was about five or six weeks ago. I will endeavour to get the exact numbers. I presume it is probably also publicly available on the AHPPC website or, indeed, on one of the commonwealth websites in relation to the national pandemic response.

**MR COE:** I am specifically asking if it was national cabinet that was driving the decision to establish this temporary emergency department. I am wondering exactly what advice from national cabinet led you to go ahead with this particular emergency department—these particular specs, including the number of ventilators.

**Mr Barr:** Certainly, the need to expand capacity within the health system is part of a national effort, and our role, also with southern New South Wales, was discussed at national cabinet level. Also, there were reports on the capacity of each jurisdiction, and the AHPPC provided advice against the modelling for the different scenarios, depending on what level this first wave of the pandemic reached. Then there was further modelling in relation to where we would be at various points, depending on what the effective reproduction rate was for COVID-19 through different stages of the first wave of the pandemic.

The extent to which that information was released by the Prime Minister and the Chief Medical Officer about three and a half weeks ago at a press conference I will take on notice and see what information I can provide. Obviously, we also had to

make a local decision in the context of the capacity within our system—the sorts of health needs we would need to pursue—but the fine details of the clinical decisions are informed by Canberra Health Services. So, frankly, those decisions are better raised with them. Canberra Health Services are going to be able to give you a more informed position on this than I am. I am not the director of Canberra Health Services.

**THE CHAIR:** Just to be clear, did national cabinet or the federal government give you explicit advice to establish a temporary emergency department?

**Mr Barr:** No; it was not as if every single area, every single state and territory government, put forward projects for national cabinet approval, but there was a broad discussion about national capacity and the need to lift that national capacity. Decisions on how that would be undertaken are, of course, undertaken at a state and territory level and, in our case, with collaboration with the southern area health service.

**THE CHAIR:** So the New South Wales government did provide advice and direction about what would be required in the ACT?

**Mr Barr:** No, but the collaboration between Canberra Health Services and the southern area health service in relation to the region's health needs was a factor in our decision-making process.

**THE CHAIR:** It is all very well to know that nationally we need X more ventilators, but they have to be in the right location. It is all very well to build up the national capability, but if it is in the wrong location it does not really mean much. So what advice did you receive about the shortage or the possible shortage of ventilators in this region?

**Mr Barr:** The national cabinet discussions were focused on a national pool of ventilators that could be moved to various hot spots across the nation, according to need. We had that discussion before the commonwealth was able to procure the additional ventilators for the national pool, and there was, if you like, an informal agreement between the states and territories that if one particular part of the country found itself desperately short of ventilators and there were ones not being used in other parts of Australia then, as Australians, we would seek to get the ventilators to the people who needed them. This was a matter that was discussed at some length, and great compassion was shown by each state and territory around their capacity, if they were not utilising ventilators, to move them around. But the modelling certainly showed that the nation needed more, and that is why the commonwealth ordered 5,000, or thereabouts, through the only domestic manufacturer, ResMed.

**THE CHAIR:** So the ACT did not purchase any ventilators?

**Mr Barr:** No. The commonwealth undertook the procurement because there is only one domestic supplier. Internationally, when President Trump, for example, said to the US companies that manufacture them that they could not supply ventilators outside of the US, a lot of the usual supply chains evaporated. I wrote to Philips, the company, which has normally manufactured them for us, seeking access to additional ventilators, but the total pool that was made available for Australia would not have

even covered the ACT's needs. So the commonwealth worked with the states and territories on ventilators, as they have on PPE and on almost every element, because most international supply chains had just broken down.

**THE CHAIR:** So the ACT government purchased them off an order that the commonwealth made?

**Mr Barr:** We have access to that national pool, should we need it; yes.

**THE CHAIR:** Who paid for it? Did the ACT put in money for ventilators?

**Mr Barr:** The commonwealth has paid for them. But if we use them, I understand that, under the COVID-19 national partnership, there will be costs associated with their use. But let me check all of that fine detail for you. This is a level of operational detail that goes well beyond what I have at my fingertips. I am going off memory, but I will check that for you.

**THE CHAIR:** Thank you. So that it is clear what I am requesting, I would like to know what portion of the national pool has been notionally allocated to the ACT; whether the ACT has purchased any or has transferred money to the commonwealth for them to purchase; how many have been purchased, therefore; and whether the ACT has separately purchased any ventilators for the temporary hospital.

**MRS DUNNE:** Could I add to that, please, chair, whether the ACT has separate orders for ventilators? My understanding is that there are orders all over the place.

**THE CHAIR:** Sure.

**Mr Barr:** Yes, yes. I think everywhere in the world, Mrs Dunne, is trying to access ventilators at the moment.

**MRS DUNNE:** Yes.

**THE CHAIR:** That said, if they are all coming from the one supplier, you would think that it should be relatively easy for the national approach to keep track of all those different orders. That is the whole point of having a national order, surely?

**Mr Barr:** That is in relation to the domestic supply chain, but then individual states and territories, as I understand it, also had orders with other international suppliers. When it was required to get these things as quickly as possible, orders were placed everywhere but most orders were not fulfilled. This has been the challenge for PPE as well throughout this global crisis. All normal supply chains have fallen over. We have had factories having to shift their production to make—

**THE CHAIR:** I understand that. I have just asked for the specific statistics that we have requested.

**Mr Barr:** Sure. I will take all of those on notice for you.

**THE CHAIR:** Thank you.

**MRS DUNNE:** Chief Minister, when cabinet made the final decision on 16 April to go down the path of signing a contract with Aspen, was there discussion about the fact that, clearly, numbers, at least in this first wave, were falling substantially? Was there concern that maybe the territory was committing to something that may never be fired up in anger?

**Mr Barr:** Mrs Dunne, we all hope that we never need to use that facility, but there is so much uncertainty in this regard that it would be impossible not to have that as an insurance for our community and, indeed, for southern New South Wales. We just do not know. But in the context of making a judgement call when the process commenced, when the contract was signed and even today, I would much rather have that facility not used and deal with your concern and the concerns of others than to have not built it and have our system collapse like Italy, New York, the United Kingdom, Spain and so many other parts of the world. So we will take out this insurance policy to save lives. I hope we do not have to use it but, if we do, we will be very glad that we made this decision.

**MR PETTERSSON:** Chief Minister, you have previously made comments about the COVIDSafe app and urged certain considerations. Were all your concerns dealt with? If so, what sorts of changes did you seek?

**Mr Barr:** Certainly there were a range of concerns in the initial phase of the development of the app, relating to the type of technology that would be utilised, the privacy considerations, what sort of data would be sought, where it would be stored, and who would have access to it. Those issues were worked through and were worked through to my satisfaction and to the satisfaction of others within the national cabinet. So I, together with every other state and territory leader and the Prime Minister, was happy to endorse the app. I have downloaded it and I would encourage others to do so.

**MR PETTERSSON:** I have seen numbers for the total number of downloads across Australia. Do you know if there is a jurisdictional breakdown?

**Mr Barr:** No, and there will not be, I do not believe.

**MR PETTERSSON:** Okay.

**THE CHAIR:** Okay. I will go back to additional questions. Chief Minister, with regard to the role of the local business commissioner, what is it and where is it published?

**Mr Barr:** Sorry, someone has not muted their mic, I think, and I could not hear that question.

**THE CHAIR:** Chief Minister, I do not know whether you can hear me or not, but would you please advise what is the role of the local business commissioner and where is it published what his role is?

**Mr Barr:** Mr Smyth has been appointed as the COVID-19 local business commissioner. His role stems from the national cabinet decision in relation to the

national principles around commercial tenancies, and the requirement that states and territories would need to have both mediation and arbitration facilities available. So Mr Smyth will take on that role of working with commercial landlords and tenants to mediate mutually agreeable outcomes that are related to changes to commercial lease arrangements.

The commissioner's role also includes providing advice to government on systemic issues facing the business community throughout the course of the pandemic. The commissioner has, to date, had 16 requests for assistance—nine from tenants and seven from landlords. The commissioner has also been working with the Property Council, the Master Builders Association, the Business Council, the Canberra Region Tourism Leaders Forum, the Law Society, the Australian Institute of Architects, the institute of planners and the Canberra Region Joint Organisation. The commissioner has participated in the business webinars that have been held. I understand that about 1,000 businesses have participated in the series of webinars. The commissioner has spoken—

**THE CHAIR:** Is the commissioner a mediator or an arbiter?

**Mr Barr:** The commissioner is a mediator.

**THE CHAIR:** Who will decide in the event that a resolution cannot be found?

**Mr Barr:** That will be the subject of the further and final round of negotiations with the property industry stakeholders. Clearly, the ACAT would be available in that final circumstance but, pleasingly, most have been able to reach a mutually agreeable outcome or, with the help of the commissioner in a mediation role, have been able to resolve their issues. But it is early days, so there may well be more to see in relation to this question.

**THE CHAIR:** Chief Minister, on small business, will hotels receive a rebate on the fixed water and fixed sewerage charges, similar to what the community clubs are getting?

**Mr Barr:** By “hotels” do you mean places of accommodation?

**THE CHAIR:** Yes, that is right.

**Mr Barr:** I believe so, but I will check the detail on that.

**THE CHAIR:** Community clubs have been completely closed whilst hotels may not be forced to close but, in reality, the vast majority either are closed or are at a fraction of normal occupancy. The fact that they are still paying excessive sewerage charges and fixed water charges is, of course, a huge impost on those businesses at a time when they are getting next to no revenue. So, if you are able to put that in place, I am sure there would be many people in the tourism sector that would be appreciative.

**Mr Barr:** Sure, yes. I am very happy to look at that if it is not already contained within the detail of the rebates, noting, of course, that the greater component of charges in relation to water, for example, would be usage, and if the business is either

closed or operating at a fraction of its normal occupancy, then its water usage would be down significantly and, therefore, so would its bills.

**THE CHAIR:** There is also a fixed fee attached to the number of toilets in—

**Mr Barr:** Yes, sure. No, I appreciate that. I am happy to look at that. I suspect it is already covered but, if it is not, it is not a major extension to what we have already provided. So I would be happy to do so.

**THE CHAIR:** Right, thank you.

**MS CHEYNE:** I have two reasonably quick supplementary questions, I hope. With respect to the chair's questioning just now, last week both Better Renting and the Tenants' Advice Service said that they also need a mediator for residential tenants and landlords. Is there a possibility that the commissioner's role will be expanded to include that or that another mediator might be sought?

**Mr Barr:** I would not see that as an expansion of the business commissioner's mandate, and I understand that there are other mediation services available. The evidence, to date, is that there has been an improvement in terms of being able to achieve outcomes without the need for mediation or arbitration, but I will take on notice the range of mediation services that are available for residential tenants and landlords.

**MS CHEYNE:** Thank you. My other, entirely unrelated, question follows on from Mr Pettersson's questions about travel for ACT residents into New South Wales for modest visiting purposes. Is it the same in reverse? Has there been a conversation between you and the Premier of New South Wales that one to two adults from New South Wales can visit family and friends in the ACT?

**Mr Barr:** We never had the extreme restrictions that New South Wales put in place and so New South Wales residents who would be visiting family and friends in the ACT, in that small household setting context, would be free to do so. But, in large part, they have been able to do that throughout the pandemic. I guess the difference between tomorrow and where we were previously relates to the number of people—and children, in particular—as we discussed earlier. So, yes, if a family from New South Wales wants to come and visit another family in the ACT, or a parent, a brother, a sister or a friend, then—with the reminder around handwashing, cough etiquette and physical distancing—that would be an entirely reasonable thing to do on compassionate grounds. That is why we have extended that particular measure today.

**MS CHEYNE:** Thank you.

**MS LE COUTEUR:** Higher education—universities—is a huge part of the ACT economy. Have the federal stimulus packages been adequate, sufficient and relevant for this sector of our economy?

**Mr Barr:** Well, you are probably asking for an opinion there. According to the sector, no. So there remains an unresolved question, fundamentally about the financing of Australia's universities, as to how they would cope with significantly reduced income

from international students. It is fairly clear that, with Australia's borders closed indefinitely, it will be difficult to see the same number of international students studying in Australia in semester 2 this year and, potentially, the first semester next year, as I suspect the quarantine arrangements will need to be in place.

That said, it is a slightly different context for a student coming for a year of study to do two weeks of quarantine. That is very different from a tourist who might be coming. If you had three weeks leave to come to Australia for a holiday and you had to spend two weeks of it in quarantine, you probably would not come. But if you are coming for a year, two weeks might be manageable. So that is something that, I guess, we will see play out over the coming period. Potentially, our success in suppressing the virus would make Australia a more attractive destination. If you were an international student and your study options included the United States, the United Kingdom or Australia, right at the moment Australia would look a much better destination than either the US or the UK, which have traditionally been competitors with our universities.

More broadly, the university sector will clearly need to have a bit of a rethink about its business model in light of COVID-19 and the ongoing risks. I suspect that there will be more domestic students wanting to study as a result of the state of the labour market. Also, for those who will finish Year 12 this year, the prospect of being able to take a gap year overseas looks pretty slim at this point in time, so you might see a lot more students who finish Year 12 going straight into university next year.

**MS LE COUTEUR:** Do you think this could impact on the proposed University of New South Wales expansion into ACT—at the Reid site?

**Mr Barr:** They have certainly given no indication, given that the time frame for that project is several years, that this situation at the moment is of immediate concern to them. They are progressing with their consultation on master planning. Were this situation to remain in place in five years, and we still did not have a vaccine, the virus was still circulating around the globe and Australia's borders were still closed, that might have an impact. But we would all be speculating at that point, Ms Le Couteur.

**MS LE COUTEUR:** Have the local universities asked you to advocate on their behalf in terms of national cabinet further up in the food chain?

**Mr Barr:** National cabinet is not really an advocacy body. It is not the case that we all go into that room and advocate on behalf of industry sectors that might have lobbied us. It is a decision-making body. It is a government coordination and facilitation body. Advocacy to the federal government in relation to funding for the universities is largely undertaken by their peak body, Universities Australia.

Equally, most universities have very articulate vice-chancellors, and they have their own organisation as well. Then you have the Group of Eight. So the university sector is one sector that does not lack advocacy skills or access to government. Nevertheless, to the extent that treasurers in particular have been focused on the impact on the Australian economy of COVID-19 on trade in services—of which higher education is a very big export industry for Australia and the number one export industry for the ACT—it is very much on treasurers' agendas and does form part of the economic

discussion at national cabinet. But national cabinet is not an advocacy body; it is a decision-making body. I guess people advocate to us; we do not advocate internally to each other.

**THE CHAIR:** Thank you.

**MRS DUNNE:** I want to go back to a more local issue. It has been reported to me and some of my colleagues that some of the fines being imposed around hospitality venues have been quite onerous. It was reported to me that the Gang Gang Cafe in Downer was fined because someone sat down at the outside fixed tables and chairs after having purchased a coffee. Rather than the person who sat down being fined, the establishment was fined. I did a mental exercise. If somebody had purchased a coffee and walked down the street and sat on a piece of street furniture provided by the ACT government, would the ACT government have been fined in that circumstance? And if it is the case that the establishment rather than the person was fined, will we review that fine and will there be, overall, some rationality put in place in relation to fines? Businesses are doing it pretty tough at the moment. If a business tries very hard to stay open and keep some of its people employed and then gets hit with a \$1,000 fine, do you think that is reasonable, Chief Minister?

**Mr Barr:** No, I do not think that is reasonable, and if the circumstances are exactly as you have outlined, then that does seem to be an unreasonable fine. Obviously, I was not there and I do not know the circumstances, but there would be an appeal avenue for that business. If the circumstances are as you have described then that certainly would not pass my test of reasonableness; no.

**MRS DUNNE:** I am glad we are on the same page about reasonableness on that one, Chief Minister.

**Mr Barr:** Every now and then, Mrs Dunne, we do find ourselves on the same page. We should cherish and celebrate those moments!

**MRS DUNNE:** We will celebrate this one with a coffee, perhaps—separately.

**Mr Barr:** At some point I look forward to having a coffee with you, Mrs Dunne! Yes. Given how long we have worked together in this building, that would be appropriate before one or both of us leave.

**MR PETTERSSON:** I have a very quick question, as we have only got a minute left. I just watched your press conference, Chief Minister, and you said something at the end that was very strange to me. You said that the end of the week was Sunday in regard to the petrol price cap. What day do you think the week ends—Sunday?

**Mr Barr:** I do not recall having a weekend very often this year, actually, Mr Pettersson—between the bushfires and this. But, yes, when I made that statement in relation to petrol retailers, my reference point was Sunday and that I would have a look at things on Monday morning. That is what I will do.

**MR PETTERSSON:** Okay.

**THE CHAIR:** That concludes today's hearing. Chief Minister, thank you for appearing again. As usual, you will get a copy of the transcript. Please check that it is accurate. You have taken a number of questions on notice. Can I just follow up and ask whether you were able to find where that form is located on the revenue website?

**Mr Barr:** No, I was not; sorry. There may not be a specific form for commercial rates waivers yet, but there certainly is a waiver that is applied across the board, as I said, to all with an AUV under \$2 million.

**THE CHAIR:** Okay. Thank you, Chief Minister. Please get back to us as soon as possible on those questions on notice. Today's hearing is adjourned.

**The committee adjourned at 3.41 pm.**