

# Media Release

The Hon Daniel Andrews MP  
Premier



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## LAWS TO ENSHRINE SAFE AND CLEAR PANDEMIC RESPONSES

The Victorian Government will today introduce news laws that provide a clear and streamlined framework for managing volatile and long pandemics such as COVID-19 – while putting the safety of all Victorians first.

Delivering on our commitment to crossbench Members of Parliament, a new pandemic-specific part of the *Public Health and Wellbeing Act 2008* will be legislated to embed lessons learnt managing COVID-19, incorporate best practice public health administration from other jurisdictions like New Zealand, and introduce greater transparency and accountability around decision-making.

Under the updated pandemic management framework, the role of the Chief Health Officer (CHO) will remain central to all key decisions.

After considering the advice of the Minister for Health and the CHO that there is a serious risk to public health arising from a current pandemic or a disease of pandemic potential, the Premier will be able to declare a pandemic.

As is the case with current State of Emergency declarations, a report setting out the reasons for declaring a pandemic and advice of the Minister and CHO will be tabled in both Houses of Parliament.

A declaration can initially be made for only four-weeks but can be renewed for three-month periods until the pandemic no longer presents a serious risk to the community. This framework will replace the current system where State of Emergency powers must be renewed every four weeks up to a maximum of only six to nine months.

Under the new framework, the Minister can issue pandemic orders after the Premier declares a pandemic and after seeking advice from the CHO.

These orders will replace the current public health directions and can include orders to restrict or limit movement, detain or quarantine infectious people or groups of people, as well as regulate activities.

The Minister will also be able to issue a pandemic order to a specific classification of person or group depending on their location, participation at an event or activity, or a particular characteristic such as age, vaccination status, residence, occupation or living arrangements.

In addition, the range of transparency and accountability measures introduced will act as a strong check and balance on the use of pandemic powers.

An Independent Pandemic Management Advisory Committee made up of experts and community representatives will be established to advise on the pandemic response and management powers.

The Minister may also consult any other person they consider appropriate when making a pandemic order and consider any factor they believe is relevant – including social and economic factors.

For more information call the coronavirus hotline on 1800 675 398 or visit [coronavirus.vic.gov.au](https://coronavirus.vic.gov.au).

A statement of reasons for their decision to make pandemic orders, the CHO's advice and how each order affects human rights under the Charter of Human Rights and Responsibilities must be published within 14 days. Any advice of the new Independent Pandemic Management Advisory Committee will be tabled in Parliament.

Authorised officers will have an enshrined role under the legislation with specific powers relating to core compliance and enforcement enabling them to require information or documents, inspect premises, and enforce quarantine.

The new framework ensures appropriately qualified individuals can continue to be made authorised officers, including local government, health service employees, WorkSafe employees and Victoria Police officers.

The new laws will enshrine a person's right to privacy, with the new framework making it an offence to use information obtained through contact tracing for non-public health purposes. These protections go further than any Australian jurisdiction.

Law enforcement bodies will not be able to access information given to contact tracers and information voluntarily supplied through QR codes, manual check-ins, interview information and other forms of data will be protected.

This type of personal information can only be used for public health purposes, except for when consent is given or where someone's life may be at risk.

An aggravated offence will be created for people and businesses who intentionally or recklessly breach a pandemic order or directions. The penalty for an individual will be 500 penalty units and for a body corporate 2500 penalty units – or more if the body corporate obtained a commercial benefit.

The new framework introduces two of the recommendations of the Fines Reform Advisory Board. The first is to exclude, in appropriate circumstances, vulnerable and disadvantaged people from the infringements system.

The second is to include a new concessional fines scheme to create penalty options for people experiencing financial hardship. Under this new scheme, eligible people who receive infringements will be able to apply to the Director of Fines Victoria to have their fine amount reduced.

Finally, the reforms to the fines system will be supported by a compliance and enforcement policy in relation to COVID-19 that sets out principles and guidance for managing non-compliance.

#### **Quotes attributable to Premier Daniel Andrews**

*"Last year we committed that we would bring forward pandemic-specific legislation that was fit for purpose, and that is exactly what we have done."*

*"We have learned a lot over the past two years of a once in a generation pandemic, and we are applying these lessons to manage pandemics in the future – while maintaining our ability to rapidly respond to outbreaks."*

#### **Quotes attributable to Minister for Health Martin Foley**

*"At the core to this framework is accountability and transparency in decision-making, while ensuring public health advice is central to any pandemic response."*

*"This framework takes the best components from Australia and overseas and adds them to our already robust response."*