

**TABLING OF STATEMENT OF COMPATIBILITY AND SECOND READING SPEECH**

Tabling of Statement of Compatibility

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, I table a statement of compatibility for the **Public Health and Wellbeing Amendment (Quarantine Fees) Bill 2020**.

Second Reading Speech

I move that this Bill be now read a second time.

Victoria has made significant achievements in recent months in the face of an unprecedented challenge presented to us by the coronavirus (COVID-19) pandemic.

However, there are thousands of Victorians overseas who are ready to come home, and now is the time for Victoria to put in place laws that support a nationally consistent mandatory quarantine scheme.

In the absence of significant developments that alter the risk profile of COVID-19 to the Victorian community (such as the delivery of an effective vaccine with community-wide uptake), individual and population-based interventions remain critical to reducing the risk of COVID-19 transmission.

This includes mandatory quarantine for international arrivals under the *Public Health and Wellbeing Act 2008*.

The Public Health and Wellbeing Amendment (Quarantine Fees) Bill 2020 will make amendments to the *Public Health and Wellbeing Act 2008* to allow regulations to be made that permit the charging of fees for mandatory quarantine for international travellers.

International arrivals to Victoria will have resumed (subject to necessary caps) by the time the Public Health and Wellbeing Amendment (Quarantine Fees) Bill 2020 is debated by this house. Therefore, Victoria needs to take the necessary steps to ensure that our public health framework and mandatory quarantine fee scheme is generally consistent with the approach taken in other Australian jurisdictions

The Public Health and Wellbeing Amendment (Quarantine Fees) Bill 2020 will enable the Victorian Government to charge fees for mandatory quarantine from all international

passengers arriving in Victoria, including Australian Citizens and Australian permanent residents. This is consistent with other States and Territories and the approach agreed by National Cabinet in July this year with respect to mandatory quarantine.

There is currently no identifiable power for the State to charge these fees and to offset the costs of a mandatory quarantine program.

Mandatory quarantine is delivered at significant costs in all Australian jurisdictions, including Victoria. The proposed amendments enable the State to collect fees to offset some of the costs to the State of implementing a mandatory quarantine program.

As with other States and Territories, these charges will be provided for in legislation as a fee for services rendered by the State. The fees to be prescribed in regulations made under the proposed amendments will be based on the types of reasonably referable costs associated with quarantine such as accommodation, food and cleaning. The fees to be prescribed will be in line with those charged by other Australian states and territories within their mandatory quarantine programs.

On 1 December 2020, the Government established a dedicated agency, COVID-19 Quarantine Victoria (CQV) which will oversee all elements of our new and stronger mandatory quarantine program.

CQV will be instrumental in supporting the State's response to the impacts of COVID-19 by overseeing responsibility for the COVID-19 Accommodation program and ensuring that Victorians and visitors can enter safely into Victoria from overseas.

Under this Bill, CQV will be provided with important responsibilities to implement the fee scheme (to be established in regulations to be made).

The Government acknowledges that charging fees for mandatory quarantine will have differing impacts on individuals and families arriving in Victoria from overseas, and will include international travellers and visitors as well as returning Australian citizens and permanent residents. These people will come from differing backgrounds and many may have suffered significant hardship this year. Therefore, the Bill also provides for the making of regulations to set out a process for determining the waiver of fees or concessional fee arrangements to be made, as well as payment plans to account for a person's individual personal or financial circumstances. The fee scheme will seek to balance the need to reduce costs to the State of the mandatory quarantine program with the cost and impact of fees on individuals and families arriving in Victoria.

CQV will have the important task of ensuring that persons impacted by these fees can access fair and reasonable payment plans, waivers or concessions as necessary for those who suffer significant financial or other hardships. It is implicit in the amendments that CQV will be responsible for ensuring this balance is struck appropriately.

As I am the responsible Minister for the reforms in this Bill it is expected that regulations will be made within coming weeks to implement the fee scheme for mandatory quarantine.

The proposed Bill enables the amendments and any regulations made pursuant to the amendments (once passed and assented to) to take retrospective effect on 7 December 2020.

A retrospective clause is necessary as the Bill will not be passed by this Parliament before international flights into Victoria resume, and will require a minimum number of days following passage through Parliament for Royal Assent, to take effect.

Retrospective commencement from 7 December 2020 also enables equitable treatment of international arrivals entering into Victoria regardless of when they secure flights to Victoria. By enabling the scheme to take effect from the date of resumption of international flights, the Bill allows for the most equitable approach, so that travellers who arrive later are not 'penalised' in comparison to those who are able to secure earlier flights into Victoria.

As we have announced these fees already, returning international travellers have been put on notice that they may be charged fees for mandatory quarantine, and this will minimise the negative impacts of any regulations made to take retrospective effect.

It also ensures Victoria's approach is consistent with other Australian jurisdictions, and reduces any inequities if international travellers return to Victoria instead of another State or Territory.

The proposed amendments include clauses disapplying certain requirements of the *Subordinate Legislation Act 1994* (SL Act) for regulations to be made under the proposed amendments. In particular, the requirements for consultation and completion of a regulatory impact statement (RIS) are disappplied. This has not been done lightly. Inclusion of these clauses is required because of the strong public interest in having a fee scheme for mandatory quarantine in place as soon as possible upon resumption of flights, to reduce costs to Victorians of mandatory quarantine for international arrivals.

In balancing the strong public interest of operationalising a fee scheme promptly with the need for appropriate scrutiny of laws and regulations by the Parliament, the proposed amendments to the Bill (including the SL Act disapplication clauses) have been drafted to have limited operation and the reforms will be repealed on 31 December 2021, apart from some transitional provisions that are necessary to be retained.

Should a fee scheme continue to be required for mandatory quarantine beyond 31 December 2021, the Government will bring a future Bill to the Parliament to enable more permanent laws and regulations to be made. This is consistent with the approach the Government has taken with other COVID-19 specific laws that the Parliament has considered,

and the important responsibility the Parliament has in overseeing the State's response to the COVID-19 pandemic.

Victorians can be proud of the significant achievements that we have made as a community in the face of unprecedented challenges, changes and tragedies in our daily lives.

This Bill will ensure our public health regulatory framework for mandatory quarantine is aligned with other Australian jurisdictions, and will support Victorian's ongoing efforts to continue the fight against this wicked virus.

I commend the Bill to the house.

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