

TRANSCRIPT

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into the Victorian Government's Response to the COVID-19 Pandemic

Melbourne—Tuesday, 19 May 2020

Members

Ms Lizzie Blandthorn—Chair

Mr Richard Riordan—Deputy Chair

Mr Sam Hibbins

Mr David Limbrick

Mr Gary Maas

Mr Danny O'Brien

Ms Pauline Richards

Mr Tim Richardson

Ms Ingrid Stitt

Ms Bridget Vallenge

WITNESSES

Ms Jill Hennessy, Minister for the Coordination of Justice and Community Safety: COVID-19, and Attorney-General,

Ms Rebecca Falkingham, Secretary,

Mr Colin Radford, Chief Executive, WorkSafe Victoria,

Dr Emma Cassar, Commissioner, Corrections Victoria, and

Ms Louise Anderson, Chief Executive Officer, Court Services Victoria (*all via videoconference*).

The CHAIR: Welcome to the public hearings for the Public Accounts and Estimates Committee's Inquiry into the Victorian Government's Response to the COVID-19 Pandemic. The Committee will be reviewing and reporting to the Parliament on the responses taken by the Victorian Government, including as part of the national cabinet, to manage the COVID-19 pandemic and any other matter related to the COVID-19 pandemic. Could mobile telephones please be turned to silent.

All evidence taken by this Committee is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you repeat the same things outside this forum, including on social media, those comments may not be protected by this privilege. You will be provided with a proof version of the transcript for you to check, and verified transcripts, presentations and handouts will be placed on the Committee's website as soon as possible. The hearings may be rebroadcast in compliance with standing order 234. We ask that photographers and camerapersons follow the established media guidelines and the instructions of the secretariat.

Attorney-General, we invite you to make an 8-minute opening statement, which will be followed by questions from the Committee relative to their representation at the table. Thank you.

Ms HENNESSY: Thank you very much, Chair, and thank you very much to all of the Committee members. I am looking forward to our discussions today.

Visual presentation.

Ms HENNESSY: You will see from the presentation and the handout that I will briefly talk through, as Committee members would no doubt be aware from the recent parliamentary debates, the impact of COVID-19 on our courts and our justice system more generally has been quite profound. As you will see from the presentation, whilst our courts and VCAT remain open, there has been very considerable change to the way in which we have had to provide services—the kinds of services, how we deliver them, how we manage cases and hearings—but all of those things are continuing to occur. The Government and the Parliament I think have acted very responsibly and swiftly to the challenges posed by the pandemic. They have provided as much flexibility as possible around the administration and the procedural aspects to help support the courts to do their work, to help conduct as many hearings as possible and to deal with as many matters as possible, taking into account the limitations of social distancing requirements.

Since the start of COVID-19 we have seen a rather rapid transition within our justice system as a whole to trying to drive a much more interoperable, remote hearing system that works right across our courts, our corrections, for the legal profession and for court users. Funding of \$5.2 million for VCAT will also help drive digital enhancement of their services as well, enabling matters on a number of VCAT lists to continue to be heard via audiovisual link or via phone. We have also supported our justices of the peace and our bail justices to continue to operate safely by establishing a reimbursement fund for the additional costs of operating and providing suitable alternate locations as well.

We have also ensured that the needs of Victorians continue to be met by virtue of those that rely on access to things like legal assistance, and the legal assistance sector has recently been funded with an additional \$17.5 million in addition to State Government funding over the past two years, with the Commonwealth set to make a significant contribution as well. What that will do is it will help enable continued access to legal services and assistance via socially distant modes of service delivery. It will assist the priority groups,

particularly those that are vulnerable and really do rely upon having some form of legal assistance, and it will uplift the ICT capacity right across the legal system.

Whilst it is important to note that there have been no cases of COVID-19 in our corrections system or in our youth justice facilities, we do not take that for granted, and in order to mitigate the potential and respond to any future confirmed cases additional processes have been put in place so we can maximise the security of the staff, the prisoners, the offenders and the visitors to those facilities. New COVID-19 screening processes and temperature checking measures have been put in place for all prisoners, staff and professional visitors. A 14-day protective quarantine measure has been introduced for all prisoners entering custody. Whilst personal visits have been suspended temporarily, additional allowances have been granted—so things like increased use of the phone and access to videos, letters and emails to prisoners—to maintain some form of family connection whilst all of those visits are suspended.

Contract cleaners have been engaged to provide enhanced touch point and terminal cleaning at correctional facilities in addition to increasing the frequency of that cleaning. Primary health services and forensic and mental health services continue to be delivered in prisons, with an increased use of telehealth where possible and where that is appropriate. Most temporary leave in youth justice has been suspended except for medical and compassionate purposes, and they are dealt with on a case-by-case basis. We are accelerating the delivery of our infrastructure at Parkville and Malmsbury to ensure that there is sufficient capacity.

Other services that are being delivered remotely where possible and in ways that support physical distance include some of the offender behaviour programs, education and the drug and alcohol programs. Children and young people in the community and in custody continue to be supervised. There are new operational measures that are in place in order to achieve that and to help mitigate the risk of COVID-19, and youth justice and the Department of Education and Training are providing the necessary equipment—so things like laptops for children to engage in remote learning to support young people to engage in face-to-face schooling on a case-by-case basis. As with other schools, Parkville College has developed a timetable to support the vulnerable young people to remain engaged in education whilst they have been in custody as well.

There have been changes in respect of Community Correctional Services delivery. They have moved to a remote access model across Victoria, including remote access management. They have put a focus on the high-priority groups. CCS locations have a small complement of staff on site to support the remote operations and to facilitate the attendance of offenders presenting a heightened level of risk.

If we could just go onto the next slide—new rental laws. We have got new tenancy laws and temporary—

The CHAIR: Sorry, Attorney-General, to interrupt you but there are not actually slides that have been shared with the screen.

Ms HENNESSY: I see. There should be one there now as I see it, and if there is not, we will get that attended to very quickly—

The CHAIR: Yes, there is now.

Ms HENNESSY: Essentially this is a slide that steps through some of the changes around the regional tenancy laws, including the temporary rental laws that have commenced. Those are focused on protecting Victorian tenants, landlords and the rental market from the pretty harsh impact of the pandemic, including a prohibition on evictions, a suspension on rent increases and access to rental mediation services. On that front, the department has provided a surge workforce capacity at the dispute settlement centre to make sure we are able to respond to the huge demand or the huge growth in demand on those services.

We have also been providing assistance to the gaming and liquor industry. We have been working with clubs, pubs and others to implement a range of measures consistent with ongoing public health requirements. That is really, I suppose, about business support and about supporting those businesses with survival assistance packages, providing liquor licensing fee waivers and refunds and delaying some of the charges that are in place for our hotels and clubs—recognising that the hospitality industry is such a critical part and a critical source of employment in Victoria. Planning for the reopening of the gaming industry has also begun in a way to minimise any increased risk of harm when gaming venues ultimately do reopen. We have also responded to

relief requests from business licence or registration holders that have been impacted by the pandemic, and we will continue to assess our approach in light of any of the changes to the economic situation.

In order to support some of the need for greater economic stimulation that has wider impacts, we have fast-tracked our payment of outstanding invoices, and as a result we have reduced the number from over 7000 invoices to about 1400 invoices. So that is pushing some \$500 million in terms of quick payment out into the economy. The department is also working with Working for Victoria to try and attract those that have lost jobs or have been displaced somewhat economically into some of our key entry-level jobs—so things like custodial roles, working in Corrections Victoria—

The CHAIR: Sorry, Attorney-General, if I interrupt you there. The time for the presentation has expired, and I will hand to Mr Gary Maas, MP, for questions.

Ms HENNESSY: Thank you very much.

Mr MAAS: Thank you, Attorney, and thank you to you and to your team for the work that you have done throughout this period. Thank you for your appearance before the Committee today and for your presentation. I would like to take you to the topic of interaction with our court system throughout this COVID-19 period. I note that in your presentation you talked a little about the increase in audiovisual capacity of remote court hearings and presentations at court. Attorney, would you please go into more detail about what the Government has done to support the courts and VCAT to ensure that everyday Victorians receive access to justice?

Ms HENNESSY: Thanks very much for your question, Mr Maas. Again, it has not been without challenge to move to a very different platform in order for us to try and keep as many justice services functioning as possible, but important to that end has been investment and support in technology. Currently there is a use of cloud-based services for videoconferences. That currently enables multiparty calls whereby legal practitioners and others can join hearings remotely where they are not required to be in a courtroom.

There has also been some increased connection with corrections as well, given so many of those hearings will relate to activities within the Victorian prison system. To give you some sense of scale of that change, about 94 per cent of court matters involving prisoners were heard by video link in April; that is up from about 67 per cent in March. If you compare that to what was in place the year before, it was a bit over 50 per cent. So there has almost been a doubling of the use of AVL technology in terms of from prisoners to courts, and that is a pretty significant jump.

In addition, there have also been a large number of non-criminal matters and non-custodial criminal matters that have also proceeded in that way. In April there have been 700 matters that have been dealt with in the Supreme and County courts using AVL. The Magistrates and Children's courts have also just commenced using enabled video hearings as well in their jurisdictions, so they are averaging about 120 hearings a day with that additional capacity. And so, having made important AVL investments—and there is, you know, still certainly a lot more to do—but having had about \$12.4 million invested that supported a rollout to 28 Magistrates Courts and 26 police stations in the past, that comes off an additional \$10.9 million that was invested for the Supreme Court.

We have also, of course, introduced a range of measures through the omnibus Bill that have also helped deal with some of the criminal procedure and civil procedure matters to help support the courts to be able to use the AVL mechanisms more effectively and put in place other things, so trying to avoid unnecessary use of the courts for things where we could use other mechanisms. An example of that might be extending the interim period for family violence and personal safety intervention final orders and hearing as many matters as possible remotely through the use of audiovisual. For a lot of matters where there is no contest or where there are guilty pleas, being able to deal with things on the papers, so not requiring any form of physical attendance, has been another mechanism that has driven really significant efficiencies in very difficult circumstances. Also, of course, allowing greater flexibility for the hearing of the Children's Court proceedings; giving them some of those powers that are canvassed in the omnibus bill, the regulatory-making power in the omnibus bill, just to be able to put in some of those changes to keep things more efficient; and of course creating the option for courts to be able to use a judge-alone trial if and when the circumstances set out in the Bill would apply—that is a bit of a broadbrush description of some of the things that we have put in place.

And I do just want to acknowledge all of the staff and how hardworking everyone has been—from CSV to the profession to all of those working in the corrections system and in the youth justice system and the legal assistance sector—because turning the ship as quickly and as fairly as possible, perhaps in a sometimes imperfect environment, has been something people have been incredibly committed to. I just wanted to express my gratitude to them for their contribution to working so effectively and efficiently.

Mr MAAS: Thank you, Attorney. It has been excellent work that has been done in such a short period of time. Further to your points about AV activities, would you be able to talk to the Committee a bit more about what actions the Government has taken to support VCAT and particularly to ensure that important planning matters are heard which have major economic implications?

Ms HENNESSY: Yes, Mr Maas. VCAT, like the Magistrates Court, is one of our busiest jurisdictions, and often when people think that they have had no engagement with the justice system the very wide breadth of matters that VCAT deal with are still issues for ordinary people despite the challenges of living in a COVID-restricted environment. Just to give you some sense of the breadth of those matters: it is tenancy related disputes; consumer laws around goods and services; guardianship powers; issues around owners corporations; planning and environment disputes—and I will talk about those a bit more in a moment; medical treatment and advanced care directives—again, another critical issue, particularly in the context of the delivery of health care; building and construction disputes; compulsory treatment for people who have an intellectual disability; retail and commercial lease disputes; cases around victimisation and unlawful discrimination; privacy and health record disputes; mental health decisions and reviews; disputes about unreasonable water flows; and of course disputes about capacity when it comes to voluntary assisted dying. So, many of these issues continue for the community despite the different circumstances in which we are now living and working, and we know that making sure that we have got as much support put into VCAT as possible is really critical.

The planning and environment list is really important for a number of reasons critical to our economic recovery, and I am conscious that there is lots of hyperbolic language used in these times. But a really critical part of that is going to be around being able to make sure that we are able to have quick decisions and quick planning and environment decisions. We are very conscious of those decisions being unnecessarily held up, and so there has been a \$5.2 million investment that will help with digitisation to speed up those decisions. Whether that is for individuals, councils, for developers or for business, that is going to be a really, really important part of trying to make sure that we are doing everything we can to try and lift productivity in the state as well.

We also know that there will be a really significant uplift for many of the other lists, and certainly tenancy matters are also the subject of great demand, as are guardian and administration matters in this state. I might have a chance to talk about the Office of the Public Advocate more in the future, but having a digitised model with increased remote hearing capacity is a really important part of us trying to make sure that VCAT is far more accessible and far more efficient, recognising that it is a jurisdiction that touches people's lives in ways that they may not even conceive of as having an engagement with the justice system.

Mr MAAS: Excellent. Thank you, Attorney. I would like to take you now to the topic of our community legal services. Look, our community legal services are just under enormous pressure. They are under pressure usually but particularly during this time. I was hoping you would be able to take us through any additional funding arrangements for community legal services and explain to the Committee what any additional funding might go towards during this time.

Ms HENNESSY: Yes. Indeed. Our legal assistance sector do a brilliant job supporting Victorians and have, again, just really risen to the challenges of our time, as they did I must say during the recent bushfire period as well—particularly those providing legal assistance in bushfire-affected areas. The legal assistance sector service around 100 000 Victorians each year, and if you think of legal assistance in kind of three categories, the first is legal assistance where someone might want to give them a call or just need some answers to some questions, some form of legal advice as well, being able to write a few letters—then right up to legal representation. So there is quite a spectrum of services that they absolutely provide. They do a lot of legal education as well, and again what we have seen of course is a pretty significant increase in the demand on our legal assistance sector around things like tenancy, employment law—all of those areas that we know where people's lives are being pretty fundamentally affected by the changes that we are seeing socially and economically in response to COVID-19.

So we have been really, really pleased to make a significant investment of around \$17.5 million for our legal assistance sector, and just give you an example of some of the very brilliant work that they are doing, Goulburn Valley Community Legal Centre, for example, have just a very brilliant model around how they deliver integrated services and case management services around family violence, so things like when an intervention order is served on someone, encouraging through the provision of information for people to be connected with the local legal service and seeking information when people go to court for the legal service to be able to have their contact details to be able to contact them to be able to provide other forms of legal assistance. One of the observations, I suppose, I would make is, as everyone has—

The CHAIR: Sorry, Attorney, I will have to interrupt you there; the Member's time has expired.

Mr RIORDAN: Good morning, Minister. I would like to move firstly to some WorkSafe issues around Cedar Meats. When were you first told that WorkSafe had inspected Cedar Meats in Brooklyn, and on what date or dates did these inspections occur?

Ms HENNESSY: Thank you very much, Mr Riordan. We also have the CEO of WorkSafe, Mr Colin Radford, with us here today. WorkSafe is an independent regulator, and I obviously do not oversight the operational investigative decisions that they make. I believe I became aware on or about early May of an inspector that had potentially been exposed and was self-isolating because of a visit to Cedar Meats arising from an injury to a finger. I would also place on the record that I understand WorkSafe are currently conducting an investigation at Cedar Meats, and I am conscious of what I say. I want to be as helpful as I possibly can, but I am also conscious of not crueting an important investigation that WorkSafe are currently undertaking.

Mr RIORDAN: Okay. I guess we are all undertaking important investigations at the moment. When was WorkSafe told by DHHS that its inspectors may have been exposed to COVID at Cedar Meats?

Ms HENNESSY: I might invite Mr Radford to provide you with the information he has available to him as the person that would have been directly advised.

Mr RADFORD: Thank you, Attorney, and thank you, Mr Riordan. That was on 4 May.

Mr RIORDAN: So from 24 April to 4 May before WorkSafe—people that had come into direct contact with someone who had been diagnosed—we are talking nearly 10 days.

Mr RADFORD: I do not believe the inspector came into contact with anyone who had been diagnosed, or at least I am not aware of that. As the Attorney outlined, our inspector visited Cedar Meats on 23 April for a workplace incident that involved the severing of a thumb, and on making a follow-up inquiry on 4 May was advised of a potential exposure and, as the Attorney mentioned, then self-isolated and was tested. That test subsequently returned negative.

Mr RIORDAN: So just to confirm that then: your inspector was there on the 23rd, the Cedar Meats worker tested positive on the 24th.

Mr RADFORD: I am not aware of the date of the positive test.

Mr RIORDAN: And then no-one was made aware until 4 May.

Ms HENNESSY: Well, Mr Riordan, as Mr Radford said, we cannot advise when a positive test or a positive diagnosis, but from WorkSafe's perspective, WorkSafe was made aware on 4 May, as Mr Radford outlined, and the inspector self-isolated and was ultimately negative.

Mr RIORDAN: Yes. I guess I am just trying to find out, with the contact tracing—we have heard a lot about the detectives out there contact tracing—it just seems 10 days is sort of really on the outer boundary of tracking down someone that would have been clearly identified as someone who had been in that workplace and been in contact. I am just wondering whether as a community we would be comfortable with that sort of delay in reporting, particularly to important public services like WorkSafe employees.

Ms HENNESSY: Perhaps, Mr Riordan, if I could invite Mr Radford to take you through the processes that we have in place to ensure that we have got proper information-sharing protocols in place. Certainly those are

issues that WorkSafe is working very cooperatively with the Department of Health and Human Services on, so perhaps if Mr Radford would like to take you through what is in place.

Mr RIORDAN: Okay. Well, perhaps, Mr Radford, I will get you to do that. But just to put it in a slightly different text: are WorkSafe investigating, Mr Radford, whether DHHS has actually given you incorrect advice as to Cedar Meats—that it was safe for both your staff and the 350 workers continuing to work after that date?

Mr RADFORD: Yes. Thank you, Mr Riordan. As the Attorney outlined, we currently have an investigation on foot—and I want to stress it is not an inquiry, it is an investigation, with all of the constraints that go around that—and I am not in a position to detail what that investigation is looking at at present because that may prejudice any future decision that we take.

Mr RIORDAN: Okay. So hypothetically then, as a Director of WorkSafe, are you comfortable with highly infectious diseases—your staff coming into contact with them and it taking basically 10 days for you to be notified? Do you think that that is best practice?

Mr RADFORD: Mr Riordan, we, like all employers and organisations in the current environment, are putting the health and safety of our employees above all else. In doing that we are also fulfilling our legal obligations as the state's health and safety regulator and continuing to conduct inspections of various workplaces with an emphasis on responses to fatalities and serious injuries. In all cases there are protocols in place where inquiries are made before a physical inspection takes place. A number of inspections are undertaken virtually or using non-physical presence means through a series of checklists and other questions. As I said, I cannot go into the detail of Cedar Meats because of the investigation, but when our inspector visited on 23 April I am not aware that there had been any notification of a positive test.

Mr RIORDAN: Sorry. Just repeat that—you broke up. Your inspector visited on the 23rd?

Mr RADFORD: On 23 April—I am not aware that at that time there had been any notification of a positive test. The purpose of the inspection on 23 April was in relation to a worker severing a thumb.

Mr RIORDAN: Yes, that is right. But the question we are asking is: it then took until 4 May before your organisation was alerted that there was a coronavirus case?

Mr RADFORD: That was when the inspector was alerted as part of the contact tracing, I understand.

Mr RIORDAN: Yes, so you were told on the 4th by DHHS?

Mr RADFORD: The inspector was, yes. Sorry, of course, and then I was notified on that day as well because the inspector had self-isolated and was being tested.

Mr RIORDAN: Back to the Minister. Minister, we have had a WorkSafe officer exposed to COVID at Cedar Meats and we have had COVID then spread from Cedar Meats to Western Health and Doughty Galla aged care employees after DHHS said it was safe. We have got the Chief Health Officer saying maybe we should not have waited. Who should be accountable for this very long time lag in letting the people that need to know, know?

Ms HENNESSY: Mr Riordan, I have not come here today to engage in a debate about these matters. These are very, very challenging times, and as Professor Brendan Murphy, the Chief Medical Officer, and indeed the Prime Minister have observed, the response to this public health outbreak has been appropriate. Now, we feel very, very confident that the processes that are put in place are the ones that are going to be able to ensure that people are rising to the challenge of where and how there are outbreaks to put in place the sorts of information sharing and teams that are in place to respond to challenges, and we have seen those in use in recent days.

Mr RIORDAN: So you are happy with a 10-day delay in notification as fulfilling your department's responsibility of duty of care to all its employees? Would you say that that could have been done better?

Ms HENNESSY: The employer bears the duty of care, just as a matter of law. As a matter of appropriateness, I am persuaded by the expertise of people like Professor Brendan Murphy when they identify this response saying that it was appropriate.

Mr RIORDAN: Okay. Attorney, can you guarantee the return of jury trials once the current COVID-19 restriction measures have been lifted?

Ms HENNESSY: Yes, I can, and I am very happy to. I know the shadow Minister—this was one of the issues that he asked me about in the course of the omnibus Bill going through the upper house. I know it has been a matter of some interest and some commentary. To put that in context, we of course have been doing some work looking at the use of judge alone trials more generally before the issues and the challenges of COVID-19 arrived. The context of us looking at those was often that other jurisdictions had them in place, albeit on a very limited basis. We have constantly been trying to work through how we respond to the realities of a world where people get information off the World Wide Web, yet we might have suppression orders in place in courts, so looking at: could that have been a mechanism to try and encourage greater transparency within the justice system? That was really the prism, I suppose, through which we have been looking at judge alone trials. That work is not finished. But in no way are we attempting to try and use this emergency measure as some form of long-term policy stalking horse whatsoever. As you well know—

Mr RIORDAN: Will you be announcing a return date for jury trials?

Ms HENNESSY: Certainly the courts will be making decisions around when it may be safe for the return of jury trials.

Mr RIORDAN: So it will not be you?

Ms HENNESSY: The sorts of support that we are providing the courts around making those assessments are things like infectious disease experts—

The CHAIR: Sorry to interrupt, Attorney. The Member's time has expired.

Ms RICHARDS: Thanks for your time this morning, Attorney. I would like to take you to some feedback I have been getting in my community as a consequence of social isolation, especially when I have been talking to older people in the community about the difficulty in getting legal documents witnessed while maintaining social distancing requirements. You spoke about the regulations in your presentation. Can you explain further what these regulations mean for older people in the community?

Ms HENNESSY: I absolutely will. I would say, Ms Richards, that these are important for younger and middle-aged people in the community as well as for older people, but it is really important that we are able to provide people with some peace of mind around the way in which they can complete critical legal documents in the context of social distancing. I know before we had landed these regulations we saw some media reports of people doing drive-by wills and things like that because of concerns around how it is that we could execute legal documents. Things like enduring powers of attorney are particularly important for people who are receiving health care, who may be undergoing surgical procedures or who may not necessarily anticipate a sudden or a significant or indeed a medium-term decline in their cognitive abilities et cetera. So having those kinds of legal apparatus around you—it is really challenging to try and encourage people to have those things in place at the best of times. In the context of COVID-19 in fact it is very, very difficult for you to go and execute these sorts of documents without technically being in breach of the social distancing laws, when you might be at greater risk because of your age or some other form of compromised immunity.

So an important part of the emergency legislation included the power to make regulations to allow for some more flexible execution of some of those what I would call really critical life documents, in essence. Those regulations came into effect on 12 May. Obviously we worked with a lot of our stakeholders from the legal sector about the content of those—so the law institute and a lot of the other legal services sector. But they also mean that people can now lawfully sign and witness documents in a way that is consistent with the Chief Health Officer's public health advice as well. So you can do electronic signing now for any will or any other instrument which records a person's wishes. Those also include people's preferences and values statements around medical treatment and things like that; a range of power of attorney documents—so those will include financial power of attorney and other forms of health power of attorney documents; mortgages; and deeds of agreement. Obviously we are keen to try and ensure that we support as much economic activity as possible—so things like trying to make sure that we are making it easy for business but at the same time keeping a mindful or a watchful eye to the potential for exploitation in that environment.

You can also witness a document now under these regulations over a video link. Just to briefly touch on the safeguards that the regulations contain, just to make sure that people are protected when they are executing those, the person who signs and/or witnesses a document has got to endorse that document with a statement that it was signed by electronic means, that the arrangement was performed by an audiovisual link, that they are witnessing a scanned hard copy or an electronic copy and that the document was signed in accordance with the regulations. We also worked those through with the Office of the Public Advocate—again who does just a lot of fantastic work around supporting people on guardianship orders—Land Use Victoria and Victoria Legal Aid as well. Those were much-desired regulatory changes. They are important to try and keep as much business as usual, but they are important because we want people to make sure that they have got their affairs in order, whether they are an older person or whether they are a spring chicken, Ms Richards—and we are pleased to have been able to get those regulations in place.

Ms RICHARDS: I am not going to ask whether I am a spring chicken or an older person—

Ms HENNESSY: Don't!

Ms RICHARDS: Attorney, I would like to have some greater understanding of the Office of the Public Advocate. I understand that the public advocate has done some work in preventing elder abuse. Given the disproportionate impact of COVID-19 on, again, older Victorians as well as spring chickens, what work is being done in preventing elder abuse?

Ms HENNESSY: Look, elder abuse again is one of those issues that I think does not probably get the attention it deserves in broad public debate and consideration. There has been some really important policy work that has been done nationally. Former Senator Kay Patterson, as one of the commissioners, is a really fantastic advocate around these issues. And even the Australian Banking Association as well speak to this more general concern about what is called an 'assets for care' kind of culture that can potentially exist, where older people are particularly vulnerable financially in terms of being exploited by family members or other carers, or they might be vulnerable around their personal safety and those sorts of issues.

The Office of the Public Advocate, as you know, is kind of the attorney of last resort, in a sense. For them, there are many people that they care for—for example, the 75 people that are currently the subject of guardian and administration orders for the Office of the Public Advocate are currently in a hospital. The ability in a COVID environment to be able to engage with people is very difficult. Many of the people that are the subject of OPA guardian and administration orders are not people that are necessarily using or will transfer to an electronic environment all that seamlessly—or they have got particular vulnerabilities. So there has been some additional funding that has been provided to the Office of the Public Advocate to provide them with some more EFT resources, and that is an additional \$813 000 of funding that has been assured for them in order to provide them with the support to provide immediate increased support.

Of course PPE is very important, because many of the individuals that they work with actually do require in-person engagement and in-person care. We are rightfully proud of those that are providing health care and keeping our supermarkets running and keeping the freight and logistics industry going, but also again a shout-out to those that are supporting some of our most vulnerable Victorians. Providing them with the additional resources has been a really important part of that investment as well. We have had some recent legislative changes which brought the age of decision-making when it comes to people with a disability or a cognitive impairment out of the dark ages and into modern times. Also being able to ensure that there is informed decision-making occurring by those that are the subject of guardian and administration orders—and quite frankly that takes people that are well trained, that takes time and that takes effort, and doing that always in an electronic environment is not going to be effective, so we have made those sorts of investments to better support the OPA.

Ms RICHARDS: Thank you, Attorney. I am going to pivot to a different area of responsibility for you. You outlined the significant changes that have been brought about as a result of the omnibus Bill in the context of residential tenancies, and I know these have been of particular interest to my constituents in Cranbourne, as I have a number of tenants and landlords. I wonder if you could take the Committee through the different elements of those changes, because I think from memory there were several parts and elements to this.

Ms HENNESSY: Yes, I can, Ms Richards. I know this has been such an important part of the response to COVID, and its genesis really was in some of the decisions that were made by the national cabinet. I know that this Committee, when Minister Pakula was before it, spoke around the commercial and industrial leases, but around residential tenancies, that again was another really important part of the decision-making and the early architecture that the national cabinet put in place to say that states had an obligation to go and get our houses in order—pardon the pun—in order to make sure that we were doing everything possible to secure housing for residents, to support landlords and to try and encourage partnerships but also user-friendly, effective and pragmatic conflict resolution tools where there were going to be challenges on that front. I will just take you through those very, very quickly.

The tenants can only be evicted under the Bill that was put through the Parliament for very specified circumstances, and this is for a period of six months that this law applies, so it goes from 29 March to 26 September. I am always keen to emphasise that it applies to a whole range of forms of residential tenancies, so rooming houses, it applies to caravans, it applies to specialist disability accommodation. There are a lot of different housing areas that these new laws actually apply to. There are some exceptional circumstances—and these were worked through with everyone from the tenants union to the REIV—where a landlord can seek to evict someone. That includes where a property is being sold, where an owner decides they are going to move back into a property, where there has been intimidating behaviour involving serious violence, where there has been criminal activity—subletting without consent takes you outside the protection of those laws—where there is malicious damage done to those premises, if there is a visitor that is put in danger, if the premises are being used for illegal purposes or are unfit for human habitation and—

The CHAIR: Thank you. If I can interrupt you there, please, the Member's time has expired.

Ms HENNESSY: Pleasure.

Mr LIMBRICK: Thank you, Attorney-General, for your presentation. It is my understanding that on 1 May the Supreme Court ordered that by 15 May a formal risk assessment be undertaken on the potential threat posed by COVID-19 at the Port Phillip Prison. Has that risk assessment actually been completed, and if so, what was the outcome of it?

Ms HENNESSY: Thank you, Mr Limbrick, for your question. Also, we have Commissioner Cassar here with us as well, just to bring her presence to the Committee's attention. There was an application to the court where a prisoner sought an order for release based on, under their argument—and this is a matter of public record—particular risk, so they sought an urgent order from the court, seeking their release. That order was not granted. The Supreme Court did order that the department undertake an independent risk assessment of the related risks to prisoners at the privately operated prison—the difference here being Port Phillip Prison, which was the prison in question—that they undertake that risk assessment. I will invite Dr Cassar to see if she has got anything more illuminating she can tell you if the limitations of what I have got to tell you are inadequate, but I am advised that the assessment has been completed, that it covered things like infection control measures and inspection of areas and that the assessment has been provided to Port Phillip Prison, which was also one of the conditions of the court order, and obviously if the matter proceeds to full trial, this may become a matter of evidence in the trial. I am advised that it will be made publicly available shortly, when it is provided to the court, but because it has not been provided to the court it is not a matter of public record. But once it is provided to the court—and I will ask Dr Cassar when she thinks that might be—we will be absolutely happy to provide a copy. Dr Cassar, are you in a position to advise the Committee when that might be? I am just not quite up to speed with what the court return date is on that matter.

Dr CASSAR: Sure.

Ms HENNESSY: Thanks.

Ms FALKINGHAM: I might just jump in. On the report we provided—early next week.

Mr LIMBRICK: Okay. Thank you very much. I would like to move on to a different issue. We had spoken a little bit earlier about the judge-only trials. One of the concerns that has been put to me is that in the current situation when a jury trial might not be available, a defendant who believes that they have a good chance of being acquitted would be possibly pressured into a judge-only trial because their other option would be staying on remand and having their liberty taken away from them for an unknown period of time. What sort of

safeguards are there against having that sort of pressure put on defendants to go to a judge-only trial, because you have got this carrot and stick at the moment, right? Like the stick is basically staying on remand longer than would be normally the case because of the current situation. What sort of safeguards are there?

Ms HENNESSY: It is an excellent question, Mr Limbrick, and again some of the policy dilemmas that were being weighed up as we decided whether or not we should put it in the ominous bill—it is there as a valve and a pressure tool if required. So what I would say the protections are are that the judge—and in the case of the County Court I know that Chief Judge Kidd and I think one other judge are the only two judges that will be authorised to be able to make those sorts of decisions. It has got to be in the interests of justice, and they are required to get the consent and approval of an offender as well. So I take your point that an accused's approval can also be the subject of other forms of unwitting pressure, but also we think that those protections do provide the opportunity for a person that is on remand to be able to decline to have a judge-alone trial.

It is really important to also emphasise that some offences are not the subject of these offences as well. So, for example, commonwealth crimes, which are largely things like significant drug importations and the like, are not the subject of the judge-alone trial provisions because commonwealth crimes are protected, in a sense, by some of the commonwealth constitutional guarantees around right to trial by jury as well. There is really only, I suppose, a small cohort that is potentially affected, and the way in which the courts have been managing significant criminal trials has been through a case management model, so it has been to kind of say, 'Well, let's deal with all the matters that have evidence to begin with before we come to this point around whether or not we are going to have a judge-alone trial'.

We are also supporting our courts with additional information—things like infectious diseases experts to look at what and when might we be able to return to jury trials. The great challenge around jury trials is the large number of people that you are required to have in place to empanel a jury. Of course people that are considered to be empanelled in a jury are compelled, so they are not there by choice, in essence. So that also kind of brings into play some of the other policy questions. I know that our heads of jurisdiction take this reform and the potential of this reform very, very seriously and are very eager to ensure that it would never be misused. I am not aware—and I can ask the CEO of Court Services Victoria, who is here—of one judge-alone trial that has been sought or approved to date, but I would ask Ms Anderson if she can correct me if I am wrong.

Ms ANDERSON: Thank you, Attorney-General. No, you are not wrong; you are right. Louise Anderson, CEO of CSV, just for the purpose of the record. In terms of criminal trials, none have run as judge alone. There are, however—as the Attorney, I know, is apprised of—civil trials that have run as judge alone where there may have ordinarily been an option for those to run as jury trials.

Mr LIMBRICK: Thank you for your answer. I would like to move on to the issue of fines that have been issued under the health and wellbeing Act. Have any of these fines actually been challenged in court?

Ms HENNESSY: Mr Limbrick, I am perhaps going to have to seek advice. I know we do have some information about the fines being issued, but specifically you are talking about the breach of CHO directions fines, yes?

Mr LIMBRICK: Yes, correct.

Ms HENNESSY: If I could just ask the secretary of my department and/or Ms Anderson, who might be able to provide us with some information about that.

Ms FALKINGHAM: Sure. So as you would be aware, Fines Victoria are enforcing the COVID fines. As of Sunday, 17 May, 5604 COVID-related fines valued at more than \$8 million have been added to the Fines Victoria system. Customers are contacting Fines Victoria to deal with these fines, including making payment, entering fines into the payment arrangements or seeking a review where there are grounds to do so. As you know, Victoria Police is now internally reviewing every single fine issued. Fines Victoria has temporarily suspended the SMS and letter campaigns to provide relief to people affected by COVID-19. If people do fail to pay their fines, currently their fines will progress through the system. We are not aware of any fines currently being challenged in the courts, but happy to double-check that with Court Services Victoria and come back to you offline.

Mr LIMBRICK: Yes, that would be great if you could provide that on notice, please, if there are any cases. It has been put to me that under the directions by the CHO some of the activities that people have been fined for—things like going out and fishing, for example—could be considered gathering food, as was an allowable activity under the CHO orders. Something like going for a drive with your mum as a learner driver could be classified as education. These sorts of things that people have been fined for, are you confident that these fines could withstand legal challenge?

Ms HENNESSY: Look, I know that the Chief Commissioner and the Minister for police will be appearing before you this afternoon. Certainly I think what we have seen is a desire by Victoria Police to ensure that the discretion is being exercised appropriately in terms of trying to ensure that how these fines are enforced is actually about trying to secure compliance, but to not be too heavy-handed I think was the evolution around the exercise of discretion, and I will leave the commissioner to speak to that.

In terms of the capability of a legal dispute, I do not want to predict or again cruel anyone's chances who may wish to go and argue about the validity of the exercise of that fine. Certainly I am aware that Victoria Police have withdrawn a number of fines when people have made sensible explanations. Certainly where things get escalated to an enforcement level, again, sensible discretions are exercised, but it is completely plausible that someone could challenge the validity of the exercise of that fine in court to argue that it was compliant with the CHO's order. It would not be, I think, proper of me to predetermine what the outcome of such a challenge was. I do know that extraordinary amounts of legal advice are provided in the development of CHO directives, that their source of power is something where there is a lot of energy and effort going into the legality of all of those matters, but it is also true that someone could make an application quite fairly to a court.

The CHAIR: Sorry to interrupt you there, Attorney. The Member's time has expired.

Mr RICHARDSON: Thank you, Attorney-General, for your presentation and engagement today. I want to take you back to tenancies and an area that has been obviously of significant stress and anxiety for people leading into the COVID-19 situation, and then a pathway for support and comfort in dispute resolution going forward. I am wondering if you could outline that dispute resolution service and how it works for communities.

Ms HENNESSY: Yes, I can. As I was explaining in my previous answer around the temporary tenancies laws, the great focus of them is to actually try and encourage there to be agreement—recognising that there is an imperative to keep a roof over people's heads and for people to have that form of housing security; recognising at the same time that landlords are often reliant on that income for those purposes. And that is obviously being done in a broader context of some of the support that is being provided around both banks and people that might be reliant on it for the purposes of a business, and the extensions that the Commonwealth Government have put in place around insolvent trading, for example, so it kind of fits within that context. The great priority of that process is about getting agreement and recognising everybody's needs.

So there is a new process for dispute resolution on rent negotiations and, again, on the Consumer Affairs website it steps through what is required to be done. Essentially you are asked to figure out how much income you are getting, what Government assistance you might be eligible for and how some of your existing savings might figure in those determinations; there is a bit of support and advice around managing your expenses and looking at other sources of support around rental hardship that people might be getting—so, kind of getting that in place. And then where rent reduction is sought, the landlords, agents and tenants are encouraged to come to some agreement and then to register that agreement with Consumer Affairs Victoria. For those that are unable to reach agreement—and some people have, and I will take you through the data on that in a moment—we have established a dispute resolution service. So there is kind of a series of escalation points.

There have been over 15 000 people who have contacted Consumer Affairs making inquiries about residential tenancies. There have been over 6800 rental agreements that have been registered with CAV—so, people that have struck an agreement using this mechanism. Those 6800 people have struck agreement and registered their rental agreement with Consumer Affairs Victoria without requiring any form of dispute resolution as well, which I think is a good sign. There have been almost 1270 rental agreements that have been reached with assistance from the frontline assistance team—so, those that have gone to the next level of dispute resolution. They have taken on average about six days to resolve, and the average weekly rent decrease in the agreements that have been lodged with Consumer Affairs was about 31 per cent—and that is an average decrease of about \$184 per agreement. The last data that I have around when there still has not been an agreement reached and it

has been referred off to VCAT is that 81 residential tenancies matters have been referred to VCAT since the scheme commenced. There is the chief dispute resolution officer. They have got a power to accept referred disputes relating to residential tenancies from Consumer Affairs Victoria—anything from 12 May, because that is when the new regulations kicked in. And as of 12 May, 216 matters had been referred off through that mechanism.

So there is no doubt that it has taken some time to try and get things in and settled, but I think that data demonstrates that we are actually being able to strike positive agreements with people for this sunsetted period of six months around residential tenancies.

Mr RICHARDSON: I think the large tenants and their landlords have shown a lot of spirit coming together to give each other a chop-out.

Ms HENNESSY: Yes.

Mr RICHARDSON: It is amazing to see that kind of support and engagement.

Ms HENNESSY: Yes. I mean a 36 per cent reduction is not small beer, you know. It is a significant amount, and I think it really is a bit of a testament to perhaps the effectiveness of some of the other supports that are in place and the desire for, 'Okay, let's see what we could all live with for six months'. I think the word 'partnership' can be bandied around a little smugly, but people have pragmatically come to agreements and I think that the early indicators are good. That is not to say that there are not going to be rogues and challenges on either side, and we have got to make sure our systems are robust enough to respond to those.

Mr RICHARDSON: That is a good call.

Mr D O'BRIEN: I take it a legally binding term?

Mr RICHARDSON: 'Chop-out'—I do not know if it is a legally binding term, 'chop-out'. A lot of people have been concerned about local bars, pubs and clubs, and obviously they have felt the impact of COVID-19 disproportionately to other industries, being closed for five weeks now. What has the Government been able to do to help and support those venues up until this point?

Mr RICHARDSON: Thank you, Mr Richardson. Yes, obviously an industry very important from an employment perspective and culturally very important around the identity of certain parts of Victoria as well. I have heard some of the questions and discussions around tourism and regional tourism and the like, but it has been a really important feature of the economic survival packages that the Government have put out. We have waived or refunded liquor licence application fees for 2020. That is for up to \$30 million. That would support approximately 20 000 businesses, so that is money that is put back in the pockets of those businesses who have had to immediately close their doors, and we absolutely recognise that that has been very, very challenging for them.

In terms of the licences that people have been required to get for takeaway and delivered alcohol sales, those licences have been provided for free to take that cost away from businesses that have attempted to adjust in that mechanism. That has been about 2281 businesses that have taken that up and the majority of those requests have been granted within 24 hours as well, so trying to speedily assist people in very difficult circumstances.

We have fast-tracked applications for temporary liquor licences and we have facilitated online responsible service of alcohol training. There has been \$40 million from the Business Support Fund to provide rent relief for licensed venues that have a turnover of up to \$50 million and who do not qualify for the Commonwealth tenancy relief fund. I know that, again, wherever you draw a line or wherever you have a criteria there are always people that fall on either side, and that is not always an easy experience for people that are looking for a more optimistic future around how they are going to get through the day, the week, the month, financially. There is also a free mediation service for all tenants with liquor licences to help tenants reach agreement with their landlord in respect of rent relief.

Obviously the Premier has forecast some changes around some of those cohorts of businesses for 1 June, and we hope that we will start to see some of those businesses trading again—1 June, 22 June. We continue to try and help support those businesses, but we acknowledge that it is really, really tough. From the perspective of

our department there has been a lot of support that has been put in place. Again, recognising that sometimes people fall on the wrong side of the criteria, we remain open to being facilitative and to trying to assist anyone that feels like they are falling through the cracks that we reasonably can.

Mr RICHARDSON: Attorney-General, I might take you to the prison system and the works to keep our prisons COVID-19-free. I know you have mentioned in your presentation the audiovisual supports in court systems and in an earlier answer talked about those further measures, but can you talk about those real risks in the prison system and what work is being done to prevent COVID-19?

Ms HENNESSY: Yes, I can, and I briefly touched on it in respect of some of the issues Mr Limbrick raised. It is a real risk and the Government has responded in a way that I would say is responsible, and I think the evidence of that is in the fact that we have not had one prisoner with COVID-19. It is not just the prisoners of course that we are seeking to keep safe, it is also the staff and it is also those that are providing key services in those prisons as well.

But of course, you know, wherever you have got limited movement in a sense and limited space the risk of the transmission of communicable diseases is increased, particularly for people that have other health vulnerabilities in a sense. And doing that in a way where you can also continue to manage the potential unrest in a prison is also again another important part of the challenge of that. And so what we have done is we have supplied staff with PPE. We have put measures in place to comply with social distancing. There is enhanced cleaning of custodial facilities. We are screening everyone that goes into a prison, including things like temperature testing. All personal visitors have been prohibited from entering a prison from 20 March, except in exceptional circumstances, so that is a big call and a tough call. I should also acknowledge not just the work of Corrections Victoria but there was also a national cabinet process around response to correctional services as well that all relevant ministers and that the national cabinet considered as well.

The CHAIR: Thank you, Attorney.

Ms HENNESSY: So visits are being conducted through alternative means. Okay.

The CHAIR: Thank you. Sorry, to interrupt you there. The Member's time has expired.

Mr D O'BRIEN: Good morning, all. Attorney, I might just continue on the same theme. You just said that no prisoners had tested positive. Have any staff tested positive in the corrections system?

Ms HENNESSY: I will have to ask Dr Cassar if there has been a staff member who has tested positive.

Dr CASSAR: Thanks, Attorney. So we have had two: one, a staff member who came back from overseas and did not actually enter the workplace tested positive and has since recovered; and a head office staff member who tested positive very early and isolated and has now returned to the workplace very healthy.

Mr D O'BRIEN: Okay. So there were no staff that actually were in the prison system itself?

Dr CASSAR: Not yet.

Mr D O'BRIEN: Okay. Attorney, have all new inmates coming into the Corrections Victoria system had to undergo 14-day lockdown effectively?

Ms HENNESSY: Quarantine—my advice is that they have, but again I will ask Dr Cassar if there is anything further to add to that. But my advice is that yes, and there are obviously, I think, four reception points that are being used for the purposes of quarantine. I will just ask Dr Cassar if she has anything further to add to that.

Dr CASSAR: Yes, that is correct, Attorney. Thank you. So, yes, everyone who is coming into the system has 14 days quarantine. We have tested this with the Chief Health Officer and Professor Catford in terms of a medical response to COVID. We have been really clear from the outset that we want to prevent, wherever possible and however possible, having COVID enter the system, and these measures have worked really effectively. If you look at globally how many people are being affected in prisons, it is around 41 000 globally and we have had globally 802 deaths. So it is really important that we do everything possible to protect the system, and quarantine has been a really effective strategy.

Mr D O'BRIEN: Just on the quarantine, I am sure you are aware that corrections regulations allow for potentially up to four days sentence reduction due to a lockdown. Does that mean that anyone who has had the 14-day mandatory isolation is automatically going to receive 56 days off their sentence?

Ms HENNESSY: Again, I will ask Dr Cassar. There is a range of discretions involved, but it is true to say emergency management days are being used—just as they were used when there was significant industrial action, just as they have been used when there have been other incidents, so this is not a new mechanism. Governments of all political persuasions have used emergency management days, but I might just ask Dr Cassar to talk through the process used for the purposes of the calculation of EMDs.

Dr CASSAR: Of course. Thanks, Attorney. So, yes, you are correct: emergency management days are being applied, but they are applied only to those who are severely impacted. So at the moment there are only three, if you like, scenarios where we would be considering granting any of those, and of course they come through the caveat of: this is for well-behaved prisoners only. So if a prisoner is involved in an incident they are excluded from emergency management days. It is an incentive tool, if you like, and it is working really well. So the three scenarios are: where a prisoner has had their out-of-cell hours reduced due to physical distancing measures—and that has occurred at three prisons at the front end, so MAP, MRC and Port Phillip, and that is just to ensure that we can keep those social distancing measures in place; for those who have spent 14 days in protective quarantine; and the lockdown provisions that we had at Hopkins two weeks ago.

The only other thing to add is, yes, the legislation enables up to four days. I have been very clear that, given the impacts on community and you and I, that would be disproportionate, so it is a one-for-one at this stage.

Mr D O'BRIEN: Just to clarify then: one of the criteria is if you had 14 days in lockdown, so therefore anyone who is new to the prison system under the current restrictions and has had the 14 days will get at least 14 days off their sentence?

Dr CASSAR: Provided that they are well behaved and incident free, yes.

Mr D O'BRIEN: So can I ask then: Richard Pusey and Mohinder Singh, who were both involved in the horrendous crash on the Eastern Freeway recently and have both been remanded in custody—will they be receiving 14 days off any sentence they get?

Dr CASSAR: That would depend on whether they get sentences or not. The two prisoners you mentioned are currently on remand.

Ms FALKINGHAM: I might jump in here, Mr O'Brien. We do not comment on individual prisoners once they are within our system, and so we would not go into any detail about any individual prisoner at this point in time.

Ms HENNESSY: Nor matters that are the subject of current trials.

Mr D O'BRIEN: Can you advise how many inmates have actually been placed on the 14-day quarantine, Commissioner?

Dr CASSAR: Sure. We have got at any one time—and again, it changes hour by hour because people come off and come back on—around 400 on protective quarantine. That is on the front end at any one time.

Mr D O'BRIEN: And presumably quarantine—I mean, what does it involve? If you are on 14-day lockdown in a prison cell, are you literally restricted to that for the full 14 days and let out for any time or not?

Dr CASSAR: We would not call it lockdown. We are really clear that this is a health measure, not a management measure. So what we have tried to do is enable all services and supports to be provided even in quarantine, so things like in-cell visits, in-cell phones, activity books. We have even distributed exercise regimes so people can stay as active as possible, and they have also the additional support from our forensic intervention service, who are providing distress tolerance and counselling. But full medical and full forensic care services are provided, and for those with vulnerabilities, such as Aboriginal offenders, our Aboriginal wellbeing officers are still providing services to people in quarantine. Those who are not able to cope with the conditions of quarantine or a restrictive regime we are dealing with on an individual basis.

Mr D O'BRIEN: Can you advise how many prison units beyond the initial reception are still in lockdown as a result of COVID-19? You mentioned the three general reception prisons, I think, and also Hopkins; are there actual units throughout the system that are in total lockdown?

Dr CASSAR: No. The system is operating pretty much as usual with the exception of those front-end facilities where because of the numbers within those facilities we cannot maintain the social distancing that is required. Literally we shut half of the facility down for the day and let half out to ensure that we have got enough space. They are the only restrictions. The rest of the system we have deliberately tried to keep open and operating as usual, which is not lockdown.

Mr D O'BRIEN: I am sorry. There is obviously a crossover in terms of COVID lockdown versus prison lockdown. I understand there is probably a definition there that is different too. Can I just ask also on youth justice: does the same apply to youth justice facilities with respect to the regulations and reductions in sentences?

Ms HENNESSY: No, emergency management days do not exist within the youth justice cohort, so it is not a mechanism that is used or acknowledged within the broader youth justice system, but I might just ask the Secretary to briefly step you through how they are managing the similar challenges within the youth justice sector as well.

Mr D O'BRIEN: As we do that, Attorney, can I perhaps just add, for youth justice: have there been any lockdowns because of COVID-19? Also could I ask, to probably clarify the question to the Commissioner, whether there have been any lockdowns in the correctional system not related to prisoners just coming in and doing the mandatory 14 days?

Ms FALKINGHAM: Sure. Thanks, Mr O'Brien. Obviously some of the key differences between youth justice and corrections is the size of our system. So we only had 36 admissions into youth justice last week. There has also been a similar staffing profile. The isolation rates have placed more emphasis on children and young people having their developmental needs catered for. So you would be aware that we have had a significant focus on the structured day. We have had a very settled system in youth justice for the duration of COVID. We have had enhanced screening and operations being involved and a number of measures which have been informed by the Chief Health Officer and Professor Catford. These measures have included implementing temperature checking and screening of young people for COVID-19 risk and illness upon entering youth justice facilities—screening started on 19 March; implementing temperature checking for staff and visitors, with clear processes in place to turn people away; and directions to self-isolate in accordance with relevant health protocols. We are really grateful for our staff, that they have accepted these measures on a daily basis and have been very supportive of them.

We have obviously also arranged for significant PPE to be made available if necessary and implementing hard cleaning procedures from the middle of March. The use of PPE and cleaning continues to be implemented, particularly important with the return to Parkville College, with our kids being back into Parkville College. We have suspended most temporary leave arrangements for young people, except for medical and compassionate purposes on a case-by-case basis—so kids are continuing to receive their visits electronically; are providing clear instruction to staff and young people in custody around physical distancing and personal hygiene practices—and again, we have had a fairly stable system; accelerating the commissioning of new infrastructure to provide more capacity to respond to future impacts of COVID; modifying our admissions processes and using infrastructure to reduce the level of group contact, particularly for new admissions. All of our services have continued into young people, be they mental health services, be they broader health services, education services. It has been really important that the rapid scaling up of technology has occurred to enable the delivery of services to young people in a way that is consistent with the health advice. That has included deploying—

Mr D O'BRIEN: Secretary, I am sorry, I am conscious of time. I am nearly running out of time. Have there been any lockdowns in youth justice at all?

Ms FALKINGHAM: Not related to COVID.

Mr D O'BRIEN: Okay, thank you. Just a question for the Commissioner. Have there been other lockdowns not related to the newcomers to the system? I think she mentioned Hopkins, but if we could get the number of prisoners that have been subject to a COVID-19-related lockdown.

Dr CASSAR: So in terms of the COVID response where we have imposed a lockdown, I am not aware of any others besides the Hopkins matter.

Mr D O'BRIEN: Right. How long was the Hopkins one?

Dr CASSAR: The Hopkins lockdown was for four days.

Mr D O'BRIEN: Four days. For the whole prison?

Dr CASSAR: Correct.

Mr D O'BRIEN: Okay. Just a quick one—

Ms HENNESSY: All of those cases were negative. Mr O'Brien, as you are probably aware, all of those cases were negative, but the lockdown was in place until we got that response.

Ms FALKINGHAM: Mr O'Brien, I should also point out that we have had to isolate young people.

Mr D O'BRIEN: Sorry, could I move on? Secretary, sorry, I have just got to get one last question in. Attorney, you mentioned additional allowances for prisoners I think because of non-visitation happening; you said 'better access to phones and things'. Could you just elaborate on that and whether there was any cost to taxpayers?

Ms HENNESSY: I will have to take that on notice around any additional costs. But from a safety perspective, to take—

The CHAIR: Sorry to interrupt, Attorney, the Member's time has expired. Perhaps we will follow that aspect up on notice, as you have just indicated. I will pass to Ms Ingrid Stitt, MP.

Ms STITT: Good morning, Attorney, and good morning to your officials appearing with you this morning. Given the discussion we have been having this morning around our prison system, I want to ask you about protective quarantine units and ask you if you could take the Committee through how they operate and what sort of conditions we have in those units.

Ms HENNESSY: Okay. Thank you, Ms Stitt, for your question. As we have kind of just been discussing in some ways in some of the other questions, one of the big drivers around how quarantine is done and is managed is a recognition of the fact that COVID-19 has got an incubation period of about up to 14 days. That is essentially between the exposure and the onset of symptoms. So that means it can take up to 14 days for someone to display symptoms after they have been exposed to and contracted the virus. One of the other drivers is a person can be infectious for up to 24 hours before they display any symptoms, so if a person without symptoms is tested and the result is negative it does not mean that they have not been exposed and infected because they still might be incubating the virus. Because of the high level of risk of putting people into a corrections system in that environment, that has largely, with the Chief Health Officer's advice, really governed and driven the way in which we have developed our response here in Victoria and it is very, very similar to the responses that are being developed and that have been adopted in other states.

Protective quarantine is at four sites, as we have just discussed, and that is at the Melbourne Assessment Prison, the Metropolitan Remand Centre, Port Phillip Prison, Ravenhall and Dame Phyllis Frost. The quarantine process is obviously trying to make sure that we are reducing the risk of the virus being brought in and being very conscious of the physical and mental implications of that for a person in prison. They are usually accommodated in single cells where possible, and Corrections Victoria seeks health and medical advice from Forensicare about whether alternative accommodation options are required, particularly where you have got someone who might have some other mental health issues as well. Managing all of that in this context and doing that in a way that is safe for everyone involved is a really important part. Prisoners remain in protective custody for as long as the health and medical advice states, and getting health advice is one of the aims of the mandatory quarantine processes. If ultimately there is advice that a shorter period of quarantine is required, then a shorter period of quarantine will be applied.

Professional visits are facilitated through in-cell phone or video calls. We certainly encourage prisoners to maintain some form of contact with family as well. Individual risk assessments are completed before or at the

time of entry and we are very conscious of our legal obligations as well in that environment. This has obviously been very challenging, because trying to manage prisoners in this way has its own set of challenges. Making sure that staff are kept healthy and safe and ensuring that we are able to have good order maintained in a prison, they are not easy things to do. I think Corrections Victoria and their staff have been doing a really good job, but it is not without its challenges each and every single day, trying to make sure that those things are managed appropriately.

Ms STITT: Thank you, Attorney. I think that is important detail for the Committee to hear. Can I ask you about the transition to social distancing for victims of crime? I would imagine that it is probably quite a difficult time for many victims as their normal support systems will be impacted by COVID, and I am wondering if you can take the Committee through some of the responses that have been put in place to address that.

Ms HENNESSY: Yes. It is a really excellent question. The needs of victims do not change because of social distancing, but providing victims all of the necessary support they need maintains a very important priority for how our services are provided. I am really pleased that there has been no service disruption to the Victims of Crime Helpline nor to the localised services of the Victims Assistance Program. The helpline is still going 8.00 am to 11.00 pm, seven days a week. Calls are answered within 11 seconds on average, and just during this COVID period there have been almost 2000 calls to the helpline. The victims services team from the department are working from home during this time. They provide support around the victims assistance helpline and the Victims Assistance Program. So they are providing their support through phone, through virtual conferencing and through outreach appointments for people that really do need that kind of support as well.

Again, I think the other kind of continuing part of our COVID response is there are still people that are having to, you know, take higher degrees of risk in the way in which they are providing services, and we are doing our best to mitigate those but to support people that are vulnerable, and the department continues to supervise and service those staff members. You can imagine people that are deeply distressed, some who have been the victims of horrific crimes. When you are managing those in a workplace and you are supported and you have got access to people to quickly debrief with and other people who physically can see how you are doing during the day, it is very different to when you are doing very demanding and trauma-informed work from your home, for example, as well. So, making sure that we have got the right supports in around the workforce again has been another really, really important part.

More generally, and again no doubt the police Minister and Chief Commissioner will talk to this, there is the changing nature in what we are seeing around reported and identified crime—so, a slight drop in the number of victims reaching out to the helpline. That does not necessarily mean that there are less victims—that there are not things occurring beyond the watchful eye of the various services and mechanisms that Victoria Police have—but we have noticed about a 4 to 6 per cent drop to date around victim service composition.

Ms STITT: Thank you, Attorney. Can I now take you to the issue of workplace safety. Obviously there have been some changes that were debated when we dealt with the omnibus legislation recently in Parliament. There is a risk that a number of workers who were at risk of being cut off from their payments during this period had reached a threshold, and I wonder if you could take us through how that process works and why we made that important change in terms of the workers compensation framework.

Ms HENNESSY: Sure. Thank you, Ms Stitt. Obviously when you make a claim for WorkCover, you access and are eligible for weekly payment supplement income support until you can return to your pre-injury employment or an alternative field, and there are time limits that are set down in the law around return to work and what your level of payments are and these various thresholds and reductions that occur over those periods of time. But where you have got a worker that is unable to return to work, the weekly payments of compensation will continue up to 130 weeks. Beyond that you are only eligible for weekly payments if the injured worker has no capacity for any work whatsoever in the foreseeable future. There is a range of assessments that occur in that prelude that are done around the 117-week mark, but one of the great challenges that we were reflecting upon when we were developing the omnibus Bill was the state of the economy, the state of the employment market, was that these people would fall through the holes around some of the Federal entitlements trying to hold them to a legal benchmark of gaining alternate employment when the ability to gain alternate employment was significantly diminished by either the limitations around COVID and/or the economic implications around COVID. I might just ask Mr Radford to talk through how this is being managed

around that cohort of very, very vulnerable workers. A person who has been off for 130 weeks has usually had a very, very serious injury of some form, and trying to provide some mechanism so they are just not adrift was the purpose of the bill, and I am very conscious that that is only for six months. But, Colin, would you just like to talk us through how that has been managed for that cohort of employees?

Mr RADFORD: Yes, thank you, Attorney. There are approximately 2100 employees—injured workers in the cohort the Attorney has described, and these are injured workers who have passed their 30-week mark of receiving income support, at which time there is an assessment made as to whether they have any capacity for work. Where it is determined that they do have capacity for work, ordinarily their income support benefits would cease three months after that determination is made. I stress it is ‘income’; medical and like benefits and treatment continue for as long as any injured worker needs them, irrespective of what happens with their weekly income support. As a result of—

The CHAIR: Thank you, Mr Radford. I will interrupt you there. The Member’s time has expired.

Mr HIBBINS: Thank you, Minister and secretaries, for appearing today. First I want to ask about prisons, and one route that Victoria has not gone down that New South Wales has gone down has been deciding not to consider early release for low-risk and close-to-release prisoners. We know internationally that some of the common locations for outbreaks are meatworks, which has happened here in Victoria; aged care, which has happened here in Victoria; and prisons, which has not happened as yet. But can I ask why you decided not to go down the route of the early release of prisoners?

Ms HENNESSY: Thank you, Mr Hibbins, for your question. It is a question that others have put to us who might have a policy preference for that to be their government’s decision. But the Government was confident that we could manage, and you might have heard the Premier use this phrase, to keep the virus out of the prisoners and to keep the prisoners in prison. That is the policy position that the Government made. We are very conscious of both the health and wellbeing risks that we need to manage, not just for prisoners but for staff and suppliers as well, and we have been able to do that effectively.

I note your reference to the New South Wales Bill that went through. What that Bill did was it vested within the New South Wales corrections commissioner the power to release a prisoner. I know in the upper house in New South Wales there was a very long, perhaps not-so-well informed debate around what was in that Bill. Ultimately there has not been one prisoner released in New South Wales under those provisions.

So I accept and understand that you might have a different policy view to what the Government has in respect of that. I think it is no short order that there has not been an outbreak within the Victorian corrections system. That has been because of incredibly hard work on behalf of those that are working in and run the system, and they deserve our gratitude. We made a policy decision that that was what we were going to put our efforts into as opposed to making policy decisions around decarceration, which I know in some other international jurisdictions is how people have responded. We felt confident we could manage it with the tools that we had available to us, and we were not prepared to make other policy decisions.

Mr HIBBINS: Thanks, Minister. If I could just move on; time is an issue. Can I ask about bail support and the Court Integrated Services Program and what the impact of COVID has had on that program.

Ms HENNESSY: Yes.

Mr HIBBINS: Is it meaning that some vulnerable people, potentially people experiencing homelessness, and women, are not getting bail because they cannot access that program?

Ms HENNESSY: Look, I am going to ask either my Secretary or Ms Anderson to talk about how some of those programs are being operated. It is important that people get access to the sorts of supports that they need if they are going to make an application—particularly vulnerable people. We are very conscious of that in terms of how we are working with some in the legal assistance sector to that end. I might just ask my Secretary to talk through what the facts of the matter are and what we are very conscious of in terms of particularly those vulnerable cohorts that you referred to.

Ms FALKINGHAM: Thanks, Mr Hibbins. We have done a lot of work in relation to ensuring bail supports remain in place. We have used a lot of AVI facilities to enable those facilities, be they through mental health

supports or through housing supports. We have really increased our focus on case management to provide support to people within the correctional system in relation to bail matters. So we have tried to maintain service continuity as much as possible. We have been working very closely. We have a weekly phone hook-up with all of our providers to talk through what services are currently being provided. Anywhere we have got gaps we have really ratcheted up our support, be it from the department, be it through Corrections Victoria. We have worked really closely with our partners at Court Services Victoria, so on the whole we have been able to maintain service continuity and ensure that as many of those services have been able to be managed remotely as possible.

Mr HIBBINS: Can I move on to, in terms of offences and people being either stopped or having had fines issued against them for breaking COVID-related rules, and in terms of the data being collected around that, is that being collected to ensure vulnerable groups or minorities are not being stopped disproportionately or being impacted disproportionately? And can you give me any insight into that data?

Ms HENNESSY: Yes, I might ask the Secretary. It is a really important question. It is one that I also know Victoria Police are very, very conscious of as well, because it has informed some of the discussions. The genuine policy intent of it is to have some deterrence and accountability to get people to comply with the order and to not have a disproportionate impact. Certainly the advice that I have been provided is that there has not been a disproportionate impact. I know you are a very strong advocate for things like housing, and that is why making sure that we are providing—it is very difficult to comply with CHO details if you are a rough sleeper, and so getting those social support services all in place has been very important. But in terms of the data and what insight the data might provide us, I am going to have a phone a friend, so to speak, here to see if I have got someone who can provide you with some greater illumination, and if not, we will come back to you.

Ms FALKINGHAM: Thank you, Mr Hibbins. I will just point out that in relation to the collection of data, there is often a lag between Fines Victoria and Victoria Police in terms of the numbers, so you will see slight variations in those numbers. But we work closely with Victoria Police every day to look at each of the fines and make sure that we are not seeing a disproportionate impact on vulnerable communities. I think you would be really interested to know that we have an Aboriginal justice task force, for example, that is meeting weekly to discuss these matters to make sure that our Aboriginal community are not being disproportionately impacted. We are having ongoing discussions with our LGBTI communities to again look at these issues in relation to how COVID-19, in relation to the justice system, is impacting on our LGBTI community. There are lifelines for people with a disability and with our homeless community, so we have got a really strong focus in this department in terms of making sure that both through the infringements being issued but also more generally through COVID-19 affecting the justice system overall. So we have got a really strong focus on that through everything we are doing in justice at the moment.

Mr HIBBINS: Is that data going to be made public, the data that you are collecting?

Ms FALKINGHAM: Through Fines Victoria?

Mr HIBBINS: Yes.

Ms FALKINGHAM: Absolutely, and I should say that under the current infringements there are applications for grounds for special circumstances. Special circumstances include intellectual disability, mental illness or disorder, a serious addiction to drugs or alcohol, homelessness or family violence. There are processes for internal review in relation to those infringements and we are working closely, as I said, with Fines Victoria and Victoria Police to ensure that people who do fall into those categories understand what options they have. We will be releasing data in relation to—obviously we do all the time through Fines Victoria, and we are happy to make available any data that is relevant to your question.

Mr HIBBINS: Thank you. Can I now move on to renters. One of the issues that has been raised with us by renters is I guess the level of information that they are being compelled to actually provide their landlords to reach an agreement—often confidential and sensitive financial information that they are not actually comfortable in providing. Can you give me any guidance in terms of just where the line is drawn for that sort of information? And if it does get escalated to mediation, what sort of confidentiality is around that information?

Ms HENNESSY: I might ask the Secretary to provide you with some advice, but there are some obligations, and if we run out of time, we will come back to you on notice on both the law and the practice.

Ms FALKINGHAM: Thanks, Mr Hibbins. So as the Attorney has alluded to, we do have really strict confidentiality arrangements for people coming through CAV to register their agreement. We have heard anecdotal stories in relation to people being asked to provide information that they are not comfortable with. We are really encouraging them to come forward to CAV and talk to us because we do have those services that can talk to those landlords or to those estate agents in those circumstances. But we are very, very confident that we have seen a reduction in those types of questions being asked. Obviously there is a requirement in relation to understanding the financial circumstances that individual is in, but it does not go beyond that. So I would encourage people, if there is anyone that you are aware of, that we are really happy to look into any of those situations. But as I said, we have through our telephone services seen a real reduction in those types of concerns. We have put much more accessible information in relation to what people's rights are on the CAV website, and we will continue to build upon that. We are obviously doing reviews of all of those applications that have been made. As you would imagine, when you introduce legislation and regulation in the speed that we have done, there was obviously an early kind of adjustment period and working with the industry. We are really grateful to the whole range of stakeholders, be it VCOSS, Tenants Victoria, that we have been communicating with really regularly, and they have been able to point out to us when tenants are experiencing hardship or feeling as though they are being asked to produce information that they feel uncomfortable with or goes beyond the terms of the Act. So again, I am really happy to follow any of that up for you.

Mr HIBBINS: Thank you. And just finally, in terms of Consumer Affairs Victoria, have any extra resources been provided to them to undertake their increased function in terms of funding and in terms of EFT? Could that be provided to the Committee?

Ms FALKINGHAM: We can, and we should point out that we have 116 staff now providing information and advice through informal dispute resolution services. We are really grateful to our CAV staff that have pivoted from a lot of their day-to-day work to provide support for these changes. We have an extra 60 FTE in place to support those changes that the Government announced when the regulations were put in place. We also have an additional 23 panel conciliators that are available as needed. Fortunately, so far those 23 conciliators have not been drawn upon. We want to make sure that we are managing the workload for people that are all working now remotely, and I am very conscious of supporting their own mental health and working-from-home arrangements. So we have put additional supports in place to support CAV.

Ms VALLENCE: Thank you, Attorney, and your team for appearing today. I will just pick up from what Ms Stitt was talking about, or that theme if I may. And I would like to actually ask this question to Mr Radford from WorkSafe. If an employee contracts coronavirus, Mr Radford, in their workplace, what is WorkSafe's position in relation to an employer's obligations under the *Occupational Health and Safety Act*?

Mr RADFORD: Thank you for the question. If an employee contracts coronavirus in the workplace, that is an injury for the purposes of the *Occupational Health and Safety Act*. So we would determine based on the eligibility—

Ms VALLENCE: Sorry, you are breaking up a little bit. So it is determined as an injury?

Mr D O'BRIEN: It is the Attorney's paper.

Mr RADFORD: I am sorry.

Ms VALLENCE: We cannot hear because the Attorney is moving her documents around. Is it an injury?

Mr RADFORD: Yes, it is. So coronavirus meets the definition of an injury under the workplace injury Act. We currently have 11 accepted claims for coronavirus for infection, and we have nine claims accepted where COVID-19 is determined as a contributing factor—those are actually mental injury claims. As you would be aware, the WorkCover scheme is a no-fault scheme, so where those claims are established, then the WorkCover insurance will cover those claims. Notwithstanding that, we are obviously also providing significant guidance—industry guidance and general guidance—and advice to employers around safe systems of work and what steps they can implement to provide and maintain, so far as is reasonably practicable, minimisation of risk of COVID-19 in the workplace.

Ms VALLENCE: Okay. Are there any potential contraventions in terms of providing a safe workplace?

Mr RADFORD: Yes, there could be, but I am not able to give you a specific example. The employer's duty to provide a safe workplace does cover infection control.

Ms VALLENCE: Okay. And those claims of infection that you just outlined before, are you investigating those claims currently?

Mr RADFORD: No. Those are accepted claims, so they are eligible claims. At this point, other than the investigation that was referred to earlier with regard to Cedar Meats, we are not investigating the circumstances around those claims. But I make the point that that is a point in time. At this moment we are not investigating the circumstances around those claims.

Ms VALLENCE: Okay. Would there be a time line that you would commence those investigations?

Mr RADFORD: The normal practice is that our inspectors, if they form a view that there has been a contravention of the *Occupational Health and Safety Act*, they would make a referral to our enforcement group, who are responsible for conducting investigations. So there is not a specific time frame. We would inquire as to the circumstances leading to any infection and then make a decision on a merits-based case-by-case basis.

Ms VALLENCE: Okay. Just moving to another topic, and it is in relation to VCAT. Most particularly, VCAT has made some orders in relation to FOI appeals. So this is back to you, Attorney—thanks, Mr Radford. VCAT, as we are experiencing—in fact, as Justice Michelle Quigley has outlined—has an antiquated infrastructure and paper-based system that they rely on, and the FOI appeals process has effectively been stopped. Has the Government used the coronavirus situation to simply further shut down scrutiny?

Ms HENNESSY: No.

Ms VALLENCE: No? Well, the Government shut down Parliament indefinitely, refused a non-Government-led oversight committee, which has been done in all the other jurisdictions—

Ms HENNESSY: Ms Vallence, I look forward to seeing you at Parliament in early June, so the Parliament is not shut down, and the answer to your question is no.

Ms VALLENCE: Okay. If you are saying that the FOI appeals process is not shut down, is it the Government's policy to refuse matters to be determined by papers or to be bound by OVIC decisions?

Ms HENNESSY: If you are asking, 'Does the Government have a policy to do that?', the answer is no.

Ms VALLENCE: Well, government departments have refused some matters to be determined by the papers. I mean, you mentioned earlier in your presentation or earlier in one of the comments to one of the other Committee members that making determinations by papers was an efficient way to proceed, but there are government departments that have refused matters being determined by papers.

Ms HENNESSY: Ms Vallence, I do not instruct government departments in terms of their appearances or their positions at VCAT. You asked me a question of Government policy, and the answer to that question was no then and it is no now.

Ms VALLENCE: Okay. Well, then, will you be directing government departments and agencies to be acting as model litigants and allowing FOI appeals to be proceeded with and determinations to be made on papers?

Ms HENNESSY: Look, there is this thing called the separation of powers, so I do not direct how the courts—whether that is a tribunal or a court, I do not determine how they make decisions. I would say as a general matter of principle all government departments are required to adhere to the model litigant guidelines. I am not familiar of the issues that sit behind your question—

Ms VALLENCE: Well, I can give you some clarification, so—

Ms HENNESSY: There has been no Government policy change.

Ms VALLENCE: So, for example—

Ms HENNESSY: The Government does not direct tribunals, the Parliament is on on 2 June, so I would reject your characterisation—

Ms VALLENCE: Well, Attorney, you have said you are not familiar—

Ms HENNESSY: that by stealth or by positive action that there has been any attempt to try and restrict the transparency or accountability in terms of Government policy.

Ms VALLENCE: Attorney, you said you are not familiar, so perhaps I will enlighten you. There are at least two cases. We have got OVIC that has confirmed that documents should be released on the Shepparton school amalgamation, and that has so far been denied by the department of education, and V/Line corporation in a matter relating to how much has been spent on taxis as a result of train cancellations. With those, there has been a refusal or a denial to be able to settle that matter on papers, so what are your comments on that?

Ms HENNESSY: That I do not have the legal capacity to direct the department of education or the Department of Transport, or VCAT for that matter, on specific cases, because of a very important thing called the separation of powers, and I do not intend to be making an argument against the separation of powers between the executive and the courts and tribunals anytime soon.

Ms VALLENCE: Okay. On that then, can you advise what the current wait time is for FOI case hearings in which OVIC has made a decision that access to documents should be granted, but where government departments or agencies have so far not complied?

The CHAIR: I will just remind the Member of the terms of reference of this Inquiry.

Ms VALLENCE: Thank you, Chair. On the terms of reference, this is relating to matters because of the coronavirus situation, and it is particularly pertinent because VCAT, as the Attorney said—you said a lot of matters are being put through videoconferencing, but of course videoconferencing is not available at VCAT, so we think it is directly related because there is a bit of a backlog through this coronavirus situation. Could you please provide wait times for FOI case hearings then, Attorney?

Ms HENNESSY: It is possible, Ms Vallenge—I will concede that it is possible—that over the past period of time things have not moved as swiftly at VCAT as possible. I am happy to take your question on notice and reflect upon the COVID-relevant component of it and furnish you with the information that I am able to get.

Ms VALLENCE: Thank you, Attorney. Just moving on now, Minister, you have been afforded through this state of emergency process extraordinary delegated powers to make regulations, to modify justice laws under section 4 of the COVID-19 omnibus Bill. Minister, how many times have you used these delegated powers since the COVID Bill was proclaimed?

Ms HENNESSY: Well, there have been two significant cohorts of regulation that have occurred, with more to come. No doubt, Ms Vallenge, you are a keen reader of the *Government Gazette*, and that is obviously where the exercise of all of those powers is set out. There was one cohort that went to the Governor in Council and was proclaimed last week. That went to the execution of wills and documents, and we have talked a little bit about that this morning in fact. I will just get clarification that it was approved, given that we are in this hearing. But Governor in Council this morning will have approved another cohort of regulations that I have used under that power, and just to advise the Committee, that goes to different powers of integrity agencies and the way in which they are able to serve documentations. Obviously in a COVID-environment the ability to do things like serve notices and confidentiality notices in physical person can potentially put you in breach of those directions, so there has been another cohort that has gone today. If they have not been gazetted this morning, my advice is that they will be this afternoon. Can I also give you advance notice that there will be more, perhaps, coming next week, so those powers are being used and they are being used through the standard processes of regulatory making powers in accordance with the power that the Parliament gave us just two or three weeks ago.

Ms VALLENCE: Attorney, I am just conscious of time. On notice, please, and given court delays being managed through the coronavirus situation, using videoconferencing, what is the target percentage for Victorian courts and tribunals to 30 May 2020—

The CHAIR: Sorry, I will interrupt the Member there. Her time has expired.

Ms HENNESSY: I do not understand that question. I think the question is misconceived, Chair. I am happy to furnish whatever useful things I can provide, but the question was slightly misconceived in terms of how things are measured through the Victorian justice system.

The CHAIR: Thank you. And the Member's time has expired, so we thank you, Attorney-General, and your officials, for appearing before the Committee today. The Committee will follow up any of the questions that were agreed to be taken on notice in writing, and the responses will be required within five working days of the Committee's request.

Ms HENNESSY: Thank you, Committee members.

Witnesses withdrew.