

26 May 2020

Our ref: LP-MC

Ms Margery Nicoll
Acting Chief Executive Officer
Law Council of Australia
GPO Box 1989
Canberra ACT 1601

By email: [REDACTED]

Dear Ms Nicoll

Australian Government Response to COVID-19

Thank you for the opportunity to provide comments to the Law Council in relation to its proposed response to the Senate Select Committee on COVID-19 (**Committee**) Inquiry into the Australian Government's response to COVID-19. The Queensland Law Society (**QLS**) appreciates being consulted during this important process.

Given the broad nature of the inquiry, this response has been compiled in consultation with a wide range of QLS Legal Policy Committees, whose members have all been involved in QLS' COVID-19 related advocacy work over the last nine (9) weeks bringing substantial expertise in their respective areas of practice.

The Law Council Memorandum dated 1 May 2020 states that at this stage, the Committee has made an initial call for submissions in respect of its broad Terms of Reference, namely an examination of:

- a) The Australian Government's response to the COVID-19 pandemic; and
- b) Any related matters.

QLS understands that it is expected there will be further opportunities to engage with the Committee throughout its inquiry. In light of this, we have not sought to provide a comprehensive overview of all legal and policy issues arising in connection with the Australian Government response to the COVID-19 pandemic. Rather, we have framed our comments in relation to broad areas of consideration for the Committee going forward, along with a more detailed commentary on some of the key issues which have emerged for the legal profession in Queensland.

We have noted the proposed items of interest to the Law Council in relation to this submission and have endeavoured to keep those in mind in compiling this response. Given the exceptionally broad terms of reference, QLS suggests the Committee should, as a next step, engage in a more targeted process by calling for specific responses to a comprehensive issues paper or series of issues papers.

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At the outset it should, we believe, be acknowledged that overall, Australia has managed the pandemic situation well, given the low rates of infection and death. We commend the early intervention, consultation with key experts, and the significant co-ordination between the States and Territories during highly uncertain times. Before exploring some of the issues that have emerged and key areas requiring consideration for the future, QLS commends the Commonwealth, State and Territory governments efforts throughout the pandemic, and the efforts of essential workers.

General Comments and Themes

The Inquiry must be forward-looking as well as backward-looking

The Committee is due to make its final report in June 2022. It will be important to look back on the early response to COVID-19 insofar as it will inform future emergency planning. The impacts of the pandemic, however, will continue to be felt for many years to come. The Commonwealth Government response to the pandemic will necessarily be ongoing, and so too should the scrutiny of that response. For example, the economic impact and the many social implications of a difficult economic climate will require continued and ongoing leadership on questions of law and policy.

The pandemic has demonstrated a need for increased co-ordination between the Federal Government, States and Territories on emergency response planning and specific ongoing issues

A regular theme throughout this submission is the need to further encourage co-ordination and planning between the States, Territories and Federal Government. The response to COVID-19 required nation-wide co-ordination. Many of the measures required in responding to the pandemic have been driven by agreements of the National Cabinet, but ultimately fall under the State and Territory jurisdictions.¹

QLS commends the development of the National Cabinet, the collaboration across jurisdictions, and the willingness to co-operate in challenging circumstances. To ensure clarity and harmony in law and policy in the future, though, the pandemic has demonstrated a need for increased collaboration on future emergency response planning and decision-making, and collaboration on other ongoing areas of urgent policy and law reform which have become more pronounced throughout the pandemic. The Federal Government must continue to play a fundamental role in fostering this collaboration, while still recognising that in a federation, there are responsibilities which must remain with the States and Territories. Continuing collaboration, including developing clear processes for doing so, should be a key theme for consideration throughout the Committee's inquiry.

Response Proportionality and Human Rights

QLS suggests that the inquiry should also broadly consider the success, adequacy and proportionality of the Commonwealth Government's actions in response to the pandemic, in

¹ See, for example, the National Cabinet Statement dated 29 March 2020, <https://www.pm.gov.au/media/national-cabinet-statement>

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balancing the competing interests of public safety and the sustainability of the health system against the curtailment of basic human rights. The impact of the pandemic and decision-making processes on vulnerable members of the community in particular must be considered through a human rights lens.

Emergency legislation and powers

QLS acknowledges the Federal Government has acted quickly on a great number of issues. There are, however, risks when enacting laws in an emergency situation. Fundamental legislative principles and the usual mechanisms of consultation and oversight are not necessarily followed to the same degree as they would be in the usual legislative process. QLS suggests the general quality, appropriateness and effectiveness of enacted emergency legislation ought to be considered and scrutinised by the Committee.

This may assist in identifying whether:

- there are elements of future emergency response plans which may require further legislative support;
- the emergency legislation is appropriately limited in scope and power; and
- there are aspects of the legislation which should be progressed for wider consultation, with a view to permanent enactment.

In light of the risks of emergency legislation, QLS commends the establishment of the further Inquiry into the exemption of delegated legislation from parliamentary oversight. QLS suggests the Committee should consider that Inquiry's report once published.

This inquiry may also assist in determining whether Australia needs further legislative guidance with respect to the exercise of emergency powers by the executive and the review mechanisms in place to ensure those powers have been exercised appropriately.² This is discussed in further detail below specifically in relation to those powers exercised under the *Biosecurity Act 2015* (Cth). In this regard we note that the Royal Commission into National Natural Disaster Arrangements was established on 20 February 2020 in response to the extreme bushfire season of 2019-20 which resulted in loss of life, property and wildlife and environmental destruction. The Royal Commission is due to report by 31 August 2020. This Committee should have regard to the findings of the Commission in respect of legal frameworks and other issues involving coordination between the Commonwealth and the States and Territories, risk management, preparedness, resilience and recovery.

² For a more detailed discussion on this, see: Michael Eburn, 'Responding to Catastrophic Natural Disasters and the Need for Commonwealth Legislation' (2011) 10(3) *Canberra Law Review* 81.

Key areas for further consideration throughout the Inquiry

The Australian Health Management Plan for Pandemic Influenza, updated as recently as August 2019, incorporates a holistic analysis on the health impact of a potential pandemic and the economic impact of measures required in response to a pandemic.³ The COVID-19 pandemic, however, has posed many practical legal and policy challenges which QLS considers should be addressed in further detail and should feature in the Committee's review.

Signing and witnessing of documents, and the modernisation of other legal processes

The ability to sign and witness documents has been a particularly difficult challenge for members of the legal profession and their clients.

QLS commends the temporary measures introduced to facilitate corporations signing documents.⁴ Going forward, however, the ability to sign and execute documents electronically ought to remain a priority law reform area. This issue will re-surface during future natural disasters; it remains a regular issue in rural and remote areas; and Australia must also keep pace with modern global business practises. This inquiry provides an opportunity to explore the possibility of harmonising, where possible, these processes across the States and Territories, given that commercial and personal transactions regularly cross jurisdictional boundaries.

QLS is in favour of a harmonised national legal framework enabling electronic signatures for appropriate documents on an ongoing basis, and not just in times of emergency.

Resourcing of the Courts and Tribunals to continue operating effectively

QLS agrees with the LCA that the Committee ought to consider the adequacy of responses to the resourcing and support needs of courts and tribunals to ensure that essential elements of the legal system could continue to operate effectively throughout the pandemic.

We recommend that the Committee consult with the relevant Courts and Tribunals and the legal profession, in order to best evaluate both the support and infrastructure in place during the initial stages of the outbreak, and the identified ongoing needs.

QLS particularly notes that the Courts and Tribunals have needed to adapt to a radically different way of operating. Judicial bodies have embraced virtual hearings and virtual alternative dispute resolution processes,⁵ and some benefited greatly by having e-filing systems in place prior to the outbreak of the pandemic.⁶

³ Department of Health, Australian Health Management Plan for Pandemic Influenza, published August 2014, updated 21 August 2019. <<https://www1.health.gov.au/internet/main/publishing.nsf/Content/ohp-ahmmpi.htm>>.

⁴ Corporations (Coronavirus Economic Response) Determination (No. 1) 2020.

⁵ See, for example, the use of technology as described by the Family Court of Australia: Family Court of Australia, (9 April 2020) 'Notice to the Profession', Family Court of Australia Website, Latest News, <<http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/about/news/covid-notice-090420>>.

⁶ For example, the Family Court of Australia, the Federal Circuit Court of Australia, and the High Court of Australia.

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As many more judicial bodies at all levels will doubtlessly look towards utilising technology to modernise court processes, it would be beneficial for this inquiry to assess the challenges, benefits and best practice guidelines with respect to introducing and maintaining these processes. This analysis should specifically consider the practical implementation of technology in the Courts, access to justice, and maintaining trust in the Courts.⁷ It could be advantageous if the adoption of technology across the Courts was approached in a harmonised way. The Commonwealth could play a key role in fostering a harmonised uptake of technology throughout Courts and Tribunals and where appropriate, the allocation of funding to ensure all Courts and Tribunal can implement new processes to ensure greater access to justice.

QLS members have reported a likely increase in disputes arising from the circumstances of the pandemic, as well as a backlog of existing disputes which have been deferred during the pandemic. QLS suggests the Committee consider the need for alternative dispute resolution forums, and practices and practitioners to facilitate the speedy and fair resolution of disputes.

Legal services as essential services

QLS agrees with the LCA that the Committee should consider the role of the Federal Government in defining 'essential services' and measures required to ensure that critical sectors (including legal professionals) are able to continue to function during and after lock-down measures.

Greater clarity from the Commonwealth on the definition of an essential service in the Federal context would be helpful in the current situation, and with respect to the development of future emergency planning. For example, in the determination made under the Biosecurity Act,⁸ legal services is not specifically listed as an essential activity, but 'conducting, or taking part in, a sitting of a court or tribunal in the area',⁹ is considered essential. It is essential for parties appearing before a court or tribunal to have access to legal services and legal representation. These two concepts must therefore be connected and dealt with together in emergency declarations.

Ensuring the legal sector can function during and after lock-down measures is vital. Clear guidance declaring legal services as essential must be coupled with a concerted effort to modernise legal processes (discussed previously), and the provision of financial support to the legal sector into the future (discussed in the following section).

Support for the legal assistance sector and the legal sector more broadly

QLS agrees with the LCA that the Committee should consider the additional funding requirements for the legal assistance sector to manage the demands and logistical challenges

⁷ For a detailed discussion on these issues, see Chief Justice Allsop AO, (26 March 2019) 'Technology and the Future of the Courts' (Speech, Special Lecture Series on Technology and the Future of the Legal Profession, University of Queensland, 26 March 2019).

⁸ <https://www.fedcourt.gov.au/digital-law-library/judges-speeches/chief-justice-allsop/allsop-cj-20190326>
⁸ Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Determination 2020, made under subsection 477(1) of the *Biosecurity Act 2015* (Cth).

⁹ *Ibid*, s 4, definition of 'essential activity'.

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arising from COVID-19. QLS commends the recent commitment made by the Federal Government of an additional \$63 million in funding to frontline legal services to support Australians impacted by COVID-19. In Queensland, the State Government has also recently committed \$119 million in funding for community legal services over a fixed five year period.

Unfortunately, though, more will be needed. The pandemic will generate even greater demand for legal resources. There will be increased need from clients seeking advice, in relation to: domestic and family violence; credit matters; insurance matters; superannuation claims; hardship applications; insolvency matters; tenancy disputes; and employment law.

Queensland practitioners are also well aware of the long-term impact of emergencies, such as cyclones and floods, where legal advice is often required by parties many months or even years after the initial impact of the emergency.

Private firms facing financial difficulties due to the pandemic may need further support as well. Practitioners who provide pro-bono legal assistance, offer reduced rates or who are considered preferred suppliers by Legal Aid, perform a vital role within the community ensuring access to justice.

QLS has particular concerns for practitioners in rural and remote regions. Lawyers practising in those locations play an enormous role in their communities and this would be seriously compromised if they could not continue to offer their services.

The Federal Government should recognise the economic impact of the pandemic on rural, remote and regional communities, including the impact on legal practitioners within those communities. QLS can co-ordinate conversations with Queensland District Law Associations to ensure the perspective of regional practitioners is included in LCA submissions.

Statutory timeframes

QLS members have experienced difficulty in meeting a number of fixed statutory time frames. Many of the statutory time frames could only be amended by legislative instrument. This applies to a broad range of legal areas. Some timeframes would be easier to meet if there was more flexibility around key legal processes such as electronic signing and electronic filing (discussed previously). For this reason to have these mechanisms permanently in place would be beneficial for practitioners during future emergency situations.

The Committee should consider whether other solutions, legislative or otherwise, are available in relation to statutory timeframes. This problem is ongoing and should form part of the Committee's inquiry.

Reform and consistency in the criminal justice system

QLS understands jurisdictions have adopted different measures with respect to incarcerated populations. QLS agrees with the Law Council of Australia that consideration should be given to the Federal Government promoting reform and consistency across the criminal justice system, including approaches to bail and parole in light of the potential effects of COVID-19 on incarcerated populations.

One example of Queensland's response is Project COIPE (Court Ordered Immediate Parole Eligibility) being extended to the Brisbane Supreme and District Courts. This was an extension of Project COIPE, which had commenced in the Ipswich District and Magistrates Courts on 2

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September 2019 and the Beenleigh District and Magistrates Courts on 2 March 2020. The project is designed to fast-track parole applications for prisoners where a participating Court has sentenced a term of imprisonment with an immediate parole eligibility date.¹⁰ The Magistrates Court also continued to ensure bail applications, applications to vary bail, and sentencing hearings where the defendant is likely to be released remained priorities.¹¹ As jury trials were suspended in Queensland, the Courts encouraged practitioners to 'identify trials which are urgent because defendants in custody have spent time on remand approaching the period likely to be served on any sentence, and take instructions as to whether application should be made for a judge-alone trial.'¹² It has also been held by the Queensland Supreme Court that the delay in having criminal proceedings finalised due to the COVID-19 pandemic can be considered as a factor when deciding a bail application.¹³

Given the significant threat COVID-19 poses to prison populations and the consequences of an outbreak in a prison environment,¹⁴ QLS agrees the Federal Government should encourage a co-ordinated response, and assist with the development of best practice guidelines to manage incarcerated persons during a pandemic. This should form part of the Committee's inquiry.

Consideration should also be given to balancing the application of State Human Rights legislation concerning bail for offenders with the potential impact of policies and guidelines which may put victims of domestic and family violence at increased risk, particularly in light of social distancing restrictions.

Human rights of vulnerable communities

QLS agrees with the LCA that the Committee should consider the adequacy of the Federal Government's measures towards protecting and upholding the human rights of vulnerable communities, including remote Aboriginal and Torres Strait Islander communities, older persons, and people with disability. These concerns should form a key part of the inquiry, including a consideration of how the ongoing and pre-existing vulnerability of these communities has heightened their vulnerability during the pandemic. QLS also suggests including homeless persons as a specifically identified vulnerable community within the scope of the inquiry.

Persons in immigration detention and holders of temporary visas

QLS agrees with the LCA that the extent to which the Federal Government has responded to concerns regarding the welfare of persons in immigration detention and holders of temporary visas ought to form part of the Committee's inquiry. We express below our concerns about

¹⁰ For further information on project COIPE, see: Queensland Courts, 'Court Ordered Parole Eligibility', last updated 1 May 2020, <<https://www.courts.qld.gov.au/going-to-court/court-ordered-immediate-parole-eligibility>>.

¹¹ Queensland Magistrates Court, Practice Direction No. 3 of 2020, (27 March 2020).

¹² Queensland Courts, 'Notice to legal Practitioners in relation to COVID-19 Pandemic', updated 18 March 2020, <<https://www.courts.qld.gov.au/about/news/news233/2020/notice-to-legal-practitioners-in-relation-to-the-covid-19-pandemic>>.

¹³ *Re JMT* [2020] QSC 72, [57].

¹⁴ Human Rights Law Centre, 'Explainer: Prisons and COVID-19', accessed 25 May 2020, <<https://www.hrlc.org.au/prisons-and-covid19>>.

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holders of temporary visas and their ineligibility for the JobKeeper payment. We are also concerned with the continued detention of asylum seekers, as those environments are not equipped to prevent the spread of COVID-19. We particularly highlight the submission made by the Human Rights Law Centre to the Committee, which goes into further detail on this issue.¹⁵

COVIDsafe App

QLS and its committees are still considering the COVIDsafe app, including the privacy and data implications. However we are pleased that the source code has been publically released by the Digital Transformation Agency. Transparency around the app, the software, and data use is crucial, along with the passing of the *Privacy Amendment (Public Health Contact Information) Act 2020* (Cth), which improves upon the privacy protections of the original Ministerial Determination.

Generally we are of the view that Federal and State Governments should have regard to the following principles with respect to the implementation and use of these kinds of technologies:

- best practice principles in relation to data security and privacy;
 - transparency around the app as well as the software processing the data and any third parties involved in processing (including data storage);
 - what will happen to the data once it is no longer needed for COVID-19 related purposes;
 - the management and passing of the data from the Commonwealth to relevant State authorities, how this will happen and again what will happen to the data when the pandemic has passed;
 - privacy protections for individuals and how they may exercise their privacy rights with respect to data collected in connection with the app;
- general regulation of the app and a need for ongoing further engagement with stakeholders, including Federal and State regulators to ensure compliance with privacy and information security laws.

Due to the complex data privacy concerns in connection with the app, QLS recommends continued development of emergency response communication technology tools. This will ensure that when it is necessary to utilise these tools only concerns which have already been dealt with comprehensively in a considered and measured way, free of the pressure of an unfolding pandemic. Time is needed to assess the potential privacy and data risks associated with an emergency response.

QLS agrees with the LCA that the Inquiry should consider the COVIDsafe App in further detail. QLS suggests the Committee should consider emergency response technology more broadly to include, for example, whether emergency communication technology could be further developed and planned on a regular basis, in advance of an emergency.

¹⁵ Human Rights Law Centre, Submission No 31 to Senate Select Committee on COVID-19, Inquiry into the Australian Government's response to the COVID-19 pandemic (4 May 2020).

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Implementation of the Biosecurity Act 2015 (Cth)

QLS agrees with the LCA that the implementation of the *Biosecurity Act 2015* (Cth) (the 'Act') ought to form part of the Committee's inquiry. Expansive powers granted under the Act, have now been used for the first time¹⁶ due to the COVID-19 pandemic.

As noted previously, this committee inquiry may assist in reviewing whether Australia needs further detailed inquiries into the exercise of emergency powers and the review mechanisms in place to ensure those powers have been exercised appropriately.¹⁷ A particular point of inquiry should be the proportionality and management of restrictions placed on rural and remote communities.

Force Majeure

The pandemic has highlighted a need for greater clarity with respect to force majeure clauses in contracts, and the common law principle of frustration. As you would be aware, Frustration means that if circumstances arise through no fault of either party to a contract, resulting in the obligations under the contract becoming incapable of being performed, the contract is terminated and the outstanding obligations of both parties are discharged.¹⁸ Force majeure clauses seek to further govern an outcome between parties in such a scenario via contractual agreement.

The Committee should consider whether further statutory guidance is needed with respect to commercial and consumer transactions in such circumstances. This may be particularly relevant in light of the Unfair Contract Term provisions under the Australian Consumer Law, which have application to contracts with consumers and small businesses.¹⁹

Measures needed to address issues of racial vilification

QLS has also had the benefit of discussing the emerging issues in relation to racial vilification throughout the pandemic with the Queensland Human Rights Commission ("QHRC"). We are concerned about reports of complaints from persons of Chinese-descent who have experienced vilification as well as discriminatory treatment when trying to obtain goods and services. We support measures proposed by the QHRC to address this issue. We recommend that the Committee also seek to quantify the extent to which the pandemic has given rise to circumstances of racial vilification and consider measures to address the risk of this occurring again.

Nationally consistent ethical decision framework in health care settings

QLS has discussed with QHRC the concept of a nationally consistent ethical decision framework in health care settings. This has been raised with particular reference to the challenging situations medical practitioners are currently facing in other countries, where

¹⁶ Howard Maclean & Karen Elphick, (19 March 2020) 'COVID-19 Legislative response—Human Biosecurity Emergency Declaration Explainer', *Flagpost*, Australian Parliament House.

¹⁷ For a more detailed discussion on this, see: Michael Eburn, 'Responding to Catastrophic Natural Disasters and the Need for Commonwealth Legislation' (2011) 10(3) *Canberra Law Review* 81.

¹⁸ *Davis Contractors Ltd v Fareham Urban District Council* [1956] AC 696 at 729.

¹⁹ *Competition and Consumer Act 2010*, Sch 2 'The Australian Consumer Law', s 23.

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scarcity of medical supplies and hospital bed capacity are at issue. Significant work has already been done by the Federal, State and Territory Governments and professional bodies in this area.²⁰ We, however, echo the suggestion of the QHRC to develop a nationally consistent framework for our health professionals. Such a framework should be informed by human rights and designed to avoid unconscious bias and discrimination in decision making.

Workplace Health and Safety

The changing nature of work as a result of the pandemic, social distancing restrictions, and health advice, has led to workplace health and safety issues, as well as issues surrounding workplace policies and procedures, and employee supervision and discipline. These issues particularly relate to those workers working from home.

The Committee should consider the emerging workplace health and safety issues in more depth and assess whether future guidelines can be produced and whether other measures from Government are needed.

Economic measures

A review of the Federal Government's economic response should form a central part of the Committee's inquiry.

QLS acknowledges there was a clear need to make major economic decisions quickly. It is hoped that there will be scrutiny of all major economic decisions made to ensure: spending has been managed appropriately; financial support has been given to those who are most in need, and that Australia's financial recovery is economically and environmentally sustainable. The following emerging issues with respect to the economic decisions have been identified:

1. Social Welfare Measures

QLS commends the significant social welfare measures introduced by the Federal Government, in particular the JobKeeper scheme. There have however been some fundamental issues which have emerged and warrant further consideration.

The JobKeeper package has in some instances resulted in unjust outcomes for both employees and employers. There are a number of disputes over the payment particularly given the employer's role as the key decision-maker of the eligibility for the payment.

Examples include:

- employers requiring greater work hours from salaried employees to compensate for a reduction of hours for lesser paid award employees;
- employers terminating award free employees earning over the *Fair Work Act 2009* remuneration threshold as a purely short term cost saving measure, where the legal remedies of those persons are limited;

²⁰ See, for example, Queensland Health, (April 2020), 'Queensland Ethical Framework to guide clinical decision making in the COVID-19 Pandemic'.

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- an employer standing down an employee subject to JobKeeper payments, subsequently terminating that person's employment on notice and only paying the person the amount of the JobKeeper payment for the notice period of several weeks;
- casual employees having difficulty in establishing whether their employment was regular and systematic;
- an employee refusing to nominate to be eligible for JobKeeper payments to try and avoid potential changes to their hours of work.

QLS is also concerned many workers were not eligible for JobKeeper payments. For example, most temporary visa holders including asylum seekers, migrant workers, and international students, and casual workers who had not been employed with a business for over 12 months. This is also detrimental for the businesses who employ these workers.

The over-estimate in cost by \$60 billion of the JobKeeper program is concerning²¹. As \$130 billion package had been approved, QLS believes the committee should consider if the \$60 billion overestimated should be re-allocated.

QLS commends the increase to the JobSeeker fortnightly payment. Consistent with the report of the Senate Community Affairs References Committee report 'Adequacy of Newstart and related payments and alternative mechanisms to determine the level of income support payments in Australia',²² QLS supports a permanent increase in welfare payments.

The "Queensland Community Services Peaks – Joint COVID-19 Advocacy Statement" also identifies a range of federal issues impacting on people experiencing vulnerability and disadvantage during and after the crisis.²³

2. Impact of COVID-19 on paid parental leave eligibility

QLS members have highlighted that due to the employment ramifications for many people, COVID-19 will likely impact the eligibility for benefits such as Paid Parental Leave. To qualify for Parental Leave Pay you need to satisfy the 'work test',²⁴ which requires a person to have worked for both:

- 10 of the 13 months before the birth or adoption of their child; and
- a minimum of 330 hours, around 1 day a week, in that 10 month period.

The Committee should consider what measures should be taken to offset this impact.

3. Early Access to Superannuation

QLS acknowledges the reasoning behind enabling early access to superannuation, however, this will have a disproportionate effect on women who already, on average, have much lower superannuation balances than men. Notably, older women are already the highest growing

²¹ Brett Worthington, (24 May 2020), 'Scott Morrison takes responsibility for Federal Government's \$60 billion JobKeeper mistake', < <https://www.abc.net.au/news/2020-05-24/coronavirus-jobkeeper-wage-subsidy-josh-frydenberg-60-billion/12280716>>

²² Senate Community Affairs References Committee, (April 2020) 'Adequacy of Newstart and related payments and alternative mechanisms to determine the level of income support payments in Australia'.

²³ <https://www.qcoss.org.au/queensland-community-services-peaks-joint-covid-19-advocacy-statement/>

²⁴ Paid Parental Leave Act 2010 (Cth), ss30-36B.

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age group for homelessness.²⁵ Strategies will be needed to counteract the effect that this measure will have upon vulnerable groups in the community.

We recommend that the Committee specifically consider this as an issue and work with stakeholders to offer support (such as financial literacy education) to those who have needed to access their superannuation.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on (07) 3842 5930.

Yours faithfully

A black rectangular box redacting the signature of Luke Murphy. A blue ink scribble is visible over the box and extends to the right.

Luke Murphy
President

²⁵ National Older Women's Housing and Homelessness Working Group, (August 2018), 'Retiring into Poverty – a national plan for change: Increasing housing security for older women'.