

# MinterEllison

25 September 2020

## BY EMAIL

Solicitors Assisting  
Board of Inquiry into the COVID-19 Hotel Quarantine Program  
lawyers@quarantineinquiry.vic.gov.au

Dear Solicitors Assisting

### Board of Inquiry (Board) into the COVID-19 Hotel Quarantine Program

We refer to your email received at 11.25pm 24 September 2020, requesting that Ms Kym Peake provide answers to four questions.

DHHS has progressed its response very quickly in order to meet the 1pm deadline requested by the Board. The answers provided below provide the most complete responses in the time available.

*Question 1: When Ms Peake referred to '440 odd-exemptions', did Ms Peake mean approximately 440 people were exempted from quarantining in a hotel, or were some exemptions narrower in their application (e.g. permitting day leave)?*

1. More than 439 temporary leave permissions were granted for travellers to take temporary leave from the hotel quarantine program for compassionate reasons (e.g. to attend a funeral or to visit a family member in hospital) and to receive medical treatment.
2. The temporary leave permissions were recorded in hardcopy records. Given the ongoing digitisation of hard copy records from the early weeks of the hotel quarantine program (and the delay occasioned to this as a result of the current restrictions in Victoria), this figure is an underestimate, with a large number of temporary leave permissions having occurred in the early weeks of the program.
3. These permissions were granted in accordance and consistently with the Direction and Detention Notices (**DD Notices**). The DD Notices only permitted a returned traveller to leave to:
  - (a) to attend a medical facility to receive medical care;
  - (b) where it is reasonably necessary for physical or mental health;
  - (c) on compassionate grounds; and
  - (d) in emergency situations
4. This figure does not include fresh air breaks granted to returned travellers, which are another form of temporary leave granted by Authorised Officers.
5. Further, 426 individuals were also given exemptions from mandatory hotel quarantine, with the detention notice generally varied to require that mandatory detention occur at an alternative location (for individuals remaining within the jurisdiction of the State of Victoria).
6. Exemption decisions were made by the Public Health Commander or the Enforcement and Compliance Commander (as delegated by the Public Health Commander).
7. The table below provides data on the permissions granted for individuals to undertake detention at an alternative location from the period 29 March 2020 to 18 September 2020.



**Table: Exemptions from mandatory hotel quarantine with detention at an alternative location (29 March to 27 July 2020)**

Grounds for request	Individuals
Foreign diplomat and family	9
Transit – continuation to further international or interstate destination	269
Maritime crew member joining a vessel	85
Medical and compassionate grounds – mental health and physical health	56
Unaccompanied minors	7
<b>TOTAL</b>	<b>426</b>

*NB: Data extracted from the Departments Client Welfare Management System (CWMS) to form the Exemptions Weekly Report -18 September 2020.*

Question 2 - What kinds of alternative settings were people subject to exemptions placed in?

8. For individuals who were given permissions to undertake detention at an alternative location, most were supported to undertake detention in their own home, or that of a family member.
9. A small number of individuals were supported to access other forms of temporary accommodation as part of a wider health and wellbeing service support package put in place to assist their transition from mandatory hotel quarantine.
10. Over time, the department put in place a spectrum of accommodation options to provide safe locations for complex individuals to self-quarantine, with the housing supports and wider physical and mental health supports available. The department would be happy to provide further information about accommodation options now available if that would assist the Board of Inquiry.

Question 3 - In general terms, what were the categories of reasons for which people were granted exemptions?

11. As noted in the table above, in general terms the main categories of reasons for which people were granted an exemption from mandatory hotel quarantine were:
  - (a) Foreign diplomats and members of their family
  - (b) Transiting passengers continuing to a further international or interstate destination, largely to reunite with family on compassionate grounds
  - (c) Maritime crew member arriving by plane into the State of Victoria to immediately join a vessel
  - (d) On medical grounds, for travellers whose physical and mental health and welfare could not be appropriately supported in a hotel environment
  - (e) On compassionate grounds
  - (f) Unaccompanied minors.

Question 4 - Was there any follow up with the people subject to the exemptions?

12. For individuals who went on to transit to another Australian jurisdiction, information was provided to the relevant destination jurisdiction. The follow up and further direction was then subject to the legislative framework, including public health or related directions, and the wider policies of that jurisdiction.
13. For individuals who went on to transit to an international jurisdiction, on arrival those individuals would be subject to the relevant legislative framework and wider policies of that jurisdiction.
14. For individuals who remained within Victoria, current policy provides for daily checks to be made on individuals undertaking detention in an alternative accommodation setting. Further

engagement also generally occurs through the medical or wider physical and mental health supports that have been put in place to support the relevant individual or family grouping.

If you have any queries in relation to this response, please do not hesitate to contact us.

Yours faithfully  
**MinterEllison**

A handwritten signature in black ink, appearing to read 'R Bedford', is positioned above the contact information.

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