

2020

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**COVID-19 EMERGENCY RESPONSE LEGISLATION AMENDMENT BILL 2020
(NO 3)**

**EXPLANATORY STATEMENT
and
HUMAN RIGHTS COMPATIBILITY STATEMENT
*(Human Rights Act 2004, s 37)***

**Presented by
Andrew Barr MLA
Chief Minister**

**COVID-19 EMERGENCY RESPONSE LEGISLATION AMENDMENT BILL 2020
(NO 3)**

Outline

COVID-19 EMERGENCY RESPONSE LEGISLATION AMENDMENT BILL 2020 (NO 3)	4
BACKGROUND	4
OVERVIEW OF THE BILL	4
CONSULTATION ON THE PROPOSED APPROACH	5
CONSISTENCY WITH HUMAN RIGHTS	6
Rights Engaged	6
Rights Promoted	7
Rights Limited	11
<i>Human Rights Act 2004</i> – Compatibility Statement	16
Detail	17
Clause 1 Name of Act	17
Clause 2 Commencement	17
Clause 3 Legislation amended—sch 1	17
Schedule 1 COVID-19 emergency response—Amendments	18
Part 1.1 Associations Incorporation Act 1991	18
[1.1] Section 70AA (7)	18
[1.2] Section 120 (6)	19
Part 1.2 Bail Act 1992	19
[1.3] Section 28 (7)	19
Part 1.3 Corrections Management Act 2007	19
[1.4] Section 26 (7)	19
[1.5] Section 30 (7)	20
[1.6] Section 205 (5)	20
[1.7] Section 216l	21
Part 1.4 COVID-19 Emergency Response Act 2020	22

[1.8]	Section 3 (1)	22
[1.9]	Section 3 (2) (a)	22
[1.10]	Section 3 (4), new definition of reporting period	22
[1.11]	Section 3A (2)	22
Part 1.5	Crimes Act 1900	23
[1.12]	Section 194A (7)	23
Part 1.6	Crimes (Sentence Administration) Act 2005	23
[1.13]	Section 182 (2A) and (2B)	23
[1.14]	Section 185 (1A) and note	23
[1.15]	Section 322A	24
Part 1.7	Crimes (Sentencing) Act 2005	25
[1.16]	Section 13 (10)	25
[1.17]	Section 46C (9)	25
Part 1.8	Drugs of Dependence Act 1989	26
[1.18]	Section 187A (5)	26
Part 1.9	Education Act 2004	26
[1.19]	Sections 84A (3), 88AA (3) and 153B (7)	26
Part 1.10	Evidence (Miscellaneous Provisions) Act 1991	27
[1.20]	Section 164 (2)	27
Part 1.11	Family Violence Act 2016	28
[1.21]	Section 210	28
Part 1.12	Gaming Machine Regulation 2004	28
[1.22]	New section 69 (3)	28
[1.23]	Section 69L	29
Part 1.13	Personal Violence Act 2016	29
[1.24]	Section 209	29
Part 1.14	Retirement Villages Act 2012	30
[1.25]	Section 265	30
Part 1.15	Supreme Court Act 1933	30
[1.26]	Section 68B (4), definition of COVID-19 emergency period	30

[1.27]	Section 68B (5).....	30
Part 1.16	Working with Vulnerable People (Background Checking) Act 2011 ..	31
[1.28]	Sections 60B and 60C	31

COVID-19 EMERGENCY RESPONSE LEGISLATION AMENDMENT BILL 2020 (NO 3)

The Bill is not a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

BACKGROUND

On 11 March 2020, the Director-General of the World Health Organisation (WHO) declared COVID-19 (a new strain of coronavirus) a global pandemic. The WHO requested that every country urgently take necessary measures to ready emergency response systems.

On 16 March 2020, the Minister for Health declared a public health emergency under section 119 of the *Public Health Act 1997* due to the public health risk to the ACT community posed by COVID-19. On 17 November 2020, the Minister for Health further extended the Public Health (Emergency) Declaration 2020 (No 1) [NI2020-153] for 90 days due to the ongoing public health risk posed by COVID-19. The Declaration ends on 17 February 2021.

As of 24 November 2020, the WHO has reported that there are 58,900,547 cases of COVID-19 worldwide, and the Australian Government has reported 27,848 confirmed cases in Australia and 907 deaths as a result of COVID-19. As of 24 November 2020, the ACT had 115 confirmed cases and 3 people had died from COVID-19. Internationally, COVID-19 continues to place significant strain on communities and health systems with a number of countries experiencing second waves of the COVID-19 transmission.

OVERVIEW OF THE BILL

The *COVID-19 Emergency Response Legislation Amendment Bill 2020 (No 3)* is the fourth in a series of omnibus COVID-19 Bills. The primary purpose of the Bill is to extend certain existing COVID-19 legislative measures adopted with the *COVID-19 Emergency Response Act 2020* and *COVID-19 Emergency Response Legislation Amendment Act 2020* to ensure that the ACT Government continues to meet the needs of the community in the context of the COVID-19 pandemic.

The Bill extends measures that are due to expire and are necessary to continue.

The COVID-19 measures to be extended remain temporary. Generally, amendments to the expiry provisions of COVID-19 measures align with the expiry of the COVID-19 Emergency Response Act, which will expire at the end of a 12-month period during which no COVID-19 public health emergency declaration has been in force.

The Bill amends COVID-19 legislative measures under the following Acts:

- a. *Associations Incorporation Act 1991*;
- b. *Bail Act 1992*;
- c. *Corrections Management Act 2007*;
- d. *COVID-19 Emergency Response Act 2020*;
- e. *Crimes Act 1900*;
- f. *Crimes (Sentence Administration) Act 2005*;
- g. *Crimes (Sentencing) Act 2005*;
- h. *Drugs of Dependence Act 1989*;
- i. *Education Act 2004*;
- j. *Evidence (Miscellaneous Provisions) Act 1991*;
- k. *Family Violence Act 2016*;
- l. *Gaming Machine Regulation 2004*;
- m. *Personal Violence Act 2016*;
- n. *Retirement Villages Act 2012*;
- o. *Supreme Court Act 1933*; and
- p. *Working with Vulnerable People (Background Checking) Act 2011*.

The Bill also repeals two measures under the *Crimes (Sentence Administration) Act 2005* that are no longer required.

CONSULTATION ON THE PROPOSED APPROACH

ACT Government Directorates and justice Statutory Office Holders were consulted in the preparation of this Bill. The following business units were consulted in relation to suitability to extend or amend the measures within their operational areas:

- a. Access Canberra;
- b. ACT Corrective Services;
- c. ACT Courts and Tribunal;
- d. ACT Policing;

- e. Chief Minister, Treasury and Economic Development Directorate;
- f. Community Services Directorate;
- g. Education Directorate;
- h. Human Rights Commission;
- i. Legal Aid ACT;
- j. Director of Public Prosecutions ACT; and
- k. Sentence Administration Board.

The ACT Bar Association and ACT Law Society were also consulted on the draft Bill.

CONSISTENCY WITH HUMAN RIGHTS

Human rights engaged for all of the measures extended under the Bill are addressed in the explanatory statements for the COVID-19 Emergency Response Bill 2020 and COVID-19 Emergency Response Legislation Amendment Bill 2020. This explanatory statement summarises how extending the measures engages human rights.

Rights Engaged

The Bill engages and may promote the following rights under the *Human Rights Act 2004*, and will be discussed under Rights Promoted in detail:

- a. right to recognition and equality before the law (section 8);
- b. right to life (section 9);
- c. right to protection of the family and children (section 11);
- d. right to freedom of expression (section 16);
- e. right to liberty and security of person (section 18);
- f. right to humane treatment when deprived of liberty (section 19);
- g. right to a fair trial (section 21);
- h. rights in criminal proceedings (section 22);
- i. right to education (section 27A); and
- j. right to work and other work-related rights (section 27B).

The Bill engages and may limit the following rights under the Human Rights Act, and will be discussed under Rights Limited in detail:

- a. right to protection of the family and children (section 11);
- b. right to liberty and security of person (section 18);
- c. right to humane treatment when deprived of liberty (section 19);
- d. right to a fair trial (section 21);
- e. rights in criminal proceedings (section 22); and
- f. right to prohibition against retrospective criminal laws (section 25).

Rights Promoted

Associations Incorporation Act 1991

The extension of COVID-19 measures in the Associations Incorporation Act may promote the following rights under the Human Rights Act:

- a. right to freedom of expression, because the amendments facilitate incorporated associations' abilities to convene meetings and their members' opinions to be expressed at such meetings at a time when the COVID-19 pandemic continues and health measures constrain the way in which meetings can be conducted; and
- b. right to life, because the amendments ensure that incorporated associations are provided additional time to plan and adopt COVID-19 safe measures that are suitable for their individual associations, prioritising the health and safety of their members.

A detailed human rights analysis can be found at the Explanatory Statement to the COVID-19 Emergency Response Legislation Amendment Bill 2020.

Bail Act 1992

The extension of the COVID-19 measure in the Bail Act may promote the following rights under the Human Rights Act:

- a. right to liberty and security of person, by supporting the accused to meet one of the requirements for release on bail or continuation of bail, which could otherwise be delayed; and
- b. rights in criminal proceedings, by not delaying bail applications.

A detailed human rights analysis can be found at the Explanatory Statement to the COVID-19 Emergency Response Legislation Amendment Bill.

Corrections Management Act 2007

The extension of COVID-19 measures in the Corrections Management Act may promote the following rights under the Human Rights Act:

- a. right to life, through addressing the increased risk of a COVID-19 outbreak in a closed environment by supporting long-term leave from a correctional centre;
- b. right to liberty and security of person, by allowing early release of offenders into the community in a range of circumstances; and
- c. right to work and other work-related rights, by creating a safe environment for corrections officers as they perform their duties.

A detailed human rights analysis can be found at the Explanatory Statements to the COVID-19 Emergency Response Bill 2020 and COVID-19 Emergency Response Legislation Amendment Bill.

Crimes (Sentence Administration) Act 2005

The extension of COVID-19 measures in the Crimes (Sentence Administration) Act may promote the following rights under the Human Rights Act:

- a. right to recognition and equality before the law, by allowing the Sentence Administration Board to reduce the current notice provisions in the Act. This supports the offender's ability to make applications to the board and have those applications heard in a shorter time than would ordinarily be the case; and
- b. right to liberty:
 - i. as a decision to either to take no action and simply record an alleged breach or issue a warning for an alleged breach, will avoid the need for the offender to be reported to either the sentencing court or the Sentence Administration Board for non-compliance with their order; and
 - ii. as repealing two measures relating to the constitution of the Sentence Administration Board permitting a single judicial member to exercise certain supervisory functions under sections 182 and 185 will support effective decision making by the Board.

A detailed human rights analysis can be found at the Explanatory Statements to the COVID-19 Emergency Response Bill and COVID-19 Emergency Response Legislation Amendment Bill.

Crimes (Sentencing) Act 2005

The extension of the COVID-19 measures in the Crimes (Sentencing) Act may promote the following rights under the Human Rights Act:

- a. right to life, by reducing the amount of person-to-person contact required of an offender as part of the sentencing process; and
- b. right to liberty, because an intensive correction order allows an offender to serve a sentence of imprisonment in the community.

A detailed human rights analysis can be found at the Explanatory Statements to the COVID-19 Emergency Response Bill and COVID-19 Emergency Response Legislation Amendment Bill.

Education Act 2004

The extension of COVID-19 legislative measures in the Education Act may promote the right to education under the Human Rights Act. In the event that COVID-19 public health restrictions are in place in the ACT, the measures will allow schools to continue to provide education to children through remote means.

A detailed human rights analysis can be found at the Explanatory Statement to the COVID-19 Emergency Response Legislation Amendment Bill.

Evidence (Miscellaneous Provisions) Act 1991

The extension of the COVID-19 regulation-making power under the Evidence (Miscellaneous Provisions) Act may promote the right to be tried without unreasonable delay under the Human Rights Act, by reducing the need for adjournments due to a COVID-19 emergency. A human rights analysis will be included in the explanatory statement for any regulation made under the provision where it engages rights under the Human Rights Act where it is feasible in the context of the public health emergency.

A detailed human rights analysis can be found at the Explanatory Statement to the COVID-19 Emergency Response Bill.

Family Violence Act 2016 and Personal Violence Act 2016

The extension of COVID-19 measures in the Family Violence Act and the Personal Violence Act may promote the following rights under the Human Rights Act:

- a. right to life, right to protection of the family and children, and right to security of the person, by helping protect applicants from interpersonal violence through the extension of a general interim order if a return conference or hearing to progress to a final order cannot occur due to a COVID-19 emergency; and

- b. rights in criminal proceedings, by not delaying proceedings where parts can be heard through audio-visual means.

A detailed human rights analysis can be found at the Explanatory Statement to the COVID-19 Emergency Response Bill.

Retirement Villages Act 2012

The extension of COVID-19 measures in the Retirement Villages Act may promote the following rights under the Human Rights Act:

- a. right to freedom of expression, by facilitating retirement village residents' and operators' ability to convene meetings so that opinions can be expressed and matters voted on at a time when the COVID-19 pandemic continues and health measures constrain the way in which meetings can be conducted; and
- b. right to life, by ensuring that retirement villages can continue to operate while implementing COVID-19 safe measures that ensure the health and safety of residents can be prioritised.

A detailed human rights analysis can be found at the Explanatory Statement to the COVID-19 Emergency Response Legislation Amendment Bill.

Supreme Court Act 1933

The extension of the COVID-19 measure in the Supreme Court Act may promote the following rights under the Human Rights Act:

- a. rights in criminal proceedings, by providing a means for matters to be heard without delay; and
- b. right to a fair trial, by allowing an accused to elect to be tried by a judge alone for offences which must be heard by a jury, noting that this right may be promoted by either a jury trial or a trial by judge alone.

A detailed human rights analysis can be found at the Explanatory Statement to the COVID-19 Emergency Response Bill.

Working with Vulnerable People (Background Checking) Act 2011

The amendment to the COVID-19 measure in the Working with Vulnerable People (Background Checking) Act may promote the right to life, right to education and right to work and other work-related rights under the Human Rights Act, by allowing critical workers to remain in the workforce to support the provision of health care and education.

Rights Limited

Corrections Management Act 2007

The extension of the following COVID-19 measures in the Corrections Management Act may limit the right to liberty and security of person and the right to humane treatment under the Human Rights Act:

- a. section 26 – power for the director-general to declare an emergency related to COVID-19 for a correctional centre;
- b. section 30 – increase the time that a person can be detained in a police cell from 36 hours to a maximum of 48 hours; and
- c. part 12.3 – a new COVID-19 leave scheme.

Extending the measures is necessary and rationally connected to continuing to achieve the objective of providing a safe environment for detainees in police custody and in the Alexander Maconochie Centre (AMC). The objective is achieved by giving the director-general discretion to impose restrictions suitable to maintain a COVID-19 safe environment within a correctional centre, limiting the number of person-to-person contacts by detainees, and preventing overcrowding of the correctional centre during a COVID-19 emergency by granting leave to detainees in appropriate conditions. A detailed analysis of the human rights limitations is discussed in the Explanatory Statements to the COVID-19 Emergency Response Bill and COVID-19 Emergency Response Legislation Amendment Bill.

Safeguards incorporated in the measures to ensure they are the least restrictive measures reasonably available are discussed in detail in the Explanatory Statement to the COVID-19 Emergency Response Bill and COVID-19 Emergency Response Legislation Amendment Bill and remain unchanged by this Bill. This includes in relation to detention in police cells and COVID-19 leave, that the measures commence by Ministerial notice.

The extension of these measures is the least restrictive option reasonably available to achieve the legitimate objective of maintaining a safe environment at the AMC. The amendments made by this Bill will result in the measures being extended to expire 12 months after a COVID-19 emergency ends. The Bill therefore links the expiry of the measures with the COVID-19 emergency declaration, rather than a fixed date. Although the measures will not expire until 12 months beyond the end of a COVID-19 emergency, the underlying measures can only be used while a COVID-19 emergency declaration is in force. Allowing the measures to expire 12 months beyond the end of a COVID-19 emergency will ensure that the measures can be re-enlivened in a timely way without requiring the measure to be re-legislated.

Crimes (Sentence Administration) Act

The extension of the following COVID-19 measures in the Crimes (Sentence Administration) Act may limit the right to a fair trial and the right to liberty and security of the person under the Human Rights Act:

- a. allowing the Sentence Administration Board to refuse a parole order without a full hearing and reducing the length of notice to attend a hearing; and
- b. introduction of an administrative sanction scheme for offender non-compliance with conditions of good behaviour orders, intensive correction orders and parole orders.

Extending the measures is necessary and rationally connected to continuing to achieve the objective of supporting the effective operation of the Sentence Administration Board. The objective is achieved by providing flexibility to the board to choose not to hold a hearing when there is no reasonable prospect of success at that time, and by allowing low-level instances of non-compliance to be addressed within a case management framework and without increasing an offender's person-to-person contact with the court or the board. A detailed analysis of the human rights limitations is discussed in the explanatory statements to the COVID-19 Emergency Response Bill and COVID-19 Emergency Response Legislation Amendment Bill and remains unchanged by this Bill.

Safeguards incorporated in the measures to ensure they are the least restrictive measures reasonably available are discussed in detail in the explanatory statement to the COVID-19 Emergency Response Bill and COVID-19 Emergency Response Legislation Amendment Bill and remain unchanged by this Bill. The safeguards include the delayed commencement of the administrative sanction scheme which commenced on 11 September 2020 following the development of guidelines as required under the legislation.

The extension of these measures is the least restrictive option reasonably available to achieve the legitimate objective of supporting the effective operation of the Sentence Administration Board. The measures are due to expire on 8 April 2021 and the Bill will extend the measures to expire 12 months after a COVID-19 emergency ends. The Bill therefore links the expiry of the measures with the COVID-19 emergency declaration, rather than a fixed date. Although the measures will not expire until 12 months beyond the end of a COVID-19 emergency, the underlying measures can only be used if there is a COVID-19 emergency declaration. Allowing the measures to expire 12 months beyond the end of a COVID-19 emergency will ensure that the measures can be re-enlivened in a timely way without requiring the measure to be re-legislated.

Education Act 2004

The extension of the COVID-19 measures in the Education Act engages the right to protection of the family and children under the Human Rights Act insofar as school attendance provides an opportunity to identify and support vulnerable children. To the extent this right may be limited, extending the measures is necessary and rationally connected to continuing to achieve the objective of providing education to children in the ACT in a COVID-19 safe way during a COVID-19 emergency. The objective is achieved by supporting government and non-government schools in the ACT to operate without contravening requirements under the Education Act.

Safeguards incorporated in the measures to ensure they are the least restrictive measures reasonably available include supporting schools to implement attendance and wellbeing procedures for all students who are learning remotely, including regular check-ins, development of guidelines for families to support learning from home, including guidance for families of students with disabilities, and establishing a student wellbeing phone line. A detailed analysis of the human rights engagement is discussed in the Explanatory Statement to the COVID-19 Emergency Response Legislation Amendment Bill and remains unchanged by this Bill.

The extension of these measures is the least restrictive option reasonably available to achieve the legitimate objective of supporting the provision of education in a COVID-19 emergency. The measures are due to expire on 8 April 2021 and the Bill will extend them to expire 12 months after a COVID-19 emergency ends. The Bill therefore links the expiry of the measures with the COVID-19 emergency declaration, rather than a fixed date. Although the measures will not expire until 12 months beyond the end of a COVID-19 emergency, the underlying measures can only be used if there is a COVID-19 emergency declaration. Allowing the measures to expire 12 months beyond the end of a COVID-19 emergency will ensure that the measures can be re-enlivened in a timely way without requiring the measure to be re-legislated.

Evidence (Miscellaneous Provisions) Act 1991

The extension of the COVID-19 regulation-making power in the Evidence (Miscellaneous Provisions) Act engages the right to a fair trial and the right to be tried without unreasonable delay under the Human Rights Act.

To the extent these rights may be limited, extending the measure is necessary and rationally connected to continuing to achieve the objective of public safety and ensuring legal proceedings are not disrupted more than necessary in the event of a COVID-19 emergency. The objectives are achieved by giving the Executive power to make regulations to allow the court to record witness evidence where the trial is adjourned. A detailed analysis of the human rights engagement is discussed in the Explanatory Statement to the COVID-19 Emergency Response Bill and remains unchanged by this Bill.

The extension of this measure is the least restrictive option reasonably available to achieve the legitimate objective of avoiding disruption to legal proceedings. The measure is due to expire on 8 April 2021 and the Bill will extend this to expire 12 months after a COVID-19 emergency ends. The Bill therefore links the expiry of the measure with the COVID-19 emergency declaration, rather than a fixed date. Although the measure will not expire until 12 months beyond the end of a COVID-19 emergency, the underlying measure can only be used if there is a COVID-19 emergency declaration. Allowing the measure to expire 12 months after the end of a COVID-19 emergency will ensure that the measure can be re-enlivened in a timely way without requiring the measure to be re-legislated.

Family Violence Act 2016 and Personal Violence Act 2016

The extension of the COVID-19 measures in the Family Violence Act and Personal Violence Act, which extend the 12-month general limit on interim orders for a further six months, engages and may limit the right to a fair trial under the Human Rights Act as it can delay the time before a final order can be made.

Extending the measures is necessary and rationally connected to continuing to achieve the objective of public safety. The objective is achieved by protecting applicants from interpersonal violence and reducing the risk of infection to parties and court staff during a COVID-19 emergency. A detailed analysis of the human rights limitation is discussed in the Explanatory Statement to the COVID-19 Emergency Response Bill and remains unchanged by this Bill.

The extension of these measures is the least restrictive option reasonably available to achieve the legitimate objective of public safety. The measures are due to expire on 8 April 2021 and the Bill will extend them to expire 12 months after a COVID-19 emergency ends. The Bill therefore links the expiry of the measures with the COVID-19 emergency declaration, rather than a fixed date. Although the measures will not expire until 12 months beyond the end of a COVID-19 emergency, the underlying measures can only be used if there is a COVID-19 emergency declaration. Allowing the measures to expire 12 months beyond the end of a COVID-19 emergency will ensure that the measures can be re-enlivened in a timely way without requiring the measure to be re-legislated.

Supreme Court Act 1933

The extension of the COVID-19 measure in the Supreme Court Act, which allows an accused to elect a judge alone trial for an offence normally required to be before a jury may engage the right to a fair trial and rights in criminal proceedings.

To the extent these rights may be limited, extending the measure is necessary and rationally connected to continuing to achieve the objective of effective administration of justice. The objective is achieved by allowing serious criminal charges to progress to trial by judge alone, ensuring that these matters are not delayed due to the

COVID-19 emergency. Currently, the Supreme Court is able to hold jury trials, however, measures designed to support social distancing mean that the Court is required to reduce the overall number of trials that may occur concurrently and this may negatively impact on court listing arrangements. A detailed analysis of the human rights engagement is discussed in the Explanatory Statement to the COVID-19 Emergency Response Bill and remains unchanged by this Bill.

The extension of this measure is the least restrictive option reasonably available to achieve the legitimate objective. The measure applies until 31 December 2020 (a date which may be extended by the Executive by regulation) and the measure is due to expire on 8 April 2021. The application and expiry date of the measure is extended until 30 June 2021. However, because the extended expiry does not otherwise change the operation of measures, any human rights limitations only go as far as is strictly necessary to respond to the exigencies of the COVID-19 emergency.

Working with Vulnerable People (Background Checking) Act 2011

The amendment to the COVID-19 measure in the Working with Vulnerable People (Background Checking) Act extends registrations that have been previously extended under a section 60B (to be omitted by this Bill) or that are due to expire by 12-months from the date the registration was due to expire. This engages the right to protection of the family and children and the right to security of persons under the Human Rights Act to the extent that automatic extensions of registration may impact vulnerable people.

To the extent these rights may be engaged and limited, extending the measure is necessary to the objective of ensuring that critical workers continue to hold relevant authorisations to work during a COVID-19 emergency and supports an orderly transition to normal registration arrangements. The objective is rationally connected to this objective by allowing expiring registrations to be extend by 12 months, ensuring that these registrations can continue during the COVID-19 emergency. The measure is also reasonable and demonstrably justified in accordance with section 28 of the HRA, as a person holding a registration will continue to be subject to compliance requirements under the Act including the requirement to report to the Commissioner if they have been charged or convicted of certain offences. Further, an extended registration remains subject to regulatory compliance action including suspension or cancellation in relevant circumstances. A detailed analysis of the human rights engagement is discussed in the Explanatory Statement to the COVID-19 Emergency Response Bill and remains unchanged by this Bill. The measure is due to expire six months after the end of the COVID-19 emergency period and the Bill does not amend this expiry. The amendment to the extension of registrations measure is the least restrictive option reasonably available to achieve the legitimate objective of the administration of the working with vulnerable people registration scheme.

COVID-19 EMERGENCY RESPONSE LEGISLATION AMENDMENT BILL 2020
(NO 3)

Human Rights Act 2004 – Compatibility Statement

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **COVID-19 Emergency Response Legislation Amendment Bill 2020 (No 3)**. In my opinion, having regard to the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly is consistent with the *Human Rights Act 2004*.

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Shane Rattenbury MLA
Attorney-General

COVID-19 Emergency Response Legislation Amendment Bill 2020 (No 3)

Detail

Clause 1 Name of Act

This is a technical clause that names the short title of the Act. The name of the Act will be the *COVID-19 Emergency Response Legislation Amendment Act 2020 (No 3)*.

Clause 2 Commencement

This clause provides that, with the exception of the amendments listed below, the amendments in the Act will commence on the day after the Act is notified on the ACT Legislation Register.

Schedule 1, amendment 1.5, substituting new subsection 30 (7) of the *Corrections Management Act 2007*, will commence along with subsections 30 (2A) and (6) on a day fixed by the Minister responsible for the Corrections Management Act by written notice.

Schedule 1, amendment 1.7, amending section 216I of the Corrections Management Act, will commence along with part 12.3 on a day fixed by the Minister responsible for the Corrections Management Act by written notice.

Clause 3 Legislation amended—sch 1

This clause refers to schedule 1 of the Bill which lists the legislation amended by the Bill. The Bill will amend the:

- a. *Associations Incorporation Act 1991*;
- b. *Bail Act 1992*;
- c. *Corrections Management Act 2007*;
- d. *COVID-19 Emergency Response Act 2020*;
- e. *Crimes Act 1900*;
- f. *Crimes (Sentence Administration) Act 2005*;
- g. *Crimes (Sentencing) Act 2005*;
- h. *Drugs of Dependence Act 1989*;
- i. *Education Act 2004*;

- j. *Evidence (Miscellaneous Provisions) Act 1991*;
- k. *Family Violence Act 2016*;
- l. *Gaming Machine Regulation 2004*;
- m. *Personal Violence Act 2016*;
- n. *Retirement Villages Act 2012*;
- o. *Supreme Court Act 1933*; and
- p. *Working with Vulnerable People (Background Checking) Act 2011*.

Schedule 1 COVID-19 emergency response—Amendments

Part 1.1 Associations Incorporation Act 1991

[1.1] Section 70AA (7)

This clause substitutes a new section 70AA (7) of the Associations Incorporation Act to amend the expiry of section 70AA of the Associations Incorporation Act, to expire on 8 October 2021, providing a six-month extension to the original expiry date.

Before the introduction of section 70AA the rules about the way in which general meetings and special general meetings of an association are to be convened and whether or not members of the association are entitled to vote by proxy were those set out in the relevant association's rules (see schedule 1, item 7 of the Associations Incorporation Act).

New section 70AA provides that during a COVID-19 emergency the committee of an association may authorise the holding of meetings using methods of communication and proxy arrangements that make allowance for health protection measures such as social distancing and limits on sizes of gatherings.

Extending the operation of section 70AA for a further six months ensures that these arrangements can continue while a COVID-19 emergency exists during that time, and provides sufficient time for associations to amend their rules to be able to have these more flexible arrangements for the holding of meetings in place should they be needed in the future.

The Explanatory Statement to the COVID-19 Emergency Response Legislation Amendment Bill 2020 further details this measure.

[1.2] Section 120 (6)

This clause substitutes new subsection 120 (6) to provide for the expiry of subsections 120 (3) to (6) of the Associations Incorporation Act on 8 October 2021 - a six-month extension to the original expiry date.

Extending the operation of subsections 120 (3) to (6) for a further six months ensures that the registrar-general continues to be able to, where appropriate due to a COVID-19 emergency, allow extensions of prescribed periods of time for associations, their officers and members to comply with certain requirements of the Associations Incorporation Act.

The Explanatory Statement to the COVID-19 Emergency Response Legislation Amendment Bill further details this measure.

Part 1.2 Bail Act 1992

[1.3] Section 28 (7)

This clause substitutes new section 28 (7) of the Bail Act to provide for the expiry of subsections 28 (2A), (6) and (7) of the Bail Act on the day the COVID-19 Emergency Response Act expires, which is at the end of a 12-month period during which no COVID-19 declaration has been in force.

The measure in subsection 28 (2A) allows a person to give an undertaking to appear in court by audio-visual link and is due to expire on 8 April 2021. The new expiry provision allows the measure to remain in the Act after a COVID-19 emergency declaration is no longer in force, for a period of 12 months. During this period, in the event a further COVID-19 emergency declaration is made, the measure will become operative while the declaration is in force. The purpose of this rolling expiry arrangement is to ensure that emergency response measures can be available to support operational and service responses.

This amendment continues to allow the court to maintain appropriate numbers of people at the courthouse, which supports the safe and effective operation of the ACT Courts during a COVID-19 emergency. The Explanatory Statement to the COVID-19 Emergency Response Legislation Amendment Bill further details this measure.

Part 1.3 Corrections Management Act 2007

[1.4] Section 26 (7)

This clause amends subsection 26 (7) of the Corrections Management Act to provide for the expiry of subsections 26 (2A), (3A) to (3D), (6) and (7) on the day the COVID-19 Emergency Response Act expires, which is at the end of a 12-month period during which no COVID-19 declaration has been in force.

The measure in subsection 26 (2A) allows the Director-General to declare that an emergency exists in relation to the correctional centre for a period associated with a COVID-19 emergency declaration and is due to expire on 8 April 2021. The new expiry provision allows the measure to remain in the Act after a COVID-19 emergency declaration is no longer in force, for a period of 12 months. During this period, in the event a COVID-19 emergency declaration is made, the measure will become operative while the declaration is in force. The purpose of this rolling expiry arrangement is to ensure that emergency response measures can be available to support operational and service responses.

This amendment ensures that a mechanism remains in place to allow the director-general to declare that an emergency exists in relation to the correctional centre for the period associated with a COVID-19 emergency. Such a declaration will allow the director-general to make orders to support the continued operations of the Alexander Maconochie Centre, both for the safety of the detainees and workers during a COVID-19 emergency. The Explanatory Statement to the COVID-19 Emergency Response Bill 2020 further details this measure.

[1.5] Section 30 (7)

This clause substitutes new subsection 30 (7) to provide for the expiry of subsections 30 (2A), (6) and (7) of the Corrections Management Act on the day the COVID-19 Emergency Response Act expires, which is at the end of a 12-month period during which no COVID-19 declaration has been in force.

The measure in subsection 30 (2A) allows a person held in police detention to be detained in a police cell for up to 48 hours when a COVID-19 emergency declaration is in force. This is longer than the maximum period of 36 hours which applies at other times. This measure is due to expire on 8 April 2021. The new expiry provision will allow the measure to be used during a COVID-19 emergency, provided that the measure is commenced by Ministerial notice. The measure will remain in the Act after a COVID-19 emergency declaration is no longer in force, for a period of 12 months. During this period, in the event a COVID-19 emergency declaration is made, the measure will become operative while the declaration is in force. The purpose of this rolling expiry arrangement is to ensure that emergency response measures can be available to support operational and service responses.

This amendment will support the continued operations of ACT Corrective Services during a COVID-19 emergency, including by reducing the instances of contact by people, required to be remanded for relatively short periods, with the Alexander Maconochie Centre population – employees and detainees. This will reduce the risk of a COVID-19 outbreak in the Alexander Maconochie Centre. The Explanatory Statement to the COVID-19 Emergency Response Legislation Amendment Bill further details this measure.

[1.6] Section 205 (5)

This clause amends subsection 205 (5) to provide for the expiry of subsections 205 (2A), (4) and (5) of the Corrections Management Act on the day the COVID-19 Emergency Response Act expires, which is at the end of a 12-month period during which no COVID-19 declaration has been in force.

The measure at subsection 205 (2A) allows the Director-General to issue a local leave permit for up to 28 days (increased from 7 days) and a local leave permit of up to 3 months for medical treatment or palliative care on the advice of a doctor.

This is due to expire on 8 April 2021. The new expiry provision allows the measure to remain in the Act after a COVID-19 emergency declaration is no longer in force, for a period of 12 months. The purpose of this rolling expiry arrangement is to ensure that emergency response measures can be available to support operational and service responses.

The measure has been structured to operate independently of a COVID-19 emergency declaration being in force to ensure that any leave granted will be unaffected by the changing circumstances of the COVID-19 emergency. Any leave permits granted when section 205 (2A) is operational will remain in force according to the permit's conditions, even after section 205 (2A) expires, under *Legislation Act 2001*, section 84 (Saving of operation of repealed and amended laws). Section 84 also saves the operation of the Director-General's power to cancel leave that continues after the measure expires where a person breaches a condition of the leave.

This amendment will support the effective operations of the Alexander Maconochie Centre during a COVID-19 emergency, anticipating that detainees may require long-term medical care, and removing the administrative burden of renewing local leave permits every seven days. The Explanatory Statement to the COVID-19 Emergency Response Bill further details this measure.

[1.7] Section 216I

This clause amends section 216I to provide for the expiry of part 12.3 of the Corrections Management Act on the day the COVID-19 Emergency Response Act expires, which is at the end of a 12-month period during which no COVID-19 declaration has been in force.

The measure at part 12.3 of the Corrections Management Act allows the Director-General to issue a COVID-19 leave permit.

This is due to expire on 8 April 2021. The new expiry provision will allow the measure to be used during a COVID-19 emergency, provided that the measure is commenced by Ministerial notice. It also means that the measure will remain in the Act after a COVID-19 emergency declaration is no longer in force, for a period of 12 months. During this period, in the event a COVID-19 emergency declaration is made,

the measure will become operative while the declaration is in force. The purpose of this rolling expiry arrangement is to ensure that emergency response measures can be available to support operational and service responses.

This amendment will support the continued operations of ACT Corrective Services during a COVID-19 emergency, by reducing the number of detainees in the Alexander Maconochie Centre, in turn reducing the likelihood of an outbreak of COVID-19 cases within the facility. The Explanatory Statement to the COVID-19 Emergency Response Legislation Amendment Bill further details this measure.

Part 1.4 COVID-19 Emergency Response Act 2020

[1.8] Section 3 (1)

This clause amends the operation of section 3 of the COVID-19 Emergency Response Act. It changes the reporting requirements for COVID-19 measures made under the COVID-19 Emergency Response Act and the *COVID-19 Emergency Response Legislation Amendment Act 2020*, from monthly to quarterly.

This amendment supports continuing scrutiny by the Legislative Assembly of COVID-19 emergency response measures by changing the reporting frequency without affecting the substantive reporting requirement.

[1.9] Section 3 (2) (a)

This clause makes a consequential amendment resulting from the change of reporting period. This clause changes the time by which Ministers are required to present their reports to the Legislative Assembly, from one month after the end of the month, to one month after the end of the quarter.

[1.10] Section 3 (4), new definition of *reporting period*

This clause inserts a definition for 'reporting period' consequential on the amendment made by clause [1.8]. A reporting period in 2020 remains one month. From 1 January 2021, a reporting period is one quarter.

[1.11] Section 3A (2)

This clause amends section 3A relating to the requirement for presentation of a subordinate law or disallowable instrument made under a power given under the COVID-19 Emergency Response Act or COVID-19 Emergency Response Legislation Amendment Act. The effect of the amendment is to give the Minister two sitting days, increased from one sitting day, within which to present such subordinate laws or disallowable instruments after the instrument has been notified on the ACT Legislation Register.

Failure to present the subordinate law or disallowable instrument within the time required will result in its repeal under section 64 (2) of the Legislation Act. This

amendment reduces the risk of repeal of the subordinate law or disallowable instrument due to administrative oversight as a result of a highly restricted timeframe.

Part 1.5 Crimes Act 1900

[1.12] Section 194A (7)

This clause substitutes a new subsection 194A (7) to amend the expiry of section 194A of the Crimes Act to the day the COVID-19 Emergency Response Act expires, which is at the end of a 12-month period during which no COVID-19 declaration has been in force.

The measure in section 194A allows sworn warrants to be applied for and transmitted electronically and is due to expire the first day no COVID-19 emergency is in force. The new expiry provision allows the measure to remain in the Act after a COVID-19 emergency declaration is no longer in force, for a period of 12 months. During this period, in the event a COVID-19 emergency declaration is made, the measure will become operative while the declaration is in force. The purpose of this rolling expiry arrangement is to ensure that emergency response measures can be available to support operational and service responses.

This amendment will allow for alternative, COVID-19 safe procedures for the application for and issuing of search warrants during a COVID-19 emergency. The Explanatory Statement to the COVID-19 Emergency Response Legislation Amendment Bill further details this measure.

Part 1.6 Crimes (Sentence Administration) Act 2005

[1.13] Section 182 (2A) and (2B)

This clause repeals subsections 182 (2A) and (2B) of the Crimes (Sentence Administration) Act. The measure established by these provisions permits a single judicial officer to exercise a supervisory function of the Sentence Administration Board in relation to intensive correction orders or parole, during a COVID-19 emergency. The measure is no longer required as the Sentence Administration Board has adopted arrangements to meet by audiovisual link if required in order to continue to carry out its functions.

[1.14] Section 185 (1A) and note

This clause repeals subsection 185 (1A) and note of the Crimes (Sentence Administration) Act. The measure established by this provision permits a single judicial officer to constitute a quorum at meetings of the Sentence Administration Board during a COVID-19 emergency. The measure is no longer required as the Sentence Administration Board has adopted arrangements to meet by audiovisual link if required in order to continue to carry out its functions.

[1.15] Section 322A

This clause amends section 322A to provide for the expiry of sections 47A, 59A, 62 (2) (d), 64 (3A), 92A, 102A, 126 (2A) and (2B), 127 (2A), 143A, 322AA, 322A, and the dictionary definition of ‘COVID-19 emergency’ of the Crimes (Sentence Administration) Act on the day the COVID-19 Emergency Response Act expires, which is at the end of a 12-month period during which no COVID-19 declaration has been in force.

The measures concerned provide for:

- the Director-General to take an offender to have reported to perform, and have performed, community service work in accordance with a direction where the offender has failed to report to perform the work and the Director-General is satisfied that this was due to the COVID-19 emergency (section 47A and 92A);
- a corrections officer to take action to make a record or make a report to the Sentence Administration Board, during a COVID-19 emergency, where the officer believes the offender has breached an intensive correction order, a good behaviour obligation, or a parole obligation (sections 59A, 102A and 143A);
- the Sentence Administration Board to, hold an inquiry in response to a correction officer report under section 59A (section 62 (2)(d));
- the Sentence Administration Board to issue more than three warnings for breach of an intensive correction order in a 12-month period during a public health emergency (section 64(3A));
- the Sentence Administration Board to refuse a parole order without a full hearing (section 126(2A) and (2B)) and to give an offender a shorter period to respond to a hearing notice, during public health emergency (section 127(2A));
- the Director-General to make guidelines in relation to the operation of sections 59A, 102A and 143A (322AA).

The measures are due to expire on 8 April 2021. The new expiry provision for these measures will allow them to remain in the Act after a COVID-19 emergency declaration is no longer in force, for a period of 12 months. During this period, in the event a COVID-19 emergency declaration is made, the measures will become operative while the declaration is in force. The purpose of this rolling expiry arrangement is to ensure that emergency response measures can be available to support operational and service responses.

The Explanatory Statements to the COVID-19 Emergency Response Bill and COVID-19 Emergency Response Legislation Amendment Bill contain details specific to these measures.

Part 1.7 Crimes (Sentencing) Act 2005

[1.16] Section 13 (10)

This clause amends subsection 13(10) to provide that subsections 13 (2A), (9) and (10) of the Crimes (Sentencing) Act expire on the day the COVID-19 Emergency Response Act expires, which is at the end of a 12-month period during which no COVID-19 declaration has been in force.

The measure in subsection 13 (2A) allows an offender to give an undertaking before the court as an alternative to signing an undertaking to comply with the offender's good behaviour obligations and is due to expire on 8 April 2021. The new expiry provision for the measure allows the measure to remain in the Act after a COVID-19 emergency declaration is no longer in force, for a period of 12 months. During this period, in the event a COVID-19 emergency declaration is made, the measure will become operative while the declaration is in force. The purpose of this rolling expiry arrangement is to ensure that emergency response measures can be available to support operational and service responses.

This amendment allows the court to maintain appropriate numbers of people at the courthouse, which supports the safe and effective operation of the ACT Courts for the duration of a COVID-19 emergency. The Explanatory Statements to the COVID-19 Emergency Response Bill and COVID-19 Emergency Response Legislation Amendment Bill further detail this measure.

[1.17] Section 46C (9)

This clause amends subsection 46C(9) to provide that subsections 46C (7) to (9) and 78 (1), note 2 of the Crimes (Sentencing) Act expire on the day the COVID-19 Emergency Response Act expires, which is at the end of a 12-month period during which no COVID-19 declaration has been in force.

The measure in subsection 46C (7) allows the court, during a COVID-19 emergency, to request an intensive correction order assessment report as part of a pre-sentence report. This measure is due to expire on 8 April 2021. The new expiry provision for the measure allows the measure to remain in the Act after a COVID-19 emergency declaration is no longer in force, for a period of 12 months. During this period, in the event a COVID-19 emergency declaration is made, the measure will become operative while the declaration is in force. The purpose of this rolling expiry arrangement is to ensure that emergency response measures can be available to support operational and service responses.

This amendment will support the safe operations of ACT Corrective Services and ACT Courts for the duration of a COVID-19 emergency, through fewer court and corrections contacts for offenders. The Explanatory Statement to the COVID-19 Emergency Response Legislation Amendment Bill contains details specific to this measure.

Part 1.8 Drugs of Dependence Act 1989

[1.18] Section 187A (5)

This clause substitutes new subsection 187A(5) to provide for the expiry of section 187A of the Drugs of Dependence Act on the day the COVID-19 Emergency Response Act expires, which is at the end of a 12-month period during which no COVID-19 declaration has been in force.

The measure established by section 187A allows sworn warrants to be applied for and transmitted electronically, during a COVID-19 emergency. It is due to expire the first day no COVID-19 emergency is in force. The new expiry provision for the measure allows the measure to remain in the Act after a COVID-19 emergency declaration is no longer in force, for a period of 12 months. During this period, in the event a COVID-19 emergency declaration is made, the measure will become operative while the declaration is in force. The purpose of this rolling expiry arrangement is to ensure that emergency response measures can be available to support operational and service responses.

This amendment will allow for alternative, COVID-19 safe procedures for the application for and issuing of search warrants during a COVID-19 emergency. The Explanatory Statement to the COVID-19 Emergency Response Legislation Amendment Bill further details this measure.

Part 1.9 Education Act 2004

[1.19] Sections 84A (3), 88AA (3) and 153B (7)

This clause amends sections 84A (3), 88AA (3) and 153B (7) to provide for the expiry of, respectively, sections 84A, 88AA and 153B of the Education Act on the day the COVID-19 Emergency Response Act expires, which is at the end of a 12-month period during which no COVID-19 declaration has been in force.

The measures are due to expire on 8 April 2021. The new expiry provisions allow the measures to remain in the Act after a COVID-19 emergency declaration is no longer in force, for a period of 12 months. During this period, in the event a COVID-19 emergency declaration is made, the measures will become operative while the declaration is in force. The purpose of this rolling expiry arrangement is to ensure that emergency response measures can be available to support operational and service responses.

The measures:

- allow the Minister to extend the period of in-principle approval for provisional registration and provisional registration of a school at an additional campus and provisional registration of a school at an additional educational level, if the approval will, or is likely to lapse while a section 153B declaration of the Education Minister is in force (section 84A).
- extend the period of registration of a non-government school for up to 12 months if it becomes evident that the school is unable to meet registration obligations under the Education Act while a COVID-19 emergency is in place (section 88AA); and
- allow the Minister to make a declaration during a COVID-19 emergency in relation to compulsory education requirements (section 153B).

These amendments provide flexibility for government and non-government schools in the ACT to continue to provide education to children in the event that further COVID-19 public health restrictions are imposed in the ACT. The measures operate to ensure that schools in the ACT will not contravene statutory requirements as a result of changing their operations in response to COVID-19 public health restrictions. The Explanatory Statement to the COVID-19 Emergency Response Legislation Amendment Bill further details these measures.

Part 1.10 Evidence (Miscellaneous Provisions) Act 1991

[1.20] Section 164 (2)

This clause substitutes new subsection 164 (2) to provide that section 164 of the Evidence (Miscellaneous Provisions) Act expires on the day the COVID-19 Emergency Response Act expires, which is at the end of a 12-month period during which no COVID-19 declaration has been in force.

The measure established by section 164 allows the Executive to make a regulation to permit the use of pre-recorded evidence for all witnesses, including complainants, for the purpose of responding to the public health emergency caused by the COVID-19 pandemic. It is due to expire on the first day no COVID-19 emergency is in force. The new expiry provision for the measure allows the measure to remain in the Act after a COVID-19 emergency declaration is no longer in force, for a period of 12 months. During this period, in the event a COVID-19 emergency declaration is made, the measure will become operative while the declaration is in force. The purpose of this rolling expiry arrangement is to ensure that emergency response measures can be available to support operational and service responses.

This amendment will allow the Executive to make a regulation relating to the pre-recording of witness evidence and related matters to support court operations in the event of significant disruption to court operations as a result of a COVID-19

emergency. The Explanatory Statement to the COVID-19 Emergency Response Bill further details this measure.

Part 1.11 Family Violence Act 2016

[1.21] Section 210

This clause substitutes new section 210 to provide for the expiry of part 22 of the Family Violence Act on the day the COVID-19 Emergency Response Act expires, which is at the end of a 12-month period during which no COVID-19 declaration has been in force.

The measures in part 22 are due to expire on 8 April 2021. The new expiry provision will allow the measures to remain in the Act after a COVID-19 emergency declaration is no longer in force, for a period of 12 months. During this period, in the event a COVID-19 emergency declaration is made, the measures will become operative while the declaration is in force. The purpose of this rolling expiry arrangement is to ensure that emergency response measures can be available to support operational and service responses.

The measures provide:

- general interim orders that are due, or likely, to expire during the COVID-19 emergency may be extended by up to six months (section 206);
- appearances at a proceeding to be undertaken by audio visual means during the COVID-19 emergency (section 207);
- consent to be given by audio visual means during the COVID-19 emergency (section 208); and
- an acknowledgement to be given 'in writing or before the court' and to be 'recorded by the court' during the COVID-19 emergency (section 209).

This amendment allows the court to maintain appropriate numbers of people at the courthouse, which supports the safe and effective operation of the ACT Courts during a COVID-19 emergency. The Explanatory Statement to the COVID-19 Emergency Response Bill further details these measures.

Part 1.12 Gaming Machine Regulation 2004

[1.22] New section 69 (3)

This clause inserts new section 69 (3) to align the expiry of the note at subsection 69 (1) (c), to expire when section 166A of the *Gaming Machine Act 2004* expires, which is at the end of a two-year period during which no COVID-19 emergency has been in force.

Section 166A of the Gaming Machine Act allows the Minister to make a declaration in relation to emergency community purpose contributions during a COVID-19 emergency. Subsection 69 (1) (c) of the Gaming Machine Regulation supports this provision by providing examples of what can be considered an emergency community purpose contribution. For this reason, the expiry of the note at subsection 69 (1) (c), was amended to operate in-line with section 166A and ensure legislative consistency.

The expiry provision will support both the ACT community and clubs during a COVID-19 emergency and in the recovery phase following the emergency.

[1.23] Section 69L

This clause substitutes new section 69L to the effect that expiry 12 months after a COVID-19 emergency does not apply to 69 (1) (c), note.

Part 1.13 Personal Violence Act 2016

[1.24] Section 209

This clause substitutes new section 209 to provide that part 22 of the Personal Violence Act expires on the day the COVID-19 Emergency Response Act expires, which is at the end of a 12-month period during which no COVID-19 declaration has been in force.

The measures in part 22 are due to expire on 8 April 2021. The new expiry provision for the measures allows them to remain in the Act after a COVID-19 emergency declaration is no longer in force, for up to 12 months. During this period, in the event a COVID-19 emergency declaration is made, the measures will become operative while the declaration is in force. The purpose of this rolling expiry arrangement is to ensure that emergency response measures can be available to support operational and service responses.

The measures provide for:

- general interim orders that are due, or likely, to expire during the COVID-19 emergency to be extended for up to six months,
- appearances at a proceeding to be undertaken by audio visual means during a COVID-19 emergency;
- consent to be given by audio visual means during a COVID-19 emergency; and
- an acknowledgement to be given 'in writing or before the court' and to be 'recorded by the court' during a COVID-19 emergency.

This amendment allows the court to maintain appropriate numbers of people at the courthouse, which supports the safe and effective operation of the ACT Courts during a COVID-19 emergency. The Explanatory Statement to the COVID-19 Emergency Response Bill further details these measures.

Part 1.14 Retirement Villages Act 2012

[1.25] Section 265

This clause substitutes new section 265 to provide for the expiry of sections 112A, 117 (1A) and (1B), 261A and 265, and dictionary, definition of ‘COVID-19 emergency’ at the end of a 12-month period during which no COVID-19 emergency has been in force. The measures established by these provisions are due to expire on 8 April 2021. The new expiry provision ensures that meetings of residents of retirement villages and meetings with retirement village operators can continue to be held in the ACT during a COVID-19 emergency.

The expiry of subsections 107 (3A) and 159 (2A) and (2B) is unchanged, at 8 April 2021 because operators can now hold meetings using alternative forms of communication and will have been given sufficient time (close to one year) to plan and prepare for an alternative way of conducting of annual management meetings and seeking residents’ consent to a proposed annual budget.

The Explanatory Statement to the COVID-19 Emergency Response Legislation Amendment Bill further details these measures.

Part 1.15 Supreme Court Act 1933

[1.26] Section 68B (4), definition of *COVID-19 emergency period*

This clause substitutes new section 68B(4) with a revised definition of ‘COVID-19 emergency period’. A COVID-19 emergency period will now be defined to end on 30 June 2021, rather than 31 December 2020.

[1.27] Section 68B (5)

This clause, consequentially, amends subsection 68B(5) to provide for the expiry of subsections 68B (3A), (4), (5) and the definition of ‘COVID-19 emergency period’ on 30 June 2021.

The measure established by section 68B (3A) provides that a person accused of committing an offence that is normally only able to be tried by jury (see Schedule 2 - Trial by judge alone—excluded offences) can elect to be tried by a judge alone during a COVID-19 emergency period, currently defined to end on 31 December 2020. Amending the COVID-19 emergency period to end on 30 June 2021 will ensure the effective administration of justice. Currently, the Supreme Court is able to hold jury trials, however, social distancing measures mean that the Court is required to reduce the overall number of trials that can be held concurrently.

The measure continues to reduce the risk of negative impacts on court listing arrangements, defendants and victims of crime that could result from delays in trials proceeding. The Explanatory Statement to the COVID-19 Emergency Response Bill contains details specific to this measure.

Part 1.16 Working with Vulnerable People (Background Checking) Act 2011

[1.28] Sections 60B and 60C

This clause substitutes new section 60BA for sections 60B and 60C of the Working with Vulnerable People (Background Checking) Act.

Section 60B extended expiring Working with Vulnerable People (WWVP) registrations until six months after the day the COVID-19 emergency period ends. The new section 60BA replaces the expiry arrangements applied by section 60B with expiry 12 months from the registration's original expiry date before it was extended by section 60B.

This extension also applies to registrations that expired between 16 March 2020 and 8 April 2020.

This provision applies irrespective of whether there is a COVID-19 emergency in place for the duration of the extended registration period. This ensures that critical workers continue to hold relevant authorisations to work during a COVID-19 emergency and supports an orderly transition to conventional registration arrangements.