

# **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**

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

Melbourne—Tuesday, 15 December 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 Nina Taylor

Ms Bridget Vallenge



**WITNESSES**

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

Ms Rebecca Falkingham, Secretary, Department of Justice and Community Safety;

Dr Emma Cassar, Commissioner, COVID-19 Quarantine Victoria (*via videoconference*);

Mr Colin Radford, Chief Executive Officer, WorkSafe Victoria; and

Ms Louise Anderson, Chief Executive Officer, Court Services Victoria.

**The CHAIR:** I declare open this hearing of the Public Accounts and Estimates Committee.

I would like to begin by acknowledging the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future and elders from other communities who may be here today.

Welcome to the third series of public hearings for the Public Accounts and Estimates Committee's Inquiry into the Victorian Government's Response to the COVID-19 Pandemic. The committee is 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.

Please note that witnesses and members should remove their masks when speaking to the committee but should replace them afterwards.

All mobile telephones should now be turned to silent.

All evidence taken by this committee is protected by parliamentary privilege. Comments repeated outside this hearing may not be protected by this privilege.

Witnesses will be provided with a proof version of the transcript to check. Verified transcripts, presentations and handouts will be placed on the committee's website as soon as possible.

Welcome back, Attorney. We invite you to make a presentation of no more than 8 minutes. This will be followed by questions from the committee.

**Ms HENNESSY:** Thank you very much, Chair, and lovely to see everyone again. You will note a slight change in the line-up here. I am also joined by Mr Radford, CEO of WorkSafe, and also Emma Cassar, who will be known to many of you as the corrections commissioner, now head of COVID-19 Quarantine Victoria. I know she is being beamed in and can hear us somewhere.

**Visual presentation.**

**Ms HENNESSY:** But I am very pleased to advise the committee—and if we go to slide 1—about some of the significant investments that have been made to respond to the impact of COVID across various areas of portfolio responsibility. But of course, as we have just discussed in the previous hearing, the work and the investment to respond to the pandemic continues, and to that end I am very pleased to advise the committee that we are building on these significant investments here with a further \$23.1 million to kickstart our justice recovery plan. That is a significant undertaking given the challenge before us today, and I hope we get the opportunity to talk about it. But in the interests of time we will kick over to the next slide.

I will not go through all of these lists, but as you can see there are a range of very important investments to support service delivery in critical areas of need right across the community throughout the pandemic. Certainly, I think that the investments particularly around residential tenancies and commercial and residential tenancies have been very, very important. If we could move onto the next slide.

So this is about supporting the justice sector response and recovery, and just to re-emphasise, all courts and VCAT have remained open and operational during the pandemic—and that has been quite a feat. Indeed all of our justice partners sought to very, very rapidly innovate and to respond to the challenges of COVID-19 and its

impact and to ensure that users have been safe and that justice has remained as accessible as we possibly could make it during this particular period of time.

Legislative reform, that many in this place have been involved in, enabled our courts to change the way that they work. And whilst that meant that we had to find other ways rather than face-to-face procedures, using operational throughput and implementing innovative ways to ensure access to justice and doing that in a very, very short period of time, the investments are a really important part of that story. The funding of resources and technology has also helped our justice partners deliver critical services and supports to Victorians and to keep the justice system operating. There is no doubt, however, that the requirements of social distancing, working from home and some of the other restrictions have had a very profound impact right across our justice system, and that has made the need for a justice recovery plan very, very critical.

The Victims of Crime Helpline and the victims assistance program have continued to support victims of crime without disruption to services during this particular period. Both services have seen a decrease in the number of new referrals; however, there has been an increase in the intensity of support required by victims. The Child Witness Service and the intermediary pilot program also continue to support child victims, family members and other vulnerable witnesses, with some disruptions due to court adjournments and suspensions. But both services are providing very intensive support to victims to prepare them to safely participate in an online court hearing and both have recommenced providing face-to-face support.

Before I turn to some of the facts and information about youth justice and corrections during COVID, I just wanted to take the time to express my gratitude to everyone who works in the youth justice and corrections systems. They do extraordinary and very, very tough work each and every single day. The way that they have performed throughout the second wave to keep the virus out of the general population of our custodial settings has been nothing short of extraordinary, and I want to acknowledge their work. They have continued to behave with professionalism to protect all of those inside those facilities. They have given a first-rate commitment to try to make sure that they do all they can to protect the general community from community transmission, and I think it is deserving of a special call-out and acknowledgement.

I am very pleased to report that there were zero cases of COVID-19 among young people in custody, young people under community supervision or youth justice staff as at 17 November, and there were also no active cases of COVID-19 among Victorian prisoners or staff numbers as at 30 November. The potential for COVID to spread in correctional and post-sentence facilities—that remains a live challenge, and it is very important that we take a very, very cautious approach to changing the service delivery model in order to minimise the risk of COVID-19 entering the prison system or any of our post-sentence facilities. So as you can see, we have seen the resumption of personal visits in adult correctional facilities. That is the first time since 20 March, and there have been other gradual changes to measures that will be put in place. But again it is critically important that we do that in a way that is very, very cautious and that it is done appropriately.

As we have discussed before, the government has been very focused on supporting tenants and landlords in the rental market throughout the pandemic—and business. I want to highlight our support for many of the licensed venues, in particular the \$100 million Melbourne City Recovery Fund, and that has been targeted at hospitality businesses in the CBD and includes \$30 million for eligible businesses to prepare for COVID—trying to get to a COVID-normal opening. I know that many are aware how critical that is in terms of revitalisation in the city as well. I know I am running close to my time here, Chair.

Workplace safety during COVID-19 pandemic. WorkSafe continues to conduct targeted inspections focusing on workplaces that are high risk. They have issued some 599 notices related to COVID-19 across the state and conducted over 11 500 physical inspections.

I might go to the next slide as the time runs against me. We have obviously put a range of measures and initiatives in place to support workplaces during the pandemic. We have extended support for injured workers. We have provided greater legal clarity to recognise COVID-19 as an immediate risk under the OHS Act.

The final slide sets out some of the data of the accommodation services that have been provided. You can see the numbers of those in each of the streams of the program. Again, like the corrections staff, I want to call out the work of those that worked across the accommodation program for incredible infection prevention and control, and I am grateful for their work.

With your nudging, Chair, I am happy to pull up my horse there and look forward to some further discussion about those issues and others.

**The CHAIR:** Thank you, Attorney. I will pass to the Deputy Chair, Richard Riordan.

**Mr RIORDAN:** Thank you, Chair. Welcome back, Minister, and to our Zoomed-in guest, Dr Cassar. Thank you for joining us. My first question is to the new Quarantine Victoria commissioner—is that the right title? Yes?

**Ms HENNESSY:** Emma, can we have a clarification on your title—that Mr Riordan is not being in any way incorrect if he references you like that?

**Dr CASSAR:** Commissioner, COVID Quarantine Victoria, correct.

**Mr RIORDAN:** Okay, thank you very much. So my question, Commissioner, is that the Treasurer a fortnight ago in these hearings told us that there were no budget allocations or estimated amounts of funding for the new Quarantine Victoria service. Has that issue been resolved yet? Do you have a budget?

**Dr CASSAR:** We have had ERC approval, and at the next update there will be full transparency of those budget outcomes.

**Mr RIORDAN:** So can you give the committee an idea of what sort of budget you have to work with to manage this important program?

**Dr CASSAR:** We are still working that through, and again we will have absolute transparency on those final figures in the next update.

**Mr RIORDAN:** When is the next update due?

**Dr CASSAR:** I will come back to you on that one.

**Mr RIORDAN:** Okay. Perhaps when you come back to us on that, would it be possible to provide us with a breakdown of how you plan to allocate the funding under what sort of headings, what departments? Okay. Do you currently have an updated quarantine operation plan that your new department is working with?

**Dr CASSAR:** The program is essentially the same program it was under the Attorney-General, with some strengthened elements in line with the board of inquiry's recommendations. They include the stronger connection with Victoria Police in terms of enforcement and a stronger link with public health, so in the new structure you will see a deputy commissioner for Victoria Police reporting through to me, a deputy CHO dedicated for this program and a third deputy state controller who will be in charge of operations and logistics.

**Mr RIORDAN:** Okay. Just for the purposes of clarifying for this committee, I am correct in understanding that in your previous role as corrections commissioner you were in charge of the operational side of hotel quarantine?

**Dr CASSAR:** Can you be specific so I can understand the question? Are you talking from which dates? So yes, the corrections commissioner, but I have been working on this program since July.

**Mr RIORDAN:** Yes, so in your previous role you were in charge of hotel quarantine and now you are in charge of it in the new role? I mean, you now have a specific role for that purpose?

**Dr CASSAR:** Correct. I was a deputy state controller whilst it was under the Attorney's portfolio and now the commissioner of COVID Quarantine Victoria.

**Mr RIORDAN:** So you will be—

**Ms HENNESSY:** And Ms Faulkner was the controller during that period of time.

**Mr RIORDAN:** So you will be in a unique position to sort of understand what needs to happen, presumably? In terms of we know that hotel quarantine phase 1 was not terribly successful, but clearly in the

revamp that is so important to getting Victoria back you will obviously come to the job with some knowledge of the gaps or the improvements that were required.

**Dr CASSAR:** Yes, we have relaunched the reset program, which has been in full operation since flights ceased in July, and since the board of inquiry interim report we have added to that, yes.

**Mr RIORDAN:** Okay. I know you have said that you do not yet have a detailed budget, but presumably you have had to get things underway to start, because we are now already accepting guests. Can you give us an indication of some of the projects that you have had to start spending on in order to make the program work? For example, I understand that there have been some modifications made to some of the hotels in order to meet your staffing requirements or the privacy of guests. Could you comment on the types of things you have had to start organising?

**Dr CASSAR:** Sure. So the program, as it was in the department of justice, has had cabinet oversight in terms of our expenditure and the things that have been approved, such as the staffing costs, hotel costs, our dedicated transport team, and—yes, you are absolutely correct—recently we have done some minor modifications. That includes some filters and screenings for the hotels to protect the privacy of staff and returned travellers and the equipment that we use day to day, including radios and our PPE.

**Mr RIORDAN:** Right. And do you expect that to sort of be an ongoing program, or do you believe that everything is up and running at the moment?

**Dr CASSAR:** We are fully operational, and we have seven flights coming in today.

**Mr RIORDAN:** Okay. And speaking of the flights coming in, over the last few months when you have been running the program I understand as part of the seconded workforce there have been airline employees rostered on or part of the workforce for security and helping with looking after the guests. Now that the aviation industry is getting back to work, what impact does that have on your supply of manpower, woman power, people power, to keep people safe?

**Dr CASSAR:** Yes. It is a good question. So, we are really delighted to have our airline staff working with us. They have been an incredible match for this program in terms of their communication skills, their de-escalation skills and their fit in terms of the care and support that returned travellers need. We have had a few go back—it is around 20 to 30 staff go back. But again, what we are targeting is those who have been made redundant—if we were picking up more staff, and we are still training and recruiting, picking up those who have been made redundant so that we know they are not going to go back anytime soon. But they are not affecting operations, with those changes.

**Mr RIORDAN:** And can you tell us roughly how many airline staff you have got on your books as part of your workforce at the moment?

**Dr CASSAR:** Yes. I can tell you that in the period that it was managed by the department of justice there were 1040 resident support officers.

**Mr RIORDAN:** Okay. Now, those residents support officers, were they being paid a full-time or a weekly wage from the state? Was the state paying them?

**Dr CASSAR:** They were full-time staff, yes.

**Mr RIORDAN:** Full-time staff. And so none of those people were also getting JobKeeper from their airline?

**Dr CASSAR:** That would be a matter for the commonwealth.

**Mr RIORDAN:** Right. I thought the state, for example, had a criteria in these hot situations—whether it is hospitals or hotels—that we were not encouraging people to maintain two jobs at the same time.

**Dr CASSAR:** They were employed by the Department of Justice and Community Safety, and that is on a full-time and exclusive basis.

**Mr RIORDAN:** Okay. So based on that then, they would not have been getting JobKeeper.

**Dr CASSAR:** Again, that would be a matter for the commonwealth.

**Mr RIORDAN:** So no-one did probity on whether people were receiving two full-time incomes?

**Ms FALKINGHAM:** If I may, Mr Riordan, we had extensive conversations with the airlines and the commonwealth, but as you would imagine, we are not a party to JobKeeper at a state level. That is a matter between the airline and the commonwealth and their employees. But as Dr Cassar has said, everyone who was engaged in the program was directly employed by the state government, so even if we refer to them as airline staff—they worked as airline staff through their CV—they were absolutely state government employees. So those matters that you are referring to, we pointed that out to both the commonwealth and to the airlines, but we were not a party to those arrangements.

**Mr RIORDAN:** So you never inquired with the 1200-odd staff, which is a considerable workforce, whether they were receiving two incomes.

**Ms FALKINGHAM:** No, because it would not have been appropriate for us to inquire into their own financial arrangements, because they were not receiving any state government funding. If they were receiving funding, that is via the commonwealth. We have no say in the commonwealth's criteria.

**Mr RIORDAN:** So did we or did we not establish early on in the pandemic that in vulnerable areas—nursing homes, hospitals, hotel quarantine—it was inappropriate to have people employed at two places at once?

**Ms FALKINGHAM:** Absolutely, and they were exclusive to our program.

**Mr RIORDAN:** But you were just saying you did not do the due diligence on whether they in fact were—I mean, if you are receiving a full income from another employer, you are presumably still employed by that employer.

**Ms FALKINGHAM:** No, I disagree with your premise, Mr Riordan. When you sign a contract with the Department of Justice and Community Safety you are attesting that you do not have any other form of secondary employment. But what I cannot attest to is 1400 people and what their financial arrangements are with other parties.

**Mr RIORDAN:** Presumably receiving an income from another party implies you are employed there.

**Ms FALKINGHAM:** But we have no evidence to suggest that is true.

**Mr RIORDAN:** Because you did not ask them.

**Ms FALKINGHAM:** As part of their contract they are required to tell us they have no secondary form of employment. Every single one of the 1400 did that.

**Mr RIORDAN:** Okay. So what would be the situation if they in fact did have secondary employment?

**Ms FALKINGHAM:** They would be stood down immediately.

**Mr RIORDAN:** Secretary, legal costs for the department. What is the total legal cost paid by DJCS for legal representation during the Coate inquiry?

**Ms FALKINGHAM:** Mr Riordan, consistent with advice provided by other secretaries, our costs are all managed by the Victorian Managed Insurance Authority. The board of inquiry, as you are well aware, will hand down its final volume on Monday, and at that point we will release all of our costs.

**Mr RIORDAN:** All of your costs? Okay. So you have presumably been keeping a tally of it to date, though?

**Ms FALKINGHAM:** Consistent with the costs that Mr Martine had previously provided at 30 September, they are the costs that the government has provided.

**Mr RIORDAN:** That is quite a long time ago. Okay, you are working on it. Attorney, in the minute we have left, why were you removed as the responsible minister for the government's hotel quarantine program?

**Ms HENNESSY:** The program which we ran was essential an accommodation program, and as we reset that program and responded to recommendations from the hotel quarantine inquiry interim report, which made it clear that we needed to establish an increased police presence, an increased health presence and to have clear lines of accountability and authority, the minister for police, who has those responsibilities—we determined that that was a more appropriate chain of command.

**Mr RIORDAN:** So three different ministries in seven months. Does that sort of sound like the government—you know, there has been a lot of uncertainty about how to best run this program?

**Ms HENNESSY:** I would not accept that characterisation. You have got to remember during that period of time there were no international flights coming back. It was the opportunity to start to look at rebuilding what an appropriate hotel quarantine model would look like. And the focus of the work that was being done at the time was actually providing accommodation services for very vulnerable Victorians or those coming through triage while we were doing that. The inquiry was set up to provide us with advice for that very purpose, and that is what the model has responded to.

**The CHAIR:** Thank you, Mr Riordan. Mr Gary Maas, MP.

**Mr MAAS:** Thank you, Chair, and thank you, Attorney, again. I would like to take you to the topic of the Victorian government's justice recovery plan. Attorney, I was hoping that you would be able to inform the committee what the government's plan is to address the impacts of COVID-19 on the courts.

**Ms HENNESSY:** Thank you very much, Mr Maas. Of course in an ordinary year we would have cases pending in the court system, but of course the impact of COVID does mean that we have some backlogs—and some of those backlogs are significant—that we need to respond to, so the justice recovery plan is the intervention and the treatment to respond to those. That is why we have invested \$80 million in new money since the start of the pandemic for these initiatives, and they will directly support the courts to reduce those backlogs. As part of that, we have invested around \$27 million in technology upgrades at VCAT alone in 2020, particularly to assist with planning and guardianship matters. I mean, we think about all of the challenges that corona produces—all issues around guardianship and administration and people ageing. They all still remain significant issues and do need systems and services that can continue to function, particularly when you are talking about people that are very, very vulnerable, and VCAT, and particularly their guardianship and administration list, is a very, very important part of that. I am not going to pretend that it is not going to take a long time for us to get things back to normal in terms of some of the list, and I cannot give you a precise date around those, but in announcing a very clear recovery plan that is backed by very, very significant investments, we are very, very determined to make sure that we get things done very, very quickly.

Throughout the pandemic the courts have had to focus on very critical matters of safety. As we discussed in the previous hearing, when you are empanelling a jury you are often needing 100 people that you have got to bring together, so to be able to do that and comply with social distancing requirements was just very, very difficult. So the courts had to really make some decisions around what were the critical things for us to use resources for, how should we focus those resources and what changes could we put in place very, very quickly. For very obvious and self-apparent matters—things like family violence, things like bail and things where there were critical safety issues—the courts did a really extraordinary job of getting, holding and making sure we got to those matters where people were in very, very telling and extraordinary circumstances.

I am very pleased, however, that from 16 November 2020 criminal trials in the County and Supreme courts have resumed, and since the pandemic began the courts have completely transformed the way they operate. As I said, there are some changes and reforms that we would always perhaps have thought were a good idea, and whilst it is hard to ever find upsides to the experience people have had in corona, being forced to kind of embrace innovation is one of those things, and so that has been a really important part of that story. There has been an enormous amount of work done to transform the courts' operations to run matters digitally. The Magistrates Court, which is our biggest, highest volume court, in Melbourne would have had on an average day 2000 people physically come into their building, and now everyday matters are being heard in an online Magistrates Court around the state. Again I want to thank all of those people that worked so extraordinarily

hard to try and make things happen. They are really, really difficult to get in place. Victim support workers, police prosecutors, volunteers, defence solicitors and the cleaning staff have all worked very, very tirelessly to ensure safe access to justice throughout the pandemic.

We have announced a justice recovery plan, as I said, and there is \$80 million worth of funding in that. That will really help our courts address a significant part of the backlog. What that funding does—the \$57.8 million in the state budget—is support access to AVL in correctional facilities. It is no good if you improve your AVL capacity in a court if you are then having to transport and transfer prisoners to court for the purposes of hearings; you are taking all of these infection prevention and control risks. So we are actually getting AVL in correctional facilities. There are the capital works that are associated to have social distancing complied with within courts, and there is being able to move more matters to the online Magistrates Court. A further \$23.1 million is being announced today to enable more matters, especially those involving family violence, to be resolved outside of the court.

An important part of our justice recovery plan is not just waiting for matters to get to court but resolving what can be resolved before they get to the courtroom door. In order to do that, that means putting on things like extrajudicial registrars in the Magistrates and the Children's courts, and we are delighted to be able to announce that we are funding that. For the digital investments for VCAT in the budget there is around \$20 million. There is \$10 million from my portfolio and \$9.3 million which comes from DELWP, along with the \$5.2 million for VCAT that was announced in April and the additional funding that was announced today. So that brings a really significant uplift to the technology upgrades for VCAT in 2020. That will also help broaden the types of matters that it can hear online on its planning and environment list. The reason that list is so important, as we look for economic stimulus and as we look to try and make sure that we are able to continue to generate jobs and employment opportunities, is that what we cannot have is the body that in many cases approves those projects languishing with billions of dollars worth of investment there. So it is really important that we ensure that where those approvals are sought has the right sorts of investment so we can keep those approvals going. VCAT has about \$3.5 billion worth of building projects currently in its list, so for 2020–21. So you can imagine the impact of that around jobs, employment, housing and all of those sorts of opportunities as well. They are significant investments and ones that we really, really hope are going to make a very important difference.

**Mr MAAS:** Thank you. So you have taken us through the funding of the recovery plan. I was hoping you would be able to go into more detail about the plan itself.

**Ms HENNESSY:** Okay. Thank you, Mr Maas, for your question. Essentially it is, as I said, about trying to reduce backlogs but also trying to put in place some foundations for longer term reforms. As you move through your response to emergencies you have also then got to reflect upon what are the things that we need to entrench and put in place so we do not miss the reform opportunities going forward. As I said, it has driven changes that perhaps we would not have so readily embraced if we had not been forced to. So we are very conscious of making sure that we do not lose I suppose our footing on those matters and go back to pre-corona normal without looking at where there was innovation and service improvement.

Looking at our investment, we have really targeted it towards those who were most impacted to provide the maximum support across the justice system and to also support recovery through economic activity. So providing earlier legal support in family violence matters to see what can be done for them to be resolved outside of court. So rather than waiting for the contest to come on at court, supporting legal services and having the ability for courts to be able to outreach to those that are seeking to have orders or interventions made before waiting for those to physically come to court. That is much better as an early intervention strategy, it is a much better and more efficient use of resources and it is much better obviously from an infection control perspective.

It provides much safer access to courts for Victorians. Remote hearings from a witness safety point of view is also something that we think is really important, and trying to ensure that cases are heard and finalised quickly through more judicial resources, so using things like judicial registrars to try and get surge activity going, and also things like temporary courts as well, because of the demand that we have absolutely got at the moment. Ultimately that will maximise the amount of people being able to use the system, maximise the way to be able to do it safely, not compromise the justice or the quality of the justice that they are receiving but have all sorts of other benefits around early intervention.

It also frees up the court staff to focus on the more complex and serious matters as well. So getting courts to contact people as early as possible with information about their matter and where to go for assistance are some of the initiatives. The pre-court family violence assistance scheme will help reach out to people before they come to court to see what can be done to resolve their issues, provide legal help and legal advice to people before they are coming to court at the earliest point, and might in fact prevent a return to the court. Expanding alternative dispute resolution is something that we have done at the Victorian Civil and Administrative Tribunal.

In relation to the second element of safe access, court users and the workforce can continue to attend court safely in a way that suits their needs, so an increased use of IT in the courts that can be used remotely. As I said, upgrading the technology in courtrooms has been really significant, making sure the infrastructure is right. In so many places we have got paper-based systems, so getting all of those digitised is going to make a really significant difference. Being able to have our prosecutors use AVL, which is something that we have not been able to do consistently in the past, getting them to be able to connect to courts but also to corrections facilities and making sure that all of our virtual hearings are supported appropriately as well—that means investing in the kind of technology support and some of the backroom investments that need to be made as well.

Finally, the third element, about improving court processes: we have done some of that through some of the initiatives in the omnibus Bill but also—I am looking at the Chair; I do not know if I have spoken over—enhancing powers, essentially, and processes, which I perhaps can talk about next time. But it is an opportunity for a question.

**The CHAIR:** Thank you, Attorney, and I will pass the call to Mr David Limbrick, MLC.

**Mr LIMBRICK:** Thank you, Chair. Thank you again, Attorney-General and team. I would like to ask my first question: with regard to fines under the public health orders, who determines the magnitude of those fines, and why are Victoria's the highest in Australia?

**Ms HENNESSY:** Thank you, Mr Limbrick, for your question. There is a kind of broad government policy, but I might seek the advice of the Secretary around what its precise name is. But there is a broad document that goes to fine guidance, and so part of that is about proportionality—looking at a fine compared to another offence. Whether it is civil or criminal will also depend. So there is a broad policy document, and when an offence is being determined—this is just as a general matter—government takes advice from government departments about the appropriate scale of fines or penalties that might be used. So there is the source document that exists and then there is the specific advice, and I just might seek the advice of my Secretary around the source document because its name I cannot immediately summon to my mind.

**Ms FALKINGHAM:** Thanks, Attorney. It is the Attorney-General's infringement guidelines, but the fines through COVID have been set through the *Public Health and Wellbeing Act* and the regulations set by the health minister.

**Mr LIMBRICK:** Yes. Thank you for that answer. So this what I am getting to: it appears that the penalties are under the *Public Health and Wellbeing Act*, but the *Public Health and Wellbeing Act* has been amended a number of times since the pandemic started. Has the magnitude of these fines been reviewed and issued, because I have not seen any changes in there? Because some of these fines seem very excessive to me—and to many people, I think.

**Ms HENNESSY:** The Secretary might make some comments, and then I have certainly got something I would like to add to your question.

**Ms FALKINGHAM:** Thanks, Mr Limbrick. We have kept a really close eye on this because we obviously are, as you know, concerned about the impact on vulnerable people. So we have been really rigid in relation to the Attorney's infringement guidelines, which set out the percentage total under the legislation that can actually be imposed on an individual, and so we have really watched that. So the volume of the fines has not changed. And, as I said, we always come back to the guidelines because they have served us in good stead in terms of that percentage we can actually charge for those fines.

**Ms HENNESSY:** More broadly, just in terms of the *Public Health and Wellbeing Act*, I suppose the policy argument I would make about the need for there to be breadth in the severity of those is of course: the state has

in times gone by encountered people who have done things, specifically things like poisoning water systems and other things, that would be captured perhaps by some conduct in the *Crimes Act* or the *Summary Offences Act* but also recognising that a crime against public health is also a serious matter as well.

**Mr LIMBRICK:** Thank you. So the government committed last week, I think—it may have been in a question to you in the lower house—that the government will be going after all of these fines and will not be waiving them, including thousands of fines to children. It would seem that a large number of fines would probably get dismissed in court. It would appear a large amount of this revenue probably would not be recovered and it would clog up the court system. Why is the government taking this approach rather than a more selective approach?

**Ms HENNESSY:** I suppose, just to clarify my answer, the department of justice does not have the power to waive fines. It is the agency that issues and/or enforces fines. They have that legal ability to do it.

**Mr LIMBRICK:** Okay.

**Ms HENNESSY:** So that was really the position that I was attempting to articulate, perhaps poorly. Important to note is that fines issued to people under the age of 18 are not registered with Fines Victoria. A person under the age of 18 who receives a fine can elect to have that matter determined in the Children's Court. A matter that I am sure the minister for police and the chief commissioner may speak to tomorrow is that they are conducting—correct me if I am wrong, Secretary—a review of all COVID fines that have been issued in the course of corona as well, and there are a range of mechanisms in which people under the age of 18 have their fines works off or dismissed, and I make that as a general comment. As I said, Fines Victoria do not register fines of people that are under 18 years old.

**Mr LIMBRICK:** All right. Thank you. Back to something that we started on this morning around the Victorian Equal Opportunity and Human Rights Commission, on 17 September they asked for some information from the government regarding the reasons for the curfew. They issued a media release on this as well as conveying to government the considerable level of community concern and confusion that exists. I brought this up with the chief health officer last time around what information is actually given to the equal opportunity and human rights commission with regard to evidence that underlies the public health directions and the human rights charter assessments. Is any of that actually given to the equal opportunity and human rights commission? Do they get to review that information? Because the CHO said he was not aware.

**Ms HENNESSY:** They certainly can get access to it, and I might get the Secretary to address it. That information, of course, was provided in the course of the litigation, where the curfew was—

**Mr LIMBRICK:** Yes, I am aware of it being made in the litigation. But more broadly, did the public health directions—

**Ms HENNESSY:** More broadly, what is our practice?

**Ms FALKINGHAM:** Yes, absolutely. It does depend on what the issue is, Mr Limbrick, but right through the pandemic we have made it a real priority to make sure that VEOHRC and in particular the commissioner is well briefed on any action the government is taking. So in relation to the curfew, the commissioner was given a detailed briefing, and I think that helped to clear up some of those information gaps in terms of the assessment that was made under the *Public Health and Wellbeing Act* and the work that obviously the CHO, and in this instance his deputy CHO, had made.

**Mr LIMBRICK:** More broadly, though, the human rights commission has spoken many times about the necessity, proportionality and least limiting on human rights and that these are necessary under the *Public Health and Wellbeing Act* when the public health directions are issued. Are the equal opportunity and human rights commission able to independently validate, and do they independently validate, these orders that they are the least restrictive and that they are proportionate? Do they have all the information to be able to do that? Because I have not seen any sort of list of the directions and the equal opportunities assessment of those directions saying, 'Yes, we're happy that they're all proportionate'. They have just made these sorts of general statements about proportionality. They have not specifically addressed much at all.

**Ms HENNESSY:** I would say two things. The primary decision-maker bears the responsibility, so every decision-maker, whether it is the CHO in the context of public health orders, bears the responsibility around ensuring that it is compliant with the charter. Any Victorian is free to go and challenge the validity of that decision—

**Mr LIMBRICK:** In the Supreme Court?

**Ms HENNESSY:** in the Supreme Court. They may make a complaint of discrimination, and they could pursue that at the Victorian equal opportunity commission, but as a matter of course does every decision across government that involves perhaps a restriction or an enhancement or a consideration of the impact on the human rights charter—every single one of those—go to the Victorian Equal Opportunity and Human Rights Commission? The answer to that is no is my understanding, and I will stand to be corrected if I am wrong.

**Ms FALKINGHAM:** Thanks, Attorney. So the charter does require that the authorised officer assesses those charter impacts, but again it is a case-by-case basis. There is no independent role to assess with VEOHRC, but an example I would use is that if we were introducing legislation in the Department of Justice and Community Safety we would reach out to VEOHRC and the commissioner and talk that through and get their insights in terms of how things play out in community. But it is the authorised officer under the charter who has to make that assessment.

**Mr LIMBRICK:** Okay. Thank you. Yes, I understand that the CHO in this case is taking the responsibility. Can I just confirm, then: are you aware of the ability of anyone external to the public health team to independently make an assessment of these directions and their impacts on human rights and the proportionality, other than going through a Supreme Court challenge? Is there anyone that can do that?

**Ms FALKINGHAM:** No, it is through the courts, Mr Limbrick.

**Ms HENNESSY:** It is the role of the courts to establish whether or not it is compliant with the charter.

**Mr LIMBRICK:** Okay. I brought this up the other day. So if someone like me wants to gain some comfort that they are satisfied that they are proportionate and the least restrictive of human rights, the only way that I have been able to come up with to do that is to go out and assess the actual results on the streets. Is that the only way that a member of the Victorian public can satisfy themselves that these are the least restrictive of rights? It seems very clear to me that there are many of these decisions that are quite questionable about whether they really are the least restrictive, and without knowing what the other options are, no-one can be satisfied, I think, that they are actually the least restrictive. How can anyone know this? Even the equal opportunity and human rights commission does not appear to be assessing all of these. Who is? No-one, by the sound of it.

**Ms HENNESSY:** Well, you can complain to the equal opportunity and human rights commission, you can pursue some kind of legal review, and I would also say supplementing that is the fact that with every Bill that comes before our Parliament there is a statement of compatibility where you are required to make an attestation around the impact on various rights. I would also refer to the activities of SARC as well—a committee that does its job and takes its job seriously. I know this because sometimes I have had my wings clipped from a legislative perspective in terms of their assessments as well. So I think that there are a range of mechanisms and ways in which people can perhaps pursue those enforcements, but not perhaps in the way that you have just described.

**Mr LIMBRICK:** Do you think that the equal opportunity and human rights commission have performed their function during this pandemic, with the severe limitations on human rights that we have seen?

**Ms HENNESSY:** Yes, I do. And I am aware that they are undertaking some current investigations and inquiries into that very matter, so I feel assured that they will and are scrutinising, government and government decisions in the course of the response to this pandemic.

**Mr LIMBRICK:** Thank you. I believe I am out of time.

**The CHAIR:** Thank you, Mr Limbrick. Mr Danny O'Brien, MP.

**Mr D O'BRIEN:** Thank you, Chair. Can I go back to the question about resident support officers, so probably to the Commissioner. In the August hearings, on notice, you gave us a figure of how much the

resident support officers had cost DJCS. Could you give us an update? I think you said there were 1040 resident support officers under DJCS's control through the period. I am just wanting to know what that cost and were they paid while hotel quarantine was suspended?

**Dr CASSAR:** Sure. I am just trying to find the exact costs, to be helpful, but as we briefed at the last PAEC hearing, yes, when flights were ceased we had to have that workforce ready. No-one knew how long that period was going to go on for, so we had to remain in a state of readiness and ensure that our staff were kept as active as we could. And we had some excellent support functions running during this time: we had over 200 staff who were supporting the community AO functions with DHHS, we uplifted training and we had a range of those people remain in the hotels that were still live and active during this period to support emergency accommodation. More recently we have certainly looked at using that workforce, and they have been actively engaged in the stand-up of the hotels which we are now occupying.

**Mr D O'BRIEN:** Can I just clarify: I think you just said 1040 resident support officers previously, but in the question on notice answer from August you said 1498. What is the discrepancy there—the 1040?

**Dr CASSAR:** I will have to take that on notice, but my understanding was that there were around 1400 staff in total. At this point we have 1040 dedicated RSOs. We still have a range—the total number of staff is probably past 1400. It is probably closer to 1500, and that includes all our other support functions like operational support officers, who support residents with their luggage and running up UberEats and deliveries. We have site managers, assistant site managers and all the executive overhead.

**Mr D O'BRIEN:** So just to confirm, though, they were being paid even though hotel quarantine was suspended from July?

**Dr CASSAR:** Resident support officers have been fully operational since we took over the program. We have delayed the recruitment of some of the latter categories, such as site managers and assistant site managers, which have only come on in the last couple of months in preparation for flights resuming.

**Mr D O'BRIEN:** And you were going to look for the figure of what they actually had been paid through that period.

**Dr CASSAR:** I might need to take that one on notice.

**Mr D O'BRIEN:** If it helps, it was \$7.12 million to 31 July. I do not know whether you have got an update since then.

**Ms FALKINGHAM:** Mr O'Brien, we might take that on notice. Just to add to Dr Cassar's answer, just so you are aware, the RSOs were performing other COVID-related activities when the hotels were not fully functioning. That might have been contact tracing, helping with doorknocking, so they were absolutely used to the best of the tasks that we had at hand.

**Mr D O'BRIEN:** Of the 1500 thereabouts, were they all working or were there some literally sitting at home on the couch getting paid?

**Ms FALKINGHAM:** There absolutely would have been some that did not have duties, but on the whole we tried to redeploy wherever we could, because at that stage, you will remember, we were at the height of the pandemic and we wanted to make sure that we utilised every resource we had available. But I can take on notice the percentage number of RSOs that were in other duties.

**Mr D O'BRIEN:** That would be good; thank you. Can I move to Mr Radford—some questions. Can you give me an update on what the current status of the WorkSafe investigation into Cedar Meats is?

**Mr RADFORD:** Yes. Thank you, Mr O'Brien. That investigation has concluded, and we have not found evidence of any breaches of the *Occupational Health and Safety Act*.

**Mr D O'BRIEN:** Okay. Are there any other ongoing investigations surrounding—

**Mr RADFORD:** Yes, there are. There are a number—

**Mr D O'BRIEN:** Sorry, surrounding Cedar Meats specifically.

**Mr RADFORD:** I beg your pardon—surrounding Cedar Meats? No, there are not.

**Mr D O'BRIEN:** No breaches whatsoever. Okay. My next question was the other investigations that you previously advised about—DHHS, DJPR as well.

**Mr RADFORD:** Yes. So we currently have 24 active investigations on foot. A number of those relate to multiple sites and employers and duty holders. So there are more than 24 entities, but there are 24 separate investigations currently underway.

**Mr D O'BRIEN:** Can you just unpack that a bit more? Why are they separate investigations?

**Mr RADFORD:** Because they relate to different matters. So there are a number—I will not go into too much detail, as you would appreciate—for example, in aged care. There are another number in retail. As I have previously advised, there is an investigation into the initial hotel quarantine program. Each of those investigations is ongoing.

**Mr D O'BRIEN:** Is there just one into hotel quarantine or are there a number?

**Mr RADFORD:** There is one, but it covers multiple sites and multiple duty holders.

**Mr D O'BRIEN:** Okay. On that question, will that investigation look into why Unified Security was retained to provide security services when it was not on a pre-approved list?

**Mr RADFORD:** I am sorry. I did not catch the second part of the question.

**Mr D O'BRIEN:** When it was not on a pre-approved panel.

**Mr RADFORD:** I would have to take that question on notice. I mean, what we look at is whether there have been breaches of the *Occupational Health and Safety Act* and the duties that a duty holder holds. I do not believe procurement would fall within that, but I will take that on notice.

**Mr D O'BRIEN:** Do you know whether those investigations include Unified Security and the other security providers?

**Mr RADFORD:** Security companies are amongst the duty holders that are part of that investigation, yes.

**Mr D O'BRIEN:** Yes. Okay. Last time we had quite a bit of to and fro about these investigations, because as we confirmed, you are, I believe, potentially investigating workplace manslaughter issues. As the Attorney-General conceded, that could well include ministers of the Crown. We established, and I think the Attorney-General was very forceful in suggesting, that she stays at arm's length from it. I am just wanting to ask, given your previous history working for the Labor Party: what processes are you putting in place to ensure that Victorians can be assured of the integrity of those investigations that may potentially result in charges against the current Labor ministers of the Crown?

**Mr RADFORD:** I can assure you, Mr O'Brien, I can assure the committee and I can assure the community that all of our investigations are conducted without fear or favour. We have a dedicated enforcement investigation team. They conduct those investigations according to the Act, which we administer.

**Mr D O'BRIEN:** What involvement do you have on a day-to-day basis?

**Mr RADFORD:** I have no involvement on a day-to-day basis.

**Mr D O'BRIEN:** Okay. Are there recommendations that come to you about investigations or charges being—

**Mr RADFORD:** No. The recommendations around prosecution are determined by the head of our prosecutions unit.

**Mr D O'BRIEN:** Okay. So in effect you are responsible for the management but not for the investigations?

**Mr RADFORD:** Correct.

**Mr D O'BRIEN:** Okay. Thank you. Can I go back to Commissioner Cassar. Sorry, is it 'Cassar' or 'Cas-sar'?

**Dr CASSAR:** Well, either way—'Cas-sar', 'Cassar'.

**Ms HENNESSY:** Own it. Own it, Commissioner.

**Mr D O'BRIEN:** I hate it when someone says 'either way'.

**Ms HENNESSY:** It was good of you to ask, Mr O'Brien.

**Mr D O'BRIEN:** Commissioner, the *Drugs in Victorian Prisons Report* for August indicated that there were 21 finds of buprenorphine—I think I have got that right—entailing 385 units across Barwon, Port Phillip and Ravenhall prisons in August. Given that visits were suspended between March and only just recently, how were visitors getting drugs into Victorian prisons?

**Ms FALKINGHAM:** Mr O'Brien, I might jump in because Commissioner Cassar has not been the Corrections Commissioner through the pandemic, so she is not responsible for what currently happens in Victoria's prisons.

**Mr D O'BRIEN:** She was the Corrections Commissioner until recently, was she not?

**Ms FALKINGHAM:** No. She has been the Deputy Controller of COVID Accommodation since the Department of Justice and Community Safety took over the program.

**Mr D O'BRIEN:** In July?

**The CHAIR:** Mr O'Brien, Dr Cassar is not here in that capacity, so perhaps the Secretary would like to add something in answer—

**Mr D O'BRIEN:** I do not really care who answers the question. The basics are: there were no visitors; how were 385 units of drugs found on visitors in Victorian prisons?

**Ms FALKINGHAM:** Okay. I think it is obviously critical to acknowledge that we have continued to reduce drug use in correctional facilities in July 2020—1.74 of 745 random general tests were recorded as positive. This result is the lowest positive monthly rate recorded since July 2011, and that is in our most publicly available data. The proportion of random drug tests also recorded fell—

**Mr D O'BRIEN:** I am sorry. With respect, Secretary, the question was pretty specific about the August figures and drugs found on visitors when visitors were not meant to be at prisons.

**Ms FALKINGHAM:** Sorry, when you say 'visitors', I think that what you will find is we have been able to prevent drugs through both mail and through the use of drones coming into the correctional system.

**Mr D O'BRIEN:** Okay. Well, let me be a bit more clear. This is from the Corrections Victoria website, *Drugs in Victorian Prisons Report* for August 2020. The table is 'Seizures of Contraband: Visitors', and for August it was 385.

**Ms FALKINGHAM:** I think that might be the previous year, but I had better take it on notice because I cannot see what is in front of you.

**Mr D O'BRIEN:** Year to date 2020–21, for the August period.

**Ms FALKINGHAM:** I will take that on notice.

**Mr D O'BRIEN:** Okay. Well, continuing on, and you may have touched on this, Corrections Vic data confirms prisoners returned a total of 305 positive drug tests between April and August. How many of these cases have been referred to Victoria Police for investigation for drug use offences?

**Ms FALKINGHAM:** All are referred to Victoria Police.

**Mr D O'BRIEN:** Okay. That being the case, there were 495 seizures of buprenorphine prescription medication, powders and crystals and cannabis between April and August. Are you saying that all of those have also been referred to Victoria Police?

**Ms FALKINGHAM:** Again, I would have to look at the specifics of what you are looking at. The Acting Corrections Commissioner will be here this afternoon, and she will be able to answer that question for you.

**Mr D O'BRIEN:** This is specifically in relation to COVID because obviously the question is about prisoners being effectively locked down; that is why we are asking these questions now.

**Ms FALKINGHAM:** Sure. But, as I said, I do not have what you have in front of you right now. I am happy to take that on notice.

**Mr D O'BRIEN:** Okay. Well, if they are all referred to Victoria Police, crime statistics data shows that for the 12 months ending June 2020 there were four drug use offences—

**Ms RICHARDS:** Sorry, Chair, on a point of order. I am just interested, Mr O'Brien, through the Chair, how this is related to the government's COVID response?

**Mr RIORDAN:** I would have thought it was blatantly obvious, really.

**The CHAIR:** Dr Cassar, can I just remind you to keep your microphone on mute when you are not answering questions. Mr O'Brien, could I remind you to shape your questions in relation to the government's response to the COVID pandemic.

**Mr D O'BRIEN:** Chair, if other members of the committee are not listening to my questions, that is their problem. I have already established why am asking this. It is with respect to why, when the prisons were locked down, there were still drugs getting into them when there were no visitors. The question was: there were four drug use offences recorded despite 1800 positive drug use tests for that period—

**The CHAIR:** I am sorry, Mr O'Brien. Your time has expired.

**Mr D O'BRIEN:** How convenient. Thank you for stealing a bit of my time.

**The CHAIR:** I would remind all committee members that this hearing in particular is in relation to the government's response to the management of the COVID pandemic and not the budget estimates. If they could keep their questions in that regard, that would be appropriate. I will now pass the call to—

**Mr RIORDAN:** Chair, can I ask a question? When the inevitable time-wasting points of order come from the Member for Cranbourne, can we assume she is getting texts from the Premier's office? Or where would those directions be coming from? Ask pointless, frivolous time-wasting—

**The CHAIR:** Mr Riordan, there is no point of order, and in fact you are out of order. I will pass the call to Ms Pauline Richards, MP.

**Ms RICHARDS:** Thank you, Minister, and thank you, officials, for appearing today again. I am going to take you back to some items in your presentation, especially as it relates to workplace safety. I am interested in and hoping that you can expand a bit on what WorkSafe has been doing as part of the government's response to COVID-19 to make sure that we are working in a COVID-safe way.

**Ms HENNESSY:** Thank you, Ms Richards, for your question. Mr Radford might care to supplement anything that I do not discharge adequately. But just in the course of the thrust and parry of some of the earlier questions, as Mr Radford has outlined to the committee, WorkSafe's role of course is to enforce the *Occupational Health and Safety Act*, to ensure that the obligations that duty holders have are enforced and to provide a safe and healthy workplace. Again, when you think about people that have been at the front line of our COVID-19 response, it is easy to summon up the images of healthcare workers, but we forget about, sometimes, those who do other forms of enforcement work, like WorkSafe inspectors and those that are working in the corrections system as well. So I am just always keen to use any opportunity I can to highlight

and remind people that there are people that have taken extraordinary risks to keep us all safe throughout this pandemic, and WorkSafe inspectors have absolutely been some of those people.

Of course WorkSafe has been targeting worksite inspections with the support of other agencies where required, with a focus in workplaces where there are increased risks of COVID-19 transmission. I know the last time this committee met we talked a little bit about the abattoir and meat industry as well. I learned some new terms from Mr Riordan, from his experience, as well. But of course the risks change as this pandemic unfolds. It was nothing inappropriate, Mr Riordan; just your specific experience, I am at pains to say—nothing inappropriate; just technical terms that enhanced my own personal knowledge of such matters. Obviously the risk profile changes as the nature and the prevalence of the pandemic changes from distribution into retail into health care. Things like schools opening up mean that those things change as well, and no doubt as we have moved, I suppose—and I know it has been a year of clichés—into an attempt at having a post-COVID normal, to the extent that any such thing exists, in retail and hospitality. As new things open up the workplace safety profile risk changes as well, and WorkSafe have been very, very focused on that. In terms of the data and the facts and figures about what they have been doing, they have done over 18 000 visits, and they have issued 621 compliance notices—my data is probably a couple of days old. Improvement notices that WorkSafe have issued relating to coronavirus compliance have included workers not working from home where possible, missing or inadequate PPE, failing to maintain appropriate social distancing, inadequate hygiene controls, lack of health screening and not having procedures to deal with a worker testing positive. As I said, our WorkSafe inspectors have been doing a pretty incredible job.

When they go out to a site, WorkSafe has an obligation to keep its own workforce safe as well, so I am grateful for the endeavours that they have made to that end. In attempting to ensure that the law is being enforced and people are complying you do not want cross-infection and cross-contamination, and that has always been one of the great challenges around upholding the rules in this environment.

**Ms RICHARDS:** Thank you, Minister. I am interested in hearing a little bit more about how WorkSafe is supporting workers who have contracted COVID-19 at work.

**Ms HENNESSY:** Yes. Well, as we know, it is an incredibly infectious disease. To that end and to make sure that those workers receive support, those who contract COVID-19 at work can make a workers compensation claim, and all Victorian workers are entitled to make those claims. This is a no-fault system as well. So that means that a worker does not need to, for example, go and show that their employer did something wrong to gain access to support. Where the transmission is work related, WorkSafe obviously want to stand ready to be able to support those workers. WorkSafe have been very, very focused on making sure that all such claims are processed incredibly quickly. I am told that once the claim is received, they are processed within 24 to 48 hours, which is quite an extraordinary turnaround, and obviously weekly income support and contribution to medical and life expenses come from that. We have also recently expanded our provisional payments pilot. And one of the things that I suppose was a slight surprise to me in the early data is that the percentage of claims around mental health and wellbeing associated with COVID-19 response was almost half. I am not quite sure what that profile is now, Mr Radford.

**Mr RADFORD:** Yes, roughly half still.

**Ms HENNESSY:** Again, it is a reminder of the stress for many people working in environments where there are COVID-positive people. It is incredibly stressful; it is incredibly stressful working under the full-frontal force of PPE every single day and managing people in that environment. Again, it is something for us, as we as a community try to get better at understanding mental health and wellbeing as a mainstream medical issue, to remind ourselves that the impact of COVID is not just on the respiratory system; it is on mind and body for many, many people. Expanding the provisional payments program meant that there is an assumption that you can access 13 weeks of mental health and wellbeing leave, and even if you are ultimately rejected, that money will be paid. The policy thinking behind that is, we know that if you get to people early, when it comes to mental health issues, you have a far better chance of not just responding to their mental health issue; you have got a far better chance of getting them back to work. More generally, return to work after mental injury is one of the greatest challenges for our WorkSafe scheme and, I would argue, our community and the productivity of our community as well. So that has been, again, another important part of the response.

**Ms RICHARDS:** Great. Thank you. In fact that links well to some other interest and inquiries I have about WorkSafe and campaigns that have been run in relation to those additional pressures that people are experiencing in the context of the COVID-19 pandemic, so I am interested in finding out a little bit more—perhaps if you could provide some additional evidence to the committee.

**Ms HENNESSY:** Absolutely. Occupational violence and aggression we have known for some time is a significant issue that we have had in, for example, our health and community services sector. There had been, before COVID, a lot of energy and resources that had gone into running the It's Never OK campaign that people might be familiar with. Retail workers, particularly around Christmas time, are the subject of grumpy people and inconsistent response. In the health and community services sector what we discovered was inconsistency or variance around people calling code greys and the response to those. You know, when do you call the police? When do they come? When do security come? In a retail environment—and again it being Christmas—the issues and some of the public debate around masks have meant that many of the people that have helped hold us together through all of this have also had to endure people behaving badly, around violence and aggression, and retail workers particularly have reported that. So running campaigns to get that message out there around 'It's never okay' to be able to provide some degree of what it is that we say is the benchmark of civility, recognising that we are all human and imperfect but also saying to staff that they do not have to endure that, that they are entitled to expect that management have got a proper, informed response to those matters and that if you are injured as a consequence of that violence and aggression, that is a legitimate workplace injury and should be supported and treated as such.

At some point, despite the fact that there have been a lot of debates around the response to COVID-19, treating people decently despite our frustrations or our strongly held views around masks and remembering the humanity of the person behind the cash register or the emergency department wait desk is something that we have got to try and find sources of, and public advertising and campaigns have been an important part of that. Employee and employer representatives have been a really important part of that, and I know particularly in the retail sector that has been a significant issue. And of course in the health sector, particularly the public health sector, we have all got a vested interest because increasing WorkCover premiums puts pressure on the bottom line at a time that life is financially pretty tough for people. So whilst we all come together as a community to reflect upon our corona response, we have also got to remember that there are a lot of tired people that are wearing masks all day making sure that we are able to access fruit and veggies or buy Christmas presents for our kids or run our emergency departments when people might be tired and grumpy about a wait time and to make sure that we try and bring our gratitude and our respect for their health and wellbeing as well without necessarily having to be the most perfect human being in the world.

And so running those campaigns I think is really important around trying to re-establish some social norms as we come out of our houses again and back into workplaces and back into restaurants and shops and the like. But the most important thing is to remember that we have got to keep everyone safe, and we have all got a vested interest in making sure that we sustain this and minimise any transmission, and that is as true about corona as I think it is about human decency.

**Ms RICHARDS:** Thanks, Minister.

**The CHAIR:** Thank you. Mr Sam Hibbins, MP.

**Mr HIBBINS:** Thanks, Chair. Thank you, Minister and your team, for appearing this morning. I want to follow up on a question that my colleague the Member for Brunswick asked you last week about COVID fines for children—around 2000 fines issued for children aged between 14 and 17. There have been indications from community legal services that many of these are disadvantaged young people, and this could be for many of them their first actual interaction with the criminal justice system. Just previously you touched on in an answer the options available to young people. Are young people able to go through the children and young persons infringement notice system to deal with these fines?

**Ms HENNESSY:** I am aware they are able to utilise the Children's Court. If I just could seek some advice whether or not that is the children's and young persons infringement system—it is something that I might have to seek advice on. I do not want to say yes to that if that is incorrect. And I am not quite sure—the fact that the Secretary is not jumping in to help save me indicates that she may not know either. But I am happy to come back and confirm that for you, Mr Hibbins.

**Ms FALKINGHAM:** So, Mr Hibbins, for any young person there is an option for enforcement of fines if they are unpaid at the infringement stage. It obviously depends on what stage the fine is at in terms of what services we can provide to young people. Fines that are issued to young people and are not paid may be registered for enforcement by the Children's Court. That does happen very, very rarely under the children's and young persons infringement notice system that you are referring to.

The Children's Court is a specialist court dealing with, obviously, children and young people, so they do take into account all the complexity and vulnerability that sits around that young person, and as the Attorney said earlier, the Chief Commissioner of Police, who will be here tomorrow, has also spent a lot of time reviewing and working with Victoria Police around the practice of discretion in the issuing of fines to young people. But we are really conscious and aware of this issue and do have a range of services available to young people and are working with our colleagues in community legal services.

**Mr HIBBINS:** So just a point of clarification for the committee's benefit: my understanding was that the size of the fines was actually larger than the Children's Court dealt with and they would have to go to the Magistrates Court. Is that not the case?

**Ms FALKINGHAM:** That is not my understanding, but happy to take that on notice and check with the president of the Children's Court on that matter.

**Mr HIBBINS:** Yes, okay. Thank you. Was a review being undertaken of the fines?

**Ms FALKINGHAM:** So the head of Fines Victoria currently is conducting a review into the police's issuing of fines, so that process has been underway for a little while.

**Mr HIBBINS:** Yes, but it is not actually a review of the fines themselves?

**Ms FALKINGHAM:** No, not of the fines themselves.

**Ms HENNESSY:** No, and that is it; you either seek the issuing authority to review or you find some form of enforcement authority—that is, the Children's Court. They are the options at the moment.

**Mr HIBBINS:** Yes, okay. Is it correct that a child cannot receive body-worn camera footage for their infringement unless they go to court? Is that the case?

**Ms HENNESSY:** Minister, can you repeat your—

**Mr HIBBINS:** Is it the case that for a child, they cannot actually receive the body camera footage unless they go to court? Is that the case?

**Ms HENNESSY:** Look, I would have to get some advice on that. I am aware that there was a civil case recently that has been the subject of some advocacy that we are actually having a look at from a reform perspective. That was a civil case where a court ruled that the body-worn camera material did not have to be handed over for the purposes of a civil compensation matter. I have in response to that asked the department to provide some advice on the legality of that. Is that good public policy? What do we think of that? In a criminal matter one would ordinarily have to discover all relevant documents, and if there was evidence on a body-worn camera that was germane to someone's defence, it would be a disclosable document. But under civil law is it a discoverable matter? So it may be this precedent that the court has set that we are currently looking at—if you were to say a fine was a civil matter and someone sought to have that camera footage discovered in the course of that proceeding, it may be that if that precedent as it currently stands stood, they may not be able to.

That is a lot of conjecture. I am saying I am aware that there has been a court ruling that I have asked the Department of Justice and Community Safety to provide some advice and/or perhaps reform on, and I think one of the parties to the litigation was appealing that matter. So yes, it has to be available in a criminal case. There has been some recent jurisprudence on this matter. What that means around children and fines, I do not know. I am happy to get some advice. But more generally, it is my view that the discoverability of these matters is important. One of the policy dilemmas I suspect that we are going to confront around body-worn cameras is going to be in the field of family violence—like where the evidence, above and beyond the criminal components, might then be used in family law proceedings et cetera, et cetera. So my instinct is: it is worthy of

being looked at for the purposes of reform, but I do not underestimate that there are going to be some complicating matters or dilemmas that it will throw up.

**Mr HIBBINS:** Minister, you indicated in your response to the Member for Brunswick last week that the government was not looking to withdraw fines for young people.

**Ms HENNESSY:** The government does not have the power to waive—we are not the issuing authority, is the point that I was making.

**Mr HIBBINS:** Are you concerned about the negative impacts on young people—both for those who cannot pay but also just from the process of navigating the system of payment plans, of deals, of going through the Children's Court or what have you, that it actually might for many disadvantaged people have a negative impact and be something that they are not prepared for?

**Ms HENNESSY:** I absolutely want young people to have their best shot at anything and everything they do. Does that mean that you are going to be above the law? No, it does not, but it also does mean that we need to have a system in place that is fair, that gives people the option and the opportunity to make their case, and I hope that that is in fact what is occurring around the Children's Court processes. I hope that is the case if an issuing authority has been what I would call overzealous in the issuance of their fines. That is the purpose of the chief commissioner conducting his review. So of course I do not want unfair burdens put onto people that end up doing more damage than good. That is not a policy proposition that I am supportive of.

**Mr HIBBINS:** Are you able to provide the committee with information—you can take this on notice—in terms of the range of fines, in terms of the amount fined for young people, for children?

**Ms HENNESSY:** I can ask the question, Mr Hibbins, but as I said, because fines for people under 18 are not registered by Fines Victoria, which is kind of our entry point into this world, there may be another source that we are able to access. I mean, Victoria Police might have a disaggregation, but Fines Victoria, because we do not register those fines, because you go registration and then you go enforcement and then you go off to court and then you go off to the Sherriff coming around and knocking on the door—that is not a system that is used for people under 18 in the state of Victoria. But I absolutely accept the interest and the spirit of the questions that both you and the Member for Brunswick have asked on this matter, and if I can find a way for you to get some data on that, I am more than happy to share it.

**Mr HIBBINS:** Great. Thank you.

**Ms HENNESSY:** Pleasure.

**Mr HIBBINS:** Just on what we touched on in the earlier budget hearings, which was the drop in incarceration rates throughout this year and throughout COVID, what are the reasons for that? I guess looking to the budget papers, and this is related to COVID, looking at the performance measures, and it is the 'Average daily female prison utilisation rate of total female prison capacity'. For example—

**Ms HENNESSY:** Sorry, can you say that again? Someone has got the old whipper snipper out the front here.

**Mr HIBBINS:** Budget paper 3, 298—the utilisation rate for female prison capacity dropping to 78.1 in 2019–20 but then targeted to go up to 90 to 95 the following year. Why is that a target to actually utilise all the prison beds you have got?

**Ms HENNESSY:** I get your point. It is an assumption not a stretch target, let me assure you. Again, I know that Minister Hutchins will be with you here this afternoon, and I know her very strong personal commitment and interest in reduction, particularly of the female prison population and the intersection of that prison population with people that are involved in intergenerational trauma and family violence as well. I think the short answer is—and I will invite the Secretary, who I know has reflected upon this issue—that we cannot really work out yet what we think has happened. We know a couple of things. There is a bit of anecdote, but from a statistical point of view, kind of saying, 'Oh, well, there is the fact that the ability to go and shoplift, for example, was reduced this year. Therefore we have got fewer people in prison'. I think the cause and effect is

not fully appreciated yet, although there are some co-relations that some people have conjectured about. If I could invite the Secretary to so conjecture.

**Ms FALKINGHAM:** Sure. Thanks, Mr Hibbins. What you are referring to goes to the optimal system capacity, so it is not a target by any means. And to go to the Attorney's point, the crime statistics will be released very, very shortly, which will go to, obviously, disaggregating what we have seen through the COVID period. We are really hopeful that a lot of our investments over the last few years have started to have a big impact on the justice system, but obviously there are backlogs in our courts as well that will be having an impact on corrections' numbers as well.

We have, as the Attorney said, spent a lot of time working with the female cohort, particularly working again with our Aboriginal caucus colleagues to try and reduce those numbers. We have asked the Crime Statistics Agency in its next report to look at this issue over the last 12 months and kind of what we have seen to really drill down into evaluations of programs that have been in place over the course of COVID—what has worked, what has not. We have seen a lot of innovation right through the criminal justice system in relation to trying to keep people out of the prison system, so our hope is that some of those have really started to bear fruit as well.

**Mr HIBBINS:** Okay. Thanks.

**The CHAIR:** Thank you. Mr Tim Richardson, MP.

**Mr RICHARDSON:** Thanks, Chair. Thank you, Attorney-General, for joining us. Department representatives and WorkSafe commissioner, thank you for your time this afternoon—or into just about this afternoon. Attorney-General, I am wondering if you could take committee, please, to the COVID management in corrections in particular and if you could provide an update for our committee on the measures that were introduced in order to manage the risk of COVID-19 in the prison system and indeed the youth justice system as well.

**Ms HENNESSY:** Fantastic. Thanks, Mr Richardson, for your question. I am delighted to advise the committee that as at 7 December there are no positive cases in the youth justice system or within Corrections Victoria, and it has been some time since there was a positive case as the numbers followed the broader community transmission levels. Again, my greatest of appreciation to those who work in this system, because it is has been very, very tough and they have worked really hard and they have just delivered an incredible outcome to kind of keep us all protected to that end.

So over the course of the pandemic so far there have been a total of 28 positive results detected in the adult prison system and 19 in custody within the youth justice system. And, again, the response and the ability to stop those things contaminating or infecting or being transmitted in the broader community, I think, has been really spectacular by the staff. Informed by the health advice at the time, the strategy was very, very simple. It was kind of just maintaining a COVID-free state of the general population by detecting and stopping positive cases at the front door of the prison. So across both systems—both the adult correction system and the youth justice system—there were a range of measures that were introduced: screening and testing every new arrival; protective quarantine for every new arrival; testing and quarantining all arrivals with COVID-19 symptoms or risk factors; transferring quarantine for movements between prisons courts and hospitals; screening and temperature-checking staff and visitors upon entry; cleaning regimes; personal protective equipment; hand and respiratory hygiene and physical distancing; remote service delivery and staff information training and education as well. So those measures were, and continue to be, assessed with the latest medical advice from the health authorities, including the Chief Health Officer.

Again, these are tough jobs. They are tough at the best of times, and to do them under these sorts of circumstances they have done a really, really terrific job. Contemplating the possibility of an outbreak in the corrections system and those circumstances in which people are, it would have been disastrous. It was a really first-rate response, and they are to be commended for it.

**Mr RICHARDSON:** As we have come out with the restrictions easing, so too are those for in-person visits. I understand the prisons are once again opening up to in-person visits, Attorney-General. Are you able to provide for the committee an outline of this plan?

**Ms HENNESSY:** I am. Across both the adult and the youth system we are engaged in a rather slow and cautious opening up. The plan is to follow the changes in the broader restriction levels, but we do that in a delayed way. So while there might be the lifting of certain restrictions around general activity, within the YJ and adult correction systems we wait. Our risk profile is a lot different as well. Face-to-face visits commence from 11 December, and that will hopefully give families two weekends before the year ends to make a visit. And if you think about the life of a child whose parent might be in a corrections facility, it is a really long time to not have physically seen your parent. Whatever you might think of that prisoner and/or their offence, the life of a child to be away from a parent for that period of time is pretty extraordinary. And so some of the interventions are trying to use things like iPads to arrange visits for children to be able to see their mum or their dad. Sometimes those things might sound like they are indulgences for people that have committed crimes, but I would also encourage people to think about and focus on the impact on the child and their relationship with a parent as well.

So there were a lot of initiatives undertaken to try and think about those things, but being able to go and see their mum or their dad before Christmas for a child—who has probably endured a pretty traumatic life and lifestyle I think is a pretty safe assumption—is something that I think is good. Just to give you a sense as to how those visits are working, a maximum of two people including a child are permitted to visit at one time. They all need to be booked in advance. They have all got to undertake temperature checking and answer screening questions on arrival. There is a lot of effort that has been put into the design of the visit—for the physical distancing and hand sanitiser. Prisoners are able to fist bump or elbow bump but have no other physical contact, and all visitors over the age of 12 and all prisoners have to wear surgical masks during those visits.

It is important to note that in line with changes in community restrictions this has been underway for some time. In the youth system face-to-face education resumed on 7 October 2020, so it was all remote for those kids in YJ up until 7 October and for all young people who were not in COVID-19 isolation. We have seen how important face-to-face education is for our kids and for the general community as well. It is equally important for children in the youth justice system as well.

In managing all of those risks, again for people in the adult system at least, who have in some cases done awful things, we have always got to try and remember what the impacts are on other people but we have made no compromise at any stage around community safety, to some criticism sometimes.

**Mr RICHARDSON:** Attorney-General, can I take you to the response to positive tests and the abundance of caution that you outlined in regard to interaction with Corrections. Can you please outline how positive tests were responded to during that time?

**Ms HENNESSY:** Of course. Close contacts of confirmed cases and all prisoners who displayed any form of symptom were quarantined in the prison and were tested for COVID-19. We had very strong procedures in place in the prison system around managing confirmed cases and that included the implementation of the outbreak management team. They have been established and they are enacted for every positive case. So prisoners were placed in protective quarantine units, where all newly received prisoners would spend their first 14 days in prison, or a quarantine unit in the case of prisoners that were swabbed in police cells before they were received. And where a prisoner returned a positive swab they were immediately moved to a dedicated isolation unit. So there is very limited mixing of prisoners in protective quarantine units, with all the interactions involving the use of masks and physical distancing. There is no mixing allowed in any of the quarantine units. Staff working in those units were following strict PPE protocols. Potential transmission risks were limited, again through the use of quarantine and isolation units. We know that has been successful because we did not have the spread of the virus within the general prison population.

The department worked very closely with a lot of the health service providers across the corrections system as well as the Department of Health and Human Services, now the Department of Health, to rapidly respond to each and every positive case. It was done very successfully, as I said, with no transmissions in the general prison population, and I think that is a great testament to the work that was done.

**Mr RICHARDSON:** Attorney-General, you have talked a little bit about the face-to-face visits resuming. What is happening with other programs that were delivered in a face-to-face manner?

**Ms HENNESSY:** Look, consistent with the slow or the delayed reopening that we have in the corrections and YJ system to the general population, as of 14 December, which I think was yesterday—every day feels like days, doesn't it?—we had more face-to-face-based programs that have started, so things like chaplaincy services for prisoners, which is an incredibly important part of many of the programs. Many of the reintegration programs in preparation for those that may be coming up close to potentially leaving prison were established. The independent prison visitors program, which is run out of the Office of the Public Advocate, has recommenced, and again it is a source of visitation for some people who do not have anyone come to see them. So they have been able to recommence. And I know that there are so many really committed people in our community who provide a range of assistance in prisons, particularly around communities of different cultural backgrounds, who make special endeavours to try and keep connected to people from their community that might be in prison. We know that there are some people who lose all contact with all people as well, so there are people who do extraordinary things just out of sheer decency. They are able to now continue to participate in some of those programs, and I think that has been very much welcomed back in the prison system.

Prisoners can still continue to access the professional and personal visits via phone and video—and I think again just the efficiencies that you gain from that of not having to transport, which brings not just corona risks but other risks—after face-to-face visits have returned. Then I know for many of the low-security prisons where there is a lot of community work that gets done, from fixing fences to weed pulling on country roads and things like that for low-security prisoners, that is relied upon in many communities as a source of labour, to put it bluntly, and that requires community permits. Those are starting to be reissued again and that work will commence very soon.

**Mr RICHARDSON:** I will leave it there, Attorney. Thank you.

**The CHAIR:** Thank you, Mr Richardson. I will pass the call to Ms Bridget Vallence, MP.

**Ms VALLENCE:** Thank you, Chair. Attorney, during COVID we have seen the court system come under severe pressure over delays and case backlogs. Will additional resources be provided to the courts to allow the urgent retrial of Tony Mokbel and other criminals who have had their convictions quashed as a result of the police informants scandal?

**Ms HENNESSY:** I am going to answer your question as clearly and as openly as I possibly can. The state and the state Office of Public Prosecutions has not ceded any matter in respect of Mr Mokbel. You may be confusing that with the commonwealth department of public prosecutions' position on such matters. That has not come at the hands of the state on that particular trial. But more generally let me answer your question. We of course have put additional resources into the courts to ensure that we are able to address backlogs. We have done the reform and the investment. We have done the reform to increase the efficiency by way of things like being able to use an audiovisual substituted service, different mechanisms. We have announced \$80 million of investment for the courts in order to ensure that they are more efficient as well—

**Ms VALLENCE:** So specifically in terms of any results that are relating to the police informant fiasco—specifically for that, is there any allocation or any provisioning around proposed retrials of those who might have their convictions quashed?

**The CHAIR:** Ms Vallence, I would just remind you that this is an inquiry into the government's response to the management of the COVID pandemic and that you keep your questions in that regard, please.

**Ms HENNESSY:** I think the Chair has answered your question, Ms Vallence.

**Ms VALLENCE:** Right. Well, the question was about resources—'Will you be adding any more resources?'—and given that the courts were under a lot of pressure—

**Ms HENNESSY:** We have announced another almost \$30 million today, Ms Vallence, with the justice recovery plan that will benefit all people.

**Ms VALLENCE:** Secretary, you stated just a little earlier that all cases of positive drug tests and drug seizures are referred to Victoria Police. Can you explain then why for the year ending June 2020, including a period in which Victorian prisons were under COVID lockdown, only four drug-use offences have been recorded by Victoria Police despite 1800 positive drug tests during that period?

**Ms FALKINGHAM:** I cannot comment on every individual investigation, Ms Vallence. But to just go back briefly to Mr O'Brien's question in relation to that report, I have had a quick look at the report; just to be really clear, that table on page 16 always captures mail. So we have during the period of COVID been able to shut down a lot of access to drugs through our mail system and, as I said earlier, through our drone system. In relation to your question, I would have to reconcile our data with Victoria Police's data and come back to you out of session.

**Ms VALLENCE:** And take that on notice?

**Ms FALKINGHAM:** Of course.

**Ms VALLENCE:** Thank you. Mr Radford, you mentioned earlier 24 investigations are underway; I think you mentioned multiple sites and multiple duty holders. Do these investigations into, I guess, workplace safety and matters arising from COVID concern the workplace safety of healthcare workers and/or private security guards?

**Mr RADFORD:** Yes, they do insofar as each of the investigations is looking at whether there has been a breach of a duty holder's duty of care under the *Occupational Health and Safety Act*. So that therefore looks at the duty of care to any employee in that setting.

**Ms VALLENCE:** Okay. Do they then also relate to whether there was adequate training in workplace safety requirements and the provision of appropriate PPE?

**Mr RADFORD:** Yes.

**Ms VALLENCE:** Can you provide a list of the sites within the 24 investigations to the committee that you are investigating?

**Mr RADFORD:** I would have to take that on notice. I am not sure. I would probably have to get legal advice on that, Ms Vallence.

**Ms VALLENCE:** Okay. You mentioned a little earlier about the investigations underway in relation to the department of jobs and the department of health. Are they still ongoing?

**Mr RADFORD:** Yes. Are you referring to the hotel quarantine?

**Ms VALLENCE:** Yes. So under the hotel quarantine program you mentioned, I think last year and also to Mr O'Brien, those investigations in relation to the department of jobs and health. Are those investigations ongoing?

**Mr RADFORD:** Yes. So that investigation is ongoing. There are a number of duty holders: the hotel operators, security companies, contractors and suppliers and providers and the government departments that I previously mentioned—yes.

**Ms VALLENCE:** Yes. I think the departments were DJPR and DJCS. Is that correct?

**Mr RADFORD:** No. DJPR and DHHS.

**Ms VALLENCE:** Sorry. DJPR and DHHS.

**Mr RADFORD:** Correct.

**Ms VALLENCE:** So they are still ongoing?

**Mr RADFORD:** Yes.

**Ms VALLENCE:** And do you anticipate from those with DHHS and DJPR or indeed any of the other investigations whether there will be any other prosecutions? Do you anticipate any?

**Mr RADFORD:** I cannot answer that question. I am not the person conducting the investigations. We have an enforcement group that is made up predominantly of former lawyers and law enforcement officers, and they

conduct all of our investigations, then recommendations are made. Depending on the recommendation, it may also involve the DPP before a prosecution is launched. Those decisions are not made by me, and I do not involve myself in the day-to-day running of an investigation.

**Ms VALLENCE:** Okay. But on that, has WorkSafe commenced any prosecutions to date relating to any failures in terms of workplace safety directly related to COVID infection control failures?

**Mr RADFORD:** No. As I have previously answered to Mr O'Brien, there are 24 ongoing investigations. The one investigation that I did reference that has concluded was the Cedar Meats investigation. There are no charges or prosecution arising out of that investigation. There are a further 24 investigations that are still on foot.

**Ms VALLENCE:** Have you set a time line for—

**Mr RADFORD:** No. The legislation sets a time line of two years—sorry, except for workplace manslaughter, where there is no statutory limit. But for other breaches of the OHS Act a prosecution must be brought within two years.

**Ms VALLENCE:** Okay. Attorney, the Youth Parole Board can take into account hardship experienced when deciding to grant parole applications to inmates at the Parkville and Malmsbury youth justice centres. Will the board be given instructions that they are not to take hardship experience specifically because of COVID lockdowns into consideration?

**Ms HENNESSY:** Ms Vallenge, I cannot answer that question. I have neither the lawful power or authority to provide any instructions to the Youth Parole Board.

**Ms VALLENCE:** Okay. So on that basis, then, no instructions will be given?

**Ms HENNESSY:** Well, it is like saying, 'Will you give instructions to Santa Claus to do something?'

**Ms VALLENCE:** As parents we probably do.

**Ms HENNESSY:** I do not want to break your heart, but the parole board exists. Santa—there is a debate.

**Mr D O'BRIEN:** Be very careful, Attorney!

**Ms HENNESSY:** I know—I have just realised I need to back up the 'submit' truck. But the point is it is like asking me: will I instruct the head of PTV to do something that I do not have the lawful authority to do?

**Ms VALLENCE:** So in your capacity as Minister and as well from the department, no-one will be providing any instructions?

**Ms HENNESSY:** Well, I cannot speak on behalf of the minister that has that lawful authority. And of course no-one would diss the existence of Father Christmas, should any young people be subjecting themselves to watching this hearing, can I say it in those terms.

**Ms VALLENCE:** Okay. I do not think Santa is within the terms of reference. Attorney, what measures are in place to monitor and assess the impact of COVID mitigation measures on inmates within Parkville and Malmsbury?

**Ms HENNESSY:** I will ask the Secretary to respond to that, because I know that there are some and several, and I have addressed some of those issues in the course of my response to Mr Richardson's question before.

**Ms FALKINGHAM:** There are a whole range of oversight agencies and also our internal processes, Ms Vallenge. We obviously work closely with the Commission for Children and Young People and the Commissioner for Aboriginal Children and Young People. So we work with them, and we work with the Ombudsman, who obviously has powers to look into those matters, as does VEOHRC. But we take very seriously the impact of those measures on any young person or even our own workforce, and we have really good internal processes. Our risk and audit committee looks at those matters all the time.

**Ms VALLENCE:** Attorney or Secretary, can you tell me about the ‘achieve, challenge and encourage’ behaviour management model? Was it employed at all during COVID or is it being employed still?

**Ms FALKINGHAM:** Sorry, I am not really sure what you are referring to, Ms Vallence.

**Ms VALLENCE:** The ‘achieve, challenge and encourage’ behaviour model—is that being employed during COVID?

**Ms FALKINGHAM:** Under the youth justice strategy, absolutely. We work really closely with our young people to recognise their good behaviour within both Parkville and Malmsbury. There are a range of incentives that we provide that go to the good order of the youth justice facilities.

**Ms VALLENCE:** Okay. Just back to you, Mr Radford. Given that there are investigations underway emanating from the previous hotel quarantine program from WorkSafe, has WorkSafe played any role in the new COVID Quarantine Victoria?

**Mr RADFORD:** Yes, and thank you for the question. As the health and safety regulator we have a proactive role and we also have an enforcement role. Certainly we have worked with all of the agencies involved in establishing the new program.

**Ms VALLENCE:** Are you providing any staff to that program?

**Mr RADFORD:** No, we are not. But what we have done is provide guidance. We have worked with particularly the commissioner and the team around the appropriate guidance and protocols and OH&S COVID-safe activity. We are also engaging with airports, ports and points of entry as part of that oversight program. So we have established a dedicated team within WorkSafe for the oversight of that program.

**Ms VALLENCE:** Attorney, I refer to hotel quarantine in terms of the blood testing. There was a contamination failure: 240 people had to undergo testing for hep B and C and HIV, and test kits for one person were used on multiple people. Has this investigation concluded? And if so, if you could provide the findings.

**Ms HENNESSY:** I am not sure. I believe it probably has not concluded, because it is under the province of Safer Care Victoria in the department of health. So that would be a question for my lovely colleague Minister Foley.

**The CHAIR:** Thank you. Ms Vallence, your time has expired. Just for the record I can assure the committee that the Chair met with Santa Claus on the weekend with my two-year-old. So he has taken his instruction.

**Mr RIORDAN:** Just do not take the reindeers to the boning room.

**The CHAIR:** The reindeers were on the roof, and Santa, post meeting with Patricia, was feeding the reindeers, so it is all good.

**Ms HENNESSY:** I am pleased to see that all is well in the world.

**The CHAIR:** That is right. Ms Nina Taylor, MLC.

**Ms TAYLOR:** Thank you. Thinking about licensed venues and the second wave of the COVID-19 pandemic, are you able to detail the support that the government has provided to licensed venues to ensure that these businesses have remained viable?

**Ms HENNESSY:** Thank you for your question, Ms Taylor. I know your region has a lot of licensed venues in it, and I know that you are a great supporter of those licensed venues. Obviously licensed venues have been under such significant pressure in the course of the shutdown both from a perspective of employment and jobs but also the uncertainty that comes from not knowing when you might be able to open up and at what levels as well. So I think that that really was the genesis or what informed the importance for providing some support to those licensed venues. And also they play such a really significant role around employment opportunities for people, particularly younger people that work in the hospitality industry. To support this industry this year the government established a \$251 million Licensed Hospitality Venue Fund. That provides and has provided dedicated support to pubs, clubs, bars, restaurants, cafes, hotels and reception centres whereby you are eligible

for grants, or the relevant licensed centres are eligible for grants, between \$10 000 and \$30 000 depending upon the location of the business and what their patron capacity is and their inputs as to what component or what level of grant support that one might receive.

In addition, the outdoor entertainment and eating package is providing \$87.5 million to councils and businesses outside Melbourne's CBD to make outdoor dining safe, practical and a reality this summer. The government also took the decision to waive liquor licensing fees for eligible licensed premises in 2021. That section of the Department of Justice and Community Safety that Minister Horne is responsible for has sought to try and cushion the blow in essence—so for those application fees and the renewal fees and allowing existing licensed businesses to supply liquor for takeaway or delivery, given that that was the mechanism that people were using for the purposes of eating and drinking during that particular time. We are streamlining the applications for those temporary licences. Allowing virtual classroom delivery of responsible service of alcohol training was another innovation.

We are taking the support that was provided for commercial tenancy relief schemes to obviously help alleviate the hardship from tenants and landlords that were affected by the pandemic as well and enabling access to free mediation services between tenants with liquor licences to help them reach rent relief agreements with their landlords. So what was really occurring on the domestic rental markets was also being replicated in this space around the commercial rental markets for this particular part of the industry as well.

There was lots of critical support for the government's live music venues, which is again an important part of our beating hearts here in Melbourne, and there is \$9 million in the first allocations under the Victorian live music venues program. There was an additional \$13 million to help Victoria prepare for a vibrant future as well, but I think that there is a really strong recognition that that support and continued and ongoing support is a really important part of emergence into our cultural life, as it has been around employment and jobs and our social and recreational life as well.

**Ms TAYLOR:** Thank you. We know with COVID-19 that outdoor dining is less risky than indoor dining—also very pleasant, I must say. Are you able to provide further details on the government's outdoor eating and entertainment package?

**Ms HENNESSY:** I can. There was \$87.5 million allocated for that package; \$58 million consisted of grants of up to \$5000, and that was really about recognising that for those licensed venues they had to go and buy sometimes, not the huge, expensive equipment, but the other practical things that might make outdoor dining a little easier to transition to—things like retractable blinds and umbrellas, screens, sanitising equipment, gas and electric heaters, safety barriers and bollards. Also some training was supported as well. Grants have been made available to cafes, restaurants, takeaway food businesses, pubs, taverns and clubs, but the limit was you had to have a payroll of less than \$3 million—and in that group there are about 11 000 businesses that could benefit from that. So recipients of those support grants can also apply for some of the other programs as well, recognising that if you are a smaller hospitality outfit, it has been pretty tough for you to try and find other innovative ways to offer your business and business's services during lockdown.

There is also another \$29.5 million of grants of up to \$500 000 that has been made available to metropolitan and regional councils and \$250 000 for rural councils. Those were really grants to help councils get in place a really swift permit process as well. I know again, coming from the area that you represent, the sometimes public and political contest around outdoor-dining permits and things like that. It has been really terrific to see people kind of keep focused on the broader good here, and that is about employment, jobs, keeping those businesses viable and letting people come out and have a good time. To be able to support those councils to get those processes up, to subsidise things like waiving fees and investing in new infrastructure and equipment I think has been a terrific part of that story, and it is joyful to be able to go out and see people enjoying the great outdoors and supporting those businesses where they can.

**Ms TAYLOR:** It certainly is. I am just looking at support for the legal profession. We know like many sectors the legal profession have had to adapt their services very rapidly while supporting very vulnerable sectors of our community. Many of these services did not have sophisticated IT platforms; you were talking earlier about the paper basis of the systems and having to adapt very quickly. Can you outline what funding support was given to these services to respond to the challenges of COVID-19?

**Ms HENNESSY:** Yes, I can. Look, there was money that went to every single community legal service in the state to support the delivery of critical services, and particularly in the early phase of COVID what was observed—like the calls up around JobWatch of course as people were trying to work out whether or not they were going to be eligible for any of the commonwealth supports; what did it mean for their employment circumstances et cetera. So JobWatch had 928 per cent more hits to their website; calls to their legal service increased by 83.1 per cent—so there was important funding there. Tenants Victoria—again the same reasons—policy changes, people wanting certainty around securing a roof over their head as well as taking up some of the changes that were put in place around tenancy freeze and supporting people to renegotiate landlord fees. Tenants Victoria’s demand went up by 150 per cent—almost 400 per cent more to their website. So there was a significant uplift of investment into legal services—everyone from Victoria Legal Aid to Djirra and JobWatch as well as many others.

The other issue I should also acknowledge is there was some contribution also by the commonwealth around a package that we put for particularly those services that were servicing not just areas hit by corona but also coming off the back of bushfire as well. So those legal services—making insurance claims, some of the public land disputes that people have with government. They needed some support and representation as well. So there was funding and investment made to those sorts of things as well. And again in the budget of course we put in another \$44 million for legal aid and \$3 million for health justice partnerships throughout Victoria.

As I said, we are really pleased today with further funding that we have been able to announce \$8 million for specialist family violence legal services to help with pre-court early resolution that we have spoken a bit about today in the course of the hearing, and also \$2 million for what is called the Help Before Court program. That is to get people before they go off to the Magistrates Court, before they go off seeking to file in court—what can we do to help resolve whatever the issue might be that is bringing you into contact with the justice system as well? So we are delighted to be able to continue to support our wonderful community legal sector and also take just some of the pressure off people as they deal with just the ordinary stuff of life.

**Ms TAYLOR:** Indeed. Can you outline what changes the government has made to ensure that vital legal services could continue to be provided during COVID-19?

**Ms HENNESSY:** Yes.

**Ms TAYLOR:** So we are diving a bit deeper there.

**Ms HENNESSY:** Obviously in the course of some of the legislative changes, which sunset, there were some changes, so things like being able to not have to physically serve a document, being able to conduct legal service electronically and being able to do things like have electronic witnessing and execution of things like wills. You know, the stuff of life goes on despite the fact that you might have to be in corona. People still have legal disputes, people still need to make preparations for all of the important junctures in life. So much of that has assumed that you could do all of those things in a physically present way and so we had to find other legal ways to do that without them being exploited. I am really pleased that there has been no evidence of that, but again just helping people to get on with life, to do the things they need to do and to find practical ways to achieve them, doing so in a way that did not involve taking any unnecessary corona risks.

**Ms TAYLOR:** Thank you.

**The CHAIR:** Thank you, Ms Taylor. Thank you, Attorney and your team, for appearing before the committee today. The committee will follow up on any questions taken on notice in writing and responses will be required within five working days of the committee’s request. We declare this hearing adjourned. Thank you very much.

**Ms HENNESSY:** Thank you, Chair, and all committee members. May you endure and feel resilient until the end of the PAEC hearings.

**Committee adjourned.**