



Ordinary Meeting of Council

25 March 2020

MAYORAL MINUTE

**UNDER SEPARATE COVER
ATTACHMENTS**

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
ORDINARY MEETING OF COUNCIL**

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NSW GOVERNMENT – \$2.3B STIMULUS PACKAGE

MONDAY 23 MARCH 2020: From 12:00pm the following non-essential activities and businesses were temporarily shut down across NSW:

- Pubs, registered clubs
- Gyms, indoor sporting venues
- Cinemas, entertainment venues, casinos, and night clubs
- Restaurants and cafes will be restricted to takeaway and/or home delivery
- Religious gatherings, places of worship (excluding small weddings and funerals that comply with the one person per four square metres rule, which can proceed).

TUESDAY 24 March 2020: Based on health advice, schools will remain open. **Parents are encouraged to keep their children at home.** NSW is moving towards online learning, regardless of whether children are learning from home or in class.

SNAPSHOT - NSW GOVERNMENT RESPONSE: \$2.3B

Health

- **\$700M** - extra funding for NSW Health. This will assist in doubling ICU capacity, preparing for additional COVID-19 testing, purchasing additional ventilators and medical equipment, establishing acute respiratory clinics and bringing forward elective surgeries to private hospitals.

Business Support & Jobs

- **\$450M**-waiver of payroll tax for businesses with payrolls of up to \$10 million for three months. This means these businesses will save a quarter of their annual payroll tax bill in 2019-20.
- **\$56M**-bring forward next round of payroll tax cuts: raising threshold limit to \$1M in 2020-21.
- **\$80M**-waive range of fees & charges for small businesses including bars, cafes, restaurants & tradies.
- **\$250M** - employ additional cleaners of public infrastructure such as transport assets, schools and other public buildings.
- **More than \$250M** - bring forward maintenance on public assets including social housing and crown land fencing.
- **\$500M** - bring forward capital works and maintenance.

Commonwealth Financial Assistance for Business - Coronavirus

Cashflow for Business

The Government is providing up to \$100,000 to eligible small and medium sized businesses, and not-for-profits (including charities) that employ people, with a minimum payment of \$20,000. These payments will help businesses' and not-for-profits' cash flow so they can keep operating, pay their rent, electricity and other bills and retain staff.

On 12 March 2020, the Government announced the *Boosting Cash Flow for Employers* measure. The measure initially provided up to \$25,000 to business, with a minimum payment of \$2,000 for eligible businesses. Small and medium sized business entities with aggregated annual turnover under \$50 million and that employ workers are eligible.

The Government has enhanced this measure as part of the second economic response package. Not-for-profit entities (NFPs), including charities, with aggregated annual turnover under \$50 million and that employ workers will now also be eligible. This will support employment activities at a time where NFPs are facing increasing demand for services.

Under the enhanced scheme, employers will receive a payment equal to 100 per cent of their salary and wages withheld (up from 50 per cent), with the maximum payment being increased from \$25,000 to \$50,000. In addition, the minimum payment is being increased from \$2,000 to \$10,000. An additional payment is also being introduced in the July – October 2020 period. Eligible entities will receive an additional payment equal to the total of all of the *Boosting Cash Flow for Employers* payments they have received. This means that eligible entities will receive at least \$20,000 up to a total of \$100,000 under both payments. This additional payment continues cash flow support over a longer period, increasing confidence, helping employers to retain staff and helping entities to keep operating.

The cash flow boost provides a tax free payment to employers and is automatically calculated by the Australian Taxation Office (ATO). There are no new forms required.

Temporary relief for financially distressed businesses

The elements of the package are:

- A temporary increase in the threshold at which creditors can issue a statutory demand on a company and the time companies have to respond to statutory demands they receive;
- A temporary increase in the threshold for a creditor to initiate bankruptcy proceedings, an increase in the time period for debtors to respond to a bankruptcy notice, and extending the period of protection a debtor receives after making a declaration of intention to present a debtor's petition;
- Temporary relief for directors from any personal liability for trading while insolvent; and
- Providing temporary flexibility in the *Corporations Act 2001* to provide targeted relief for companies from provisions of the Act to deal with unforeseen events that arise as a result of the Coronavirus health crisis.

For owners or directors of a business that are currently struggling due to the Coronavirus, the ATO will tailor solutions for their circumstances, including temporary reduction of payments or deferrals, or withholding enforcement actions including Director Penalty Notices and wind-ups.

Instant asset write off

The Government is increasing the instant asset write-off (IAWO) threshold from \$30,000 to \$150,000 and expanding access to include all businesses with aggregated annual turnover of less than \$500 million (up from \$50 million) until 30 June 2020. In 2017-18 there were more than 360,000 businesses that benefited from the current IAWO, claiming deductions to the value of over \$4 billion.

SME Guarantee Scheme

The Coronavirus SME Guarantee Scheme will provide support for these businesses. Under the Scheme, the Government will provide a guarantee of 50 per cent to SME lenders for new unsecured loans to be used for working capital. This will enhance these lenders' willingness and ability to provide credit, which will result in SMEs being able to access additional funding to help support them through the upcoming months.

SMEs with a turnover of up to \$50 million will be eligible to receive these loans.

The Government will provide eligible lenders with a guarantee for loans with the following terms:

- Maximum total size of loans of \$250,000 per borrower.
- The loans will be up to three years, with an initial six month repayment holiday.
- The loans will be in the form of unsecured finance, meaning that borrowers will not have to provide an asset as security for the loan.

Loans will be subject to lenders' credit assessment processes with the expectation that lenders will look through the cycle to sensibly take into account the uncertainty of the current economic conditions.

As part of the loan products available, the Government will encourage lenders to provide facilities to SMEs that only have to be drawn if needed by the SME. This will mean that the SME will only incur interest on the amount they draw down. If they do not draw down any funds from the facility, no interest will be charged, but they will retain the flexibility to draw down in the future should they need to.

The Scheme will commence by early April 2020 and be available for new loans made by participating lenders until 30 September 2020.

Early Access to Super

While superannuation helps people save for retirement, the Government recognises that for those significantly financially affected by the Coronavirus, accessing some of their superannuation today may outweigh the benefits of maintaining those savings until retirement.

Eligible individuals will be able to apply online through myGov to access up to \$10,000 of their superannuation before 1 July 2020. They will also be able to access up to a further \$10,000 from 1 July 2020 for approximately three months (exact timing will depend on the passage of the relevant legislation).

NEW COVID-19 RESTRICTIONS FAQs

NEW COVID-19 RESTRICTIONS

BUSINESSES AND NON-ESSENTIAL ACTIVITIES

1. What restrictions have been announced?

In line with health advice, from midday 23 March, the following non-essential activities and businesses have been temporarily shut down:

- Pubs (however licensed bottle shops attached to pubs are ok), registered clubs
- Gyms, indoor sporting venues (this includes indoor dance classes)
- Cinemas, entertainment venues (including music halls, concert halls, billiards, pool or gaming arcades), casinos and nightclubs
- Restaurants and cafes will be restricted to takeaway and/or home delivery (drive through allowed)
- Religious gatherings, places of worship (excluding small weddings and funerals that comply with the 4m2 rule, which can proceed).

Activities and businesses that are not listed above can continue.

2. Do existing restrictions around public gatherings still apply?

Yes. Businesses and activities that can continue must still adhere to existing restrictions on mass gatherings. That is no:

- Indoor gatherings of 100 or more people are not permitted; and
- Outdoor gatherings of 500 or more people are not permitted.

For any gathering, there must be four square metres of space for each person.

The above rules do not apply to essential gatherings such as schools, hospitals or public transport.

3. Should I work from home?

If you have the capacity to work from home, you should do so.

4. Can I still go grocery shopping?

Yes.

5. How long will these measures be in place?

We will keep the community continually updated as we deal with this evolving health crisis. As the Prime Minister has noted, Australians should expect these measures to be in place for at least 6 months.

6. Does this apply across NSW?

The restrictions apply across NSW, including regional and rural NSW.

7. Where can I go for the latest information?

Visit www.nsw.gov.au latest advice.

8. Who can I call for support?

Businesses impacted by COVID-19 can call this helpline: 13 28 46

SCHOOLS

1. Are schools closing?

As per health advice, schools will remain open. But in NSW from March 24, for practical reasons, parents are encouraged to keep their children at home.

2. Why are we now encouraging parents to keep children at home?

Already we are seeing nearly 30 per cent of children being kept out of school. So for practical reasons NSW is encouraging parents to keep their children at home. This will ensure there is only one unit of work, whether the student is at home or at school. Importantly, no child will be turned away from school.

3. Should I still send my child to school?

Parents are encouraged where possible to keep their children at home. Schools will remain open to those parents that have no other options. Schools are still a safe place and no child will be turned away from school.

4. How will my child learn if he/she is at school?

Online learning will be available for all children. Information will be made available to schools.

Further information can be found here: <https://education.nsw.gov.au/>

5. Can I send my child to school if I can't work from home?

Yes, you will still be able to send your child to school. Schools will remain open to those parents that have no other options. No child will be turned away from school.

6. Are childcare, daycare and preschool facilities still open?

Yes, childcare, daycare and preschools will remain open.

7. What happens to my childcare rebate if I choose to keep my child at home?

The childcare rebate is administered by the Federal Government. For further information please visit: <https://www.servicesaustralia.gov.au/individuals/subjects/affected-coronavirus-covid-19>

GYMS, INDOOR SPORTING AREAS AND ENTERTAINMENT VENUES

1. Are gyms closed?

Yes.

2. What is an indoor recreation facility?

Any indoor area where sporting activity occurs, such as squash courts, indoor swimming pools, gyms, table tennis centres, bowling alleys and ice rinks.

3. *What if I am a sole trader, such as a personal trainer that operates out of a gym or my own studio?*

Gyms and indoor sporting areas have been ordered to close. You will not be able to operate out of a gym or indoor sporting venue.

4. *If I am a member of a gym, what happens to my membership, is it automatically cancelled/suspended?*

Please contact your gym about their cancellation/suspension policy.

5. *Can I still exercise outdoors?*

Yes, but you must practise social distancing.

6. *What is an entertainment facility?*

This includes music halls, concert halls, billiards, pool or gaming arcades.

CAFÉ/RESTAURANT

1. *If I am a café/restaurant can I still let the public into my venue?*

Restaurants and cafes are restricted to providing takeaway (including drive through services) and home delivery service only.

2. *Will my café/restaurant reopening hours need to change?*

Opening hours are a matter for each individual business to consider. Restaurants and cafes are restricted to providing takeaway and home delivery service only.

3. *What financial support is available to me as a small business?*

The NSW Government has announced a \$1.6 billion package to support business and jobs. Details are available at www.nsw.gov.au

4. *Where can I find out more information?*

www.nsw.gov.au has the latest information on measures available to businesses and employees.

Council Delegations during Emergency

Delegations provide a means of enabling councils to continue functioning in a timely and responsive manner as events unfold quickly and urgent decisions need to be made. This is particularly so where meetings of the governing body are suspended, disrupted or unable to occur or because of the effects of COVID-19. It is also the case where urgent decisions need to be made between council meetings and the calling of an extraordinary meeting would not be a sufficiently responsive or feasible way of making the decision.

Section 377(1) of the Local Government Act 1993 ('LG Act') enables a council, by resolution, to delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under the LG Act or any other Act with 21 specific exceptions.

A number of councils are using what could possibly be their last scheduled ordinary meeting for the foreseeable future to confer broad 'emergency' delegations on their general managers and mayors as a contingency measure in order to ensure, so far as is practicable, that the council is able to continue to provide goods, services and facilities, and carry out activities, appropriate to the current and future needs within its local community and the wider public in an effective manner during the crisis.

General managers typically have broad operational delegations from the governing body of the council, although these are usually subject to conditions and limitations, notably expenditure limitations. During the COVID-19 crisis, there is a strong case for the general manager's delegations to be broadened and restrictions relaxed in relation to any decision-making involving operational matters of the Council.

Mayors typically have narrower delegations. During the COVID-19 crisis, there is a strong case for governing bodies to delegate to mayors as a contingency measure all of the functions of the council which are not delegated to the general manager. Such a delegation would be complimentary to a mayor's role under s226(d) of the LG Act Act 'to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council'.

It is important that emergency delegations to general managers and mayors are drafted to be only exercisable in any period during which the holding of meetings of the governing body of the council and council committees are suspended, disrupted or unable to occur by reason of COVID-19 or where, in cases of necessity between meetings of the council, the general manager or mayor considers that it is in the interests of the local community or the wider public or the effective functioning of the council that an emergency delegation is exercised.

Further, in relation to the mayors' emergency delegations, councils may wish to impose a requirement that the mayor consults with the general manager before exercising an emergency delegation relating to any operational matter of the council.

SUMMARY

COVID-19 LEGISLATION AMENDMENT (EMERGENCY MEASURES) BILL 2020

PURPOSE OF THE BILL

1. This bill, if passed, will implement urgent, temporary changes to 20 NSW Acts in response to the COVID-19 pandemic.
2. Amendments relate to reducing the risk of transmission by enhancing the enforcement of public health orders, limiting unnecessary human interaction, and introducing flexibility into procedures.
3. The amendments generally have sunset clauses of between 6 and 12 months.

CONTENT OF THE BILL

Constitutional amendments

4. Amend the NSW Constitution to allow the Governor to make regulations enabling:
 - 4.1. bills to be presented to and assented by the Governor electronically; and
 - 4.2. meetings of the Executive Council be held, attended and presided over by alternative measures.

Emergency Regulations relating to criminal procedure

5. Enable the Governor to make regulations that may override the provisions of selected Stronger Communities cluster Acts and any Act administered by the Attorney General to alter arrangements for bail proceedings, criminal proceedings, sentencing procedures, and the administration of sentences. Regulations can only be made if Parliament is not likely to sit within two weeks; the arrangements are, in the portfolio Minister's opinion, consistent with advice issued by the Health Minister or Chief Health Officer and reasonable for health, safety and welfare; and (in most cases) only with the consent of the Chief Justice.

Criminal procedure - general

6. Enable the recording of evidence of sexual assault, domestic violence, and violence complainants, or any witness at a significantly greater risk from the COVID-19 pandemic, including because of their age or health, at pre-trial hearings, and for the recordings to be played as evidence in later criminal trials.
7. Enable the recording of evidence of a witness in an original trial to be tendered as evidence in a new trial if the original trial is discontinued, or a new trial is ordered following a successful appeal.
8. Enable a court, on its own motion, to order that an accused person be tried by a judge alone if the accused person consents and has received legal advice and, if the prosecution objects, if the court considers that it is in the interests of justice.
9. Enhance protections for domestic violence victims by providing that provisional apprehended domestic violence orders (ADVOs) issued by police officers continue in force for 6 months, instead of 28 days. The requirement for the provisional ADVO to be listed at the first available date is not changed.
10. Create a presumption that an accused person will appear by audio-visual link (AVL) in bail proceedings unless the court otherwise directs. Enable an accused person to appear by AVL in summary prosecutions in the Local Court (indictable prosecutions will be excluded by regulation), and enable witnesses and legal practitioners to appear by AVL. Safeguards include that the court must be satisfied that a party is able to have a private conversation with their legal representative and the AVL appearance is in the interests of justice.
11. Enable sheriffs to exempt persons from selection of jurors for trials and coronial inquests if the sheriff considers there is a good cause to do so. A good cause may be established on the basis of the safety and welfare of the person or the community at large.

Correctional centre safety

12. Enable the Commissioner of Corrective Services and the Secretary of the Department of Communities and Justice to restrict any person from entering adult correctional facilities and youth justice detention

centres if satisfied that it is reasonably necessary to protect the health of inmates or the public from the COVID-19 pandemic. The power does not extend to the Inspector of Custodial Services and the Ombudsman.

13. Enable the Commissioner of Corrective Services to grant parole to certain offenders falling within a class of inmates prescribed by regulations before their non-parole period if satisfied that the inmate's release is necessary because of impact of the pandemic on public health or the security of a correctional centre. The Commissioner will not have the power to release certain inmates, including inmates serving a sentence of life imprisonment, or imprisonment for murder, a serious sex offence, or a terrorism offence. The Commissioner must consider the risks to community safety, the protection of domestic violence victims, and the impact on any victim before releasing an inmate.

NSW Civil and Administrative Tribunal (NCAT) procedure

14. Modify NCAT procedure by regulation made by the Governor, and:
 - 14.1. Enable the Guardianship Division (for all matters) and Administrative and Equal Opportunity Division (for Public Health Act matters only) to be constituted by two members instead of three. When they come up for review, any decisions by the 2 member Guardianship Division will be reviewed by 3 members.
 - 14.2. Extend the period of time for providing written reasons for NCAT decisions (when requested) from 28 days to 90 days, except for the Guardianship Division, which must provide an oral statement of reasons for all guardianship matters within 30 days (but is not required to provide written reasons);
 - 14.3. Allow NCAT or a court to extend the period of time for the doing of anything in NCAT's jurisdiction, including applications for reviews or appeals from NCAT decisions, where necessary because of the pandemic.

Working with children checks

15. Provide the Children's Guardian with the discretion to extend the period for which a working with children check clearance is in force.

Enforcement of public health orders

16. Remove the requirement for a public health order in respect of persons exposed to COVID-19 to be confirmed by NCAT within 3 working days of the order being served. A person subject to a contact order public health order will still have right to seek review by NCAT.
17. Allow a police officer to arrest a person who the officer reasonably suspects of contravening a public health order in relation to COVID-19 and returning the person to their usual place of residence or their place of detention.
18. Allow a police officer to be an authorised officer for the purpose of issuing a penalty infringement notice and for the purpose of allowing police officers to require a person to give their name and address in relation to COVID-19.

Private health facilities and pharmacy premises

19. Allow the Secretary of the Ministry of Health to exempt a private health facility from the conditions of a licence or requirements relating to a medical advisory committee if the Secretary is satisfied that it is reasonably necessary to do so because of the pandemic and at both patient care and safety at the facility will be properly maintained.
20. Allow the Secretary of the Ministry of Health to exempt premises being used as the State Vaccine Centre from the provisions in the National Law relating to pharmacy premises.

Mental Health Review Tribunal (MHRT) procedures

21. Allow the MHRT, if considered necessary because of the pandemic:
 - 21.1. to approve a person appearing before the tribunal by telephone,

21.2. To extend Community Treatment Orders by up to three months, even if that results in the order being in force for more than 12 months (currently, the maximum period for an order is 12 months); and

21.3. To adjourn mental health inquires for up to 28 days (instead of 14 days).

Retail trading hours

22. Permit supermarkets to trade on Good Friday, Easter Sunday and Anzac Day in 2020, if they choose, subject to the condition that the supermarkets can only be staffed by persons who have freely elected to work on that day.

Certificates of fitness and capacity

23. Enable the making of regulations and the amendment of guidelines to enable certain allied health practitioners to issue subsequent certificates of capacity in the workers compensation system and subsequent certificates of fitness in the compulsory third party (CTP) scheme, instead of only medical practitioners.

Local government

24. Enable the Minister for Local Government to postpone a local government election for up to 12 months if the Minister believes that it is reasonable.

25. Enable council members to attend a meeting by AVL and, enable meetings that are required to be open to members of the public to be held by webcast. The regulations may provide that these measures do not apply to a particular council or a particular class of meeting.

26. Enable the Minister for Local Government to recommend that the Governor make a regulation that modifies the application of the Local Government Act 1993, where Parliament is not sitting and unlikely to sit within two weeks after the regulations are made, and where, in the Minister's opinion the regulations are in accordance with health advice and reasonable to protect the health, safety and welfare of persons.

Planning approvals

27. Enable the Minister for Planning and Public Spaces to identify development that can be carried out without the need for any approval under the Act (subject to development standards) and allow this development to integrate back into the planning system. The Minister may only make an order if the Minister has consulted the Minister Health and Medical Research, and the order is necessary to protect the health, safety and welfare of the members of the public during the pandemic.

28. Provide that requirements for documents to be available in hard copy or for inspection in premises can be met by being available online.

Altered arrangements for the signature and witnessing of documents – emergency regulation

29. Enable the making of regulations that may override the provisions of existing acts to prescribe altered arrangements for the signature and witnessing of documents. The regulations may only be made where Parliament is not sitting and is unlikely to sit within two weeks after the regulations are made, and where, in the Minister's opinion, the regulations are in accordance with health advice and reasonable to protect the health, safety and welfare of persons.

Continuation of subordinate legislation

30. Allow 13 regulations, scheduled for automatic repeal on 1 September 2020, to stay in force until 1 March 2021 or alternatively 1 September 2021.