

# AO Roster from 24 April 2020

**From:** REDACTED  
**To:** COVID-19 Authorised Officers <covid-19authorisedofficers@dhhsVICgovau.onmicrosoft.com>  
**Cc:** REDACTED

REDACTED

**Date:** Fri, 24 Apr 2020 22:06:00 +1000

**Attachments:** Hotel location maps (15 sites) updated 20-04-20.docx (7.3 MB); Attachment - AO role at Hotels 6-4-20.docx (17.25 kB); Coronavirus - emergency response fact sheet.pdf (85.48 kB); COVID-19 Emergency Management - Standby and Overtime form.xls (60.42 kB); COVID-19 Timesheet Casual\_.xls (393.73 kB); Flying Squad AO Roster - As at 24 April 2020.xlsx (68.57 kB)

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Dear AO's

Please find attached the Authorised Officer (AO) roster from 24 April 2020 onwards.

The spreadsheet contains separate tabs for each of our 'flying squads':

- City 1 - Crown Towers Promenade/ Crown Towers Metropol/ Crowne Plaza
- City 2 - Pan Pacific/ Rydges Carlton/ Travelodge Southbank/ Novotel South Wharf/ Holiday Inn
- City 3 - Travelodge Docklands/ Four Points / Novotel Collins/ Mercure Welcome Inn/Marriot
- Airport - Park Royal/ Holiday Inn

Please check each sheet carefully as you may been rostered to different squads on different days.  
The shift times are: 7am-3pm, 3pm-11pm, 11pm-7am or a shift specifically for release of detainees (generally 10am-6pm but can vary).

A number of new AO's have just come on board, so we are trying to match the number of people in each squad with the number of hotels they are looking after. On days when there are releases of detainees, we try to have one or two additional AO's rostered specifically to that hotel.

Shifts in yellow are ones where we are looking for people, so let us know (by email to REDACTED  
REDACTED - email addresses below) if you can jump into any those shifts!  
Before you put your name forward, be mindful of how many shifts you have already done. For occupational health and safety reasons you should have breaks of at least two days after every five days worked, and at least 10 hours from the end of one shift to the start of the next.

For any roster queries, please e-mail REDACTED - we are in the process of getting a dedicated mailbox set up for ease of use, this should be available very soon and we will update you when we have confirmation it is up and running.

The address and phone number of the squad's base hotel is provided at the top of the spreadsheet. A map for each location is also attached to this email with the hotel phone numbers.  
Please note that there is only one Senior Authorised Officer on call at night (11pm to 7am) for all hotel locations.

**Additional info for new AO's**

- When you arrive at your first rostered hotel, please go to reception to collect your Authorised Officer card and vest if you do not already have yours. Personal Protective Equipment (PPE) is available on site if required. Copies of the factsheet and form for detainees are also available onsite, these are mentioned as useful documents in the attached description.
- **REDACTED** DHHS Deputy Agency Commander has confirmed that PPE and cab vouchers are available at each hotel (collect from DHHS team lead or reception). If there are any issues (particularly night shift that starts at 11pm) please let me know so that I can advise **REDACTED** where it is not working.
- Also attached is a brief description of the AO Role at Hotels by way of an informal introduction (it is not a formal position description). Additional information has been provided by AOs and this is now included.
- Please also find attached the Coronavirus Emergency Response Approach which outlines overtime processes, health and wellbeing etc, as well as the casual timesheet and standby and overtime form for your information.
- If you are running late for the start of your shift, please call the other AO's scheduled on with you and the AO's on the previous shift to let them know.
- If you are a new to the Authorised Officer role and wish to have an induction (DHHS Values, OH&S, Role of an Authorised Officer) please email **REDACTED** **REDACTED**
- If any Authorised Officer wishes to have training in the compliance app that is being used at the hotels please also email **REDACTED**

#### **Flying squads – How does it work?**

- Each squad has a vehicle at their disposal and a dedicated mobile phone number for the team. The proposal is that where a physical response is required that it be done as a team using one vehicle. However, the team can make a judgement that where there are multiple responses required at the same time that they can respond as individuals if the situation demands.
- The team will receive calls from DHHS leads, nurses or security staff. The team will triage calls and decide whether an onsite attendance is required; whether the issue is reasonably within scope of the AO role or whether it can be handled by another DHHS team member.

As always, thank you all for your generosity in keeping the Victorian community safe, it is appreciated.

#### **The AO Rostering Team**

**REDACTED**  
**REDACTED**

Cheers

**REDACTED**

Health and Human Services Regulation and Reform Branch  
Regulation, Health Protection and Emergency Management Division  
Department of Health and Human Services | 50 Lonsdale St Melbourne Victoria 3000

**REDACTED**

w. [www.dhhs.vic.gov.au](http://www.dhhs.vic.gov.au)



The Department of Health and Human Services respectfully acknowledges the Traditional Owners of Country throughout Victoria and pays its respect to the ongoing living cultures of Aboriginal peoples.

# OFFICIAL: Department of Health and Human Services Induction Session for Authorised officers - Monday 20 April 3pm

From: REDACTED  
To: REDACTED  
REDACTED  
  
Cc: REDACTED |REDACTED  
REDACTED "Michael Robinson (DHHS)"  
REDACTED , "Kerry Sayburn (DHHS)"  
REDACTED

Date: Mon, 20 Apr 2020 15:48:43 +1000  
Attachments: Part 1\_DHHS Induction booklet.docx (2.46 MB); VPSC\_Code\_VPSE\_WEB.pdf (264.67 KB); Part 2\_DHHS Saftey and Wellbeing guide.docx (2.5 MB)

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Good Afternoon

Thanks to those of you who attended our induction session at 3pm today.

Attached you will find:

1. Welcome to DHHS induction booklet
2. A copy our code of conduct – that supports our department values and guides how we are expected to behave with colleagues and the community
3. Safety and Wellbeing induction booklet

If you are a DHHS employee please treat item 1 and 2 as reference. Please review item 3, complete the acknowledgement form at the back of the guide

If you are NOT a DHHS employee please review all attachments and complete the acknowledgement forms in both induction booklets.

Please return your induction acknowledgement forms to us by close of business Thursday 23 April via email to [learning@dhhs.vic.gov.au](mailto:learning@dhhs.vic.gov.au)

If you have any questions regarding the induction content please email [learning@dhhs.vic.gov.au](mailto:learning@dhhs.vic.gov.au)

Kind regards,

REDACTED

**COVID-19 Incident Management Team – Training Manager**

(Project Manager, Aboriginal Engagement)  
Learning, Capability & Culture | People & Culture  
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**OFFICIAL**



# Part 1: Department of Health and Human Services Induction booklet

## Contents

This induction booklet contains important information about:

1. The department's vision
2. The department's values
3. The VPS Code of Conduct
4. Records management
5. Cyber security

This induction booklet should be read in conjunction with the VPS Code of Conduct and the Safety and Wellbeing guide.

Please ensure you read this document in full and are aware of your obligations as an employee of the Department of Health and Human Services and the Victorian Public Service. You are required to sign the Acknowledgement statement at the end of this document and return a signed copy to Learning and Development – see back page for further information.

## Acknowledgment of Aboriginal peoples in Victoria

The Department of Health and Human Services proudly acknowledges Victoria's Aboriginal communities and their rich culture and pays respect to their Elders past and present. We acknowledge Aboriginal peoples as Australia's first peoples and as the Traditional Owners and custodians of the land and water on which we live, work and play. We recognise and value the ongoing contribution of Aboriginal people and communities to Victorian life and how this enriches our society more broadly. We embrace self-determination and reconciliation, working towards equality of outcomes and ensuring an equitable voice.



OFFICIAL



Health  
and Human  
Services



# 1. Department of Health and Human Services' vision

**Our vision is to achieve the best health, wellbeing and safety of all Victorians so that they can lead a life they value.**

We seek to break disadvantage, not by reinforcing dependency, but by working to harness all of government's resources to build capability, opportunity and inclusion.

Most people want to be connected to their communities, and experience a good life. Their health, safety and wellbeing rely on being able to participate fully in the community and economy and access services they value. Our purpose is to help them to get there.

To do this successfully, the department's work is focused on four strategic directions:

1. Person-centred services and care
2. Local solutions
3. Earlier and more connected support
4. Advancing quality, safety and innovation





## 2. Department of Health and Human Services' values

Our values underpin everything we do as we work together to enhance the health and wellbeing of all Victorians. They guide our behaviour and work practices, and they influence how we interact with colleagues, partner organisations, clients, patients and other Victorians.

### 1. We are respectful

- We treat people with fairness, objectivity, and courtesy
- We listen and communicate honestly and clearly
- We seek to understand others' perspectives, experiences and contributions
- We recognise and value people's diversity, equality and human rights.

### 2. We have integrity

- We are trustworthy, and we do what we say we will do
- We are professional in all our dealings with others
- We stay true to our values when it's easy and when it's difficult.

### 3. We collaborate

- We help each other as colleagues
- We generously share our knowledge, expertise and skills
- We work in partnership with people and organisations to find the best approach
- We are inclusive and seek people's input and involvement.

### 4. We care for people, families and communities

- We involve people in decisions that affect their lives
- We value our colleagues, and we develop and support them to be resilient and effective
- We have empathy for people and seek to understand their perspectives
- We support and empower people through our work.

### 5. We are accountable

- We each take ownership of the quality and demonstrable impacts of our work
- We ensure that our decisions and actions are evidence-based and outcomes-focused
- We are careful about and transparent in how we use public resources.

### 6. We are innovative

- We are flexible, creative and responsive to changing needs
- We have the courage to take informed risks and try something new
- We are reflective and seek feedback to inform and shape our work.



## 3. Code of Conduct for Public Sector Employees

The VPS Code of Conduct describes how we are expected to behave towards the Victorian Government, community and colleagues. The Codes may be supplemented by information in:

- Legislation
- Industrial agreements
- Awards
- Policies
- Procedures

The Codes reinforce the Victorian public sector values by describing expected standards of behavior.

The behaviors are important to the relationship with Government, the community and colleagues.

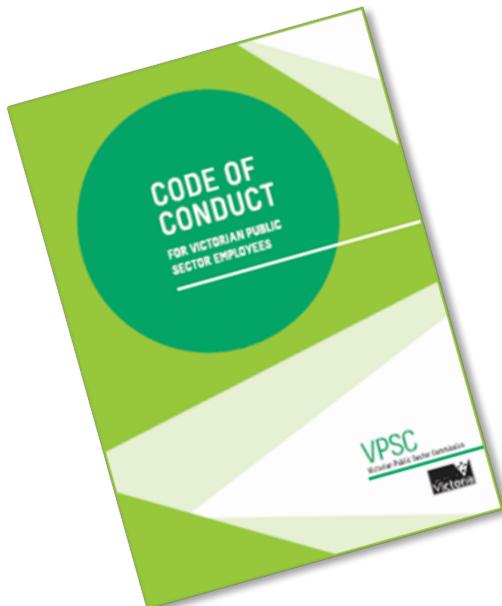
The Codes may be supplemented with policies and procedures within individual public sector organizations.

Employees must understand the requirements of the Code and use it to guide their decisions.

If unsure of what to do in a particular situation, employees should consult their manager.

A contravention of the Code may constitute misconduct.

Please read the Code of Conduct for Victorian Public Sector Employees attached as part of this induction pack and available for download at: <https://vpsc.vic.gov.au/resources/code-of-conduct-for-employees/>.





## 4. Health records management

### Overview

The *Health Records Act 2001* (the Act) created a framework to protect the privacy of individuals' health information. It regulates the collection and handling of health information. The Act:

- gives individuals a legally enforceable right of access to health information about them that is contained in records held in Victoria by the private sector; and
- establishes Health Privacy Principles (HPPs) that will apply to health information collected and handled in Victoria by the Victorian public sector and the private sector.

The access regime and the HPPs are designed to protect privacy and promote patient autonomy, whilst also ensuring safe and effective service delivery, and the continued improvement of health services. The HPPs generally apply to:

- all personal information collected in providing a health, mental health, disability, aged care or palliative care service; and
- all health information held by other organisations.

The HPPs in the Act apply to health information that is handled in Victoria.

The Act will apply in two main ways.

### **1. Does the organisation provide a health, disability or aged care service?**

When an organisation provides a health, disability or aged care service, the HPPs apply to all identifying personal information originally collected by the organisation in the course of providing that service.

### **2. Personal information collected in other situations (e.g. COVID19 contact and case management activities)**

The HPPs will apply to the collection, use and handling of identifying personal information that is defined as "health information" under the Act. This will include:

- information or opinion about the physical or mental health, or disability, of an individual
- an individual's expressed preferences about the future provision of health, disability or aged care services to him or her
- the nature of health, disability or aged care services that have been, or are to be, provided to an individual
- information originally collected in the course of providing a health, disability or aged care service to an individual
- personal information collected in connection with the donation of human tissue
- genetic information that is or could be predictive of the health of an individual or their descendants.

The Act applies regardless of the size of the business or organisations. Organisations that are subject to the Act, when they handle health information, include:

- Victorian Government Departments and public bodies established under Victorian law.

Complaints about interferences with privacy (breaches of Part 5 of the Act or an HPP) are handled by the Health Services Commissioner.

### **Post induction online training**

Please complete online training available via the Health Services Commissioner web site through this link: <https://ohsc.kineoportal.com.au/>

Follow the instructions to self-register to gain access to the training.



## 5.Cyber security

With COVID-19 disrupting business as usual and creating a surge in COVID-19 related cyber-attacks, it has become increasingly important for staff to have a greater level of Cyber Security Awareness.

By now, departmental staff are mostly working remotely or working from home and we want everyone to confidently work safely and securely at all times.

Visit the ICT page at our [Staff Hub DHHS COVID19 sharepoint](#) to download and read the materials to support working remotely, including the many tip sheets on cyber security.

Please familiarise yourself with the following documents on the ICT COVID19 Sharepoint:

- Getting started with working remotely
- Accessing DHHS systems – what you need to know
- MFA – the basics
- Go Connect – the basics
- Video Conference Guidelines
- Cyber Security
- Managing information remotely
- DHHS Acceptable use of technology policy

Below is a link to a SANS information security online video with some tips for staying safe, including one of the many cyber security awareness topics relevant to working remotely. The video highlights some of the methods used in an attack, and the primary clues to look out for. Please click on the link to watch the video.

>>>[Video link](#)

Cyber security contact: [info.security@dhhs.vic.gov.au](mailto:info.security@dhhs.vic.gov.au)



## Department of Health and Human Services

### Department of Health and Human Services Induction Acknowledgement

1. I have read and understand this induction booklet.
2. I have read and understand the department's vision.
3. I have read and understand my expectations to uphold the department's values.
4. I have read and understand the Code of Conduct for Public Sector Employees and I understand the public sector values and expected standards of behaviour.
5. I have completed the Health Records Act online training.
6. I understand my obligations under the Health Records Management Act.
7. I have read and understand the ICT documents and cyber security tipsheets on the DHHS COVID-19 Sharepoint.
8. I have viewed the SANS information security online video – tips for staying safe.

Name.....

Signature.....

Date...../...../.....

Please print your name, sign and date this page and return this document to:

[Learning@dhhs.vic.gov.au](mailto:Learning@dhhs.vic.gov.au)

# CODE OF CONDUCT

FOR VICTORIAN PUBLIC  
SECTOR EMPLOYEES

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**VPSC**  
Victorian Public Sector Commission





# CODE OF CONDUCT

FOR VICTORIAN PUBLIC  
SECTOR EMPLOYEES

The Victorian Government has vested the Victorian Public Sector Commission with functions designed to enhance the performance of the public sector – fostering the development of an efficient, integrated and responsive public sector which is highly ethical, accountable and professional in the ways it delivers services to the Victorian community.

The key functions of the Commission are to:

- strengthen the efficiency, effectiveness and capability of the public sector in order to meet existing and emerging needs and deliver high quality services; and
- maintain and advocate for public sector professionalism and integrity.

Contact us at the Victorian Public Sector Commission:

Email: [info@vpsc.vic.gov.au](mailto:info@vpsc.vic.gov.au)

Phone: (03) 9651 1321

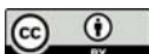
[www.vpsc.vic.gov.au](http://www.vpsc.vic.gov.au)

Postal Address:

3 Treasury Place

Melbourne 3002

ISBN 978 1 922222 48 0



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# Code of Conduct for Victorian Public Sector Employees 2015

*Public Administration Act 2004*

## Section 61

### Code of Conduct Issued by the Victorian Public Sector Commissioner

I, Belinda Clark, Victorian Public Sector Commissioner, under section 61 of the *Public Administration Act 2004* ("the Act"), issue the Code of Conduct for Victorian Public Sector Employees 2015 ("2015 Code of Conduct") as attached, in substitution of the Code of Conduct previously issued on 1 July 2007.

I determine that the 2015 Code of Conduct applies to and is binding on all public sector employees, as defined in section 4 of the Act, other than employees of a special body, or unless excluded by a specific declaration issued by the Victorian Public Sector Commissioner.

The 2015 Code of Conduct takes effect on 1 June 2015.



**Belinda Clark QSO**

Victorian Public Sector Commissioner

**Date:** 1 June 2015



# Foreword

The Code of Conduct for Victorian Public Sector Employees describes the behaviours that exemplify the values contained in the *Public Administration Act 2004* (the Act). The values and this Code build on our public sector's long tradition of striving to meet the high standards the community rightly expects of it and provide the foundation of the integrity and accountability framework for all public sector employees.

Changes to the Act in 2014 provide for codes of conduct to be issued by the Victorian Public Sector Commission. In doing so, I am mindful that the public sector values on which the Code is based have not changed since first enacted in 2004 and that both the values and the previous Code are well established within the culture of many public sector organisations.

The fact that this Code is being re-issued with only minor changes shows the core behaviours it prescribes remain relevant for public sector employees in an ever changing sector. The changes are intended to clarify existing requirements, particularly in the key areas of conflicts of interest and gifts and benefits, rather than introduce new obligations.

As the public sector continues to adapt and evolve, it is essential that it retains the key attributes that have allowed it to play its critical role with the full confidence of Government and the wider community for over a century. Those key attributes are its apolitical nature, responsiveness, effectiveness and accountability; and it is precisely these things that the public sector values and this Code seek to reinforce and protect.

Victorian public sector employees work in a vast array of occupations and workplaces. It is important that the Code be expressed in a way that is relevant across this diverse environment and as a result, the Code will need to be supported by additional information and guidance at the local level. As it is not possible to provide a detailed rule for every conceivable situation, organisations ultimately must rely on the accountability of individuals for their own actions and behaviour.

I urge all public sector employees to take the opportunity to refresh their understanding of how the Code of Conduct guides their behaviour and to engage with their colleagues and managers about how they can best adhere to its requirements.

# Public Sector Values

(*Public Administration Act 2004*, s. 7)

**Responsiveness** – public officials should demonstrate responsiveness by:

- (i) providing frank, impartial and timely advice to the Government; and
- (ii) providing high quality services to the Victorian community; and
- (iii) identifying and promoting best practice.

**Integrity** – public officials should demonstrate integrity by:

- (i) being honest, open and transparent in their dealings; and
- (ii) using powers responsibly; and
- (iii) reporting improper conduct; and
- (iv) avoiding any real or apparent conflicts of interest; and
- (v) striving to earn and sustain public trust of a high level.

**Impartiality** – public officials should demonstrate impartiality by:

- (i) making decisions and providing advice on merit and without bias, caprice, favouritism or self-interest; and
- (ii) acting fairly by objectively considering all relevant facts and fair criteria; and
- (iii) implementing Government policies and programs equitably.

**Accountability** – public officials should demonstrate accountability by:

- (i) working to clear objectives in a transparent manner; and
- (ii) accepting responsibility for their decisions and actions; and
- (iii) seeking to achieve best use of resources; and
- (iv) submitting themselves to appropriate scrutiny.

**Respect** – public officials should demonstrate respect for colleagues, other public officials and members of the Victorian community by:

- (i) treating them fairly and objectively; and
- (ii) ensuring freedom from discrimination, harassment and bullying; and
- (iii) using their views to improve outcomes on an ongoing basis.

**Leadership** – public officials should demonstrate leadership by actively implementing, promoting and supporting these values.

**Human Rights** – public officials should respect and promote the human rights set out in the *Charter of Human Rights and Responsibilities* by:

- (i) making decisions and providing advice consistent with human rights; and
- (ii) actively implementing, promoting and supporting human rights.

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# Introduction

1

## 1.1 A Binding Code of Conduct

This Code of Conduct prescribes the behaviour expected of public sector employees.

Public sector employees are required to familiarise themselves and act in accord with the Code of Conduct. The Code of Conduct is binding on those employees to whom it applies and a contravention of it may constitute misconduct.

## 1.2 Purpose of the Code

The purpose of the Code of Conduct is to promote adherence to the public sector values prescribed in the *Public Administration Act 2004*. Given the broad and diverse nature of public sector organisations this Code prescribes standards of required behaviour rather than detailed policies and procedures.

The heads of individual public sector bodies are to develop and implement policies and procedures tailored to their own operating environment, to support the application of the Code. Public sector employees are required to comply with these policies and procedures.

The Code is designed to help public sector employees understand the responsibilities and obligations of working in the public sector. The behaviours described in the Code are essential in our relationships with the Government, community and other public sector employees.

### **1.3 Pre-employment**

The Code of Conduct can only bind public sector employees from the commencement of their employment. Public sector bodies need to establish policies and procedures that include provisions for dealing with false, incorrect or misleading information provided in relation to applications for employment.

### **1.4 Contractors and Consultants**

Public sector employers are to require contractors or consultants engaged in or by their public body (including contractors or consultants engaged through an employment agency) to comply with this Code of Conduct and relevant policies and procedures, where the contractors or consultants:

- > supervise public sector employees;
- > undertake work that is of a similar nature to the work undertaken by public sector employees at a premise or location generally regarded as a public sector workplace; or
- > use or have access to public sector resources or information that are not normally accessible or available to the public.

## 1.5 Other Available Guidance

In addition to conduct prescribed in this Code, there may be specific issues which are covered by other legislation, an industrial agreement or award, or a policy or procedure set down by the public sector employer, or by some other relevant authority. Public sector employees who are unsure of the appropriate action to take in a particular situation should seek advice from their employer.

The Victorian Public Sector Commission issues notes to provide additional guidance on obligations under the Code. These guidance notes can be accessed on the VPSC website ([www.vpsc.vic.gov.au](http://www.vpsc.vic.gov.au)).

## 1.6 Professional Codes of Conduct

Certain professions have professional codes of conduct that establish specific behaviours relevant to that profession. This Code of Conduct specifies the behaviour expected of individuals as public sector employees and should be read

in conjunction with any professional code of conduct. Relevant employees need to be aware of their professional code of conduct as well as the provisions of this Code.

Professional codes set out a range of matters relating to the profession including dealing with breaches of the professional code. A breach of a professional code may affect the capacity of a relevant employee to continue to act in that profession and may also affect the ability of that employee to undertake their duties as a public sector employee. However a breach of the public sector Code and any sanctions arising can only be determined in accordance with procedures established for this Code.

## **1.7 Breach of this Code**

This Code is based on the Victorian public sector values and therefore relates to both performance and conduct behaviours.

Failure to behave in the ways described in the Code of Conduct may lead to action under relevant performance management or misconduct processes. These processes need to be consistent with the public sector employment principles (*Public Administration Act 2004*, s. 8), standards issued by the Victorian Public Sector Commission and any relevant industrial instruments; and communicated to all employees.

# Demonstrating Responsiveness

2

**Responsiveness** – public officials should demonstrate responsiveness by:

- (i) providing frank, impartial and timely advice to the Government; and
- (ii) providing high quality services to the Victorian community; and
- (iii) identifying and promoting best practice.

*(Public Administration Act 2004, s. 7)*

## 2.1 Advising Government

Public sector employees serve the Government of the day and provide the same high standard of advice regardless of the party in power. Advice is provided in a frank, impartial and timely manner, and with an understanding of its implications on the broader policy direction of the Government. Public sector employees do not withhold relevant information from the Government.

## 2.2 Remaining Apolitical

Public sector employees conduct themselves in an apolitical manner. They implement and administer the policies and programs of the elected government. They avoid in the course of their work, any participation in activities which support a political party or independent candidates including attendance at fund raising or similar events.

During caretaker periods (which are governed by caretaker conventions relating to the period of the election campaign and sometimes the period immediately after the election) public sector employees maintain the neutrality of the public sector and comply with relevant policies and protocols issued by their employer. They do not use their position to support particular issues, parties or candidates in an election campaign.

If standing as a candidate in a State or local government election, public sector employees ensure that they balance this right against their obligations under section 95 of the Victorian Constitution and this Code. They discuss with their manager how this may relate to their public sector duties.

Public sector employees provide briefings or information to members of parliament only when authorised by the relevant minister. When providing briefings or information to

members of parliament public sector employees respect the confidentiality of ministerial and government considerations leading to a decision, and decline to provide personal views or judgements on government policy or policy options of the Victorian or other governments.

Public sector employees provide support to ministers when information is required by parliamentary committees and may appear before such committees as a representative of the minister. Information sought by parliamentary committees should be provided unless the relevant minister certifies that disclosure would be prejudicial to the public interest. Official witnesses should be co-operative and frank when giving factual information. On matters of government business, public sector employees may appear before parliamentary committees as a representative of a minister. They are not therefore expected to answer questions:

- > seeking their personal views on government policy;
- > seeking details of matters considered in relation to a ministerial or government decision or possible decision, unless those details have already been made public or the giving of evidence on them has been approved; and
- > that would require a personal judgement on the policies or policy options of the Victorian or other governments.

Public sector employees who are directed to answer a question falling within the coverage of the categories listed above, seek a deferral until they can discuss the matter with the minister or chief executive as appropriate. Alternatively, they can request that the answer to the particular question be reserved for submission in writing.

### **2.3 Services to the Community**

Public sector employees provide services to the community in an equitable, prompt and professional manner. They act within the level of their authority and in accordance with the relevant policies.

### **2.4 Contributing to Improvements**

Public sector employees are committed to continuous improvement and adopt a best practice approach to the performance of their work. They identify and actively promote appropriate strategies, methods and processes that lead to improved performance.

# Demonstrating Integrity

3

**Integrity** – public officials should demonstrate integrity by:

- (i) being honest, open and transparent in their dealings; and
- (ii) using powers responsibly; and
- (iii) reporting improper conduct; and
- (iv) avoiding any real or apparent conflicts of interest; and
- (v) striving to earn and sustain public trust of a high level.

*(Public Administration Act 2004, s. 7)*

## 3.1 Honesty at Work

Public sector employees act honestly in the performance of their duties. They are open and transparent when making decisions. They give honest advice based on available facts and data. They ensure their advice is up to date.

## 3.2 Using Powers at Work

Public sector employees use their power in a responsible way. They do not use their power to provide a private benefit to themselves, their family, friends or associates. They exercise power in a way that is fair and reasonable,

and family or other personal relationships do not improperly influence their decisions. They respect the rights and dignity of those affected by their decisions and actions.

### **3.3 Financial Probity**

Public sector employees observe the highest standards of integrity in financial matters and comply with the requirements of relevant financial management legislation, policies and procedures. They maintain a strict separation between work-related and personal financial matters and only use or authorise the use of public financial resources or facilities for work-related purposes.

### **3.4 Official Information**

Public sector employees with access to official information ensure it is only used for official purposes and in an approved manner. Official and personal information is handled according to relevant legislation and public sector body policies and procedures.

Public sector employees only disclose official information or documents acquired in the course of their public employment when required to do so by law, in the legitimate course of duty, when called to give evidence in court, or when proper authority has been given. In such cases comments are confined to factual information only.

### 3.5 Public Comment

Public sector employees only make public comment when specifically authorised to do so in relation to their duties, a public sector body, or government policies and programs. Such comment is restricted to factual information and avoids the expression of personal opinion. Public comment includes speaking engagements and providing information or comment through any media, including social media.

When making a comment in a private capacity, public sector employees ensure their comments are not related to any government activity that they are involved in or connected with as a public sector employee and make it clear they are expressing their own view. They ensure personal comments do not compromise their capacity to perform their public sector role in an unbiased manner, and that their comments are not seen or perceived to be an official comment.

### 3.6 Reporting Unethical Behaviour

Public sector employees comply with legislation, policies and lawful instructions in the performance of their work. Public sector employees report to an appropriate authority workplace behaviour that violates any law, rule or regulation, or represents corrupt conduct, mismanagement of public resources, or is a danger to public health or safety, or to the environment. Public sector employers inform their employees of their rights and responsibilities regarding the making of such reports.

### 3.7 Conflict of Interest

A conflict of interest occurs where there is conflict between the public duty and private interests of a public official.

A conflict can be actual, potential or perceived. It may relate to circumstances where the employee is or could be directly influenced, or where it is perceived the employee might be influenced.

Public sector employees avoid conflicts of interest (actual, potential or perceived) wherever possible. They ensure their personal or financial interests (including the interests of family members, friends, or associates) do not influence and could not be perceived to influence the performance of their role.

Public sector employees declare any conflicts of interest. They manage any conflicts of interest that cannot be avoided in accordance with their organisation's policies and procedures.

If unsure about a possible conflict of interest, public sector employees seek advice from their manager.

### 3.8 Other Employment

Public sector employees only engage in other employment where the activity does not conflict with their role as a public sector employee. Employment includes a second job, conducting a business, trade or profession, or active involvement with other organisations (paid employment or

voluntary work). Managers or supervisors can assist public sector employees to determine if such activities will cause an actual or perceived conflict of interest.

Victorian Public Service employees are required to seek approval to engage in any other paid employment.<sup>1</sup> Other public sector employees comply with any policies of their public sector employer in relation to engaging in other employment.

### **3.9 Public Trust**

Public sector employees seek to build and maintain a high level of trust with the Government, community and other public sector employees. In the performance of their public duties and in their private life, public sector employees avoid conduct that may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute.

### **3.10 Criminal Offences**

Public sector employees advise their manager if they are charged with a criminal offence, which is punishable by imprisonment or, if found guilty, could reasonably be seen to affect their ability to meet the inherent requirements of the work they are engaged to perform.

1      *Public Administration Act 2004*, s. 32

### 3.11 Drugs and Alcohol

Public sector employees carry out their work safely and avoid conduct that puts themselves or others at risk. This includes the misuse of alcohol, drugs or other substances when at work or when engaged in work related activities.

The misuse of alcohol, prescribed drugs, illegal drugs and other substances is an issue for both employers and employees as it impacts on both work and personal life and in some cases the reputation of their public sector body.

Consistent with any relevant occupational health and safety requirements, public sector employees who are on medication that could affect their work performance or the safety of themselves or others inform their manager or supervisor to ensure any necessary precautions or adjustments to work can be put in place.

# Demonstrating Impartiality

## 4

**Impartiality** – public officials should demonstrate impartiality by:

- (i) making decisions and providing advice on merit and without bias, caprice, favouritism or self-interest; and
- (ii) acting fairly by objectively considering all relevant facts and fair criteria; and
- (iii) implementing Government policies and programs equitably.

*(Public Administration Act 2004, s. 7)*

### 4.1 Decisions and Advice

Public sector employees make decisions and provide advice that is free of prejudice or favouritism and is based on sound judgement. Before making a decision or providing advice, public sector employees consider relevant information and the impact on the Government, community and other public sector employees. Their decisions are not affected by personal influences.

## 4.2 Gifts and Benefits

Public sector employees do not – for themselves or others – seek gifts and benefits (including hospitality). They refuse all offers of gifts and benefits that could reasonably be perceived as influencing them or undermining the integrity of their organisation or themselves.

Public sector employees comply with any policies of their employer in relation to accepting, declaring and recording the receipt of gifts or benefits.

If unsure about responding to an offer of a gift or benefit, public sector employees seek advice from their manager.

## 4.3 Acting Fairly

Public sector employees deal with issues consistently, fairly and in a timely manner. Public sector employees use fair criteria, and consider all relevant information in dealing with issues.

Being fair means being just and working within commonly accepted rules.

## 4.4 Implementing Government Policies and Programs

Public sector employees implement government policies and programs fairly and without bias. Their decisions and actions are consistent with relevant policies and are based on merit and careful consideration of the relevant facts.

Public sector employees seek to achieve equitable outcomes within the extent of their authority.

# Demonstrating Accountability

## 5

**Accountability** – public officials should demonstrate accountability by:

- (i) working to clear objectives in a transparent manner; and
- (ii) accepting responsibility for their decisions and actions; and
- (iii) seeking to achieve best use of resources; and
- (iv) submitting themselves to appropriate scrutiny.

*(Public Administration Act 2004, s. 7)*

### 5.1 Working to Clear Objectives

Public sector employees understand the objectives of their role. Public sector managers and supervisors provide encouragement, support and a clear sense of direction and purpose. Employees who are unclear about their goals discuss this with their manager or supervisor.

## 5.2 Being Responsible for Decisions and Actions

Public sector employees make decisions and take actions within the scope of their authority that are lawful and consistent with relevant legislation and government policy. They consider any impact of their decisions or actions on the Government, community and other public sector employees.

## 5.3 Work Resources

Public sector employees use work resources and equipment efficiently and only for appropriate purposes as authorised by the employer.

Public sector employees seek to achieve value for money and use resources in the most effective way possible. They identify opportunities for improvement to achieve best possible efficiency and responsiveness.

Work resources include physical, financial, technological and intellectual property. Intellectual property includes copyright, trademarks, registered designs, patents (including patented business systems), semiconductors, circuit layout rights, and trade, business or company names, and all other proprietary rights, and any rights to the registration of such rights, including proprietary rights developed or created by employees in the course of their employment.

The employer retains ownership of all these work resources.

## 5.4 Open to Scrutiny

Public sector employees implement government policy in an open and transparent manner. They maintain accurate and reliable records as required by relevant legislation, policies and procedures. Records are kept in such a way as to ensure their security and reliability and are made available to appropriate scrutiny when required.

## 5.5 Ability to Meet Essential Requirements

Public sector employees notify their employer of any loss, suspension of, or change to, a registration, accreditation, licence or other qualification that affects their ability to meet relevant essential requirements or to perform their duties.

## 5.6 Compliance with Legislation

Public sector employees ensure they are aware of and comply with all legislation relevant to the performance of their duties.

# Demonstrating Respect

## 6

**Respect** – public officials should demonstrate respect for colleagues, other public officials and members of the Victorian community by:

- (i) treating them fairly and objectively; and
- (ii) ensuring freedom from discrimination, harassment and bullying; and
- (iii) using their views to improve outcomes on an ongoing basis.

*(Public Administration Act 2004, s. 7)*

### 6.1 Fair and Objective Treatment

Public sector employees promote an environment that encourages respect.

Public sector employees are fair, objective and courteous in their dealings with the Government, community and other public sector employees.

## 6.2 Privacy and Confidentiality

Public sector employees understand the importance of privacy and confidentiality. Confidential information requires special treatment and protection. Those people who provide confidential information to public sector employees have the right to expect this information will be treated as confidential. Public sector employees with access to confidential information ensure it remains confidential, and at all times act in accordance with legislation and policies relating to dealing with private information.

## 6.3 Maintaining Confidentiality

Public sector employees receive and manage information in such a manner that its confidentiality will be maintained and that it will not be used to advantage a prospective employer or business, or disadvantage the Victorian Government.

## 6.4 Equity and Diversity

Public sector employees follow the spirit as well as the letter of the law relating to discrimination, harassment, bullying and victimisation. Public sector employees create an environment that is free of discrimination, harassment and bullying.

Valuing and promoting diversity is an important element of demonstrating respect.

## 6.5 Improving Outcomes

Public sector employees are conscientious and efficient in their work. They use their knowledge and expertise to deliver a high quality service, as well as identifying opportunities to improve service outcomes.

Public sector employees contribute both individually and as part of a team and engage constructively with their colleagues on work related matters. They share information with team members to support delivery of the best and most appropriate service outcomes.

# Demonstrating Leadership

## 7

**Leadership** – public officials should demonstrate leadership by actively implementing, promoting and supporting these values.  
*(Public Administration Act 2004, s. 7)*

### 7.1 Leading by Example

Public sector employees model the behaviours based on the public sector values and at all times act in an ethical manner. Leadership is about positive influence, inspiring and empowering others.

Providing sound advice, delivering high quality services and encouraging best practice **demonstrates responsiveness**.

Being honest, using powers correctly, identifying and dealing with inappropriate conduct, avoiding conflicts of interest and developing and maintaining public trust **demonstrates integrity**.

Making decisions that are free of bias, considering all relevant facts and ensuring policies and programs are implemented fairly **demonstrates impartiality**.

Being transparent, responsible, using resources efficiently and inviting scrutiny **demonstrates accountability**.

Treating others fairly, eliminating discrimination, harassment and bullying, and focusing on improving outcomes **demonstrates respect**.

## 7.2 Managing Staff

Public sector managers and supervisors apply the public sector employment principles. They provide a safe, encouraging and supportive work environment that recognises and values diversity, abilities and contributions. They give their employees a clear sense of direction and purpose.

They set realistic goals, timelines and workloads, and provide adequate resources and appropriate information to complete work. They trust their employees to manage their work autonomously but also provide them with support when needed. They address any performance issues promptly, directly and confidentially with the employee concerned.

They treat their employees fairly and consistently when making selection decisions and allocating work. They assess performance and provide constructive feedback and development opportunities. They consult genuinely with their employees, and adhere to industrial and legal obligations.

They understand and respond to legitimate concerns of their employees, and encourage work arrangements that enable their employees to achieve a work-life balance.

### **7.3 Supporting Others**

Public sector employees work co-operatively with their colleagues and other public sector body employees. They support and learn from them and accept differences in personal style.

They respect, and seek when necessary, the professional opinions of colleagues in their area of competence, and acknowledge their contribution.

Public sector employees, managers and supervisors provide other public sector employees with support and guidance.

# Demonstrating Commitment to Human Rights

8

**Human Rights** – public officials should respect and promote the human rights set out in the Charter of Human Rights and Responsibilities by:

- (i) making decisions and providing advice consistent with human rights; and
- (ii) actively implementing, promoting and supporting human rights.

*(Public Administration Act 2004, s. 7)*

## 8.1 Understanding Human Rights

Public sector employees understand human rights as these apply to their work.

## 8.2 Making Decisions and Providing Advice Consistent with Human Rights

Public sector employees ensure their own decisions, advice and policy development properly considers the human rights set out in the Charter, and respects the human rights of others.

## 8.3 Implementing Human Rights

Public sector employees deliver services and programs and act in a manner that is consistent with the Charter.

## 8.4 Protecting Human Rights

Public sector employees seek to protect the human rights of colleagues, other public officials and members of the Victorian community by raising concerns regarding circumstances that could breach those rights, and reporting any suspected breaches in accordance with procedures established by their public sector employer.









Culture, people and values

# Part 2: Department of Health and Human Services Safety and Wellbeing

## Contents

This Safety and Wellbeing booklet contains important information about:

1. Employee checklist for staying well at work
2. Employee wellbeing support
3. Managing shift work
4. Rostering guidelines
5. Advice on managing upset, angry, confused, or challenging clients.
6. Safe workstations and reducing the spread of COVID-19 in the workplace

This Safety and Wellbeing guide should be read in conjunction with the VPS Code of Conduct and the department's Induction booklet. Please ensure you read this document in full and understand how stay well at work. You are required to sign the Acknowledgement statement at the end of this document and return a signed copy to Learning and Development – see back page for further information.

### Acknowledgment of Aboriginal peoples in Victoria

The Department of Health and Human Services proudly acknowledges Victoria's Aboriginal communities and their rich culture and pays respect to their Elders past and present. We acknowledge Aboriginal peoples as Australia's first peoples and as the Traditional Owners and custodians of the land and water on which we live, work and play. We recognise and value the ongoing contribution of Aboriginal people and communities to Victorian life and how this enriches our society more broadly. We embrace self-determination and reconciliation, working towards equality of outcomes and ensuring an equitable voice.



**OFFICIAL**



Health  
and Human  
Services



# 1. Checklist for people working in the COVID-19 response team

Supporting the supporters to go home safely everyday

## **1. Plan to go home safely everyday**

No matter what - your psychological and physical safety and wellbeing is the priority - so you can do the work you care about AND you can go home safely to your life outside of work

Apply the CHO advice about personal protection.

## **2. Make sure you are clear about what is expected of you**

In emergency response situations things move fast and you may feel like there is no time to check what you are doing and how you are expected to do it. Poorly defined or conflicted roles in a person is a key stressor.

Ask questions and clarify with your supervisor about what is expected of you, to make sure you have what you need to do your work

## **3. Have regular 'check ins' with your supervisor**

We are very good at helping others, and this can sometimes mean we ignore our own emotional response to stressful environments – these feelings can accumulate - people respond to stressors at work in different ways

Talk to your supervisors about how you're going, they are there to help and support you

## **4. Keep an eye on how you are feeling**

Responding to distressed people is hard, especially when it is repetitive and over an extended period

Keep an eye out for others and yourself for any changes to behaviour, signs of distress, or 'just a feeling' that something's not quite right, again check in regularly with your supervisor

## **5. Dealing with stress and fatigue - take regular breaks**

Be aware of your own stress triggers and behaviours

Remind yourself and others to every hour take a short work away - look outside, grab some fresh air

Stay hydrated and eat nutritious food.

Go home at the end of your shift, do the things that soothe you, rest and re-charge

## **6. Make sure you have full information about supports for you**

Managing fatigue and feelings of stress will be constant – your supervisor will be talking with you about this

Burnout is real, make sure you have time to rest and sleep between shifts. There is 24/7 support for you on 1300 687 327 – psychologists are there to talk with you anytime – when you call quote this number **499420** to make sure you are prioritised. **Questions? Ask your Team Leader**



## 2. Dedicated employee wellbeing and support

### Dedicated, immediate telephone support

In response to COVID-19, a dedicated job number has been created through our provider of the Employee Wellbeing and Support Program, Converge International.

Health Protection employees and their immediate family members impacted by COVID-19 can access immediate telephone support, 24 hours a day, 7 days a week at no cost.

This support is available to everyone. All employees, including COVID-19 Temps, Casual and Agency staff. Just identify as DHHS Central Division, Health Protection employee when prompted.



### To access this immediate support:

Call: 1300 687 327      Quote job number: REDACTED

### Welfare check-ins

Consultants from Converge International will provide telephone welfare check-ins for anyone who **wishes to participate**. The welfare check-ins are a proactive, telephone-based support, to support your welfare during this challenging time. If the need for additional support is identified through the check-in, this support will be arranged by the Consultant.

Welfare check-ins will be conducted Monday – Friday.

This support is confidential, and available at no cost.

### Participation in the welfare check-ins is voluntary.

### To access this support:

To opt in, send your **name, phone number and email address** to [wellbeing@dhhs.vic.gov.au](mailto:wellbeing@dhhs.vic.gov.au). Please note by opting in, you are consenting to your details being provided to Converge International and to being contacted by Converge.

If you do not have a set DHHS phone number, and/or DHHS email address or would prefer not to use these and would like to participate, please provide your personal contact details. These details are confidential and will only be provided to Converge International to enable the Consultant to contact you.



## 3. Workplace wellbeing and shift working

### Managing shift work and odd hours<sup>1</sup>

Take the time to talk with your Team Leader about working shift work, your safety and managing fatigue at work and when you go home. Your needs may change over time. To avoid a build-up of fatigue while you are on night shift or working odd hours, you must try and get as close to your average amount of sleep as possible (if you get less than 5 hours sleep this can seriously affect your abilities at work and should be reported to your Team Leader). If you are on any regular medication or have a chronic recurring illness see your doctor for advice before beginning shift work.

The following hints may help to manage getting sleep and rest:

- talk with your family ahead of time about problems that may result from shift work and look for solutions
- sleeping in cool, quiet, dark conditions helps in getting to, and staying, asleep
- maintain a regular sleep schedule, allow at least seven to nine hours in bed
- try different sleep times in the daytime to find which suits best – straight after work, before the next night shift or part of both; make time to relax between work and bed if you can
- don't get upset if you can't sleep straight away; remember any kind of rest is important so stay in bed if you can
- avoid coffee in the last few hours prior to sleeping
- social life should be organised so you still get adequate sleep
- adapting to shift work is easy for some; others may find adjustment difficult
- avoid alcohol, contrary to popular belief, it does not promote sleep and lowers the quality of sleep.

### Other helpful hints

- plan to make the most of your time off and do the things you enjoy when coming off night shifts into days off; have a short sleep on reaching home, and go to bed earlier that night
- talk with your Team Leader about how you are getting to and from work, you may need to consider access to public transport, parking, and escort to/from your car
- when working nights try having two meals at the regular times and a light meal in the middle of the shift; consider having the largest meal of the day after the day-sleep. It's better to eat before you become fatigued
- avoid meals heavy in calories or with a high fat content because they take longer to digest and may make you feel drowsy; snack on fresh, unprocessed foods, and avoid spicy and fried foods
- a good sleep at night is the quickest way of getting back to normal
- be particularly careful when driving home after the night shift; never drive if you've worked a double shift
- make an effort to increase your physical activity during leisure time
- using common sense rules for diet and physical fitness will help manage fatigue
- family understanding and cooperation can also reduce the upsets that seem to go with a shift worker's lifestyle

**Questions, issues or any problems? Ask your Team Leader**

<sup>1</sup> <https://www.betterhealth.vic.gov.au/health/healthyliving/shiftwork>; and <https://www.safeworkaustralia.gov.au/media-centre/managing-shift-work-and-workplace-fatigue>



## 4.Rostering guidelines

The following are the guidelines used to inform rostering during the COVID 19 Response

- Shifts will be limited to 12 hours including overtime
- Shift rosters will be set ahead of time and avoid sudden changes of shifts to allow workers to plan adequate rest and recovery
- Regular breaks should be allocated during shifts, for example a 5 minute break every hour, and 30 minute lunch break
- Breaks of at least 10 hours during between shifts (to allow for seven to nine hours of sleep)
- Consecutive days off allocated
- A free weekend at least for every three-weekends worked
- Use a forward rotation roster – this means the direction of shifts is day-to-evening-to-night shift
- Avoid quick shift changeovers, such as finishing at 11pm and starting again at 7am
- Avoid long working hours (more than 50 hours per week)
- Shift start/finish times to be convenient for public transport, social and lifestyle activities
- Shift swapping and on-call duties will be regulated to promote continuity of shift planning
- People volunteering for night shift should have an risk assessment to assess their suitability for this
- Restrict the number of successive night shifts (no more than four if possible) and ensure that rosters allow for at least two full nights' sleep after the last night shift
- 24 hours' notice to be given before commencing night shift work

Dealing with upset, angry, confused, or challenging people can be extremely difficult, even for experienced practitioners. If confronted with a difficult or abusive phone call:

- Utilise the tips and scripts provided in this document.
- Never feel that you must stay on a call if you are too distressed or uncomfortable to continue. You can always pass the call on to your team leader or advise that someone will respond by calling back as soon as possible.
- If you feel distressed or uncomfortable from a call, please talk to your team leader.

### **Tips for talking to difficult or challenging people**

1. Use a non-confronting, non-resistant communication style.
2. Find something to agree with, without necessarily agreeing with the caller's point of view:
  - 'I agree that it must cause anxiety that your child is unwell'.
  - 'I agree that not hearing back from the department would be very annoying'.
3. Acknowledge the caller's feelings and actions:
  - 'I can hear that you are very upset about this'.
  - 'I would want to do the utmost for my child if I were in your situation'.
4. Be careful about saying 'I understand'. Saying 'I understand' about the information conveyed by the caller is ok.
5. Listen actively. Repeat the caller's key words back to them.
6. Clarify. Get more information. Do not interpret and do not assume.
7. Check understanding:
  - 'As I understand it, the situation is ... Is this correct?'
  - 'From what you tell me it seems ... Is this the case?'
8. Do not argue or debate. Acknowledge the caller's position or understanding and state that your, or the department's position or understanding, is different.
  - 'I can see that you believe ... We have come to a different conclusion'.
  - 'I do understand that your position is ... Our position is a little different'.
9. Be careful about justifying or denying. Only do this if it is necessary to clarify the department's position or action. Apologise if there has been a mistake, omission or delay and tell the caller how the situation will be rectified.
10. Remain calm, no matter how the caller behaves. If things escalate or you feel distressed, you can always pass the call on to your team leader or state that someone will respond by calling back as soon as possible.

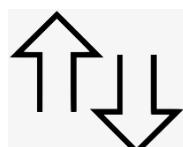


## 6. Safe workstations

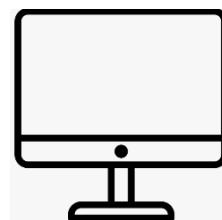
**Take a couple of minutes at the beginning of your shift to set up your workstation.**

**Grab the Workstation checklist on your desk for guidance, when answering the following questions:**

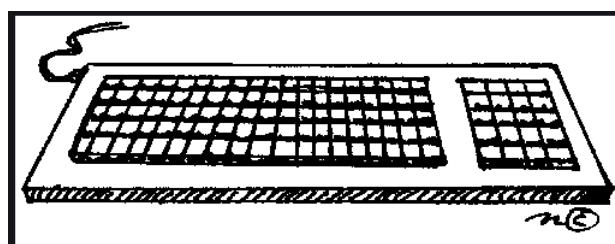
**Have I adjusted my chair?**



**Have I adjusted the monitor height to improve my head position when working?**



**Do I need to adjust the height of the workstation to improve my working posture?**



**Are all frequently used items (keyboard, mouse and phone) within easy reach? No, then lets move them.**

**Questions? Ask your Team Leader**



## Workstation assessment and checklist

Please refer to the workstation guide and workstation assessment and checklist on the ‘setting up your workstation intranet page’:

<https://intranet.dhhs.vic.gov.au/set-your-workstation>

Practice good cleaning hygiene and infection prevention by:

1. Regularly cleaning high contact surfaces such as workstations, Ultra-books, telephone headsets, keyboards, mouse, mobile phones, printer buttons with disinfectant wipes



2. At the end of your shift, clean and tidy your workstation ready for the next shift/next person



3. Eating food away from the desk



**DON'T EAT AT YOUR DESK**

4. Cleaning all surfaces and fittings when visibly soiled and immediately after any spillage




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Regular cleaning of the offices and kitchens is completed daily

**Any issues or questions? Ask your Team Leader**



## Department of Health and Human Services

### Department of Health and Human Services Safety and Wellbeing Acknowledgement

1. I have read and understand this this Safety and wellbeing guide.
2. I have read and understand the Employee checklist for staying well at work.
3. I have read and understand the department's employee wellbeing supports.
4. I have read and understand what is involved in managing shift work.
5. I have read and understand the rostering guidelines.
6. I have read and understand the advice on managing upset, angry, confused and challenging client – related to call centre work.
7. I have read and understand the safe workstations incrustations.
8. I have downloaded, read and understand the Workstation guide and Workstation checklist and I agree to set up my workstation in accordance with this

Name.....

Signature.....

Date...../...../.....

Please print your name, sign and date this page and return this document to:  
[Learning@dhhs.vic.gov.au](mailto:Learning@dhhs.vic.gov.au)

# completion of distribution of AO detention SOP

From: [REDACTED]

To: COVID-19 Authorised Officers <covid-19authorisedofficers@dhhsVICgovau.onmicrosoft.com>

Cc: [REDACTED]

"Anthony J Kolmus (DHHS)"

Date: Mon, 04 May 2020 16:29:06 +1000

Attachments: Annex 1 Detention Authorisation\_Enforcement and Compliance command v1 final approved.docx (1.02 MB); General Info for COVID quarantine and compliance AOs.docx (493.08 kB)

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Hello again AOs

Happy Monday!

[REDACTED] and I have now completed distribution of the AO resource folder and extra hard copies of the AO detention SOP to every hotel (circa 5 copies per site) that is currently operating.

Pan Pacific also has copies for Novotel South Wharf.

The AO resource folder consolidates copies of various documents which have been available across a number of platforms and/or difficult to access on IT devices –

- \* Weekly roster
- \* Duties of Authorised Officers
- \* Additional information for new Authorised Officers

- \* Authorised Officer detention SOP
- \* Authorised Officers hotel locations
- \* Direction and detention notice
- \* Privacy notice
- \* Guidance note how to issue a permission for temporary leave from detention
- \* Permission for temporary leave from detention
- \* Register of permissions granted
- \* COVID-19 exemptions to the 14 day mandatory quarantine period for international travellers
- \* Guidance note how to conclude a person's detainment under a Direction and detention notice
- \* End of detention notice
- \* End of detention notice confirmed and clear case
- \* Charter of human rights obligations
- \* Guidance note exceptions to the general quarantine policy
- \* Coronavirus emergency response approach
- \* Standby and overtime form
- \* Attendance record casual COVID-19

We are also now distributing hard copies of the *Compliance and welfare management system user guide (Holiday Inn on Flinders, Marriott and Stamford Plaza received copies today)* along with concertina files which have finally arrived.

Once [REDACTED] General info for COVID quarantine and compliance AOs is finalised we will also be able to distribute hard copies of that document.

Please let [REDACTED] if you require extra copies of anything and/or need restocking of any other supplies.

Due to a generally favourable response to my last circular, a few more tracks from my *In finem mundi mixtape* -

<https://www.youtube.com/watch?v=-Kobdb37Cwc>

<https://www.youtube.com/watch?v=zmLcp4HekUc>

<https://www.youtube.com/watch?v=auSBpRX7Gms>

<https://www.youtube.com/watch?v=CATCQzEJ5JM>

<https://www.youtube.com/watch?v=kU7A7nFjLh0>

<https://www.youtube.com/watch?v=w9TnyotbIDM>

**I will be out of the office tomorrow 5 May 2020.**

**Kind Regards**

[REDACTED]  
Senior Project Officer, Child Safeguarding Regulations | Human Services Regulator  
Regulation, Health Protection and Emergency Management  
Department of Health and Human Services | 50 Lonsdale Street, Melbourne, VIC 3000

[www.dhhs.vic.gov.au](http://www.dhhs.vic.gov.au)





The Department of Health and Human Services  
respectfully acknowledges the Traditional Owners  
of Country throughout Victoria and pays its respect  
to the ongoing living cultures of Aboriginal peoples.

## ANNEX 1

# COVID-19 Compliance policy and procedures – Detention authorisation

Authorised Officers under the *Public Health and Wellbeing Act 2008*

### Document Details

Version	Status	Author	Reviewer	Authorised for Release	Date
1.0	Approved	[REDACTED]	Angie Bone	Meena Naidu	29/4/2020



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# 1 Purpose and background

## 1.1 Purpose

This purpose of this annex is to outline the compliance and enforcement functions and procedures for the direction and detention direction issued under the *Public Health and Wellbeing Act 2008* (PHWA).

This is an annex to the State plan 'Operation Soteria: Mandatory Quarantine for All Victorian Arrivals' which describes the overarching system in operation.

## 1.2 Background

A mandatory quarantine (detention) approach was introduced by the Victorian Government, consistent with the Commonwealth Government ([Department of Health Information for International Travellers](#)) through a policy that a detention order would be used for all people arriving from overseas into Victoria.

An initial notice was issued on 27 March 2020, which ordered the detention of all persons who arrive into Victoria from overseas on or after midnight on 28 March 2020, requiring they be detained in a hotel for a period of 14 days. A second notice (No 2) was issued on 13 April 2020 that requires the detention of all person who arrived into Victoria from overseas on or after midnight on 13 April 2020, requiring they be detained in a hotel for a period of 14 days.

The policy is given effect through a direction and detention notice under the *Public Health and Wellbeing Act 2008*. The directions are displayed on the department's website at <https://www.dhhs.vic.gov.au/state-emergency> and were made by the Deputy Chief Health Officer or Chief Health Officer:

### 1.2.1 Objectives

The objectives of the plan for people returning from overseas to Victoria are:

- To identify any instance of illness in returned travellers in order to detect any instance of infection
- To ensure effective isolation of cases should illness occur in a returned traveller
- To provide for the healthcare and welfare needs of returned travellers who are well or shown to be COVID-19 negative but are required to remain in quarantine for the required 14 days
- To implement the direction of the Deputy Chief Health Officer through meeting:
  - A requirement to detain anyone arriving from overseas for a period of 14 days at a hotel in specific room for a specified period unless an individual determination is made that no detention is required
  - A requirement to record provision of a detention notice showing that the order was served and to manage access to information on who is in detention using a secure database
  - A requirement to undertake checks every 24 hours by a department Compliance Lead during the period of detention
  - A requirement to fairly and reasonably assess any request for permission to leave the hotel room / detention. This may be undertaken as part of a wholistic approach involving AOs, DHHS welfare staff, medical practitioners, nurses and other specialist areas if needed.

## 2 Enforcement and Compliance command / roles and responsibilities / Business system

### 2.1 Enforcement and Compliance command structure

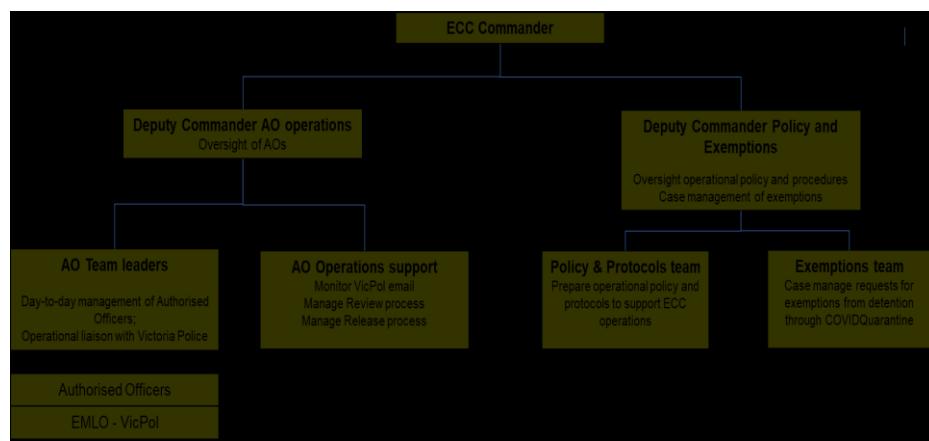


Figure { SEQ Figure \\* ARABIC }: Compliance command structure

## 2.2 Compliance cell roles and responsibilities

**Table 1** Compliance cell roles

Role	Responsibilities
Enforcement and Compliance Commander	<ul style="list-style-type: none"> <li>• Lead and provide oversight to compliance matters under all Public Health Directions.</li> <li>• Provide advice and input into complex compliance matters.</li> <li>• Provide advice and support to the Chief Health Officer and their delegate on compliance.</li> <li>• Daily review of those subject to detention</li> </ul>
Deputy Commander AO operations	<ul style="list-style-type: none"> <li>• Provide oversight to Authorised officers</li> <li>• Lead the provision of guidance to the AO Team Leaders.</li> <li>• Report on daily review of people being detained.</li> </ul>
AO Operations support	<ul style="list-style-type: none"> <li>• Undertake rostering, recruiting and onboarding of AOs</li> <li>• Monitor VicPol email address</li> <li>• Manage Review and Release Process</li> </ul>
Senior AO	<ul style="list-style-type: none"> <li>• Provide leadership to AOs.</li> <li>• First point of call for approving permissions.</li> </ul>
AO	<p>Primary responsible for:</p> <ul style="list-style-type: none"> <li>• administration of, and ensuring compliance with, the Direction and Detention Notices (27 March 2020 and 13 April 2020)</li> <li>• meeting obligations under the Public Health and Wellbeing Act</li> </ul>
EMLO VicPol	<ul style="list-style-type: none"> <li>• Liaise with Victoria Police</li> </ul>
Deputy Commander Policy and Exemptions	<ul style="list-style-type: none"> <li>• Oversight of operational policy and procedures</li> <li>• Case management of exemptions</li> </ul>
Policy and Protocols team	<ul style="list-style-type: none"> <li>• Prepare operational policy and protocols to support enforcement and compliance</li> </ul>
Exemptions team	<ul style="list-style-type: none"> <li>• Case manage requests for exemptions from detention</li> <li>• Manage COVIID Quarantine inbox.</li> </ul>

## 2.3 Roles and responsibilities for other non-compliance cell staff involved in compliance

**Table 2 Non-compliance cell staff at hotel**

Role	Responsibility
DHHS Team Leader	<ul style="list-style-type: none"> <li>Supports the health and well-being of staff.</li> <li>Liaises with airport command and staff from the Department of Jobs Precincts and Regions represented at the hotel.</li> <li>Provides situational awareness and intelligence to inform transport providers, state-level emergency management arrangements and airport operations.</li> <li>Provides a point of reference to all site-staff to help resolve operations, logistics or site-related issues and / or escalations required.</li> <li>Ensures appropriate records management processes are in place.</li> </ul>
DHHS and DJPR concierge staff	<ul style="list-style-type: none"> <li>Capture client personal needs, e.g. dietary, medication, allergies, personal hygiene needs.</li> <li>Deliver hyper-care (concierge) services onsite.</li> <li>Manage contracts with accommodation providers.</li> <li>Manage transport arrangements from the airport and other locations detainees as permissioned by AOs.</li> <li>Manage material needs including food and drink.</li> </ul>
Nursing staff	<ul style="list-style-type: none"> <li>Provide 24 hour on-call medical support subject to demand.</li> <li>Provide welfare to detainees through a daily welfare check — DHHS welfare officers email \COVIDQuarantine@dhhs.vic.gov.au and phone the site AO individually to alert AO of medical and welfare issues.</li> <li>Provide a satisfaction survey for residents to complete each week.</li> </ul>
Security	<ul style="list-style-type: none"> <li>Assist AOs in ensuring detainees comply with notices and permissions. This includes ensuring detainees do not leave hotel rooms, assisting with movement of detainees where they have permission to leave rooms, and assisting with release from detention.</li> </ul>

## 2.4 COVID-19 Quarantine and Welfare System Compliance Application

The COVID-19 Quarantine and Welfare System is currently comprised of two elements:

- COVID-19 Compliance Application - This application supports AOs to maintain Direction and Detention notice and permissions records.
- COVID-19 Welfare Application (not part of Authorised Officer responsibilities and will partially accessible to certain senior team members).

A third element is under development for nursing staff to be able to enter health assessment data (partially accessible certain senior team members).

A **User Guide** is available to guide Authorised Officers.

**Support email for users:** [ComplianceandWelfareApplicationSupport@dhhs.vic.gov.au](mailto:ComplianceandWelfareApplicationSupport@dhhs.vic.gov.au)

Support will be active between 8am and 8pm. You can email support for access issues, technical issues, application use questions. A **phone number** will also be provided shortly.

## 3 Authorised officers and powers

### 3.1 Key points

- Only AO's additionally authorised for the purposes of the public health risk and emergency powers can undertake administration and enforcement of the direction and detention notice.
- AOs must undertake several obligations before exercising powers.

### 3.2 Authorisation under the Public Health and Wellbeing Act for the purposes of the emergency order

Only VPS employees and council environmental health officers that are AOs under the PHWA and also authorised by the Chief Health Officer under section 199(2)(a) of the PHWA can exercise public health risk and emergency powers.

Departmental staff that are authorised to exercise powers under the PHWA may or may not also be authorised to exercise the public health risk powers and emergency powers given under s.199 of the PHWA by the Chief Health Officer (CHO). This authorisation under s.199 has an applicable end date; relevant authorised officers (AOs) must be aware of this date.

**Note: Any AO that is unsure as to whether they have been authorised under s. 199 should contact the AO Operations support team prior to enforcing compliance with the Direction and Detention Notices.**

While exercising their powers and monitoring compliance, AOs should be cognisant that persons subject to detention may be tired, emotional and stressed. AOs may need to use conflict negotiation, mediation skills and compassion to help persons settle into the new environment.

#### 3.2.1 Emergency Powers and Offences

The Direction and detention notice is issued under s 200 of the PHW Act (emergency powers).

It is an offence under s 203 of the HPW Act if a person refuses or fails to comply with the direction in the direction and detention notice (unless there is a reasonable excuse for failing to comply). The maximum court penalty for an individual is 120 penalty units and 600 penalty units for a body corporate.

### 3.3 Authorised officer<sup>1</sup> and Chief Health Officer obligations

Sections 200(1) and 200(2) – (8) of the PHWA set out several emergency powers and obligations including detaining any person or group of persons in the emergency area for the period reasonably necessary to eliminate or reduce a serious risk to health.

#### 3.3.1 Mandatory obligations for AOs

AOs have mandatory obligations that must be followed when carrying out functions. The table below summarises mandatory obligations.

**Table { SEQ Table 1\* ARABIC }: Mandatory obligations of AO**

Legislation	Obligations
<b>Emergency powers and general powers in the Public Health and Wellbeing Act 2008</b>	<ul style="list-style-type: none"> <li>• AO must show ID card before carrying out actions/exercising powers</li> <li>• AO must explain to the person the reason why it is necessary to detain them – if not practicable, it must be done as soon as practicable</li> <li>• AO must warn the person that refusal or failure to comply without reasonable excuse, is an offence before carrying out actions/exercising powers</li> <li>• AO must facilitate a reasonable request for communication</li> <li>• AO must review every 24 hours, whether continued detention of the person is reasonably necessary to eliminate or reduce a serious risk to health (undertaken by Deputy Commander AO operations with support from Operations Support Team)</li> <li>• AO must give written notice to the Chief Health Officer (CHO) that detention has been made and if it is reasonably necessary to continue detention to eliminate or reduce the serious risk to public health.<sup>1</sup></li> </ul>
<b>In addition, AO must comply with the Charter of Human Rights (see also appendix 10)</b>	<ul style="list-style-type: none"> <li>• AO must act compatibly with human rights</li> <li>• AO must give 'proper consideration' to the human rights of any person(s) affected by a department AO's decision.</li> </ul>

The notice to the CHO must include:

- the name of the person being detained
- statement as to the reason why the person is being, or continues to be, subject to detention.

Following receipt of a notice, the CHO must inform the Minister as soon as reasonably practicable.

<sup>1</sup> And Authorised Officer under the PHWA that has been authorised for the purposes of the emergency order

### 3.3.2 General powers and obligations under the Public Health and Wellbeing Act 2008 (PHWA)

The general powers of Authorised Officers are outlined under Part 9 of the PHWA (Authorised Officers). The following is an overview of powers and obligations. It does not reference all powers and obligations.

**AOs are encouraged to read Part 9 and seek advice from the Deputy Commander AO Operations if they are unsure about the administration of their powers.**

### 3.3.3 Authorised officer obligations:

#### Produce your identity card - s166

- **Before** exercising powers provided to you under the PHWA;
- At any time during the exercise of powers, if you are asked to show your ID card
- As part of good practice, you should produce your identity card when introducing yourself to occupiers or members of the public when attending complaints or compliance inspections.

#### Inform people of their rights and obligations

- You may request a person to provide information if you believe it is necessary to investigate whether there is a risk to public health or to manage or control a risk to public health.
- Before exercising any emergency powers, you must, unless it is not practicable to do so, warn the person that a refusal or failure to comply without a reasonable excuse, is an offence.

## 4 AO responsibilities at airport

AOs issue Direction and Detention notices to people arriving in Victoria (airports and seaports)<sup>2</sup> from overseas and them they must go into immediate compulsory quarantine for 14 days. This is because international arrivals present a high-risk of further transmission of the COVID-19 virus and detention is necessary to reduce or eliminate the serious risks to public health associated with the virus.

All passengers will be transported free of charge to a designated hotel accommodation, where they must undertake a strict 14-day quarantine period.

The airport is the first point of contact for an AO, who must undertake several obligations to administer the direction and detention notice issued under the PHWA.

### 4.1 Key points

- AO must fulfil mandatory obligations (e.g. show ID card and explain reason for detention, etc).
- AO must check that a direction and detention notice is filled in properly.
- AO must provide factsheet and privacy collection notice to person.

### 4.2 Key responsibilities

Table 4 – AO responsibilities at the airport

Step	AO responsibilities	Mandatory obligation	Section (PHWA)
Identify pre-approved exemptions	<ol style="list-style-type: none"> <li>1. Exemptions for flights will be provided to the by the Exemptions Team Lead to the AO rostered at the airport as well as Airport Operations Command prior to passenger disembarkation</li> <li>2. Any queries in relation to the exemption should be directed to the Exemption team lead</li> <li>3. AO to check exemption paperwork and identify on passenger manifest sheet 'exemption'</li> </ol>		
Flight arrival	<ol style="list-style-type: none"> <li>4. Inform flight crew of AO action and request translation of script3.</li> <li>5. Declare you are an Authorised officer and show your identification card.</li> <li>6. Read script (attachment 1), which:           <ol style="list-style-type: none"> <li>i. explains the reasons for detention</li> <li>ii. warns returning passengers that refusal or failure to comply without a reasonable excuse is an offence and that penalties may apply</li> <li>iii. reminds passengers they must keep their detention notice.</li> </ol> </li> <li>7. Repeat twice.</li> <li>8. Flight crew read script in all relevant languages.</li> </ol>	Yes	Sections 166, 200(2), 200(4) and 202(1)

<sup>2</sup> Noting some exemptions apply for maritime crew – see exemptions section

<sup>4</sup> The Business system referred to here is the Quarantine and Welfare System COVID-19 Compliance Application.

Compliance policy and procedures – Detention and Direction notice

Issue notice immediately after disembarkation	<p>9. Serve the approved Direction and Detention Notice to each passenger. Unless advised otherwise, the approved notice is the general notice (attachment <b>xx</b>). Unaccompanied children who are detained must be served the solo child notice (attachment <b>XX</b>). (notification to parent/guardian may need to be conducted over the phone and interpretation services may be required).</p> <p>10. If practicable at this time, provide the person with a copy of the department's privacy collection notice. If not practicable, this can be provided at the hotel.</p>	Yes.	Section 200, 200(2) and 200(4)
Facilitate request for communication	11. Facilitate any reasonable request for communication, such as a phone call or email and including if necessary, organising a translator to explain the reasons for detention (call Victorian Interpretation and translation [REDACTED])	Yes	Section 200(5)
Confirm details	12. Ensure each direction and detention notice: <ul style="list-style-type: none"> <li>i. states the full name of the person being detained, date of birth and mobile phone number (if applicable)</li> <li>ii. contains the signature of the person being detained or their guardian as receipt of the notice</li> <li>iii. states the name and signature of the AO</li> <li>iv. contains the hotel name at which the person will be detained</li> <li>v. contains the date of commencement of detention.</li> </ul>		
Record issue of receipt	<p>13. Take a photo of direction and detention notice and record issue and receipt of the notice in the COVID-19 Compliance and Welfare Application<sup>4</sup>. You may be assisted by a non-AO in this task.</p> <p>14. Request person subject to detention present to AO at hotel</p>		
Check with welfare team	<p>15. Liaise with AO Team Leader and health team if the Health Check has identified passengers that need to transfer to hospital.</p> <p>16. Issue leave permissions where required (e.g. in circumstances where a person needs to go to hospital) Refer to Section XX (Permissions) for further detail.</p> <p>17. Ensure the detainee understands they must return to the hotel listed on the detention notice immediately after medical release in transport organised by DHHS.</p>		

<sup>4</sup> The Business system referred to here is the Quarantine and Welfare System COVID-19 Compliance Application.

Compliance policy and procedures – Detention and Direction notice

	18. (Note: a hospital information sheet is currently being developed to assist the hospital on required and contact details. )		
[REDACTED]	<ul style="list-style-type: none"><li>• provide a fact sheet about detention (what a person in detention can and can't do, who to contact for further information)</li></ul>		
Record	19. Record any actions in the COVID Compliance and Welfare App, including the above mandatory obligations, use of translator and any associated issues. 20.		

#### 4.2.1 Transfer of uncooperative person to be detained

There may be circumstances where a person refuses to be cooperative. DHHS Operations staff at the airport may elect to organise a separate mode of transport for in such circumstances, noting Victoria Police may be requested to escort such individuals.

## 5 AO responsibilities at hotels

As part of meeting mandatory detention requirements in the direction and detention notice, the Victorian Government has arranged accommodation in numerous locations, primarily in the Melbourne CBD area. The purpose of this is to restrict the movement of international arrivals to limit the spread of COVID-19.

### 5.1 Key points

- AO reiterates detention requirements, explains reasons for detention and the penalties for non-compliance.
- AO oversees and provides advice on compliance and works with security, hotel staff, and medical and other staff.
- AOs are responsible for detention release following the mandatory 14 day detention

### 5.2 Shift change over

Table { SEQ Table 1\* ARABIC }: Key steps and AO roles and responsibilities during shift change over

Step	AO roles and responsibilities	Mandatory obligation	Section (PHWA)
Introduction	1. Introduce yourself to: <ul style="list-style-type: none"> <li>• hotel/duty manager</li> <li>• head of security</li> <li>• DHHS Team Leader</li> <li>• DJPR site manager (if on site)</li> <li>• medical staff.</li> </ul>		
Handover	2. Obtain a handover from the previous AO (verbal and high-level information) to: <ul style="list-style-type: none"> <li>• understand detainee issues, early releases, exemptions and permissions</li> <li>• ascertain location of records and template forms</li> <li>• Any hotel operational issues (eg physical exercise space unavailable, changes to operational policies like food delivery)</li> <li>• ensure COVID-19 Compliance Application has been updated</li> <li>• if exits from detention expected, ensure AO team and release team aware of plans and location of documentation.</li> </ul>		

## 5.3 Hotel check-in

The purpose of hotel check-in is to:

- enable hotel staff to provide people being detained with a room number and key
- reiterate obligations for those being detained.

**Table { SEQ Table 1\* ARABIC }: Key steps and AO roles and responsibilities – hotel check-in**

Step	AO roles and responsibilities	Mandatory obligation	Section (PHWA)
Check-in	1. Ensure person to be detained provides Direction and Detention Notice to hotel staff; hotel staff to write on the notice: <ul style="list-style-type: none"> <li>i. room number</li> <li>ii. the date that the person will be detained until (14 days after arrival at place of detention).</li> </ul>		
Check and reiterate Direction and detention notice	2. Show identification and introduce yourself 3. Check completed Direction and Detention Notice to confirm that the following details have been correctly recorded on the notice and in the compliance app: <ul style="list-style-type: none"> <li>• the hotel name</li> <li>• hotel room number and arrival date and time</li> <li>• the date that the person will be detained until (14 days after arrival at place of detention).</li> </ul> 4. Return the notice to the person being detained (note that this must occur). AO's should reiterate: <ul style="list-style-type: none"> <li>• the reason for detention</li> <li>• warn the person that refusal or failure to comply without a reasonable excuse is an offence and that penalties may apply</li> <li>• facilitate any reasonable request for communication.</li> </ul>	Sections 166, 200(2), 200(4) and 203(1)	
Liaise with medical and welfare staff	5. Liaise with nurses to identify persons that might require permissions for temporary leave (e.g. for medical treatments).		

## 5.4 Monitoring compliance

The AO will provide oversight and ensure compliance with the direction and detention notice

**Table { SEQ Table \\* ARABIC }: Key steps and AO roles and responsibilities – monitoring compliance**

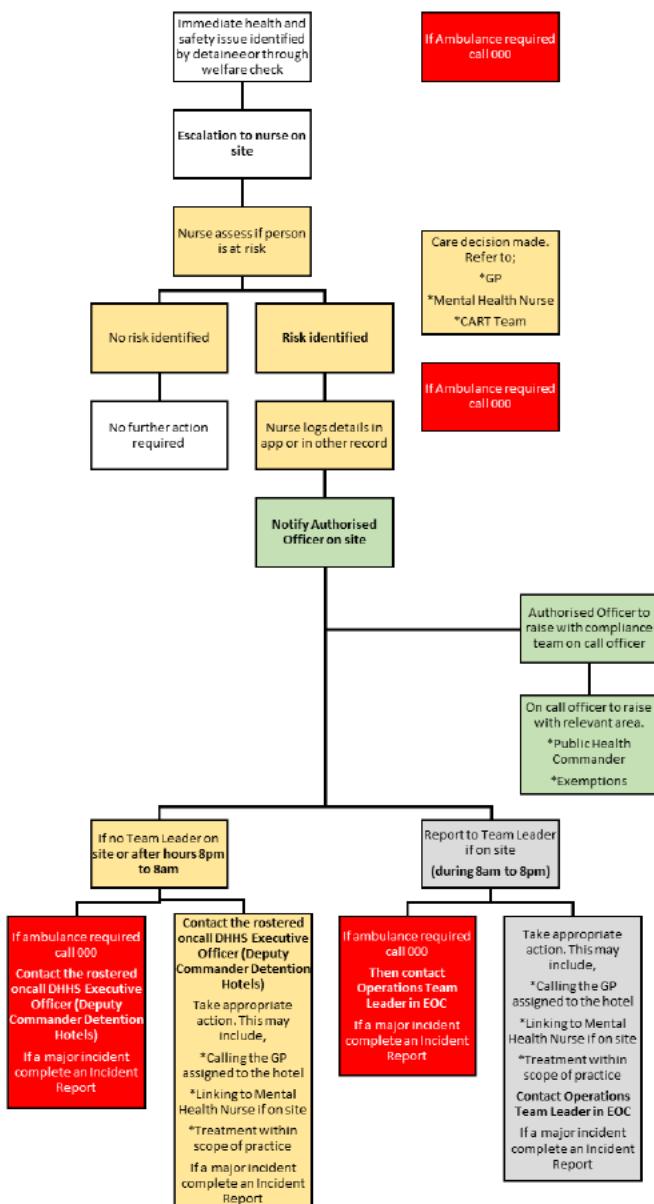
Step	AO roles and responsibilities	Mandatory obligation	Section (PHWA)
Liaise with security	1. Check that security are undertaking floor walks to encourage compliance and deter non-compliance.		
Oversee compliance	2. Oversee and provide advice on compliance-related issues such as: <ul style="list-style-type: none"> <li>• a person refusing to comply and a person demanding to be removed from detention</li> <li>• reminding a person the reason for the detention, their obligations under the detention and direction notice and the penalties if they do not comply</li> <li>• responding to requests from security to address compliance</li> <li>• answering questions from hotel staff, security and police as to what persons may be permitted or not permitted to do</li> <li>• seeking assistance from security or Victoria police to support compliance efforts</li> <li>• facilitating any reasonable requests for communication. For translation, call Victorian Interpretation and Translation [REDACTED]</li> </ul>	203(1)	
Permissions	3. See Section 7 (Permissions). 4. Raise requests for permission to leave with AO Team Leader if there is not an authorised area for the detainee to exercise the permission or there is complexity in applying the transition (eg requires leaving the hotel site). All requests by detainees to leave the hotel site must be escalated to Deputy Command AO operations if not already approved. 5. Administer permission to leave and monitor compliance.	203(1)	
Exemptions	6. See Section 7 (Exemptions). 7. Raise any exemption requests with AO Team Leader in the first instance. The AO Team Leader may then refer exemption requests to covidquarantine@dhhs.vic.gov.au,[or may request the AO to do so] for decision. 8. Issue Direction and Detention Notices for detention in alternate locations if ECC Commander approves an exemption request. In this case, a case manager from the Exemptions Team will contact the AO with details.	200(2),200(4) and 203(1)	

Records	9. Make notes of compliance related issues and actions. The means of recording notes are dependent of the availability and use of technology and could include the COVID Compliance Application. 10. Record all permissions in the permissions register and Covid Compliance App 11. Upload photos of all amended direction notices issued while at the hotel to the COVID Compliance Application.		
Other issues	12. Inform nurse, medical practitioner, welfare staff or DHHS concierge staff of other matters you become aware of.		

DRAFT

## 5.5 Emergency health and welfare incidents

Where there is an immediate health and welfare issue identified at the hotel, the following process is to be followed.



## 5.6 Clarity about role of AO

AOs should be aware that their role and scope is related to administration of, and compliance with, the direction and detention notice under the PHWA. Activities outside the scope of the role of the AO include:

- transport. This is the responsibility of the DHHS Team Leader on-site. If a DHHS Team Leader is not on-site, please refer to the Emergency Operations Command at [DHHSOpSoteriaEOC@dhhs.vic.gov.au](mailto:DHHSOpSoteriaEOC@dhhs.vic.gov.au) and title the email "Referral to organise transport"
- physically moving COVID 19 patients. Please see procedure under 'Occupational Health and safety'
- retrieving luggage
- food quality
- inspecting care packs, removing items from care packs such as perishables and alcohol and ordering food such as Uber eats
- monitoring or ordering PPE or other supplies

If an AO becomes aware of these or other non-compliance related issues in a hotel, they should refer them to the DHHS Team Leader on-site for follow up. For medical and welfare issues, the AO should inform on-site medical and nursing staff in accordance with section 4.5 above.

## 5.7 Daily review and reporting by the AO Review Team

The daily review is a mandatory obligation to determine whether continued detention of a person is reasonably necessary to eliminate or reduce a serious risk to health. There are mandatory obligations for the AO to inform the Chief Health Officer (CHO) and the CHO to inform the Minister. This is the responsibility of the Deputy Command AO Operations who will be aided by the AO operations support team in fulfilling this task.

**Table { SEQ Table 1\* ARABIC }: Key steps and AO Review Team roles and responsibilities – daily review**

Step	AO Review Team roles and responsibilities	Mandatory obligation	Section (PHWA)
Daily review	1. AO operations support Team will – at least once every 24 hours – review whether the continued detention of the person is reasonably necessary to protect public health.	Yes	S 200(6)
Review checks	2. Undertake an electronic review of detainment arrangements by viewing the COVID-19 Compliance Application. This includes: <ul style="list-style-type: none"> <li>• reviewing the date and time of the previous review (to ensure it occurs at least once every 24 hours)</li> <li>• reviewing the number of detainees present at the hotel</li> <li>• reviewing the duration each detainee has been in detention for, to ensure that the 14-day detention period is adhered to</li> <li>• noting individuals who have been tested and cleared of COVID-19 by Public Health Command while in detention</li> </ul>		

	<p>3. Determine whether continued detention of each detainee is reasonably necessary to eliminate or reduce a serious risk to health</p> <p>4. Consider the human rights being impacted – refer to 'Charter of Human Rights' obligations in Appendix XX</p> <p>5. Consider any other issues that have arisen.</p>		
Review considerations	<p>6. Consider that the person is a returned overseas traveller who is subject to a notice and that they are obliged to comply with detainment.</p> <p>7. Consider that detainment is based on expert medical advice that overseas travellers are of an increased risk of COVID-19 and form most COVID-19 cases in Victoria.</p> <p>8. Consider any other relevant compliance and welfare issues, such as:</p> <ul style="list-style-type: none"> <li>• person's health and wellbeing</li> <li>• any breaches of self-isolation requirement</li> <li>• issues raised during welfare checks (risk of self-harm, mental health issues)</li> <li>• actions taken to address issues</li> <li>• a person having been tested and cleared of COVID-19 while in detention</li> <li>• any other material risks to the person.</li> </ul>		
Possible release from detention	9. Review could identify that detention may no longer be required. These matters will be provided to the Deputy Command Policy and Exemptions for further consideration.		
Record	10. Record the outcomes of their review (high level notes) (for each 24-hour period) in the <b>COVID-19 Compliance Application</b> . This allows ongoing assessment of each detainee and consideration of their entire detention history.		
Prepare brief (Minister)	<p>11. Prepare brief from CHO to Minister to advise of notice received about detention and review. The brief will serve as a written notice that:</p> <ul style="list-style-type: none"> <li>• a person has been made subject to detention</li> <li>• following a review, whether continued detention is reasonably necessary to eliminate or reduce the serious risk to public health.</li> </ul> <p>12. The notice to the CHO must include:</p> <ul style="list-style-type: none"> <li>• the name of the person being detained</li> <li>• statement as to the reason why the person is being, or continues to be, subject to detention.</li> </ul>		Sections 200(7) and (8) Section 200(9)

	<p>13. Deputy Command AO operations to review and approve the Review and Brief</p> <p>14. Report to be sent to Public Health Command, cc to ECC Commander and Deputy Command Policy and Exemptions</p>		
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## 5.8 Departure – release from mandatory detention

The purpose is to ensure and confirm the person being detained:

- i. has completed their period of detention under the Direction and Detention notice
- ii. is released in a timely and orderly manner.

### 5.8.1 Pre-check out

Prior to release of a person being detained, DHHS (with the help of hotel security) will provide each person being detained with either:

1. an End of Detention Notice, [Appendix 8](#);
2. an End of Detention Notice (confirmed case or respiratory illness symptoms), [Appendix 9](#)
3. (to be supplied)

The notice provides information about the discharge process and the obligations of the detainees until they are discharged.

### 5.8.2 Health check

Health checks will be undertaken by medical staff on the second last day prior to the 14-day period ending to make an assessment of whether each person being detained is well, symptomatic or positive.

Everyone will be offered a voluntary temperature and symptom check by a nurse around 24 hours before release.

If people being detained have a temperature or other symptoms of coronavirus before leaving or at the health check, this will not affect the completion of their detention. They will not be detained for longer than the 14-day detention period, even if they have symptoms consistent with coronavirus. However, if they do have symptoms at the health check, when they are released, they will need to seek medical care and will be required to self-isolate (as is required as of all members of the community).

- If people have been diagnosed with COVID-19 during their quarantine, they will be subject to the Isolation (Diagnosis) directions and can only be released from these on receipt of a formal clearance letter from the Public Health Commander. These letters are sent to COVIDquarantine@dhhs.vic.gov.au for supply to the detainee. Once this letter has been received, the detainee should be released from detention even if this is before the end of the mandatory quarantine period with the appropriate form (appendix 9).
- If a confirmed case does not receive clearance before the end of the mandatory quarantine period, the public health operations team may permit them to travel home with appropriate PPE and transport precautions if they are Victorian residents. If they are residents of other states a further detention order may be issued in consultation with the public health and legal teams.

### 5.8.3 Day of release

Security will provide detainees approximately 1 hour notice of their exit time. Security will then bring detainees down at their scheduled exit time.

#### 5.8.4 Check-out process overview (compliance check-out)

The release process will consist of an organised check-out procedure (the compliance check-out). This means people being detained will be released in stages throughout a set time period on the day of release.

Security will bring travelling parties down to reception in stages to complete the check-out process. People being detained will also need to settle any monies owing to the hotel for additional meals and drinks if they have not already done so. Physical distancing must be maintained throughout this process.

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**Table { SEQ Table 1\* ARABIC }: Key steps, roles and responsibilities at check-out (AO role unless specified)**

Step	Roles and responsibilities	Mandatory obligation	Section (PHWA)
Notification of COVID-19 cases of close contacts	<ol style="list-style-type: none"> <li>1. ECC Operations Support Team, to inform AO of those with</li> <li>2. confirmed COVID-19, suspects Covid cleared or close contacts. Public health will have contact each detainee in these categories to discuss arrangements post detention.</li> <li>3. AO to note and to inform security that COVID-19 cases will need separate check-out time and implement extra precautionary measures.</li> </ol>		
Check-out	<ol style="list-style-type: none"> <li>4. Request to see identification (passport) and the End of Detention notice from each person</li> <li>5. Cross check the person's identification details and room number with information on exit sheet</li> <li>6. Sign the End of Detention notice and provide back to the person</li> <li>7. Confirm the period of detention and explain detention period has ceased</li> <li>8. Confirm self-isolation requirements for all confirmed COVID cases.</li> <li>9. Detainee to sign discharge exit sheet as evidence they have received a notice and have been discharged</li> </ol>		
Record	<ol style="list-style-type: none"> <li>10. Provide exit list to a Release and Review team member on site for updating in the COVID-19 Compliance Application (note this may be a data entry update after the process has been completed).</li> <li>11. All exit sheets are to be returned to the Operational Support team as soon as possible</li> </ol>		

**Where a person has been COVID-19 cleared, their detention release must be accompanied with a COIVD-19 Clearance letter provided by Public Health Command. This will be included in the release pack prepared by the AO Operations Support team.**

## 6 Exemption requests

### 6.1 Key points

- AOs must be aware of how requests for exemption from detention are escalated.
- DHHS case manager from Exemptions and Permission Team will liaise with AO Team Leader regarding approved exemption request.

#### 6.2.5.2 Exemption requests – overview

In limited circumstances, approval may be sought to undertake detention in another location, transit to another state/country or early release. **Generally, exemptions are not granted.**

Requests for exemption from mandatory hotel detention may be considered before a person commences detention or while in detention. Public Health Commander is responsible for approving and granting approvals to alter the way in which mandatory quarantine applies. The PH Commander may delegate approvals to the ECC Commander in accordance with *Guidance Note — Exceptions to the General Quarantine Policy*

While each exemption request must be considered on its own merits, the following circumstances have been identified as open for consideration of early release or change of detention location. These include:

- Unaccompanied minors in transit to another state
- Unaccompanied minors where a parent or guardian does not agree to come into the hotel
- Foreign diplomats coming into the country
- ADF staff travelling for essential work
- People with a terminal illness
- People whose health and welfare cannot be accommodated in a hotel environment (e.g. mental health or requirements for in-facility health treatment)
- People who are transiting directly to another country (and who do not need to travel domestically first)
- Air crew
- Maritime workers who have come off a boat and will be leaving by boat
- Maritime workers who have come off a plane and will be leaving by boat within the quarantine period.

**Any approval must consider the public health risk and must ensure the individual is not showing symptoms of covid or may be released into an environment where a highly vulnerable person may be a close contact.**

**There is no blanket exemption approval**

**Table { SEQ Table 1\* ARABIC }: Key steps, roles and responsibilities for exemptions prior to commencing, and during, detention**

Step	Roles and responsibilities	Mandatory obligation	Section (PHWA)
Request	1. covidquarantine@dhhs.vic.gov.au receives a request for exemption <sup>5</sup> . 2. Person confirms flight details and arrival information before the matter is assessed.		
Assessment and decisions	3. Exemptions Team will consider the request and refer to the ECC Commander for decision  4. Exemptions case manager to: <ul style="list-style-type: none"><li>• inform the AO Operation Lead if an exemption is granted so that relevant AO Airport Team Leader and AOs are informed (including correspondence)</li><li>• Inform the EOC to arrange transport</li><li>• Inform the CART team if required</li><li>• arrange for compliance oversight with Victoria police</li><li>• contact other jurisdictions (if transiting through Victoria).</li><li>• Record all actions and supporting paperwork in the case management tool</li></ul>		
AO to issue Notice of Direction and Detention	5. The exemption team will provide guidance to the AO about issuing the exemption paperwork  6. AO will: <ul style="list-style-type: none"><li>• issue a Notice of Direction and Detention for those permitted to undertake detention at an alternative location in accordance with x.x</li><li>• permit international transit for those issued a letter</li><li>• record details in COVID-19 Compliance Application</li></ul>		200(2) and (4) 203(1)
International transit passenger process	7. To facilitate an exemption given to a person for international transit, the AO Team Leader will notify Airport AO and Australian Border Forces (ABF) prior to their arrival at the airport via a specific email with a specific subject title to: <ul style="list-style-type: none"><li>• "map.border.clearance@abf.gov.au" with a cc to "NorthandWest.EOC@dhhs.vic.gov.au. A template email is below.</li></ul>		

<sup>5</sup> An onsite nurse or welfare staff can recommend the exemption for a person via covidquarantine email and outline why they believe an exemption should be considered. Unless impracticable the person on whose behalf the request has been made should be consulted

	<ul style="list-style-type: none"> <li>Email to be titled <i>Transit Passenger from Quarantine Hotel (DHHS)</i> and request assistance to collect released detainee for connecting transit flight to XXX. Email should include:           <ul style="list-style-type: none"> <li>full name (as per passport)</li> <li>passport number</li> <li>flight departure time</li> <li>flight number</li> <li>arrival time at T2 international departure.</li> </ul> </li> </ul>		
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## 6.3 Unaccompanied minors

Unaccompanied minors will be considered on a case-by-case basis. If an unaccompanied minor is detained in a hotel without a parent or guardian, a specific process must apply.

There are three options:

- i. Unaccompanied minor to undertake detention at an alternate location with parent or guardian
- ii. Unaccompanied minor to undertake detention in hotel with parent. The parent or guardian will be required to agree to the mandatory detention arrangements
- iii. Unaccompanied minor to undertake detention in hotel with welfare support provided by DHHS

In general, there is a presumption that there are no exemptions granted to mandatory quarantine. The issues associated with mandatory quarantine of unaccompanied minors include:

1. where this occurs, and
2. with what adult supervision.

The State can issue a detention order to a person under 18 years who is unaccompanied outside the home (a person in the care of the state) if certain conditions are met. However, this is not preferred because of the welfare obligations imposed.

*There is guidance for AOs on how to comply with the Charter of Human Rights in relation to unaccompanied minors at Appendix 4.*

Table { SEQ Table 1\* ARABIC }: Key steps, roles and responsibilities for managing unaccompanied minors

Step	Roles and responsibilities	Mandatory obligation	Section (PHWA)
<b>When an unaccompanied minor normally resides outside Victoria</b>			
AO to request approval if not already sought	1. If Exemptions team has not granted approval, AO to escalate to the Deputy Command Policy and Exemptions and cc covidquarantine		
Assessment and decision	2. Exemptions case manager to: <ul style="list-style-type: none"> <li>inform the AO Operation Lead and AO Airport Team Leader of approval or rejection</li> <li>contact other jurisdictions (if transiting to a location outside Victoria)</li> </ul>		

	<ul style="list-style-type: none"> <li>Advise requesting party of the risk management obligations on a domestic flight out of Victoria and seek confirmation it can be achieved.</li> </ul>		
AO to issue Notice of Direction and Detention	<p>3. AO will:</p> <ul style="list-style-type: none"> <li>issue a Notice of Direction and Detention to undertake detention at an alternative location in Victoria in accordance with the instructions and templates provided by the Exemptions case manager</li> <li>permit transit to another state if minor normally resides outside Victoria</li> <li>record details in COVID-19 Compliance Application.</li> </ul>	Yes	200(2),(4) and <b>203(1)</b>
<b>When minor resides in Victoria</b>			
AO to request approval if not already sought	4. If Exemptions team has not granted approval, AO to escalate to Deputy Command Policy and Exemptions and cc covidquarantine		
Assessment and decision	5. Exemptions case manager to: <ul style="list-style-type: none"> <li>inform the AO Operation Lead and AO Airport Team Leader of approval</li> <li>alert the EOC to arrange transport</li> <li>arrange for compliance oversight with Victoria police.</li> </ul>		
AO to issue Notice of Direction and Detention	<p>6. AO to issue direction and detention notice to child through their guardian for:</p> <ul style="list-style-type: none"> <li>alternate location (home and / or parts of the home); or</li> <li>Provide advice on minimising risk of transmission to others in the home where the minor is detained (equivalent to advice provided to close contacts in quarantine),</li> </ul>	Yes	200(2), (4) and <b>203(1)</b>

### 6.3.1 Escalation of issues

Should an AO become aware of any concern about a child, the AO must:

- contact the department's welfare teams immediately. Child Protection contact details for each Division are available from: <https://services.dhhs.vic.gov.au/child-protection-contacts>. West Division Intake covers the City of Melbourne LGA: 1300 664 977.
- if it is after hours, contact the after-hours child protection team on 13 12 78 if the AO thinks a child may be harmed, and Victoria Police on 000 if the immediate safety of a child is at risk.

## 7 Permissions

### 7.1 Key points

- AOs can make decisions in consultation with their AO Team Leader or Deputy Commander AO Operations for simple requests.
- AO must complete a permission for temporary leave form and enter details in COVID-19 Compliance Application.

There are four circumstances under the Direction and Detention Notice in which permission to leave the room may be granted:

- for the purpose of attending a medical facility to receive medical care
- where it is reasonably necessary for physical or mental health
- on compassionate grounds
- emergency situations.

AOs should refer to the 'Permission for Temporary Leave from Detention' guide at [Appendix 2](#).

### 7.2 AO to make decisions on certain permission requests on case-by-case basis

An AO in consultation with their AO Team Leader or Deputy Commander AO operations can make certain straightforward decisions about the following scenarios on a case-by-case basis:

- attendance at a funeral
- medical treatment
- seeing family members who have a terminal illness, (noting that there are directions on visiting care facilities and hospitals which must be complied with).
- smoke breaks where people are suffering extreme anxiety and where it is safe to do so from a public health/infection control perspective.
- exercise breaks where it is safe to do so.

Not all leave requests can be accommodated and may be site and resource dependent. Any arrangement for leave would need to meet public health, human rights requirements and balance the needs of the person.

It is expected that those with medical needs, seeking to attend a funeral or with family members who are about to pass away are granted leave. The AO should confirm appropriate details before issuing permission to leave (refer to Table 12 for further details).

If medical care is deemed urgent by an on-site nurse or medical practitioner, the AO should prioritise and approve leave immediately.

AOs are not responsible for transport arrangements. This is the responsibility of the DHHS Team Leader on-site. If a DHHS Team Leader is not on-site, please refer to the Operation Soteria Emergency Operations Centre at [DHHSOpSoteriaEOC@dhhs.vic.gov.au](mailto:DHHSOpSoteriaEOC@dhhs.vic.gov.au) and title the email "Referral to organise transport".

**Table { SEQ Table 1\* ARABIC }: Key steps, roles and responsibilities for temporary leave**

<b>Step</b>	<b>Roles and responsibilities</b>	<b>Mandatory obligation</b>	<b>Section (PHWA)</b>
Assess site for suitability	1. AO Team Leader to assess site for suitability of exercise and fresh air breaks. 2. AO to consider safety and security and obtain agreement from Security and DHHS Team Leader on suitable site 3. Site Map to be put on the Team Sharepoint site and attached as an attachment to this protocol following Deputy Command AO Operations approval.		
Request for temporary leave	4. Person may seek permission directly from the AO or may email covidquarantine@dhhs.vic.gov.au and explain the grounds for temporary leave		
Referral to AO	5. Permission and Exemptions team to triage and forward to AO for decision 6. Permission and Exemptions team to assess complex cases and inform AO		
AO assessment and decision	7. AO to make decision and consider: <ul style="list-style-type: none"><li>• those that require exercise or fresh air break or those who may be at risk without these breaks (this is the most important consideration for fresh air and exercise breaks)</li><li>• willingness and availability of security to oversee and facilitate exercise or other fresh air break (the number of security officers will determine how many people can undertake temporary leave, as well as the ability to ensure small groups by room are distanced accordingly)</li><li>• site layout, safety and capability to ensure persons are in a cordoned off area</li><li>• maintaining infection control, such as ensuring persons do not touch door handles or lift buttons</li><li>• adherence to exercise and smoking procedures</li></ul> 8. In considering a request for a person to visit a terminally ill family member in hospital, the AO will need to first check whether the medical facility will accept the person, noting the Hospital Visitors Direction.		
Issue permission for temporary leave	9. AOs to: <ul style="list-style-type: none"><li>• instruct security on the dates and times permitted for leave</li><li>• provide procedural guidance to security and the person in detention, such as exercising in a</li></ul>		s.203(1)

	<p>cordoned off area not accessed by members of the public</p> <ul style="list-style-type: none"> <li>• request the medical facility or hospital inform the AO prior to return (for medical temporary leave)</li> <li>• prepare a Permission for Temporary Leave from Detention form (see Appendix 2), and issue to the detainee and explain the leave obligations. For example:           <ul style="list-style-type: none"> <li>- a person attending a funeral must not attend the wake, must practice physical distancing and return immediately within stipulated timeframes</li> <li>- an exercise break is for a certain time and the person must return to their room following exercise or fresh air break</li> </ul> </li> <li>• warn the person that failure to comply with these directions is an offence</li> <li>• ensure the person checks back into the hotel at specified time</li> <li>• seek feedback on implementation of temporary leave and note any issues raised</li> </ul>		
Record	<p>10. If AO approves leave be granted, the AO:</p> <ul style="list-style-type: none"> <li>• must keep records of the Permission for Temporary Leave from Detention form for the person, Appendix 2 and the Register of permissions granted under 4(1) of the Directions and Detention Notice, Appendix 11, and</li> <li>• enter details in COVID-19 Compliance Application.</li> </ul>		

## 7.3 Emergency situations

Table { SEQ Table 1^ ARABIC }: Key steps, roles and responsibilities for emergency leave

Step	Roles and responsibilities	Mandatory obligation	Section (PHWA)
Determine risk	<p>1. AOs and Victoria Police officers may need to determine the severity of any emergency (such as a building fire, flood, natural disaster etc) and the health risk they pose to persons in detention.</p>		
Evacuation	<p>2. Assist with immediate evacuation to common assembly point</p> <p>3. Contact Victoria police, emergency services and Deputy Commander AO operations to support</p> <p>4. Promote infection prevention and control and physical distancing principles if possible</p>		

	5. Account for all persons being detained at the assembly point by way of the register of persons in detention/COVID-19 compliance application		
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## 7.4 Procedure for a person in detention / resident to leave their room for exercise or smoking

A person must be compliant and must not have symptoms before they could be allowed to have supervised exercise or a smoking break. Only well residents from the same room should be able to go out to exercise at the same time.

## 7.5 Guidance for safe movement associated with permissions

### 7.5.1 Guidance for person in detention

The steps that must be taken by the person in detention are:

- Confirm to the person who will escort them that they are well.
- Confirm to the person who will escort them that they have washed their hands immediately prior to leaving the room.
- Don a single-use facemask (surgical mask), to be supplied by the security escort prior to leaving the room.
- Perform hand hygiene with alcohol-based hand sanitiser as they leave, this will require hand sanitiser to be in the corridor in multiple locations.
- Be reminded to – and then not touch any surfaces or people within the hotel on the way out, and then not actually do it.
- Return immediately to their hotel room following the break.

### 7.5.2 Guidance for security escort

Security escort should:

- Don a single-use facemask (surgical mask) if a distance of >1.5 metres cannot be maintained when escorting the person;
- Perform hand hygiene with an alcohol-based hand sanitiser or wash hands in soapy water before each break;
- Remind the person they are escorting to not touch any surfaces or people within the hotel on the way out or when coming back in
- Be the person who touches all surfaces if required such as the lift button or door handles (where possible using security passes and elbows rather than hands);
- Wherever possible, maintain a distance (at least 1.5 metres) from the person;
- Perform hand hygiene with an alcohol-based hand sanitiser or wash hands in soapy water at the end of each break and when they go home
- Ensure exercise is only undertaken in a cordoned off area with no public access or interaction.

### 7.5.3 Infection control considerations

Points to remember when using a single-use facemask (surgical mask):

- Always perform hand hygiene before donning the mask.
- Mould the metal clip over the bridge of the nose and ensure the bottom of the mask fits snugly under the chin.
- Avoid touching or adjusting the mask once it has been donned.
- Unless damp or soiled, masks may be worn for the duration of a shift for up to four hours.
- Masks must be removed and disposed of for breaks and then replaced if needed.
- Masks must never be partially removed (for example, top tie undone and left dangling around the neck) and then re-worn.
- Perform hand hygiene immediately before and after removal of the mask.

There is no requirement to wear gloves and this is not recommended, as many people forget to take them off and then contaminate surfaces. Hand hygiene is one of the most effective ways to prevent the spread of infection and gloves should not be seen as a substitute for hand hygiene. If gloves are worn, remove the gloves immediately after the person is back in their room and then wash your hands.

**In addition:**

Family groups may be taken out in a group provided it is only 2 adults and less than 5 in total.

They can be taken to an outside area with sunlight, for up to 15 minutes outside of the hotel.

Smokers can take up to 2 breaks per day if staffing permits.

Rostering to be initiated by the departmental staff/AO present.

## 8 Compliance

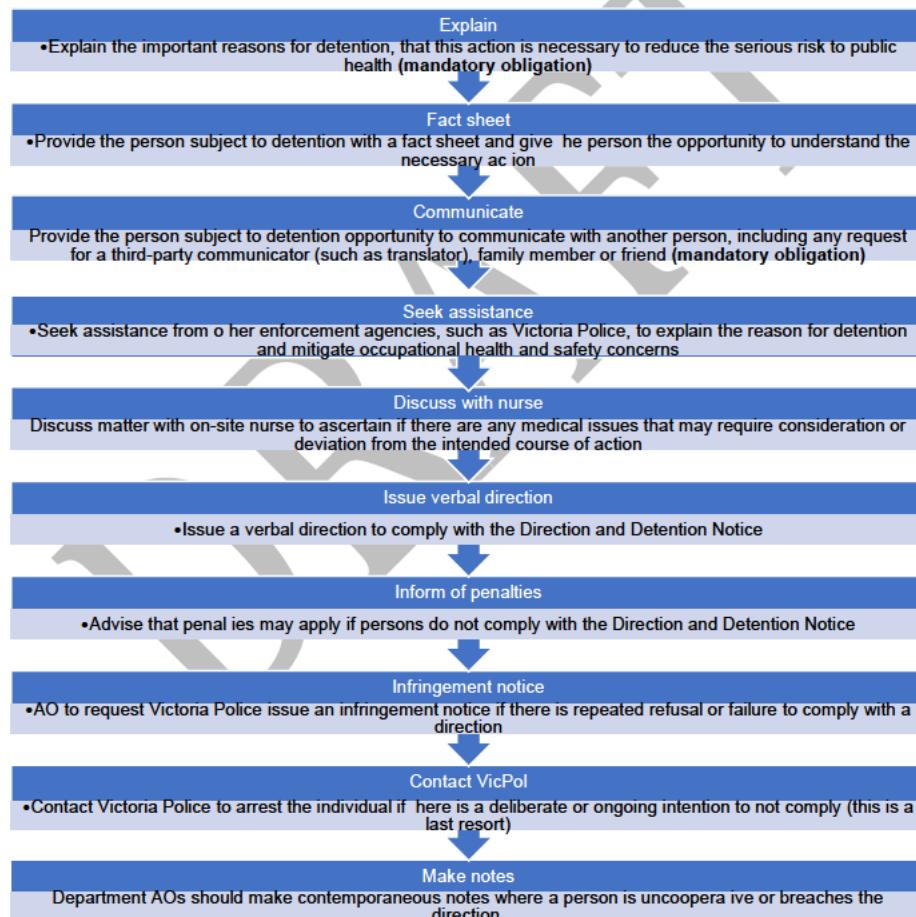
### 8.1 Key points

- AOs to apply a graduated approach to compliance.
- Police and security can assist in compliance and enforcement activities

### 8.2 Options to facilitate compliance

AOs should make every effort to inform the person of their obligations, facilitate communication if requested and explain the important rationale for the direction. Non-compliance could take the form of a person refusing to comply with the direction at the airport or hotel.

The following graduated approach should guide AOs:



## 8.3 Unauthorised departure from accommodation

**Table { SEQ Table 1\* ARABIC }:** Key steps, roles and responsibilities for managing unauthorised departure from accommodation

Step	Roles and responsibilities	Mandatory obligation	Section (PHWA)
Notify and search	1. AO to notify AO Team Leader, on-site security and hotel management and request search.		
Contact Victoria police	2. AO to seek police assistance and notify the Deputy Commander AO Operations if the person is not found.		
Identification and compliance	3. If the person is located, AO to: <ul style="list-style-type: none"> <li>• Seek security or Victoria Police assistance if it is determined the person poses a risk of trying to leave</li> <li>• provide an opportunity for the person to explain the reason why they left their room</li> <li>• assess the nature and extent of the breach, for example:               <ul style="list-style-type: none"> <li>- a walk to obtain fresh air</li> <li>- a deliberate intention to leave the hotel</li> <li>- mental health issues</li> <li>- escaping emotional or physical violence.</li> </ul> </li> <li>• consider issuing an official warning or infringement through Victoria Police</li> <li>• reassess security arrangements.</li> </ul>		s.203(1)

## 8.4 Infringements

There are four infringement offences applicable to detention arrangements. These are:

**Table 1 List of infringements**

Section (PHWA)	Description	Amount
s.183	Hinder or obstruct an authorised officer exercising a power without reasonable excuse (5 penalty units).	5 penalty units (PU)
s.188(2)	Refuse or fail to comply with a direction by CHO to provide information made under s.188(10 penalty units for a natural person and 30 penalty units for a body corporate without a reasonable excuse).	10 PU natural person, 30 PU body corporate
s.193(1)	Refuse or fail to comply with a direction given to, or a requirement made or, a person in the exercise of a public health risk powers (10 penalty units for natural person and 60 penalty units for body corporate).	10 PU natural person, 30 PU body corporate

s.203(1)	Refuse or fail to comply with a direction given to, or a requirement made or, a person in the exercise of a public health risk powers (10 penalty units for natural person and 60 penalty units for body corporate).	10 PU natural person, 30 PU body corporate
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## 9 Occupational health and safety (OHS) for Authorised Officers

The purpose of this section is to provide an occupational health and safety procedure for AOs when attending off site locations during the current State of Emergency.

### 9.1 Key points

- OHS is a shared responsibility of both the employer and the employee. AOs must raise hazards, concerns and incidents with the AO Team Leader or the Deputy Commander AO operations.
- AOs must take steps to protect themselves from transmission of COVID-19 and adhere to physical distancing protocols wherever possible

### 9.2 Health Emergency

Coronaviruses are a large family of viruses that cause respiratory infections. These can range from the common cold to more serious diseases. COVID-19 is the disease caused by a new coronavirus. It was first reported in December 2019 in Wuhan City in China.

Symptoms of COVID-19 can range from mild illness to pneumonia. Some people will recover easily, and others may get very sick very quickly which in some cases can cause death.

### 9.3 OHS

OHS is a shared responsibility of both the employer and the employee. Officers must raise hazards, concerns and incidents with the rostered AO Team Leader.

One of the foremost issues associated with site attendance is the 'uncontrolled environment' that exists. AOs can be exposed to infectious diseases (such as COVID-19), confrontational and/or aggressive members of the public who may be drug affected, mentally ill or intellectually impaired. The very nature of this work is likely to be perceived as invasive and can provoke a defensive response.

Risks can be minimised by maintaining routine safe work practices and proper planning. Prior to any site visit, risks and hazards should be identified and assessed.

Officers and managers both have a shared responsibility for occupational health and safety. All employees have a responsibility to report and discuss hazards or perceived hazards, by bringing this to the managers attention.

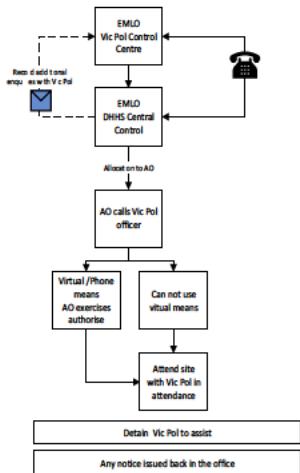
### 9.4 Fatigue

AOs will be rostered on a rotating basis, with the aim of mitigating the risk of fatigue. Fatigue may impede decision making capability and when driving a motor vehicle to a location. When fatigue is identified please make this known to your AO Team Leader or Deputy Commander AO operations.

To mitigate the risk of fatigue, AOs should be aware of any fatigue they may have. A good tool to use to help officers identify their level of fatigue is to use the following calculator:

<http://www.vgate.net.au/fatigue.php>

AOs are required to hold a valid motor vehicle licence and are required to adhere to the requirements of the department's driving policy. Information about this policy can be found on the DHHS intranet site.



## 9.5 Risk assessment before attendance -Personal Protection

Officers must only take a direction to attend a site with the approval of the Central DHHS Emergency Management Liaison Officer and a AO Team leader or the Deputy Commander AO operations or DHHS management.

In the first instance, officers are required to use technology (i.e: mobile phone, Facetime, Skype) to exercise their authority. This aims to protect officers from attending an uncontrolled environment, where the risk of harm is increased.

Before attending a site, whether an airport or a hotel, the officer should make themselves familiar with the recommendations produced by the Australian Government and the Department of Health and Human Services, in the protection against COVID-19.

Interventions are known as 'transmission reduction, or 'physical distancing' measures. Officers can take the following personal measures to reduce their risk of exposure to COVID-19. Officers with pre-existing medical conditions that put them more at risk of COVID-19, should discuss this with their medical practitioner and manager.

## 9.6 Personal measures to reduce risk the risk of exposure to COVID

### 9.6.1 General

AOs must take steps to protect themselves from transmission of COVID-19 and adhere to physical distancing protocols wherever possible. For example,:

- Stay healthy with good nutrition, regular exercise, sensible drinking, sleep well, and if you are a smoker, quit.
- Wash your hands often with soap and water for at least 20 seconds, especially after you have been in a public place, or after blowing your nose, coughing, sneezing, or using the toilet. If soap and water are not readily available, use a hand sanitiser that contains at least 60 per cent alcohol.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Cover your nose and mouth with a tissue when you cough or sneeze. If you don't have a tissue, cough or sneeze into your upper sleeve or elbow.
- Stop shaking hands, hugging or kissing as a greeting.
- Ensure a **distance of 1.5 metres** is kept between yourself and others.
- Get vaccinated for flu (influenza) as soon as available. This could help reduce the risk of further problems. *Note: the department covers expenses for vaccines, speak to your AO team leader for more details.*
- Clean and disinfect high touch surfaces regularly, for example: telephones, keyboards, door handles, light switches and, bench tops.

When an officer is called to attend the airport or a hotel to exercise powers in relation to the Direction and Detention notice they should take a **risk-based approach** and assess the most suitable way to reduce harm to themselves. Before attending, the officer must obtain information such as:

- Is the person being detained a suspected or confirmed case of COVID-19?
- Has the person being detained been recently in close contact with a confirmed case of COVID-19?
- Has the person being detained recently returned from overseas within the last 14 days?

Officers are required to use their discretion and take into account their own personal safety. The Department of Health and Human Services has provided the following PPE:

- Single-use surgical mask
- Gloves
- Hand Sanitiser.

#### **9.6.2 AO's going onto floors of hotel**

AOs going onto hotel floors with persons subject to detention must wear a surgical mask. There will be surgical masks for AO's at the hotels.

AO's should not enter the room in which a person is being detained. Communication should be from the corridor or outside the room.

#### **9.6.3 Relocating a confirmed case of COVID-19**

All COVID confirmed cases will be transferred to a Covid hotel. The AO should amend the detention notice with the new location details prior to the detainee leaving the premises. Gloves and mask should be worn when amending the notice and advising the detainee of the amendment.

Companions of the confirmed covid case may wish to remain with the confirmed covid detainee and transfer to the covid hotel. Their detention notice will also need to be amended.

Transfer of the detainee is the responsibility of the EOC.

**The room or location change must be recorded in the compliance app by the AO**

### **9.7 Measures and guides to enhance occupational health and safety**

PPE/measure	Guide
Single-use face mask (surgical mask)	When there is suspected or confirmed case of COVID-19, or a person subject to detention has been recently exposed to COVID-19 and a distance of at least 1.5 metres cannot be maintained.
Gloves	If contact with the person or blood or body fluids is anticipated.
Hand hygiene / Hand Sanitizer Soap and water	Always
Physical distancing of at least 1.5 meters	Always

## 9.8 Known risks and hazards

Hazard	Risk	Mitigate
COVID-19 infection	Serious illness / death	Follow personal protective measures
Fatigue	Impaired decisions / driving to site	In the first instance use virtual technology to perform duties  Use fatigue calculator <a href="http://www.vgate.net.au/fatigue.php">http://www.vgate.net.au/fatigue.php</a>
Physical Injury	Low / Medium	Only attend a site with Victoria Police or with security.
Other infectious agents		Follow personal protective measures

## Appendix 1 – Script for plane/arrival

### Required script before issuing a direction and detention notice

*My Name is XXXX, I work for the Department of Health and Human Services Victoria and I am an Authorised Officer under the Public Health and Wellbeing Act. I am also authorised for the purposes of the emergency and public health risk powers in Victoria's current State of Emergency.*

*Because you have arrived in Victoria from overseas, when you disembark off this plane you will be issued with a direction and detention notice, which requires you to quarantine for a 14-day period at the hotel nominated on the notice.*

*Many of Victoria's cases of covid-19 originate from overseas and international travellers so this action is necessary to ensure we reduce the serious risk to public health posed by COVID 19.*

*Refusal or failure to comply without reasonable excuse is an offence. There are penalties for not complying with the notice.*

*Once you have been issued with the notice, please keep it with you at all times.*

*We greatly appreciate your co-operation and assistance in these challenging times. Thank you again.*

## Appendix 2 - Permission for temporary leave from detention

### PERMISSION FOR TEMPORARY LEAVE FROM DETENTION

Public Health and Wellbeing Act 2008 (Vic)

#### Section 200

An Authorised Officer has granted you permission to leave your room based on one of the grounds set out below. This is temporary. You will be supervised when you leave your room. You must ensure you comply with all the conditions in this permission and any directions an Authorised Officer gives you. You must return to your room at the time specified to finish your detention. Speak to your supervising Authorised Officer if you require more information.

#### Temporary leave

- (1) You have arrived in Victoria from overseas, on or after midnight [on 28 March 2020 or 13 April 2020] and have been placed in detention, pursuant to a Direction and Detention Notice that you were provided on your arrival in Victoria (**Notice**).
- (2) This Permission for Temporary Leave From Detention (**Permission**) is made under paragraph 4(1) of the Notice.

#### Reason/s for, and terms of, permission granting temporary leave

- (3) Permission for temporary leave has been granted to: \_\_\_\_\_ [insert name] for the following reason/s [tick applicable]:
  - (a) for the purpose of attending a medical facility to receive medical care:
 

Name of facility: \_\_\_\_\_

Time of admission/appointment: \_\_\_\_\_

Reason for medical appointment: \_\_\_\_\_
  - (b) where it is reasonably necessary for physical or mental health:
 

Reason leave is necessary: \_\_\_\_\_

Proposed activity/solution: \_\_\_\_\_
  - (c) on compassionate grounds:
 

Detail grounds: \_\_\_\_\_
- (4) The temporary leave starts on \_\_\_\_\_ and ends on \_\_\_\_\_ [insert date and time].

\_\_\_\_\_  
Signature of Authorised Officer

Name of Authorised Officer: \_\_\_\_\_

*As authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the Act.*

#### Conditions

- (5) You must be supervised **at all times**/may be supervised [delete as appropriate] while you are out of your room. You are not permitted to leave your hotel room, even for the purpose contained in this Permission, unless you are accompanied by an Authorised Officer.
- (6) While you are outside your room you must practice social distancing, and as far as possible, maintain a distance of 1.5 metres from all other people, including the Authorised Officer escorting you.
- (7) When you are outside your room you must refrain from touching communal surfaces, as far as possible, such as door knobs, handrails, lift buttons etc.
- (8) When you are outside your room you must, at all times, wear appropriate protective equipment to prevent the spread of COVID-19, if directed by the Authorised Officer escorting you.
- (9) When you are outside your room you must, at all times, comply with any direction given to you by the Authorised Officer escorting you.
- (10) At the end of your temporary leave, you will be escorted back to your room by the Authorised Officer escorting you. You must return to your room and remain there to complete the requirements under the Notice.
- (11) Once you return to the hotel, you must proceed immediately to the room you have been allocated above in accordance with any instructions given to you.
- (12) You must comply with any other conditions or directions the Authorised Officer considers appropriate.

*(Insert additional conditions, if any, at Annexure 1)*

#### **Specific details**

- (13) Temporary leave is only permitted in limited circumstances, to the extent provided for in this Permission, and is subject to the strict conditions outlined at paragraph 3. You must comply with these conditions at all times while you are on temporary leave. These conditions are reasonably necessary to protect public health, in accordance with section 200(1)(d) of the Public Health and Wellbeing Act 2008 (Vic).
- (14) Permission is only granted to the extent necessary to achieve the purpose of, and for the period of time noted at paragraph 2 of this Permission.
- (15) Nothing in this Permission, invalidates, revokes or varies the circumstances, or period, of your detention, as contained in the Notice. The Notice continues to be in force during the period for which you are granted permission for temporary leave from detention. The Notice continues to be in force until it expires.

#### **Offences and penalties**

- (16) It is an offence under section 203 of the Act if you refuse or fail to comply with the conditions set out in this Permission, unless you have a reasonable excuse for refusing or failing to comply.
- (17) The current penalty for an individual is \$19,826.40.

## Appendix 3 Guidance Note: Permission for Temporary Leave from Detention

### How do you issue a Permission for Temporary Leave from Detention?

It is recommended that Authorised Officers take the following steps when issuing a Permission for Temporary Leave from Detention:

- **Before you provide the Permission for Temporary Leave from Detention**
  - carefully consider the request for permission and consider the grounds available under paragraph 4(1) of the Direction and Detention Notice – which include:
    - for the purposes of attending a medical facility to receive medical care; or
    - where it is reasonably necessary for the person's physical or mental health; or
    - on compassionate grounds.
  - complete all sections of the Permission, including clearly documenting the reasons for the Permission, date and time when the temporary leave is granted from and to, and whether the person will be supervised by the authorised officer during the temporary leave
  - ensure the reference number is completed.
- **When you are provide the Permission for Temporary Leave from Detention**
  - you must warn the person that refusal or failure to comply without reasonable excuse, is an offence;
  - explain the reason why it is necessary to provide the Permission and the conditions which apply to the temporary leave (including that the person is still subject to completing the remainder of the detention once the temporary leave expires, and the Permission is necessary to protect public health);
  - provide a copy of the Permission to the person, provide them with time to read the Permission and keep the completed original for the department's records.

**NB** If it is not practicable to explain the reason why it is necessary to give the Permission, please do so as soon as practicable after Permission has been exercised.

- **What are the requirements when you are granting a permission to a person under the age of 18?**

The same requirements set out above apply when issuing a Permission to an unaccompanied minor. However, the supervising Authorised Officer must have Working With Children Check, have regard to the special conditions in the Direction and Detention Notice as well as the person's status as a child.

- **What other directions can you give?**

Section 200(1)(d) of the PHWA sets out an emergency power that allows an authorised officer to give any other direction that the authorised officer considers is reasonably necessary to protect public health.

### What are your obligations when you require compliance with a direction?

Exercising this power imposes several obligations on departmental authorised officers including that an authorised officer must, before exercising any emergency powers, warn the person that refusal or failure to comply without reasonable excuse, is an offence.

## Appendix 4 Guidance: Exemptions under Commonwealth law

Please note that Victoria may vary from this guidance



**Coronavirus disease  
(COVID-19)**

### Exemptions to the 14 day mandatory quarantine period for international travellers

The Australian Health Protection Principal Committee (AHPPC) recognise that there should be some exemptions from quarantine requirements for specific industry groups, provided they adhere to specified risk mitigation measures. These specific exemptions are recommended because of the industry infection prevention requirements, training these groups have undergone, and the vital role of these industries in Australia.

While these are national recommendations, mandatory quarantine is enforced under state and territory public health legislation. Individual states and territories may choose to implement additional requirements at the point of arrival.

Some jurisdictions may also have additional quarantine requirements upon entry to the state or territory. Depending on the jurisdiction, this could mean that an international traveller is required to go into mandatory quarantine at the first point of arrival into Australia, and further quarantine upon entry to another jurisdiction.

The following groups are recommended to be exempt from the 14 day mandatory quarantine requirements when entering Australia. While these groups are exempt from mandatory quarantine, all arrivals into Australia must continue to practise social distancing, cough etiquette and hand hygiene. Other requirements, such as self-isolation, may still apply and are outlined below.

#### Aviation crew

##### International flight crew (Australian residents/citizens)

- Are not required to undertake 14 days of mandatory quarantine on arrival.
- Are not required to complete the Isolation Declaration Card.
- Are not required to self-isolate.

##### International flight crew (foreign nationals)

- Are not required to undertake 14 days of mandatory quarantine on arrival.
- Are not required to complete the Isolation Declaration Card.
- Must self-isolate in their hotel on arrival until their next flight.
- Must use privately organised transport to transfer to and from hotels between flights.
- May fly domestically to their next point of departure from Australia if required.

##### Domestic flight crew

- Exempt from self-isolation requirements except when a state or territory specifically prohibits entry.

#### Maritime crew (excluding cruise ships)

- Are not required to undertake 14 days of mandatory quarantine on arrival into Australia. They are therefore not required to complete the Isolation Declaration Card.
- Must proceed directly to the vessel on arrival.

Exemptions to the 14 day mandatory quarantine period, version 2 (06/04/2020)  
Coronavirus Disease (COVID-19)

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- If access to the vessel is not immediate, crew must self-isolate at their accommodation during any lay-over period.
- May travel domestically and/or take a domestic flight to meet their vessel at the next point of departure if required.
- At the completion of their shifts, they are not required to go into mandatory 14 days quarantine, but must undertake 14 days self-isolation.
- Time at sea counts towards the 14 days of self-isolation if no illness has been reported on-board. Therefore crew signing off commercial vessels that have spent greater than 14 days at sea, with no known illness on-board, do not need to self-isolate on arrival.

### **Unaccompanied minors**

Unaccompanied minors will be allowed to travel domestically after entering Australia to self-quarantine with a parent or guardian at their home.

### **Transit passengers**

- International transit passengers arriving into Australia are able to depart on another international flight if the following conditions are met:
  - If the individual has up to 8 hours until the departing international flight, they must remain at the airport and be permitted to onward travel, maintaining social distancing and hand hygiene.
  - If 8-72 hours before the departing flight, they must go to mandatory quarantine at the state designated facility until the time of the departing flight.
- No domestic onward travel is allowed, even if this is to meet a departing international flight. These people should go into mandatory quarantine at the state designated facility at the first point of arrival.

### **Diplomats**

- Australia has legal obligations under the Vienna Convention to ensure diplomats freedom of movement and travel, and protection from detention. Diplomats are not required to undertake 14 days of mandatory quarantine on arrival into Australia. They are therefore not required to complete the Isolation Declaration Card.
- Diplomats should self-isolate at their mission or in their usual place of residence on arrival for 14 days.
- Diplomats must continue to practise social distancing, cough etiquette and hand hygiene.

### **Compassionate or medical grounds**

Applications on medical or compassionate grounds should be submitted to the relevant state or territory who will consider requests on a case-by-case basis.

Contact details for state or territory public health agencies are available at [www.health.gov.au/state-territory-contacts](http://www.health.gov.au/state-territory-contacts).

### **Where can I get more information?**

For the latest advice, information and resources, go to [www.health.gov.au](http://www.health.gov.au).

Call the National Coronavirus Helpline on 1800 020 080. This line operates 24 hours a day, seven days a week. If you require translating or interpreting services, call 131 450.

## Appendix 5 - Guidance note: Ensuring physical and mental welfare of international arrivals in individual detention (unaccompanied minors)

### **Introduction**

You are an officer authorised by the Chief Health Officer under section 199(2)(a) of the *Public Health and Wellbeing Act 2008* (Vic) to exercise certain powers under that Act. You also have duties under the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (**Charter**).

These Guidelines have been prepared to assist you to carry out your functions in relation to Victorian unaccompanied minors who have arrived in Victoria and are subject to detention notices, requiring them to self-quarantine in a designated hotel room for 14 days in order to limit the spread of Novel Coronavirus 2019 (2019-nCoV) where no parent, guardian or other carer (**parent**) has elected to join them in quarantine (**a Solo Child Detention Notice**).

As part of your functions, you will be required to make decisions as to whether a person who is subject to a Solo Child Detention Notice should be granted permission to leave their room:

- for the purposes of attending a medical facility to receive medical care; or
- where it is reasonably necessary for their physical or mental health; or
- on compassionate grounds.

Authorised Officers are also required to review the circumstances of each detained person at least once every 24 hours, in order to determine whether their detention continues to be reasonably necessary to eliminate or reduce a serious risk to public health.

### **Your obligations under the Charter of Human Rights and Responsibilities Act 2006**

You are a public officer under the Charter. This means that, in providing services and performing functions in relation to persons subject to a Detention Notice you must, at all times:

- act compatibly with human rights; and
- give 'proper consideration' to the human rights of any person(s) affected by your decisions.

### **How to give 'proper consideration' to human rights**

'Proper consideration' requires you to:

- **first**, understand in general terms which human rights will be affected by your decisions (these rights are set out below under 'relevant human rights');
- **second**, seriously turn your mind to the possible impact of your decisions on the relevant individual's human rights, and the implications for that person;
- **third**, identify the countervailing interests (e.g. the important public objectives such as preventing the further spread of 2019-nCoV, which may weigh against a person's full enjoyment of their human rights for a period of time); and
- **fourth**, balance the competing private and public interests to assess whether restricting a person's human rights (e.g. denying a person's request to leave their room) is justified in the circumstances.

### **Relevant human rights**

The following human rights protected by the Charter are likely to be relevant to your functions when conducting daily wellbeing visits and when assessing what is reasonably necessary for the physical and mental health of children who are subject to Solo Child Detention Notices:

- The right of children to such protection as is in their best interests (s 17(2)). As the Solo Child Detention Notices detain children in circumstances where no parent has elected to join them in quarantine, greater protection must be provided to these children in light of the vulnerability that this creates. Where possible the following additional protection should be provided:
  - You should undertake two hourly welfare checks while the child is awake and once overnight. You should ask the child to contact you when they wake each morning and let you know when they go to sleep so that this can be done.
  - You should ask the child if they have any concerns that they would like to raise with you at least once per day.
  - You should contact the child's parents once per day to identify whether the parent is having contact with the child and whether the parent or child have any concerns.
  - You should ensure that where the child does not already have the necessary equipment with them to do so (and their parent is not able to provide the necessary equipment) the child is provided with the use of equipment by the department to facilitate telephone and video calls with their parents. A child must not be detained without an adequate means of regularly communicating with their parents.
  - You should ensure that where the child does not already have the necessary equipment with them to do so (and their parent is not able to provide the necessary equipment) the child is provided with the use of equipment by the department to participate in remote education if that is occurring at the school they are attending. Within the confines of the quarantine you should obtain reasonable assistance for the child in setting up that computer equipment for use in remote education.
  - You should allow the child's parents to bring them lawful and safe items for recreation, study, amusement, sleep or exercise for their use during their detention. This should be allowed to occur at any time within business hours, and as many times as desired, during the detention.
- The rights to liberty (s 21) and freedom of movement (s 12), and the right to humane treatment when deprived of liberty (s 22). As the Solo Child Detention Notices deprive children of liberty and restrict their movement, it is important that measures are put in place to ensure that the accommodation and conditions in which children are detained meet certain minimum standards (such as enabling parents to provide detained children with food, necessary medical care, and other necessities of living). It is also important that children are not detained for longer than is reasonably necessary.
- Freedom of religion (s 14) and cultural rights (s 19). Solo Child Detention Notices may temporarily affect the ability of people who are detained to exercise their religious or cultural rights or perform cultural duties; however, they do not prevent detained persons from holding a religious belief, nor do they restrict engaging in their cultural or religious practices in other ways (for example, through private prayer, online tools or engaging in religious or cultural practices with other persons with whom they are co-isolated). Requests by children for additional items or means to exercise their religious or cultural practices will need to be considered and accommodated if reasonably practicable in all the circumstances.
- The rights to recognition and equality before the law, and to enjoy human rights without discrimination (s 8). These rights will be relevant where the conditions of detention have a disproportionate impact on detained children who have a protected attribute (such as race or disability). Special measures may need to be taken in order to address the particular needs and vulnerabilities of, for example Aboriginal persons, or persons with a disability (including physical and mental conditions or disorders).

- The rights to **privacy, family and home** (s 13), **freedom of peaceful assembly and association** (s 16) and the **protection of families** (s 17). Solo Child Detention Notices are likely to temporarily restrict the rights of persons to develop and maintain social relations, to freely assemble and associate, and will prohibit physical family reunification for those with family members in Victoria. Children's rights may be particularly affected, to the extent that a Solo Child Detention Notice results in the interference with a child's care and the broader family environment. It is important, therefore, to ensure children subject to Solo Child Detention Notices are not restricted from non-physical forms of communication with relatives and friends (such as by telephone or video call). Requests for additional items or services to facilitate such communication (e.g. internet access) will need to be considered and accommodated if reasonably practicable in all the circumstances.

Whether, following 'proper consideration', your decisions are compatible with each of these human rights, will depend on whether they are reasonable and proportionate in all the circumstances (including whether you assessed any reasonably available alternatives).

#### **General welfare considerations**

All persons who are deprived of liberty must be treated with humanity and respect, and decisions made in respect of their welfare must take account of their circumstances and the particular impact that being detained will have on them. Mandatory isolation may, for some people, cause greater hardship than for others – when performing welfare visits you will need to be alert to whether that is the case for any particular person.

In particular, anxieties over the outbreak of 2019-nCoV in conjunction with being isolated may result in the emergence or exacerbation of mental health conditions amongst persons who are subject to Detention Notices.

If you have any concerns about the mental health of a detained person, you should immediately request an assessment of mental health be conducted and ensure appropriate support is facilitated. Hotel rooms are not normally used or designed for detention, so you should be aware that a person who is detained in a hotel room could have greater opportunity to harm themselves than would be the case in a normal place of detention.

#### **Additional welfare considerations for children**

Children differ from adults in their physical and psychological development, and in their emotional and educational needs. For these reasons, children who are subject to Solo Child Detention Notices may require different treatment or special measures.

In performing functions and making decisions with respect to a detained person who is a child, the best interests of the child should be a primary consideration. Children should be given the opportunity to conduct some form of physical exercise through daily indoor and outdoor recreational activities. They should also be provided with the ability to engage in age-appropriate activities tailored to their needs.

Each child's needs must be assessed on a case-by-case basis. Requests for items or services to meet the needs of individual children will need to be considered and accommodated if reasonably practicable in all the circumstances.

Where available, primary school age children should be allocated rooms that have an outside area where it is safe for active physical play to occur (not a balcony) and consideration should be given to allowing small children access to any larger outdoor areas that are available within the hotel, where possible within relevant transmission guidelines. Although each child's needs must be assessed daily and

individually, it can be assumed that it will have a negative effect on a child's mental health to be kept in the same room or rooms for two weeks without access to an adequate outdoor area in which to play.

#### **Balancing competing interests**

However, the best interests of children and the rights of anyone who is subject to a Solo Child Detention Notice will need to be balanced against other demonstrably justifiable ends; for example, lawful, reasonable and proportionate measures taken to reduce the further spread of 2019-nCoV.

It is your role to undertake this balance in your welfare checks, based on the information and advice that you have from the department and on the information provided to you by the children that you are assessing.

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## Appendix 6 Direction and Detention Notice – Solo Children

### DIRECTION AND DETENTION NOTICE SOLO CHILDREN

*Public Health and Wellbeing Act 2008 (Vic)*  
Section 200

#### Reason for this Notice

You have arrived in Victoria from overseas, on or after midnight on 28 March 2020 or on or after 13 April 2020..

A state of emergency has been declared under section 198 of the *Public Health and Wellbeing Act 2008 (Vic)* (the **Act**), because of the serious risk to public health posed by COVID-19.

In particular, there is a serious risk to public health as a result of people travelling to Victoria from overseas. People who have been overseas are at the highest risk of infection and are one of the biggest contributors to the spread of COVID-19 throughout Victoria.

You will be detained at the hotel specified in clause 2 below, in the room specified in clause 2 below, for a period of 14 days, because that is reasonably necessary for the purpose of eliminating or reducing a serious risk to public health, in accordance with section 200(1)(a) of the **Act**.

Having regard to the medical advice, 14 days is the period reasonably required to ensure that you have not contracted COVID-19 as a result of your overseas travel.

You must comply with the directions below because they are reasonably necessary to protect public health, in accordance with section 200(1)(d) of the **Act**.

The Chief Health Officer will be notified that you have been detained. The Chief Health Officer must advise the Minister for Health of your detention.

*Note: These steps are required by sections 200(7) and (9) of the **Act**.*

#### Place and time of detention

You will be detained at:

**Hotel:** \_\_\_\_\_ (*to be completed at place of arrival*)

**Room No:** \_\_\_\_\_ (*to be completed on arrival at hotel*)

You will be detained until: \_\_\_\_\_ on \_\_\_\_\_ of \_\_\_\_\_ 2020.

#### Directions — transport to hotel

You must **proceed immediately to the vehicle** that has been provided to take you to the hotel, in accordance with any instructions given to you.

Once you arrive at the hotel, **you must proceed immediately to the room** you have been allocated above in accordance with any instructions given to you.

#### **Conditions of your detention**

**You must not leave the room in any circumstances**, unless:

you have been granted permission to do so:

for the purposes of attending a medical facility to receive medical care; or  
where it is reasonably necessary for your physical or mental health; or  
on compassionate grounds; or

there is an emergency situation.

**You must not permit any other person to enter your room**, unless the person is authorised to be there for a specific purpose (for example, providing food or for medical reasons).

Except for authorised people, the only other people allowed in your room are people who are being detained in the same room as you.

You are permitted to communicate with people who are not staying with you in your room, either by phone or other electronic means.

*Note: An authorised officer must facilitate any reasonable request for communication made by you, in accordance with section 200(5) of the Act.*

- (18) If you are under 18 years of age your parent or guardian is permitted to stay with you, but only if they agree to submit to the same conditions of detention for the period that you are detained.

#### **Review of your detention**

Your detention will be reviewed at least once every 24 hours for the period that you are in detention, in order to determine whether your detention continues to be reasonably necessary to eliminate or reduce a serious risk to public health.

*Note: This review is required by section 200(6) of the Act.*

#### **Special conditions because you are a solo child**

Because your parent or guardian is not with you in detention the following additional protections apply to you:

- We will check on your welfare throughout the day and overnight.
- We will ensure you get adequate food, either from your parents or elsewhere.
- We will make sure you can communicate with your parents regularly.
- We will try to facilitate remote education where it is being provided by your school.
- We will communicate with your parents once a day.

**Offence and penalty**

It is an offence under section 203 of the Act if you refuse or fail to comply with the directions and requirements set out in this Notice, unless you have a reasonable excuse for refusing or failing to comply.

The current penalty for an individual is \$19,826.40.

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**Name of Authorised Officer:** \_\_\_\_\_

As authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the Act.

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## Appendix 7: End of Detention Notice

Public Health and Wellbeing Act 2008 (Vic)

### Section 200

**Subject to the conditions below, this Notice is evidence that this detainee has completed their period of detention under a *Direction and Detention Notice* issued to reduce or eliminate the serious public health risk posed by COVID-19.**

#### Detention Notice

You have arrived in Victoria from overseas, on or after midnight on 28 March 2020 and have been placed in detention, pursuant to a Direction and Detention Notice that you were provided on your arrival in Victoria (**Notice**).

#### Details of Detention Notice

**Name of Detainee:** <>FIRST NAME>> <>LAST NAME>>

**Date of Detainment and Detention Notice:** <>DETENTION START DATE>>

**Place of Detention:** <>HOTEL>> <>ROOM>>

#### End of Detention Notice

In accordance with section 200(6) of the *Public Health and Wellbeing Act 2008*, I have reviewed your continued detention.

On review of the Notice, I have made the following findings:

you will have served the required detention period by <>DETENTION END DATE>>;  
and

you have not started exhibiting any symptoms of COVID-19.

In consideration of the above circumstances, I have decided that your continued detention is not reasonably necessary to eliminate or reduce a serious risk to public health.

I advise that your detention pursuant to section 200(1)(a) of the *Public Health and Wellbeing Act 2008* (Vic) and the Notice will end on <>DETENTION END DATE>>  
at \_\_\_\_\_ after you have been discharged by an Authorised Officer and have commenced transportation to your ordinary residence.

Although you are no longer to be detained pursuant to the Notice, you are required to comply with all directions currently in force in Victoria. This includes the Stay at Home Directions (No 3) (**Direction**), as amended from time to time. Pursuant to the Direction, if you live in Victoria you are required to travel directly to the premises where you ordinarily reside, and remain there unless you are leaving for one of the reasons listed in the Direction.

If you are a resident of another state arrangements will be made for you to return home. While you remain in the State of Victoria, you are required to comply with all Directions in operation in Victoria. Once you have returned home, you are required to comply with the Directions and/or Orders in place in your home jurisdiction, including any directions that may require you to isolate for a further 14 day period.

In the event that you start to experience symptoms of COVID-19, it is important that you self-isolate and, if necessary, contact your General Practitioner or local Public Health Unit.

#### **End of Detention Instructions**

**You must not leave your hotel room until you have been collected by Security** at which time you are permitted to travel to the hotel lobby to meet an Authorised Officer who will **sight your identification** and discharge you from detention. **Security will give you approximately an hour notice of when they will collect you.**

Your detention **does not end** until the time stated in paragraph 0 of this notice which will be filled in by an authorised officer when you are discharged from detention. Until that time you must continue to abide by the requirements of your detention, as contained in the Notice.

When leaving detention you **must** adhere to the following safeguards:

- if provided to you, you **must** wear personal protective equipment;
- you **must** refrain, as far as possible, from touching communal surfaces, such as handrails, elevator buttons and door handles;
- you **must** where possible, engage in social distancing, maintaining a distance of 1.5 metres from other people; and
- upon leaving your hotel room, you **must** go straight to the foyer for discharge and then immediately after travel to your transportation and travel directly to your ordinary residence.

These steps are to ensure your protection, and reduce the risk of you becoming infected with COVID-19 by any persons detained in the hotel, or in the community, who may have COVID-19.

Until your detention has concluded, you must follow instructions from Authorised Officer/s and any other conditions set out.

#### **2 Offence and penalty**

- (1) It is an offence under section 203 of the Act if you refuse or fail to comply with the directions set out in this notice, unless you have a reasonable excuse for refusing or failing to comply.
- (2) The current penalty for an individual is \$19,826.40.

\_\_\_\_\_  
**Signature of Authorised Officer**

**Name of Authorised Officer:** \_\_\_\_\_

*As authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the Act.*

## Appendix 8: End of Detention Notice (confirmed case or respiratory illness symptoms)

*Public Health and Wellbeing Act 2008 (Vic)*

### Section 200

An Authorised Officer has decided to end your Direction and Detention Notice. This decision has been made following the mandatory review of your Direction and Detention Notice because you *[have returned a positive test for COVID-19] or [have started displaying symptoms of respiratory illness]*.

#### 1. Detention Notice

You have arrived in Victoria from overseas, on or after midnight on 28 March 2020 or on or after midnight on 13 April 2020 and have been placed in detention, pursuant to a Direction and Detention Notice that you were provided on your arrival in Victoria (**Notice**).

#### 2. Details of End of Detention Notice

**Name of Detainee:** \_\_\_\_\_

**Date Notice Made:** \_\_\_\_\_

**Date Notice Expires:** \_\_\_\_\_

**Place of Detention:** \_\_\_\_\_

**Medical Facility:** \_\_\_\_\_  
*(if medical care is required)*

#### COVID-19 Status or respiratory illness symptoms [tick applicable]:

COVID-19 confirmed: \_\_\_\_\_  coughing

*[insert date of test]*

fever or temperature in excess of 37.5 degrees  sore throat

congestion, in either the nasal sinuses or lungs  body aches

runny nose  fatigue

#### 3. End of Detention Notice

In accordance with section 200(6) of the Public Health and Wellbeing Act 2008, I have reviewed your continued detention.

On review of the Notice, I have noticed that you *[have been diagnosed with COVID-19] or [have exhibited the symptoms of respiratory illness, as outlined above at paragraph 2(8)]* *[delete as applicable]*.

In consideration of the above, I do not believe that continued detention is reasonably necessary to eliminate or reduce a serious risk to public health because:

- a) *[if applicable]* You have been confirmed to have COVID-19 and will be required to self-isolate in accordance with the Isolation (Diagnosis) Direction, in a premises that is suitable

for you to reside in, or a medical facility, until such a time you are notified that you no longer need to self-isolate and a clearance from isolation (self-isolation) is given;

- b) [if applicable] You are showing symptoms of respiratory illness and will be required to self-isolate in accordance with the Stay at Home Direction currently in force in Victoria and will need travel directly to your ordinary residence once you leave detention, and remain there unless you are permitted to leave for a reason specified in the Stay at Home Direction; and
- c) You are ordinarily a resident in Victoria.

Compliance with Directions made by the Deputy Chief Health Officer is required to reduce or eliminate the serious risk to public health posed by COVID-19. It is essential that you [self-isolate in accordance with the Isolation (Diagnosis) Direction until such time as you are notified that you no longer need to self-isolate and a clearance from self-isolation is given] OR [return to your ordinary residence and remain there unless you are permitted to leave for a reason specified in the Stay at Home Direction. Please monitor your symptoms and seek appropriate medical care if required]. *[delete as applicable]*.

The Notice is ended subject to the directions below under paragraph 4. Non-compliance with these directions is an offence.

#### **4. Conditions**

- You will be transited from the hotel where you have been detained to your ordinary residence / Premises for Isolation pursuant to Isolation (Diagnosis) Direction / medical facility *[delete as appropriate]* by an Authorised Officer. You may / will *[delete as appropriate]* be supervised during transit.
- While you are transiting to your ordinary residence / Premises for Isolation pursuant to Isolation (Diagnosis) Direction / medical facility *[delete as appropriate]*, you must refrain from touching communal surfaces, as far as possible, such as door knobs, handrails, lift buttons etc.
- When you are transiting to your ordinary residence / Premises for Isolation pursuant to Isolation (Diagnosis) Direction / medical facility *[delete as appropriate]*, you must, **at all times**, wear appropriate protective equipment to prevent the spread of COVID-19, if directed by the Authorised Officer.
- You must practice social distancing, and as far as possible, maintain a distance of 1.5 metres from all other people, including any Authorised Officer escorting you.
- When you are transiting to your ordinary residence / Premises for Isolation pursuant to Isolation (Diagnosis) Direction / medical facility *[delete as appropriate]*, you must, **at all times**, comply with any direction given to you by any Authorised Officer escorting you.

#### **5. Offence and penalty**

It is an offence under section 203 of the Act if you refuse or fail to comply with the directions and requirements set out in this notice and/or the Isolation (Diagnosis) Direction *[if applicable]*, unless you have a reasonable excuse for refusing or failing to comply.

The current penalty for an individual is \$19,826.40.

\_\_\_\_\_  
Signature of Authorised Officer

Name of Authorised Officer: \_\_\_\_\_

*As authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the Act.*

## Appendix 9: End of detention guidance note

**How to conclude a person's detainment under a *Direction and Detainment Notice* if they have served the required period of detainment, become a confirmed case of COVID-19 or have symptoms of respiratory illness**

### **What do you have to do before you issue an End of Detention Notice?**

- if the person has served 14 days of detention you must decide how to administer the completion of that person's detention arrangements:
  - selecting a time for the person to attend a foyer after the 14 day period has concluded - it is recommended that this occur in small groups of people who are practicing appropriate social distancing and with sufficient time between groups to avoid crowds. This will ensure Authorised Officers can safely discharge each detainee
  - collecting a person from their hotel room after the 14 day period has concluded – this approach should be carefully administered to ensure Authorised Officers can safely discharge each person
- if a person's detainment is concluding because they have a confirmed case of COVID-19 or symptoms of respiratory illness they must be discharged when it is safe to do so – e.g. when other detained people are in their rooms, under full supervision etc.
- complete all sections of the Notice, including clearly documenting the reasons for the end of detention and the details recorded on the Direction and Detention Notice
- update all the registers and relevant records about the person's detainment arrangements
- ensure the reference number is completed.

### **When should you issue an End of Detention Notice?**

It is preferable that an End of Detention Notice be issued the day before a person's detainment is set to conclude – this will give the person adequate time to prepare (e.g. to pack their belongings) and ensure the orderly discharge of large groups of people.

A notice may be provided earlier but it creates a risk that a person may develop COVID-19 symptoms before the day the detainment period must end.

### **What do you have to do when you issue an End of Detention Notice?**

When you issue an End of Detention Notice you must:

- explain the reason why detention has ceased and is no longer necessary to eliminate or reduce a serious risk to public health
- advise that person of the arrangements being made for their discharge from detention (e.g. at an allocated time at the foyer; when they are escorted from their room etc)
- notify the person that although they are no longer subject to detention when they are discharged and leave the premises of their detention, they are still subject to the directions which are in force in Victoria, including
  - if they are ordinarily resident in Victoria, they are required to return immediately to their ordinary residence, where they must remain, in accordance with the Stay at Home Directions (No 2)
  - if they have a confirmed case of COVID-19, they must isolate at home in accordance with the Isolation (Diagnosis) Direction

## Appendix 10: Charter of Human Rights obligations

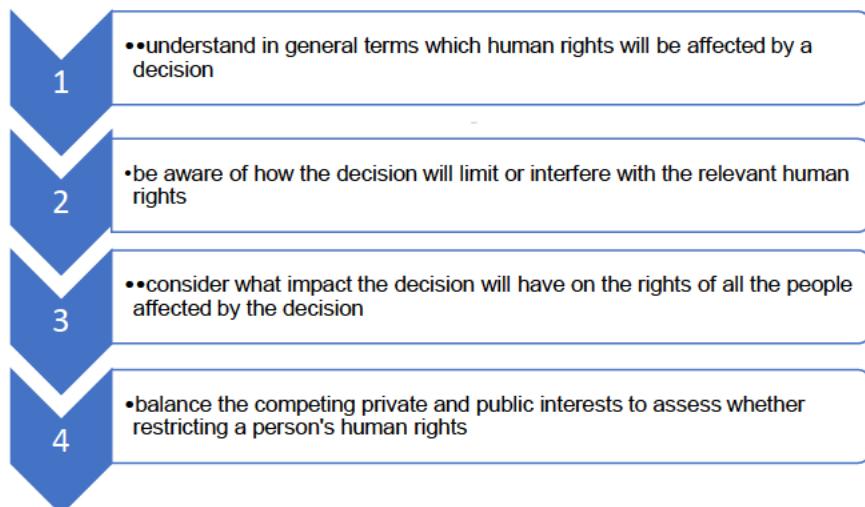
### Key points

- AO must act compatibly with human rights.
- AO must give 'proper consideration' to the human rights of any person(s) affected by an AO's decision.

### Department AO obligations under the Charter of Human Rights and Responsibilities Act 2006

Department AOs are public officials under the Charter of Human Rights. This means that, in providing services and performing functions in relation to persons subject to the Direction and Detention Notice, department AOs must, at all times: act compatibly with human rights; and give 'proper consideration' to the human rights of any person(s) affected by a department AO's decisions.

### How to give 'proper consideration' to human rights



The relevant Charter Human Rights that departmental AOs need to be aware of that may be affected by a decision:

Charter Right	Obligation
Right to life	<ul style="list-style-type: none"> <li>This includes a duty to take appropriate steps to protect the right to life and steps to ensure that the person in detention is in a safe environment and has access to services that protect their right to life</li> </ul>

<b>Right to protection from torture and cruel, inhuman or degrading treatment</b>	<ul style="list-style-type: none"> <li>This includes protecting persons in detentions from humiliation and not subjecting persons in detention to medical treatments without their consent</li> </ul>
<b>Right to freedom of movement</b>	<ul style="list-style-type: none"> <li>while detention limits this right, it is done to minimise the serious risk to public health as a result of people travelling to Victoria from overseas</li> </ul>
<b>Right to privacy and reputation</b>	<ul style="list-style-type: none"> <li>this includes protecting the personal information of persons in detention and storing it securely</li> </ul>
<b>Right to protection of families and children</b>	<ul style="list-style-type: none"> <li>this includes taking steps to protect families and children and providing supports services to parents, children and those with a disability</li> </ul>
<b>Property Rights</b>	<ul style="list-style-type: none"> <li>this includes ensuring the property of a person in detention is protected</li> </ul>
<b>Right to liberty and security of person</b>	this includes only be detained in accordance with the PHWA and ensuring steps are taken to ensure physical safety of people, such as threats from violence
<b>Rights to humane treatment when deprived of liberty</b>	this includes treating persons in detention humanely.

## Appendix 11 Register of permissions granted under 4(1) of the *Direction and Detention Notice*

Authorised officer: \_\_\_\_\_

Ref No.	Date	Name of detained person	Reason	Time-Out	Time-In

## Appendix 12 Guidance Note — Exceptions to the General Quarantine Policy

### **Summary**

You are [an officer authorised by the Chief Health Officer under section 199(2)(a) of the *Public Health and Wellbeing Act 2008* (Vic) (**PHW Act**) to exercise certain powers under that Act] [or a delegate of the Chief Health Officer under section 22 of the PHW Act] [**Note: however, only registered medical practitioners can be delegates under s 22**]. You also have duties under the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (**Charter**).

This guidance note has been prepared to assist you to carry out your functions in determining whether individual persons arriving in Victoria from overseas should be exempt from being made subject to a detention notice requiring them to self-quarantine in a designated hotel room for 14 days in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**) (the **general quarantine policy**). This policy is in place because people returning from overseas are at increased risk of infection from 2019-nCoV and may inadvertently transmit it to others upon their return and because the earlier requirement to isolate at home was not uniformly complied with.

As part of your functions, you are required to make decisions as to whether an exception to the general quarantine policy is warranted in particular cases that have been escalated to you by authorised officers. If you decide that an exception applies, you must subsequently decide whether the person in question should be:

1. released from quarantine in Victoria (because they are medically cleared or will be subject to another jurisdiction's regime); or
2. required to complete their quarantine in another location in Victoria (at home or in another facility), in which case they would be subject to the same conditions that apply to other international arrivals under the standard direction and detention notice, including monitoring and penalties for non-compliance.

This guidance note sets out the following **six categories of exceptions** to the general quarantine policy and provides a checklist of relevant factors to be considered when determining whether each exception applies:

1. International transit (for example, transit in Victoria from New Zealand en route to Europe or vice versa).
2. Interstate transit (with the approval of the receiving jurisdiction, usually for compassionate reasons or as an unaccompanied minor).
3. Unaccompanied minors whose legal guardians are unable to reside with them at the hotel (for example, due to other caring responsibilities).
4. Compassionate or medical grounds (for example, if the person suffers from anaphylaxis).
5. Previous confirmed cases with medical clearance who no longer require quarantine.
6. Key workers.

It also provides guidance on how to fulfil your obligations under the Charter for each exception. Those obligations are to act compatibly with human rights and to give 'proper consideration' to the relevant human rights of any person(s) affected by your decisions. The relevant factors and human rights considerations will differ depending on the applicable exception.

We note that, although it is important that the exceptions are reasonably transparent and communicated clearly to people arriving in Victoria from overseas, this must be balanced against the need to ensure that the categories of exceptions are appropriately circumscribed so as not to undermine the general quarantine policy. Further, although this guidance note has been developed in the interests of ensuring consistency and clarity in the application of the exceptions, you must determine each request on a case-by-case basis.

### **Your obligations under the Charter**

You are a public officer under the Charter. This means that, in deciding whether an exception to the general quarantine policy is warranted in any particular case, you must give 'proper consideration' to the human rights of *any person* affected by the decision, including the person who would otherwise be subject to the detention notice, the person(s) who they may quarantine with if they were to quarantine at home, and members of the community.

'Proper consideration' requires you to:

- **first**, understand in general terms which human rights will be affected by your decision (these rights are set out below and differ depending on the exception);
- **second**, seriously turn your mind to the possible impact of your decision on the relevant individual's human rights, and the implications for that person;
- **third**, identify the countervailing interests (e.g. the important public objectives such as preventing the further spread of 2019-nCoV, which may weigh against a person's full enjoyment of their human rights for a period of time); and
- **fourth**, balance the competing private and public interests to assess whether restricting a person's human rights is justified in the circumstances.

### **Exceptions [Ensure consistency with Aus Government policy re exceptions to mandatory quarantine]**

#### **1. International transit**

*Description of category*

*Relevant factors*

**[DHHS to please provide]**

*Relevant human rights*

#### **2. Interstate transit**

*Description of category*

**[Refer to letter to diplomat re exception to travel to Canberra]**

*Relevant factors*

[DHHS to please provide]

*Relevant human rights*

**3. Unaccompanied minors whose legal guardians are unable to reside with them at the hotel**

*Description of category*

*Relevant factors*

[DHHS to please provide]

*Relevant human rights*

**4. Compassionate or medical grounds**

*Description of category*

[Refer to previous assessments for [REDACTED] and [REDACTED]]

*Relevant factors*

[DHHS to please provide]

*Relevant human rights*

**5. Previous confirmed cases with medical clearance who no longer require quarantine**

*Description of category*

*Relevant factors*

[DHHS to please provide]

*Relevant human rights*

**6. Key workers**

*Description of category*

[Refer to letter from Minister Hunt re exception for key workers]

*Relevant factors*

[DHHS to please provide]

*Relevant human rights*

[Note: do we possibly need a 'miscellaneous' / catch-all category, to capture cases that may warrant an exception but do not fall squarely into one of the above categories?]

# General information – COVID19 Quarantine Authorised Officers

As at 02/05/2020

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## Introduction

Please note general information below, based on queries received from Department of Health and Human Services (DHHS) Authorised Officers (AOs) working in COVID-19 quarantine hotels.

This information will be update and circulated as required.

It will also be maintained in the COVID compliance Teams site ([access coming](#)), link below:

<https://teams.microsoft.com/l/team/19%3a95d5f1c76a9d4fd687ba31ee649a30d7%40thread.tacv2/conversations?groupId=78809a3c-56b9-4ad8-ae93-328ed1ed2305&tenantId=c0e0601f-0fac-449c-9c88-a104c4eb9f28>

Please advise [REDACTED] by email at <[REDACTED]> if you cannot access the site ([remember access coming](#) □).

**Note:** correspondence, including roster, pay and other information, will generally be emailed via the AO distribution list: COVID-19 Authorised Officers [COVID-19AuthorisedOfficers@dhsvicgovau.onmicrosoft.com](mailto:COVID-19AuthorisedOfficers@dhsvicgovau.onmicrosoft.com).

You must have set up your DHHS email address to be include on this list, in the Teams site and to use the Compliance App (all details below).

If you are still awaiting a DHHS email address, your personal email address will be used until a DHHS email address is available (information and set up details are below).

## IT access

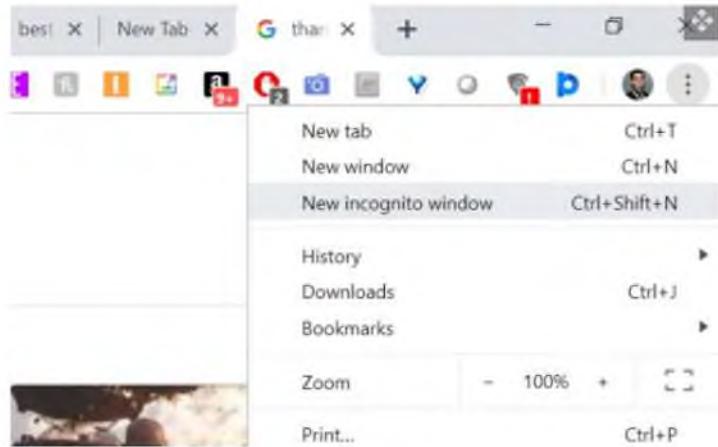
You will receive an email from [REDACTED] or on [REDACTED] behalf, with your DHHS email address and initial log in details.

You must undertake the following steps:

1. Log into Office 365 by: go to [www.office.com](http://www.office.com) and sign in with the DHHS email and initial password provided
2. Change your password to one you can remember
3. Set up Multifactor Authenticator (MFA) from the following website, you will need your mobile phone number: [www.aka.ms/mfasetup](http://www.aka.ms/mfasetup)
4. Go back to [into Office 365](http://www.office.com) and sign in with your DHHS email and newly created password.

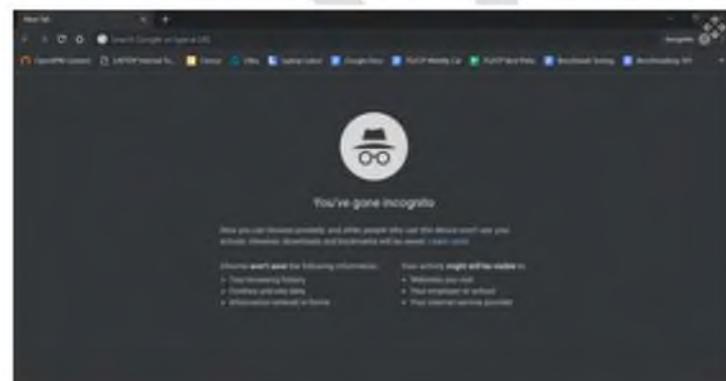
If you are accessing from another department/statutory body device and it defaults to a non-DHHS email, please undertake the following steps to go 'incognito' before logging back into office.com.

1. Step 1: To open incognito mode, start **Chrome** and click the **three-dotted icon in the top right corner** of the screen.



You're only a few seconds away from browsing in incognito mode.

2. Step 2: Click **New Incognito Window** and start browsing. Alternatively, you can press **Ctrl + Shift + N** to bring up a new tab in incognito mode without entering the Chrome settings menu.



If you have any access issues, please email [REDACTED] at <[REDACTED]>

## Compliance App

You will be required to record detainee information and contemporaneous notes in the Compliance App.

Please contact [REDACTED] via email at <[\[REDACTED\]](mailto:[REDACTED])> for access to training and the Compliance App.

Note you will need to have set up your DHHS email address using the instructions above in order to access the App.

Compliance App training is scheduled three times a week: Monday, Wednesday and Friday at 11am.

Enhancement releases are scheduled some evenings and deployment occurs during the scheduled outage time of 9pm to 9:30pm.

User guides are updated to reflect the new functionality post released and there is a Quick Start Guide to assist you regarding new features.

The documents are available on the system's SharePoint site:

<https://dhhsVICgovau.sharepoint.com/sites/Covid19/SitePages/Quarantine-and-Welfare-System.aspx>

Support is available daily from 8am to 8pm. Public holidays included.

- Phone support: 1300 799 470, Menu option 5
- Email support: [REDACTED]@dhhs.vic.gov.au

## Devices

There are devices (for example iPads, laptops) and mobile phones for AO use during shifts.

Please ensure you:

- do not remove the devices and phones from the hotel as they are assigned to these locations
- log off, restart or shut down the device at the end of your shift to ensure your colleague can access during their shift.

## Parking

Parking is available at hotels, though some may charge a fee. You can claim reimbursement through your personal tax or from DHHS.

The form to claim reimbursement from DHHS is below.



Business-Expense-claim-form\_20160218.d

In terms of parking in Melbourne city please note the following.

Staff are able to park in 'green sign' parking bays (for example 1hr or 2hr zones) indefinitely so long as they pay the initial maximum amount. That is, if they park in a 1hr green signed parking space, they have to pay for the first hour but will not be fined for leaving their car there beyond the signed maximum time so long as the parking bay does not convert at any time to a:

- No standing zone
- No stopping zone
- Clearway zone.

Staff must not park:

- In a loading zone
- In a disabled access parking bay without a permit
- In a way that blocks driveways, clearways or lanes
- Too close to intersections
- In resident permit zones (without a permit).

Please ensure you park safely and if you do adhere to the above and still get a fine, please contact the City of Melbourne Infringement Review Team: [infringements@melbourne.vic.gov.au](mailto:infringements@melbourne.vic.gov.au) should you wish for the fine to be reviewed.

## Payroll matters

Information about payroll matters are below.

### Pay period

Pay is fortnightly. The below 2020 calendar details the fortnights.

Specific timesheet information is below.



2020 Calendar.xls

### Penalties, Allowances and Costs

Hours outside of the standards 7am – 7pm, Monday to Friday timespan attract penalty rates and allowances.

Rostered shifts, penalties and overtime are paid in arrears.

Standard half hour unpaid break applies and should be recorded as such on the timesheet (equivalent to the standard 9am – 5.06pm, minus 30 minutes lunch break, five days per week, equals your 76-hour fortnight).

Parking fees (not fines for incorrect parking) can be claimed on personal tax or through DHHS as above.

Cabcharges are available for late shift finishes where the person uses public transport or does not drive (note parking information above).

Staff may reflect their travel time on their timesheet in the following circumstances:

- If you are regional based staff member travelling to Melbourne Airport or a Melbourne CBD hotel in order to undertake your duties
- If you are a metro-based staff member, who is not normally based at 50 Lonsdale Street, travelling to Melbourne Airport or a Melbourne CBD hotel in order to undertake your duties
- If you are a metro-based staff member, including those who are based at 50 Lonsdale Street, travelling to Melbourne Airport in order to undertake your duties.

Staff who are based at 50 Lonsdale Street and are asked to undertake their duties at a Melbourne CBD hotel should not reflect their travel time on their time sheets due to the close proximity of the majority of the hotels to the 50 Lonsdale Street location.

Staff who wish to claim mileage reimbursement are strongly encouraged to do this through their personal tax return through the recording of mileage and submission as part of that process.

## Timesheets

There are three timesheets and the scenarios are outlined below.

In all cases, timesheets must be legible, signed (electronic fine), fully completed with name, employee ID (where available), pay period etc.

Timesheets must be submitted to Payroll by midday Tuesday on a NON-pay week. This is a hard deadline.

As approved timesheets are due before midday on Tuesday of non-pay week, timesheets **for seconded and fixed term staff** must be submitted to [REDACTED] via the dedicated inbox (below) by the Friday before.

For **ongoing DHHS employees** you must submit your completed timesheet to your substantive manager and then submit via OurService.

Send your timesheets to [REDACTED] at COVID-AO Timesheet (DHHS) [REDACTED]@dhhs.vic.gov.au (this ensures your timesheet does not get 'hidden' amongst the other emails being received).

### Casual timesheet

The casual timesheet, below, is for staff on a casual contract.



Copy of COVID-19  
Timesheet Casual.xls

### Overtime and standby timesheet

The overtime and standby timesheet, below, is for staff who are undertaking their usual number of hours (whether full or part time) between the 7am – 7pm Monday to Friday timespan, but have also undertaken additional hours as overtime or due to being on call.



Copy of COVID-19  
Overtime and Standby.xls

### Roster timesheet

The roster timesheet, below, is for staff who are undertaking rostered shift work, whether seconded, employed or engaged to do so, or as a temporary change to working arrangements.

Most AO's working in the hotels will be using this timesheet.

The second version is with kudos and thanks to [REDACTED], who "fixed it up so it calculates lunch breaks, shift times and auto populates the dates etc. You just have to enter the shifts in 24-hour format (i.e. 16:00 start 24:00 end etc). Regarding the date, you just need to enter the first Sunday date and the rest takes care of itself. Life's too short for unnecessary data entry ☺" I hear you [REDACTED] and thanks!



Copy of Timesheet Template Timesheet  
COVID-19 Roster.xls COVID-19 Roster\_upc

## Payslips

Payslips are generated each pay fortnight. Employees with ESS access can view their payslips online. Employees without ESS access will have a copy of their payslip sent to the employees nominated residential address.

### **Employees with ESS access (ongoing DHHS staff)**

Your payslip will be available to you through ESS on Monday of the pay week via ESS.

### **Employees without access to ESS (fixed term and seconded staff)**

For those employees that do not have access to ESS, payslips are available via your personal or DHHS email address.

## Queries

If you have any queries, please contact [REDACTED] via email at <[REDACTED]>

## ANNEX 1

# COVID-19 Compliance policy and procedures – Detention authorisation

Authorised Officers under the *Public Health and Wellbeing Act 2008*

## Document Details

Version	Status	Author	Reviewer	Authorised for Release	Date
1.0	Approved	REDACTED	Angie Bone	Meena Naidu	29/4/2020
2.0	Approved	REDACTED	Meena Naidu	Murray Smith	24/05/2020

**This document is not for public release and is classified as 'sensitive'.**

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# 1 Purpose and background

## 1.1 Purpose

This purpose of this annex is to outline the compliance and enforcement functions and procedures for the Direction and Detention notice under the *Public Health and Wellbeing Act 2008* (PHWA).

This is an annex to the State plan ‘Operation Soteria: Mandatory Quarantine for All Victorian Arrivals’ which describes the overarching system in operation.

## 1.2 Background

A mandatory quarantine (detention) approach was introduced by the Victorian Government, consistent with the Commonwealth Government ([Department of Health Information for International Travellers](#)) through a policy that a detention order would be used for all people arriving from overseas into Victoria.

An initial notice was issued on 27 March 2020, which ordered the detention of all persons who arrive into Victoria from overseas on or after midnight on 28 March 2020, requiring they be detained in a hotel for a period of 14 days. A second notice (No 2) was issued on 13 April 2020 that requires the detention of all person who arrived into Victoria from overseas on or after midnight on 13 April 2020, requiring they be detained in a hotel for a period of 14 days. A third notice (No 3) was issued on 11 May 2020, that requires the detention of all persons arriving in Victoria from overseas to be detained in a quarantine hotel for a period of 14 days (Appendix 1).

The directions are displayed on the department’s website at <https://www.dhhs.vic.gov.au/state-emergency> and were made by the Deputy Chief Health Officer or Chief Health Officer:

### 1.2.1 Objectives

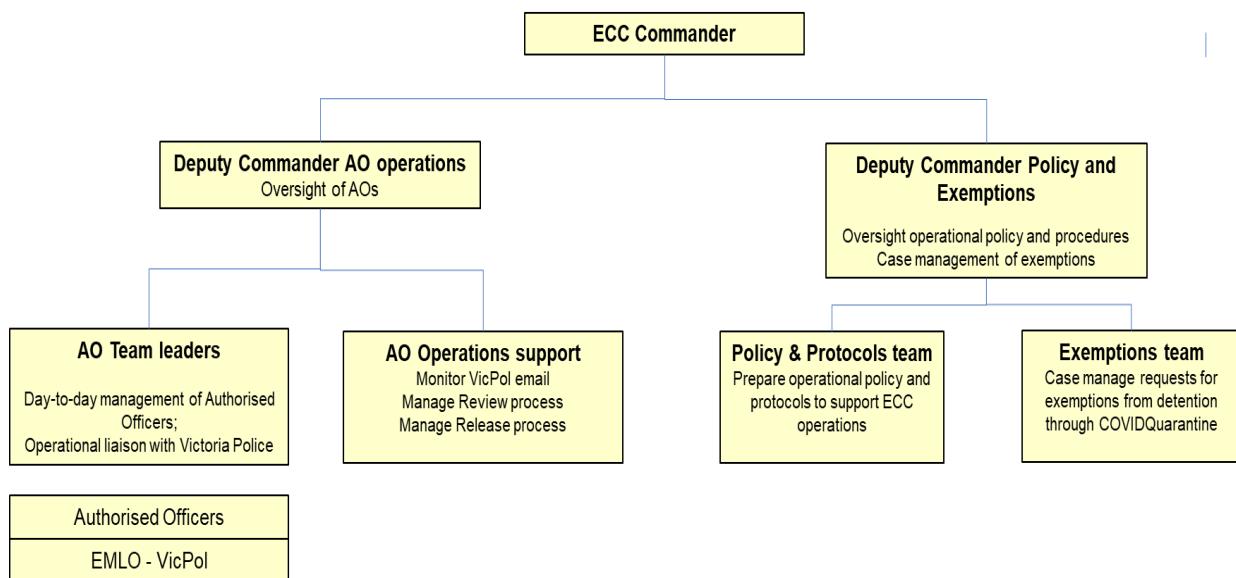
The objectives of the plan for people returning from overseas to Victoria are:

- To identify any instance of illness in returned travellers in order to detect any instance of infection.
- To ensure effective isolation of cases should illness occur in a returned traveller.
- To provide for the healthcare and welfare needs of returned travellers who are well or shown to be COVID-19 negative but are required to remain in quarantine for the required 14 days.
- To implement the direction of the Deputy Chief Health Officer through meeting:
  - A requirement to detain anyone arriving from overseas for a period of 14 days at a hotel in specific room for a specified period unless an individual determination is made that no detention is required.
  - A requirement to record provision of a detention notice showing that the order was served and to manage access to information on who is in detention using a secure database.
  - A requirement to undertake checks every 24 hours by a department Compliance Lead during the period of detention.
  - A requirement to fairly and reasonably assess any request for permission to leave the hotel room / detention. This may be undertaken as part of a wholistic approach involving AOs, DHHS welfare staff, medical practitioners, nurses and other specialist areas if needed.

## 2 Enforcement and Compliance Command governance

### 2.1 Enforcement and Compliance Command structure

**Figure 1. Enforcement and Compliance Command structure**



### 2.2 ECC roles and responsibilities

**Table 1. ECC cell roles**

Role	Responsibilities
Enforcement and Compliance Commander	<ul style="list-style-type: none"> <li>Lead and provide oversight to compliance matters under all Public Health Directions.</li> <li>Provide advice and input into complex compliance matters.</li> <li>Provide advice and support to the Chief Health Officer and their delegate on compliance.</li> <li>Address interagency issues</li> <li>Approve requests for changes to alternative detention arrangements</li> <li>Daily review of those subject to detention</li> </ul>
Deputy Commander AO operations	<ul style="list-style-type: none"> <li>Provide oversight to Authorised officers</li> <li>Ensure effective communication between AO operations, Command and Policy and Exemptions</li> </ul>

	<ul style="list-style-type: none"> <li>• Ensure operations are compliant with protocols</li> <li>• Engage with EOC as required around hotel operations and compliance</li> <li>• Lead the provision of guidance to the AO Team Leaders.</li> <li>• Report on daily review of people being detained.</li> </ul>
AO Operations support	<ul style="list-style-type: none"> <li>• Undertake rostering, recruiting and onboarding of ECC resources</li> <li>• Monitor VicPol email address</li> <li>• Manage daily review of detention process</li> <li>• Manage release from detention process.</li> </ul>
Senior AO	<ul style="list-style-type: none"> <li>• Provide leadership to AOs.</li> <li>• Monitor the approval of permissions</li> <li>• Support AOs through complex matters</li> <li>• Make exemption request where appropriate</li> <li>• Ensure appropriate parties are aware of complex matters</li> </ul>
AO	<p>Primary responsible for:</p> <ul style="list-style-type: none"> <li>• Issuing detention notices</li> <li>• Ensuring compliance with the notices</li> <li>• Issuing and managing permissions</li> <li>• Actioning approved exemptions</li> <li>• Actioning the release of detainees from hotels</li> <li>• Provide support to VicPol as required</li> </ul>
EMLO VicPol	<ul style="list-style-type: none"> <li>• Liaise with Victoria Police.</li> </ul>
Deputy Commander Policy and Exemptions	<ul style="list-style-type: none"> <li>• Oversight of operational policy and procedures.</li> <li>• Key liaison point with legal</li> <li>• Case management of exemptions.</li> </ul>
Exemptions Managers	<ul style="list-style-type: none"> <li>• Approve cases declined at Triage</li> <li>• Review cases to be approved by the Commander</li> </ul>
Exemptions Team Leaders	<ul style="list-style-type: none"> <li>• Support team members through complex cases</li> <li>• Ensure cases are appropriately closed out</li> </ul>
Exemptions team	<ul style="list-style-type: none"> <li>• Triage cases as they are received</li> <li>• Manage COVIDQuarantine inbox</li> <li>• Case manage requests for exemptions from detention.</li> <li>• Liaise with other parties as required to manage cases</li> </ul>
Policy and Protocols team	<ul style="list-style-type: none"> <li>• Prepare operational policy and protocols to support enforcement and compliance.</li> <li>• Prepare briefs, PPQs and other documents and reports as required</li> </ul>

## 2.3 Roles and responsibilities for other staff

**Table 2. Non-compliance cell staff at hotel**

Role	Responsibility
DHHS Team Leader	<ul style="list-style-type: none"> <li>Supports the health and well-being of staff.</li> <li>Liaises with airport command and staff from the Department of Jobs Precincts and Regions represented at the hotel.</li> <li>Provides situational awareness and intelligence to inform transport providers, state-level emergency management arrangements and airport operations.</li> <li>Provides a point of reference to all site-staff to help resolve operations, logistics or site-related issues and / or escalations required.</li> <li>Ensures appropriate records management processes are in place.</li> </ul>
DHHS and DJPR concierge staff	<ul style="list-style-type: none"> <li>Capture client personal needs, e.g. dietary, medication, allergies, personal hygiene needs.</li> <li>Deliver hyper-care (concierge) services onsite.</li> <li>Manage contracts with accommodation providers.</li> <li>Manage transport arrangements from the airport and other locations detainees as permissioned by AOs.</li> <li>Manage material needs including food and drink.</li> </ul>
Nursing staff	<ul style="list-style-type: none"> <li>Provide 24 hour on-call medical support subject to demand.</li> <li>Provide welfare to detainees through a daily welfare check — DHHS welfare officers email <a href="mailto:COVIDQuarantine@dhhs.vic.gov.au">COVIDQuarantine@dhhs.vic.gov.au</a> and phone the site AO individually to alert AO of medical and welfare issues.</li> <li>Provide a satisfaction survey for residents to complete each week.</li> </ul>
Security	<ul style="list-style-type: none"> <li>Assist AOs in ensuring detainees comply with notices and permissions. This includes ensuring detainees do not leave hotel rooms, assisting with movement of detainees where they have permission to leave rooms, and assisting with release from detention.</li> </ul>

## 2.4 COVID-19 Quarantine Compliance and Welfare System

The COVID-19 Quarantine and Welfare System is the key recording and reporting system supporting the ECC. It supports quarantine arrangements by providing a common database for compliance health and welfare activities. The systems is protected for privacy reasons with different cohorts having access to specific part of the database through either an app or directly through the Customer Relationship Management (CRM) interface. The ECC has access to

- [COVID-19 Compliance Application](#) (Compliance App)- This application supports AOs to issue, maintain and record Direction and Detention notices and permissions as well as issue and record certain exemptions.. .
- COVID-19 Exemptions – This tool enables the exemptions team to triage; case manage and close requests for exemptions. It is linked to the Compliance App so AOs are able to see the status of, request and action exemptions.

A Smart form for applications for exemptions is on the DHHS website for travellers or their representatives to request a change to the mandatory detention arrangements. The SMART form feeds directly into the CRM.

A **User Guide** is available to guide ECC team members.

**Support email** for users: [ComplianceandWelfareApplicationSupport@dhhs.vic.gov.au](mailto:ComplianceandWelfareApplicationSupport@dhhs.vic.gov.au)

Support will be active between 8am and 8pm. You can email support for access issues, technical issues, application use questions. A **phone number** will also be provided shortly.

## 3 Authorised officers and powers

### 3.1 Key points

- Only AO's additionally authorised for the purposes of the public health risk and emergency powers can undertake administration and enforcement of the direction and detention notice
- AOs must meet legislative obligations around identification, warnings, communication and human rights when exercising powers.

### 3.2 Authorisation under the PHWA to exercise emergency powers

**Only VPS employees and council environmental health officers that are AOs under the PHWA and also authorised by the Chief Health Officer under section 199(2)(a) of the PHWA can exercise public health risk and emergency powers.**

Departmental staff that are authorised to exercise powers under the PHWA may or may not also be authorised to exercise the public health risk powers and emergency powers given under s.199 of the PHWA by the Chief Health Officer (CHO). This authorisation under s.199 has an applicable end date; relevant authorised officers (AOs) must be aware of this date.

**Note: Any AO that is unsure as to whether they have been authorised under s. 199 should contact the AO Operations support team prior to enforcing compliance with the Direction and Detention Notices.**

While exercising their powers and monitoring compliance, AOs should be cognisant that persons subject to detention may be tired, emotional and stressed. AOs may need to use conflict negotiation, mediation skills and compassion to help persons settle into the new environment.

#### 3.2.1 Emergency powers and offences

Section 200(1) of the PHWA sets out the emergency powers, including detaining any person or group of persons in the emergency area for the period reasonably necessary to eliminate or reduce a serious risk to health.

The Direction and Detention notice is made pursuant to section 200 of the PHWA (emergency powers), Attachment 1.

It is an offence under section 203 of the PHWA if a person refuses or fails to comply with the directions and requirements set out in the Direction and Detention notice (unless there is a reasonable excuse for refusing or failing to comply). The maximum court penalty for an individual is 120 penalty units and 600 penalty units for a body corporate. There are infringement penalties of 10 penalty units for a natural person and 60 penalty units for a body corporate.

## 3.3 Authorised officer and Chief Health Officer obligations

Sections 200(2) – (8) of the PHWA set out several AO obligations in relation to detaining any person or group of persons in the emergency area for the period reasonably necessary to eliminate or reduce a serious risk to health.

### 3.3.1 Mandatory obligations for AOs

AOs have mandatory obligations that must be followed when exercising powers. Table 3 below summarises mandatory obligations.

**Table 3. Mandatory obligations of AOs**

Legislation	Obligations
<b>Emergency powers and general powers in the Public Health and Wellbeing Act 2008</b>	<ul style="list-style-type: none"> <li>• AO must show ID card before carrying out actions/exercising powers</li> <li>• Before any person is detained, AO must briefly explain to the person the reason why it is necessary to detain them – if not practicable, it must be done as soon as practicable</li> <li>• Before any person is detained, AO must warn the person that refusal or failure to comply without reasonable excuse, is an offence.</li> <li>• AO must facilitate any reasonable request for communication</li> <li>• AO must review every 24 hours, whether continued detention of the person is reasonably necessary to eliminate or reduce a serious risk to health (undertaken by Deputy Commander AO operations with support from Operations Support Team)</li> <li>• AO must give written notice to the Chief Health Officer (CHO) that detention has been made and if it is reasonably necessary to continue detention to eliminate or reduce the serious risk to public health<sup>1</sup>.</li> </ul>
<b>In addition, AOs must comply with the Charter of Human Rights</b> (see also Appendix 16)	<ul style="list-style-type: none"> <li>• AO must act compatibly with human rights</li> <li>• AO must give ‘proper consideration’ to the human rights of any person(s) affected by a department AO’s decision.</li> </ul>

The notice to the CHO must include:

- the name of the person being detained
- statement as to the reason why the person is being, or continues to be, subject to detention.

Following receipt of a notice, the CHO must inform the Minister as soon as reasonably practicable.

<sup>1</sup> An Authorised Officer under the PHWA that has been authorised to exercise public health risk and emergency powers

### 3.3.2 General powers and obligations under the Public Health and Wellbeing Act 2008 (PHWA)

The general powers of Authorised Officers are outlined under Part 9 of the PHWA (Authorised Officers). The following is an overview of powers and obligations. It does not reference all powers and obligations.

**AOs are encouraged to read Part 9 and seek advice from the Deputy Commander AO Operations if they are unsure about the administration of their powers.**

#### 3.3.3 Authorised officer obligations:

##### Produce your identity card - s166

- **Before** exercising powers provided to you under the PHWA (unless impractical to do so):
  - At any time during the exercise of powers, if you are asked to show your ID card
  - As part of good practice, you should produce your identity card when introducing yourself to occupiers or members of the public when attending complaints or compliance inspections.

##### Inform people of their rights and obligations

- You may request a person to provide information if you believe it is necessary to investigate whether there is a risk to public health or to manage or control a risk to public health (s.167).
- Before exercising any emergency powers, you must, unless it is not practicable to do so, warn the person that a refusal or failure to comply without a reasonable excuse, is an offence.

## 4 AO responsibilities at port of arrival

AOs issue Direction and Detention notices to people arriving in Victoria (airports and seaports)<sup>2</sup> from overseas who must go into immediate compulsory quarantine for 14 days. This is because international arrivals present a high-risk of further transmission of the COVID-19 virus and detention is necessary to reduce or eliminate the serious risks to public health associated with the virus.

All passengers will be transported to a designated hotel accommodation, where they must undertake a strict 14-day quarantine period with the **day of arrival counted as day 0**.

The airport is the first point of contact for an AO, who must undertake several obligations to administer the direction and detention notice issued under the PHWA.

### 4.1 Key points

- AO must fulfil mandatory obligations (e.g. show ID card and explain reason for detention,).
- AO must check that a direction and detention notice is filled in properly and recorded.
- AO to provide factsheet and privacy collection notice to person.

### 4.2 Key responsibilities

**Table 4. AO responsibilities at the airport**

Step	AO responsibilities	Mandatory obligation	Section (PHWA)
Identify pre-approved exemptions	<ol style="list-style-type: none"> <li>1. Prior to flight arrival the rostered Airport AO should check for any preapproved exemptions which may need to be actioned at the airport</li> <li>2. Exemptions will be provided by the Exemptions Team Manager to the AO rostered at the airport as well as Airport Operations Command prior to passenger disembarkation.</li> <li>3. Any queries in relation to the exemption should be directed to the Exemption team lead.</li> <li>4. AO to check exemption paperwork and identify on passenger manifest sheet 'exemption'.</li> </ol>		
Flight arrival	<ol style="list-style-type: none"> <li>5. Inform flight crew of AO action and request translation of script<sup>3</sup>.</li> <li>6. Declare you are an Authorised officer and show your identification card.</li> <li>7. Read script (Appendix 2), which:           <ol style="list-style-type: none"> <li>i. explains the reasons for detention</li> <li>ii. warns returning passengers that refusal or failure to comply without a reasonable excuse is an offence and that penalties may apply</li> <li>iii. reminds passengers they must keep their detention notice.</li> </ol> </li> </ol>	Yes	Sections 166, 200(2), 200(4) and 202(1)

<sup>2</sup> See exemptions section that describes circumstances and policies for maritime environment

<sup>3</sup> See suggested script at Attachment 1

	8. Repeat twice. 9. Flight crew read script in all relevant languages.		
Issue notice immediately after disembarkation	10. Show identification. 11. If the traveller is not a foreign diplomat or immediately transferring to an international flight leaving within 8 hours of arrival, serve the approved Direction and Detention Notice to each passenger. Unless advised otherwise, the approved notice is the general notice (Appendix 1). Unaccompanied children who are detained must be served the solo child notice (Appendix 3). (notification to parent/guardian may need to be conducted over the phone and interpretation services may be required). 12. Ask passenger/s if they understand the notice. If not, explain reasons for detention again, warn them that it is an offence to not comply and answer questions. 13. If practicable at this time, provide the person with a copy of the department's privacy collection notice. If not practicable, this can be provided at the hotel.	Yes.	Section 200, 200(2) and 200(4)
Facilitate request for communication	14. Facilitate any reasonable request for communication, such as a phone call or email and including if necessary, organising a translator to explain the reasons for detention <b>(call Victorian Interpretation and translation service on [REDACT]; PIN code is [REDACT])</b>	Yes	Section 200(5)
Confirm details	15. Ensure each direction and detention notice: i. states the full name of the person being detained, date of birth and mobile phone number (if applicable) ii. contains the signature of the person being detained or their guardian as receipt of the notice iii. states the name and signature of the AO iv. contains the hotel name at which the person will be detained v. contains the date of commencement of detention.		
Record issue of receipt	16. Take a photo of direction and detention notice and record issue and receipt of the notice in the COVID-19 Compliance and Welfare Application <sup>4</sup> . You may be assisted by a non-AO in this task.		

<sup>4</sup> The Business system referred to here is the Quarantine Compliance and Welfare System COVID-19 Compliance Application

	<p>17. Request person subject to detention present to AO at hotel. Direct person to area for transport to hotel.</p> <p>18.</p> <p> <b>Provide a fact sheet about detention (what a person in detention can and can't do, who to contact for further information)</b></p>		
Arrangements for diplomats and immediate transits	<p>19. Foreign diplomats cannot be served a detention notice. The Exemptions team will provide a letter to give to the diplomat and will provide instruction. This will normally be done in advance of the flight arrival</p> <p>20. Take a photo of the letter issued</p>		
Arrangements for immediate transits (less than 8 hours between international flights)	<p>21. Check onward ticket and that the traveller is not showing symptoms of covid.</p> <p>22. Record the individual as a transit in the Compliance app. No document is required to be issued.</p> <p>23. Advise traveller they are required to stay airside between flights at the designated transit area</p>		
Check with welfare team	<p>24. Liaise with Senior AO and health team if the Health Check has identified passengers that need to transfer to hospital.</p> <p>25. Issue leave permissions where required (e.g. in circumstances where a person needs to go to hospital) Refer to Section 7 (Permissions) for further detail.</p> <p>26. Ensure the person subject to detention understands they must return to the hotel listed on the detention notice immediately after medical release in transport organised by DHSS.</p> <p>27. Make a note in the Compliance app and ensure the AO at the relevant hotel and Deputy Command AO operations is aware a permission has been granted.</p> <p>28.</p> <p> <b>Complete the hospital fact sheet and provide a copy to the driver to be given to the hospital on detainee arrival.</b></p>		
Record	<p>29. Record any actions in the COVID Compliance Application, including the above mandatory obligations, use of translator and any associated issues.</p>		

#### **4.2.1 Transfer of uncooperative person to be detained**

There may be circumstances where a person refuses to be cooperative. DHHS Operations staff at the airport may elect to organise a separate mode of transport for in such circumstances, noting Victoria Police may be requested to escort such individuals.

## 5 AO responsibilities at hotels

As part of meeting mandatory detention requirements in the Direction and Detention notice, the Victorian Government has arranged accommodation in numerous locations, primarily in the Melbourne CBD area. The purpose of this is to restrict the movement of international arrivals to limit the spread of COVID-19.

### 5.1 Key points

- AO oversees and provides advice on compliance and works with security, hotel staff, and medical and other staff.
- AOs are responsible for detention release following the mandatory 14 day detention

### 5.2 Shift change over

**Table 5: Key steps and AO roles and responsibilities during shift change over**

Step	AO roles and responsibilities	Mandatory obligation	Section (PHWA)
Introduction	1. Introduce yourself to: <ul style="list-style-type: none"> <li>• hotel/duty manager</li> <li>• head of security</li> <li>• DHHS Team Leader</li> <li>• DJPR site manager (if on site)</li> <li>• medical staff.</li> </ul>		
Handover	2. Obtain a handover from the previous AO (verbal and high-level information) to: <ul style="list-style-type: none"> <li>• understand detainee issues, early releases, exemptions (including status) and permissions</li> <li>• ascertain location of records and template forms</li> <li>• any hotel operational issues (e.g. physical exercise space unavailable, changes to operational policies like food delivery)</li> <li>• ensure COVID-19 Compliance Application has been updated</li> <li>• if exits from detention expected, ensure AO team and release team aware of plans and location of documentation.</li> </ul>		

## 5.3 Hotel check-in

The purpose of hotel check-in is to:

- enable hotel staff to provide people being detained with a room number and key
- reiterate obligations for those being detained.

**Table 5. Key steps and AO roles and responsibilities – hotel check-in**

Step	AO roles and responsibilities	Mandatory obligation	Section (PHWA)
Check-in	<ol style="list-style-type: none"> <li>Ensure person to be detained provides Direction and Detention Notice to hotel staff; hotel staff to write on the notice:           <ol style="list-style-type: none"> <li>room number</li> <li>the date that the person will be detained until (14 days after arrival at place of detention).</li> </ol> </li> <li>AO to initial the room number on the notice, record in the Compliance App and take a photo of the page with the room number before returning to the detainee.</li> </ol>	Yes	
Check and reiterate Direction and detention notice	<ol style="list-style-type: none"> <li>AO answers compliance-related questions and deals with compliance issues, including reiterating aspects relating to the notice.</li> </ol>		Sections 166, and 203(1)
Liaise with medical and welfare staff	<ol style="list-style-type: none"> <li>Liaise with nurses to identify persons that might require permissions for temporary leave (e.g. for medical treatments).</li> </ol>		

## 5.4 Monitoring compliance

The AO will provide oversight and ensure compliance with the direction and detention notice

**Table 6. Key steps and AO roles and responsibilities – monitoring compliance**

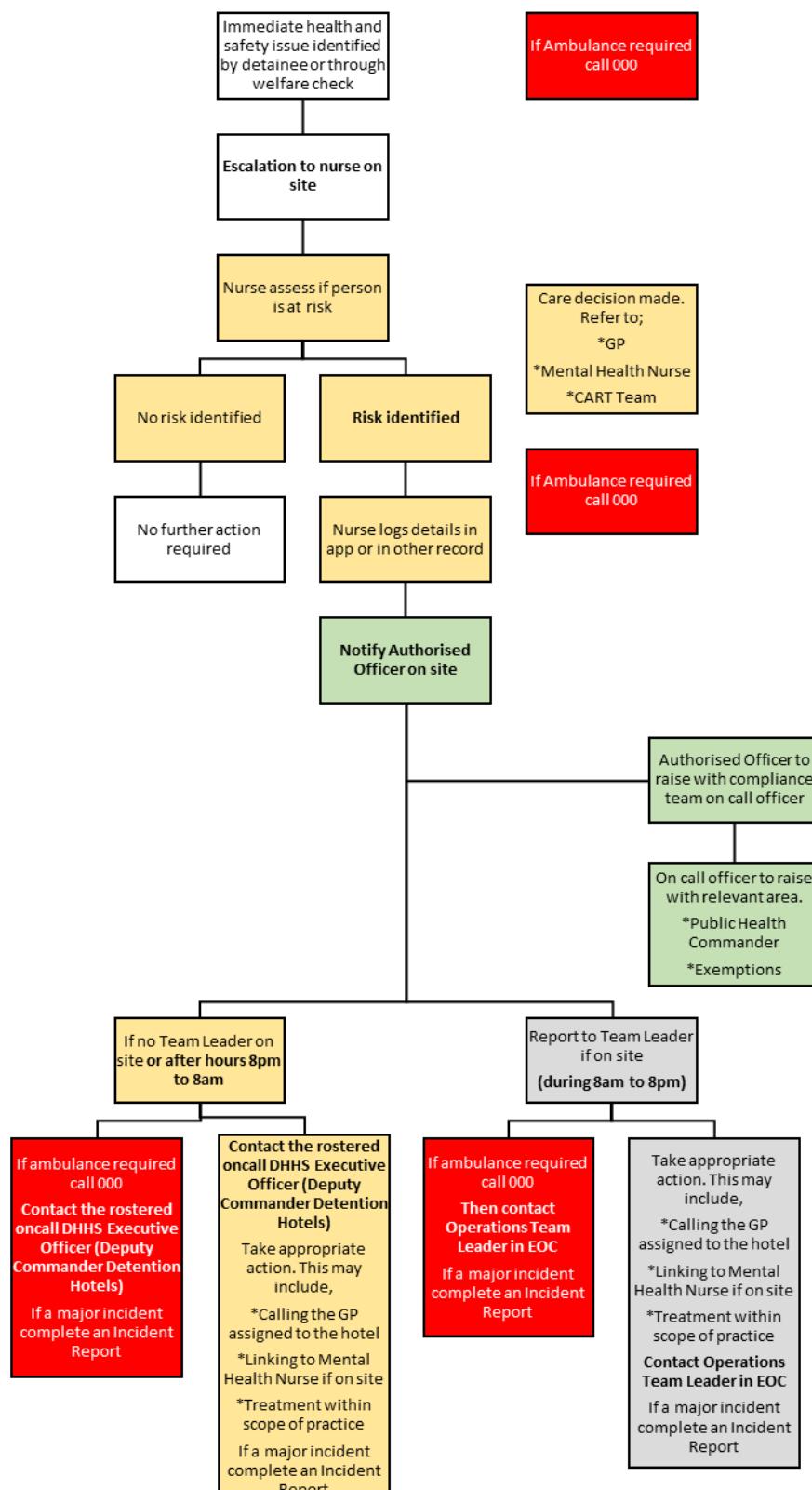
Step	AO roles and responsibilities	Mandatory obligation	Section (PHWA)
Liaise with security	1. Check that security undertake floor walks to encourage compliance and deter non-compliance.		
Oversee compliance	2. Oversee and provide advice on compliance-related issues such as: <ul style="list-style-type: none"> <li>• a person refusing to comply and a person demanding to be removed from detention</li> <li>• reminding a person the reason for the detention, their obligations under the detention and direction notice and the penalties if they do not comply</li> <li>• responding to requests from security to address compliance issues</li> <li>• answering questions from hotel staff, security and police as to what persons may be permitted or not permitted to do</li> <li>• seeking assistance from security or Victoria police to support compliance efforts</li> <li>• facilitating any reasonable requests for communication. <b>For translation, call Victorian Interpretation and translation service on REDACTE PIN code is REDA</b></li> </ul>		202, 203(1)
Permissions	3. See Section 0 (Permissions). 4. Raise requests for permission to leave with the Senior AO if there is not an authorised area for the detainee to exercise the permission or there is complexity in applying the transition (e.g. requires leaving the hotel site). All requests by detainees to leave the hotel site must be escalated to Deputy Command AO operations if not already approved. 5. Administer permission to leave and monitor compliance.		203(1)
Exemptions	6. See Section 6 (Exemptions). 7. Raise any exemption requests with Senior AO in the first instance. The Senior AO may make an exemption request through the Compliance App [or may request the AO to do so] for consideration. <b>Criteria for consideration is:</b> <ul style="list-style-type: none"> <li>i) detainee may be unsafe in the hotel environment</li> </ul>		200(2), 200(4) and 203(1)

	<p>ii) cannot accommodate detainees needs in the hotel</p> <p>8. Issue Direction and Detention Notices for detention in alternate locations if ECC Commander approves an exemption request. In this case, a case manager from the Exemptions Team will contact the AO with details. <b>Before issuing notice, explain reasons for detention and warn that refusal to comply is an offence.</b></p>		
Records	<p>9. Notes of any communication or engagement with the detainee should be made in the contact log section of the Compliance app</p> <p>10. Record all permissions in the permissions section of the COVID Compliance App.</p> <p>11. Take photos of all amended or reissued direction notices issued while at the hotel using the Compliance App.</p>		
Other issues	<p>12. Inform nurse, medical practitioner, welfare staff or DHHS concierge staff of other matters you become aware of.</p> <p>13. If an emergency occurs with a detainee, follows the emergency procedure and alert the Team Leader and the Senior AO.</p> <p>14. The Senior AO is to ensure the Deputy Commander AO operations and the ECC Commander is alerted to all emergencies. Where a matter may lead to an exemption being required, they should also alert the Exemptions team</p>		

## 5.5 Emergency health and welfare incidents

Where there is an immediate health and welfare issue identified at the hotel, the following process is to be followed.

**Figure 2. Emergency Workflow**



## 5.6 Clarity about role of AO

AOs should be aware that their role and scope is related to administration of, and compliance with, the direction and detention notice under the PHWA. Activities outside the scope of the role of the AO include:

- transport. This is the responsibility of the DHHS Team Leader on-site. If a DHHS Team Leader is not on-site, please refer to the Emergency Operations Command at [DHHSOpSoteriaEOC@dhhs.vic.gov.au](mailto:DHHSOpSoteriaEOC@dhhs.vic.gov.au) and title the email “Referral to organise transport”
- physically moving COVID-19 patients. Please see procedure under ‘Occupational Health and safety’
- retrieving luggage
- food quality
- inspecting care packs, removing items from care packs such as perishables and alcohol and ordering food such as Uber eats. This includes providing any advice in relation to these inspections
- arranging accommodation for any detainee leaving the hotels
- monitoring or ordering PPE or other supplies.

If an AO becomes aware of these or other non-compliance related issues in a hotel, they should refer them to the DHHS Team Leader on-site for follow up. For medical and welfare issues, the AO should inform on-site medical and nursing staff in accordance with section 5.5 above.

## 5.7 Daily review and reporting by the AO Review Team

The daily review is a mandatory obligation to determine whether continued detention of a person is reasonably necessary to eliminate or reduce a serious risk to health. There are mandatory obligations for the AO to inform the Chief Health Officer (CHO) and the CHO to inform the Minister. This is the responsibility of the Deputy Command AO Operations who will be aided by the AO operations support team in fulfilling this task.

**Table 7. Key steps and AO Review Team roles and responsibilities – daily review**

Step	AO Review Team roles and responsibilities	Mandatory obligation	Section (PHWA)
Daily review	1. AO operations support Team will – at least once every 24 hours – review whether the continued detention of the person is reasonably necessary to protect public health.	Yes	S 200(6)
Review checks	2. Undertake an electronic review of detainment arrangements by viewing the COVID-19 Compliance Application. This includes: <ul style="list-style-type: none"> <li>• reviewing the date and time of the previous review (to ensure it occurs at least once every 24 hours)</li> <li>• reviewing the number of detainees present at the hotel</li> <li>• reviewing the duration each detainee has been in detention for, to ensure that the 14-day detention period is adhered to</li> <li>• noting individuals who have been tested and cleared of COVID-19 by Public Health Command while in detention.</li> </ul>		

	<ul style="list-style-type: none"> <li>• Noting any exemptions issued or concerns raised with any detainee</li> </ul> <p>3. Determine whether continued detention of each detainee is reasonably necessary to eliminate or reduce a serious risk to health.</p> <p>4. Consider the human rights being impacted – refer to ‘Charter of Human Rights’ obligations in Appendix 16</p> <p>5. Consider any other issues that have arisen.</p>		
Review considerations	<p>6. Consider that the person is a returned overseas traveller who is subject to a notice and that they are obliged to comply with detainment.</p> <p>7. Consider that detainment is based on expert medical advice that overseas travellers are of an increased risk of COVID-19 and form most COVID-19 cases in Victoria.</p> <p>8. Consider any other relevant compliance and welfare issues, such as:</p> <ul style="list-style-type: none"> <li>• person’s health and wellbeing</li> <li>• any breaches of self-isolation requirement</li> <li>• issues raised during welfare checks (risk of self-harm, mental health issues)</li> <li>• actions taken to address issues</li> <li>• a person having been tested and cleared of COVID-19 while in detention</li> <li>• any other material risks to the person.</li> </ul>		
Possible release from detention	<p>9. Review could identify that detention may no longer be required. These matters will be provided to the Deputy Command Policy and Exemptions for further consideration.</p>		
Prepare brief (Minister)	<p>10. Complete template brief from CHO to Minister to advise of notice received about detention and review. The brief will serve as a written notice that:</p> <ul style="list-style-type: none"> <li>• a person has been made subject to detention</li> <li>• following a review, whether continued detention is reasonably necessary to eliminate or reduce the serious risk to public health.</li> </ul> <p>11. The notice to the CHO must include:</p> <ul style="list-style-type: none"> <li>• the name of the person being detained</li> <li>• statement as to the reason why the person is being, or continues to be, subject to detention.</li> </ul>	Yes	Sections 200(7) and (8) Section 200(9)

	<p>12. Deputy Command AO operations to review and approve the Review and Brief</p> <p>13. Report to be sent to Public Health Command, cc to ECC Commander and Deputy Command Policy and Exemptions.</p>		
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## 5.8 Departure – release from mandatory detention

The purpose is to ensure and confirm the person being detained:

- i. has completed their period of detention under the Direction and Detention notice
- ii. is released in a timely and orderly manner.

### 5.8.1 Pre-check out

In the days leading up to release the AO Operations support team will work with DJPR, the EOC and Public Health Command to identify the detainees to be released, the exit times for the detainees and whether any detainees are required to be issued a non-general end of detention notice as a result of any COVID-19 testing completed during the quarantine period. The release notices are to be prepared in accordance with the policy in Appendix 9

The Operations Support team will print out release notices for all detainees as well as an exist sheet and will arrange for these to be delivered to the relevant hotels.

Prior to release of a person being detained, DHHS (with the help of hotel security) will provide each person being detained with either:

1. An End of Detention Notice, Appendix 10;
2. An End of Detention Notice (confirmed case not cleared infection), Appendix 11
3. An End of Detention Notice (close contact), Appendix 12
4. An End of Detention Notice (symptoms of respiratory illness), Appendix 13
5. An End of Detention Notice (continued detention) Appendix 14

These notices provide information about the discharge process and the obligations of the detainees.

**Continued detention will only be applied where a detainee who normally reside interstate is symptomatic and a close case or confirmed and refuses to remain in Victoria. The decision to continue to detain an individual will be made by the EC Commander in consultation with legal and the PH Commander**

### 5.8.2 Health check

Health checks will be undertaken by medical staff on the second last day prior to the 14-day period ending to make an assessment of whether each person being detained is well, symptomatic or positive.

Everyone will be offered a voluntary temperature and symptom check by a nurse around 24 hours before release.

If people being detained have a temperature or other symptoms of coronavirus before leaving or at the health check, this will not affect the completion of their detention. They will not be detained for longer than the 14-day detention period, even if they have symptoms consistent with coronavirus. However, if they do have symptoms at the health check, when they are released, they will need to seek medical care and will be required to self-isolate (as is required as of all members of the community).

- If people have been diagnosed with COVID-19 during their quarantine, they will be subject to the Isolation (Diagnosis) directions and can only be released from these on receipt of a formal clearance letter from the Public Health Commander. These letters are sent to COVIDquarantine@dhhs.vic.gov.au for supply to the detainee. Once this letter has been received, the detainee should be released from detention even if this is before the end of the mandatory quarantine period with the appropriate form.
- If a confirmed case does not receive clearance before the end of the mandatory quarantine period, the public health operations team may permit them to travel home with appropriate PPE and transport precautions if they are Victorian residents. If they are residents of other states a further detention order may be issued in consultation with the public health and legal teams.

### **5.8.3 Day of release**

Security will provide detainees approximately 1 hour notice of their exit time. Security will then bring detainees down at their scheduled exit time.

### **5.8.4 Check-out process overview (compliance check-out)**

The release process will consist of an organised check-out procedure (the compliance check-out). This means people being detained will be released in stages throughout a set time period on the day of release.

COVID-19 cases and suspects require a separate check-out time. Extra infection control measures such as PPE will need to be implemented.

Security will bring travelling parties down to reception in stages to complete the check-out process. People being detained will also need to settle any monies owing to the hotel for additional meals and drinks if they have not already done so. Physical distancing must be maintained throughout this process.

**Table 8. Key steps, roles and responsibilities at check-out (AO role unless specified)**

<b>Step</b>	<b>Roles and responsibilities</b>	<b>Mandatory obligation</b>	<b>Section (PHWA)</b>
Notification of COVID-19 cases of close contacts	<ol style="list-style-type: none"> <li>1. ECC Operations Support Team, to inform AO of cases and close contacts confirmed COVID-19 case, suspects, COVID-19 cleared or close contacts. Public health will have contacted each detainee in these categories to discuss arrangements post detention.</li> <li>2. AO to note and to inform security that COVID-19 cases and suspects will need separate check-out time and implement extra precautionary measures.</li> </ol>		
Check-out	<ol style="list-style-type: none"> <li>3. Request to see identification (passport) and the End of Detention notice from each person</li> <li>4. Cross check the person's identification details and room number with information on exit sheet</li> <li>5. Sign the End of Detention notice, take photo through the <b>COVID-19 Compliance Application</b> which will automatically note the detainee as released.</li> <li>6. Provide End of Detention notice back to the person.</li> <li>7. Confirm the period of detention and explain detention period has ceased.</li> <li>8. Confirm self-isolation requirements for all confirmed COVID cases.</li> <li>9. Detainee to sign discharge exit sheet as evidence they have received a notice and have been discharged.</li> </ol>		
Record	<ol style="list-style-type: none"> <li>10. All exit sheets are to be returned to the Operational Support team as soon as possible</li> </ol>		

**Where a person has been COVID-19 cleared, their detention release must be accompanied with a COVID-19 Clearance letter provided by Public Health Command. This will be included in the release pack prepared by the AO Operations Support team.**

## 6 Exemption requests

### 6.1 Key points

- AOs must be aware of how requests for exemption from detention are escalated.
- DHHS case manager from Exemptions Team will liaise with Senior AO regarding approved exemption request.

### 6.2 Exemption requests – overview

In limited circumstances, approval may be sought to undertake detention in another location, transit to another state/country or early release. **Generally, exemptions are not granted.**

Requests for exemption from mandatory hotel detention may be considered before a person commences detention or while in detention. **The Enforcement and Compliance Commander** is responsible for approving and granting approvals to alter the way in which mandatory quarantine applies in accordance with Appendix 23*Guidance Note — Exceptions to the General Quarantine Policy*.

While each exemption request must be considered on its own merits, the following circumstances have been identified as open for consideration of early release or change of detention location. These include:

- Unaccompanied minors in transit to another state
  - Unaccompanied minors where a parent or guardian does not agree to come into the hotel
  - Foreign diplomats coming into the country – The diplomatic status that Australian citizens have in other countries does not apply in Australia, so Australians with diplomatic status must undertake mandatory detention for 14 days in a designated hotel
  - ADF staff travelling for essential work
  - People with a terminal illness
  - People whose health and welfare cannot be accommodated in a hotel environment (e.g. mental health or requirements for in-facility health treatment)
  - People who are transiting directly to another country (and who do not need to travel domestically first)
  - Air crew including medevac crew
  - Maritime workers who have come off a boat and will be leaving by boat
  - Maritime workers who have come off a plane and will be leaving by boat within the quarantine period.
- Supporting evidence, such as report from a medical practitioner, may need to be provided before an exemption request is considered.

**Any approval must consider the public health risk and ensure the individual is not showing symptoms of COVID consider if the person may be released into an environment where a highly vulnerable person may be a close contact.**

## 6.3 Exemption requests – general approach

Exemptions for medical, welfare and compassionate grounds will be considered in exceptional and case-by-case circumstances where:

- the needs of the individual are unlikely to be able to be met within the hotel
- the public health risks are outweighed by the risks of continuing to detail the individual in hotel detention.

For an individual seeking exemption prior to entering the hotels, there must be supporting evidence from a suitable expert or treating practitioner regarding the illness, welfare or compassionate concerns. It also must be clear that the needs of the individual cannot be met in hotel detention.

For an individual seeking exemption while already within a hotel, welfare staff, nurses or the Complex Assessment and Response Team (CART) should assess the individual. This assessment along with any recommendation from a treating practitioner will inform consideration of an exemption.

Table 9 outlines the key steps for processes requests for exemptions based on medical, welfare and compassionate grounds.

**Table 9. Exemptions case management process**

Step	Roles and responsibilities	Mandatory obligation	Section (PHWA)
Request and triage	<ol style="list-style-type: none"> <li>1. Exemption Team receives a request for exemption through CRM system<sup>5</sup></li> <li>2. If request come through another channel, triage officer must enter information into the CRM</li> <li>3. The triage officer should review the available information as assess if the case should be considered based on <ul style="list-style-type: none"> <li>• If the detainee would be unsafe in the hotel environment or</li> <li>• Their needs can't be accommodated in the hotel</li> <li>• permissions are sufficient.</li> </ul> </li> <li>4. If the triage officer believes the case should be considered they will allocate a case manager. The case manager should contact the requestor to advise them their request is being considered.</li> <li>5. Recommendations to not consider the case will need to be approved by the Exemptions manager.</li> </ol>		

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<sup>5</sup> An onsite nurse or welfare staff can recommend the exemption for a person via covidquarantine email and outline why they believe an exemption should be considered. Unless impracticable the person on whose behalf the request has been made should be consulted

	<p>6. If the manager agrees the request should not be considered the triage officer should advise the requestor within 12 hours in writing.</p> <p>7. If the Manager is of the view the case should be considered, they will allocate to a case manager.</p>		
Case management (Assessment and decisions)	<p>8. Case manager will need to consider the nature of the request to determine whether it should be approved. The case manager should first and foremost consider the public health risk and how the need of the detainee may be met within the hotel environment through permissions, health and welfare support a carer joining the individual or providing addition supplies. The case manager should have regard to the</p> <ul style="list-style-type: none"> <li>• Current policy</li> <li>• Precedent</li> <li>• Medical information provided</li> <li>• Position of other jurisdictions if interstate travel is required</li> </ul> <p>9. In some cases further validation of a detainees condition and needs will be required. This may be achieved by:</p> <ul style="list-style-type: none"> <li>• Discussions with the treating practitioner or health team</li> <li>• Assessments by the CART team</li> <li>• Consultation with Mental Health Branch</li> </ul> <p>10. Complex cases should be discussed early at the daily complex case meeting with the EC Commander.</p> <p>11. Should a case be considered for detention in an alternative location, the case manager should identify if there is a suitable alternative location that would enable the detainee to meet the required conditions. In particular the location should not house any vulnerable individuals or a large number of people.</p> <p>12. A recommendation should be reviewed by the manager and then submitted to the EC Commander for approval.</p> <p>13. In particularly complex cases the EC Commander may seek further approval from the Public Health Commander.</p>		

	14. Once approve the case manager will be required to complete the required documentation to action the decision.		
Case closure (Exemptions team)	15. Depending on the nature of the request, the exemptions case manager may need to alert the following of the outcome: <ul style="list-style-type: none"> <li>• inform requestor</li> <li>• inform the Senior AO at airport or hotel, Deputy Command AO operations, OpSoteria EOC, hotel Team Leader and CART team if required</li> <li>• Airport operations at <a href="mailto:Northandwest.eoc@dhhs.vic.gov.au">Northandwest.eoc@dhhs.vic.gov.au</a></li> <li>• inform Victoria Police arrange for compliance oversight</li> <li>• contact other jurisdictions (if transiting through Victoria)</li> <li>• upload release or exemption letter in COVID-19 Compliance Application.</li> </ul>		
AO to issue Notice of Direction and Detention	16. Following confirmation with the Hotel Team Leader of any arrangements, the AO will: <ul style="list-style-type: none"> <li>• Issue the required documentation</li> <li>• Provide any information required associated with the documentation</li> <li>• Take a photo of the signed documentation under the release section of the compliance app.</li> </ul>	Yes	200(2) and (4) 203(1)

## 6.4 Unaccompanied minors

Unaccompanied minors will be considered on a case-by-case basis. If an unaccompanied minor is detained in a hotel without a parent or guardian, a specific process must apply.

In general, there is a presumption that there are no exemptions granted to mandatory detention. The issues associated with mandatory detention of unaccompanied minors include:

1. where this occurs, and
2. with what adult supervision.

The State can issue a detention order to a person under 18 years who is unaccompanied outside the home (a person in the care of the state) if certain conditions are met. However, this is not preferred because of the welfare obligations imposed.

There is guidance for AOs on how to comply with the Charter of Human Rights in relation to unaccompanied minors at Appendix 8.

Table 10 outlines four options and corresponding policy principles.

**Table 10. Options for unaccompanied minors and policy principles**

Options	Guiding principles
Detention at hotel with parent or guardian	Parents or guardians are strongly encouraged to join the unaccompanied minor in detention. In this case, an exemption is not granted. The carer is provided with a copy of the letter found in Appendix 4 in order to detain them.
Detention in another state or territory	For minors who reside interstate, parents or guardians are strongly encouraged to join the unaccompanied minor in detention. However, if a parent or guardian cannot join the minor, an exemption can be granted to allow an unaccompanied minor to transit interstate.
Detention at an alternate location with a parent or guardian	Parents or guardians are strongly encouraged to join the unaccompanied minor in detention. However, if parent or guardian cannot join the minor, an exemption can be granted to allow the unaccompanied minor to undertake detention at an alternate location with parent or guardian.
Detention in hotel with DHHS welfare support (overnight stay for international transit)	Parent or guardians are encouraged to book flights without overnight layover in Victoria. If not possible, unaccompanied minor are permitted one overnight stay before transitioning to an international flight.

#### 6.4.1 Escalation of issues

Should an AO become aware of any concern about a child, the AO must:

- contact the department's welfare teams immediately. Child Protection contact details for each Division are available from: <https://services.dhhs.vic.gov.au/child-protection-contacts>. West Division Intake covers the City of Melbourne LGA: 1300 664 977.
- if it is after hours, contact the after-hours child protection team on 13 12 78 if the AO thinks a child may be harmed, and Victoria Police on 000 if the immediate safety of a child is at risk.

## 6.5 International transit

### 6.5.1 Immediate transits within 8 hours

Individuals who are on a connecting international flight that leaves within 8 hours of arrival are not to be detained. The AO should check they are not displaying any symptoms of COVID and have a ticket for an onward flight within 8 hours. The AO should record the traveller as being in transit in the Compliance app and direct them to the appropriate waiting areas airside. Transit passengers should not go landside at the airport. They do not require any documentation.

### 6.5.2 Transits longer than 8 hours

If travellers are on the ground for more than 8 hours they will be detained.

Prior to release the AO will be required to check that the detainee is not showing symptoms of COVID and confirm they have a ticket for an international flight. This should be recorded in the Compliance App along with a copy of the release notice (Appendix 18).

Following release, the detainee must be escorted to the airport by Airport operations to ensure they minimise any potential contamination.

Travellers not be allowed to travel domestically to catch an onward international flight.

## 6.6 Compassionate interstate travel

Interstate travel is not permitted except in exceptional health and compassionate circumstances. These are generally limited to:

- Receiving specific health treatment in another state that cannot be provided in Victoria
- Visiting a terminal family member
- Attending a funeral of a close family member

In each of these circumsnaced the receiving jurisdiction must approve the transit and the detainee will be subject to any quarantine arrangements required by the receiving jurisdiction.

The letter in Appendix 19 is used.

## 6.7 Foreign diplomats

Foreign diplomats are exempt from mandatory 14-day detention. Australian diplomats must undertake mandatory detention upon arriving in Victoria from an international location.

Foreign diplomats (and any family members) should travel immediately to their place of residence via private or rental vehicle and self-isolate for 14 days. The exemptions team will prepare a letter for the foreign diplomat and their family confirming they are not required to completed 14-day mandatory detention (Appendix 20).

Where a foreign diplomat needs to defer travelling to their usual place of residence, the diplomat (and any family members) should stay in a designated quarantine hotel. They should be transported to and from the airport via organised transport, or via a private or rental vehicle and are issued a letter regarding staying in a quarantine hotel (Appendix 21)

## 6.8 Maritime Crew

The DHHS *Border health measures policy summary* of 18 May 2020 summarises a broad range of circumstances and corresponding risk-based policies regarding travellers and crew arriving at airports and seaports. A summary of the circumstances and policies relating to maritime crew is Appendix 17.

As a guiding principle, maritime crew arriving into Victoria from overseas on aircraft or maritime vessel are subject to a Direction and Detention Notice and must be detained in a designated hotel for a 14-day period (unless an exemption applies).

- Where a vessel is leaving the country, crew may leave the hotel to board the vessel no earlier than 48 hours before the vessel is due to leave to enable handovers.
- Where a vessel is remaining in Australian waters its crew must do 14 days quarantine
- Where disembarking crew a leaving the country, they may leave the vessel and travel immediately to the airport to depart. They may shelter on land for 24 hours before a flight. If they are required to be on land for longer, they must go to a quarantine hotel until they are ready to leave the country.

- Disembarking crew that live in Australia must go into hotel quarantine unless they did 14 days quarantine prior to boarding the vessel and no other international crew joined the vessel.
- Crew may leave a vessel to seek medical treatment.

# 7 Permissions

## 7.1 Key points

- AO can make decisions in consultation with their Senior AO or Deputy Commander AO Operations for simple requests.
- AO must complete a permission for temporary leave form and enter details in COVID-19 Compliance Application.

There are four circumstances under the Direction and Detention Notice in which permission to leave the room may be granted:

- for the purpose of attending a medical facility to receive medical care
- where it is reasonably necessary for physical or mental health
- on compassionate grounds
- emergency situations.

AOs should refer to the 'Permission for Temporary Leave from Detention' guide at Appendix 6.

## 7.2 AO to make decisions on certain permission requests on case-by-case basis

An AO in consultation with their Senior AO or Deputy Commander AO operations can make certain straightforward decisions about the following scenarios on a case-by-case basis:

- attendance at a funeral
- medical treatment
- seeing family members who have a terminal illness, (noting that there are directions on visiting care facilities and hospitals which must be complied with).
- smoke breaks where people are suffering extreme anxiety and where it is safe to do so from a public health/infection control perspective.
- exercise breaks where it is safe to do so.

Not all leave requests can be accommodated and may be site and resource dependent. Any arrangement for leave would need to meet public health, human rights requirements and balance the needs of the person.

It is expected that those with medical needs, seeking to attend a funeral or with family members who are about to pass away are granted leave. The AO should confirm appropriate details before issuing permission to leave (refer to Table 11 for further details).

If medical care is deemed urgent by an on-site nurse or medical practitioner, the AO should prioritise and approve leave immediately. The emergency escalation process should be followed (see section 5.5). The Hospital information sheet should be provided to the driver of the vehicle to hand to the medical facility.

AOs are not responsible for transport arrangements. This is the responsibility of the DHHS Team Leader on-site. If a DHHS Team Leader is not on-site, please refer to the Operation Soteria Emergency Operations Centre at DHHSOpSoteriaEOC@dhhs.vic.gov.au and title the email "Referral to organise transport".

**Table 11. Key steps, roles and responsibilities for temporary leave**

<b>Step</b>	<b>Roles and responsibilities</b>	<b>Mandatory obligation</b>	<b>Section (PHWA)</b>
Assess site for suitability	<ol style="list-style-type: none"> <li>1. Senior AO to assess site for suitability of exercise and fresh air breaks.</li> <li>2. AO to consider safety and security and obtain agreement from Security and DHHS Team Leader on suitable site</li> <li>3. Site Map to be put on the Team Sharepoint site and attached as an attachment to this protocol following Deputy Command AO Operations approval.</li> </ol>		
Request for temporary leave	<ol style="list-style-type: none"> <li>4. Person may seek permission directly from the AO and explain the grounds for temporary leave</li> </ol>		
AO assessment and decision	<ol style="list-style-type: none"> <li>5. AO to make decision and consider: <ul style="list-style-type: none"> <li>• those that require exercise or fresh air break or those who may be at risk without these breaks (this is the most important consideration for fresh air and exercise breaks)</li> <li>• willingness and availability of security to oversee and facilitate exercise or other fresh air breaks (the number of security officers will determine how many people can undertake temporary leave, as well as the ability to ensure small groups by room are distanced accordingly)</li> <li>• site layout, safety and capability to ensure persons are in a cordoned off area</li> <li>• maintaining infection control, such as ensuring persons do not touch door handles or lift buttons</li> <li>• adherence to exercise and smoking procedures.</li> </ul> </li> <li>6. In considering a request for a person to visit a terminally ill family member in hospital, the AO will need to first check whether the medical facility will accept the person, noting the Hospital Visitors Direction.</li> </ol>		
Issue permission for temporary leave	<ol style="list-style-type: none"> <li>7. AOs to: <ul style="list-style-type: none"> <li>• instruct security on the dates and times permitted for leave</li> <li>• provide procedural guidance to security and the person in detention, such as exercising in a cordoned off area not accessed by members of the public</li> </ul> </li> </ol>		s.203(1)

	<ul style="list-style-type: none"> <li>• request the medical facility or hospital inform the AO prior to return (for medical temporary leave)</li> <li>• prepare a Permission for Temporary Leave from Detention form (see Appendix 5), and issue to the detainee and explain the leave obligations. For example:           <ul style="list-style-type: none"> <li>- a person attending a funeral must not attend the wake, must practice physical distancing and return immediately within stipulated timeframes</li> <li>- an exercise break is for a certain time and the person must return to their room following exercise or fresh air break.</li> </ul> </li> <li>• warn the person that failure to comply with these directions is an offence</li> <li>• ensure the person checks back into the hotel at specified time</li> <li>• seek feedback on implementation of temporary leave and note any issues raised.</li> </ul>		
Permissions for hospital treatment	<p>8. AO should facilitate any permissions required for medical treatment. Where possible and end time should be recorded on the notice and app. Where an end time is not clear, the permission should note the detainee can only return on medical release.</p> <p>9. A permission for medical treatment should not extend beyond 24 hours. Should a detainee be required to be admitted to the facility, a change of location detention notice should be issued following approval by the Deputy Command AO Operations. If the detainee returns to the hotel a new detention notice should be issued for the remainder of the 14 days. The AO should actively monitor that a detainee has returned within the 24 hour period.</p> <p>10. When issuing a permission, the AO should also provide the hospital information sheet with contact details for Hotel team leader and Deputy Command AO operations.</p> <p>11. If a medical facility wishes to release the detainee to a location outside of the hotel, the Deputy Command AO operations must obtain approval from EC Command.</p>		
Compliance	<p>12. If the AO is of the view the detainee may not comply with conditions of the permission, an escort must be arranged to travel with the individual. This is a particular consideration where a person may be visiting a home</p>		

	<p>environment where other non-palliative people will be present. Highly vulnerable people cannot be in the same immediate environment as the detainee</p> <p>13. Permission cannot be granted for more than 2 hours on the basis that physical distancing is observed. If physical distancing is not likely to be observed and there is likely to be close contact, the detainee must be limited to 15 minutes.</p> <p>14. If the detainee does not comply with the permission conditions, further permissions may not be granted.</p>		
Record	<p>15. If AO approves leave be granted, the AO must enter details in COVID-19 Compliance Application.</p>		

## 7.3 Emergency situations

**Table 20: Key steps, roles and responsibilities for emergency leave**

Step	Roles and responsibilities	Mandatory obligation	Section (PHWA)
Determine risk	<p>1. AOs and Victoria Police officers may need to determine the severity of any emergency (such as a building fire, flood, natural disaster etc) and the health risk they pose to persons in detention.</p>		
Evacuation	<p>2. Assist with immediate evacuation to common assembly point</p> <p>3. Contact Victoria police, emergency services and Deputy Commander AO operations to support</p> <p>4. Promote infection prevention and control and physical distancing principles if possible</p> <p>5. Account for all persons being detained at the assembly point by way of the register of persons in detention/COVID-19 compliance application</p>		

## 7.4 Procedure for a person in detention / resident to leave their room for exercise or smoking

A person must be compliant and must not have symptoms before they could be allowed to have supervised exercise or a smoking break. Only well residents from the same room should be able to go out to exercise at the same time.

## 7.5 Guidance for safe movement associated with permissions

### 7.5.1 Guidance for person in detention

The steps that must be taken by the person in detention are:

- Confirm to the person who will escort them that they are well.
- Confirm to the person who will escort them that they have washed their hands immediately prior to leaving the room.
- Don a single-use facemask (surgical mask), to be supplied by the security escort prior to leaving the room.
- Perform hand hygiene with alcohol-based hand sanitiser as they leave, this will require hand sanitiser to be in the corridor in multiple locations.
- Be reminded to – and then not touch any surfaces or people within the hotel on the way out, and then not actually do it.
- Return immediately to their hotel room following the break.

### 7.5.2 Guidance for security escort

Security escort should:

- Don a single-use facemask (surgical mask) if a distance of >1.5 metres cannot be maintained when escorting the person;
- Perform hand hygiene with an alcohol-based hand sanitiser or wash hands in soapy water before each break;
- Remind the person they are escorting to not touch any surfaces or people within the hotel on the way out or when coming back in
- Be the person who touches all surfaces if required such as the lift button or door handles (where possible using security passes and elbows rather than hands);
- Wherever possible, maintain a distance (at least 1.5 metres) from the person;
- Perform hand hygiene with an alcohol-based hand sanitiser or wash hands in soapy water at the end of each break and when they go home
- Ensure exercise is only undertaken in a cordoned off area with no public access or interaction.

### 7.5.3 Infection control considerations

Points to remember when using a single-use facemask (surgical mask):

- Always perform hand hygiene before donning the mask.
- Mould the metal clip over the bridge of the nose and ensure the bottom of the mask fits snuggly under the chin.
- Avoid touching or adjusting the mask once it has been donned.
- Unless damp or soiled, masks may be worn for the duration of a shift for up to four hours.
- Masks must be removed and disposed of for breaks and then replaced if needed.
- Masks must never be partially removed (for example, top tie undone and left dangling around the neck) and then re-worn.
- Perform hand hygiene immediately before and after removal of the mask.

There is no requirement to wear gloves and this is not recommended, as many people forget to take them off and then contaminate surfaces. Hand hygiene is one of the most effective ways to prevent the spread of infection and gloves should not be seen as a substitute for hand hygiene. If gloves are worn, remove the gloves immediately after the person is back in their room and then wash your hands.

**In addition:**

Family groups may be taken out in a group provided it is only 2 adults and less than 5 in total.

They can be taken to an outside area with sunlight, for up to 15 minutes outside of the hotel.

Smokers can take up to 2 breaks per day if staffing permits.

Rostering to be initiated by the departmental staff/AO present.

# 8 Compliance

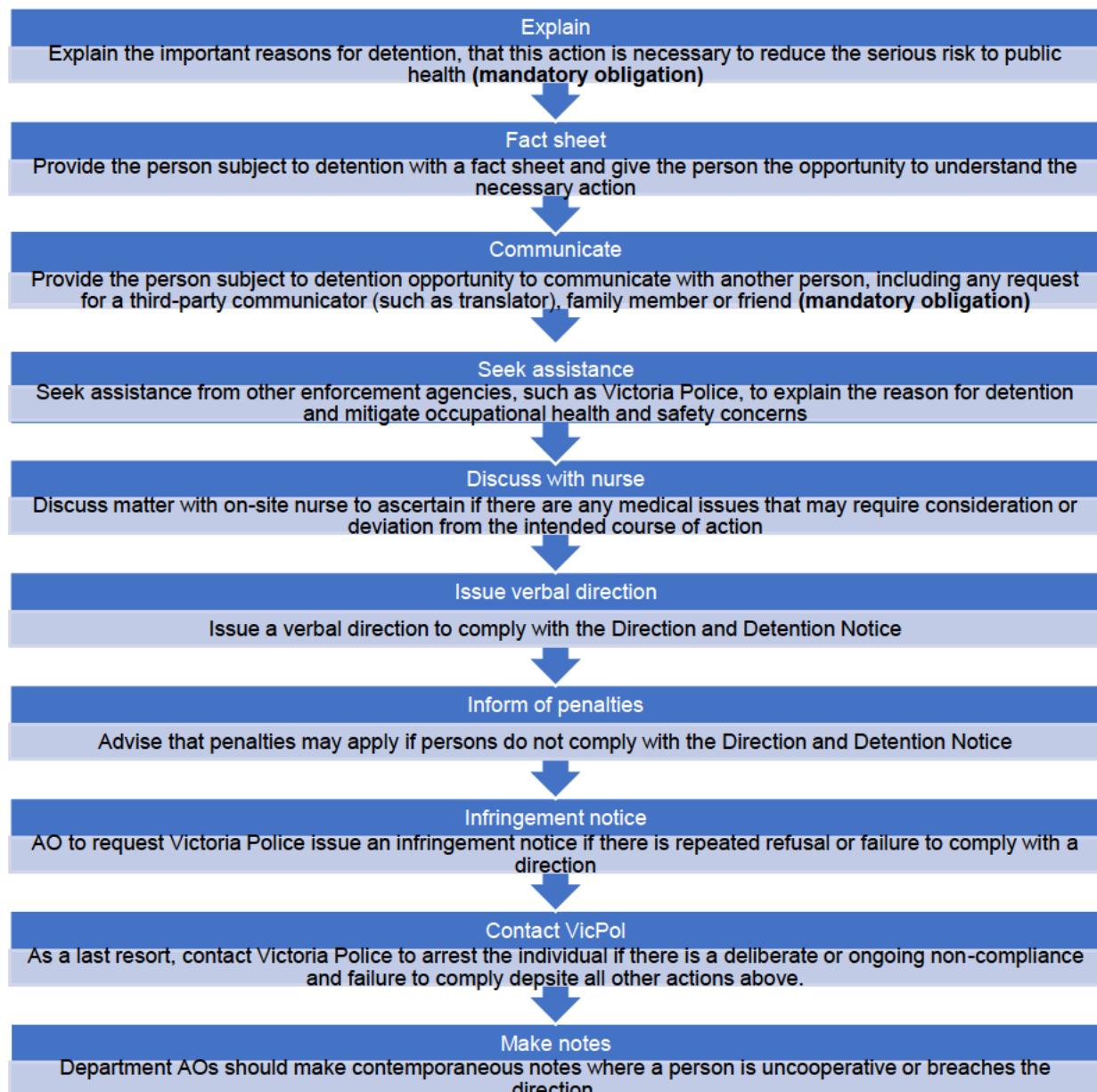
## 8.1 Key points

- AOs to apply a graduated approach to compliance.
- Police and security can assist in compliance and enforcement activities

## 8.2 Options to facilitate compliance

AOs should make every effort to inform the person of their obligations, facilitate communication if requested and explain the important rationale for the direction. Non-compliance could take the form of a person refusing to comply with the direction at the airport or hotel.

The following graduated approach should guide AOs:



## 8.3 Unauthorised departure from accommodation

**Table 12. Key steps, roles and responsibilities for managing unauthorised departure from accommodation**

Step	Roles and responsibilities	Mandatory obligation	Section (PHWA)
Notify and search	1. AO to notify Senior AO, on-site security and hotel management and request search.		
Contact Victoria police and Deputy Commander	2. AO to seek police assistance and notify the Deputy Commander AO Operations if the person is not found.		
Identification and compliance	3. If the person is located, AO to: <ul style="list-style-type: none"> <li>• seek security or Victoria Police assistance if it is determined the person poses a risk of trying to leave</li> <li>• provide an opportunity for the person to explain the reason why they left their room</li> <li>• assess the nature and extent of the breach, for example:               <ul style="list-style-type: none"> <li>- a walk to obtain fresh air</li> <li>- a deliberate intention to leave the hotel</li> <li>- mental health issues</li> <li>- escaping emotional or physical violence.</li> </ul> </li> <li>• consider issuing an official warning or infringement through Victoria Police</li> <li>• reassess security arrangements.</li> </ul>		s.203(1)

## 8.4 Infringements

There are four infringement offences applicable to detention arrangements. These are:

**Table 13. List of infringements**

Section (PHWA)	Description	Amount
s.183	Hinder or obstruct an authorised officer exercising a power without reasonable excuse (5 penalty units).	5 penalty units (PU)
s.188(2)	Refuse or fail to comply with a direction by CHO to provide information made under s.188(10 penalty units for a natural person and 30 penalty units for a body corporate without a reasonable excuse).	10 PU natural person, 30 PU body corporate
s.193(1)	Refuse or fail to comply with a direction given to, or a requirement made or, a person in the exercise of a public health risk powers (10 penalty units for natural person and 60 penalty units for body corporate).	10 PU natural person, 60 PU body corporate

s.203(1)	Refuse or fail to comply with a direction given to, or a requirement made or, a person in the exercise of a power under an authorisation given under s.199 (10 penalty units for natural person and 60 penalty units for body corporate).	10 PU natural person, 60 PU body corporate
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# 9 Occupational health and safety (OHS) for Authorised Officers

The purpose of this section is to provide an occupational health and safety procedure for AOs when attending off site locations during the current State of Emergency.

## 9.1 Key points

- OHS is a shared responsibility of both the employer and the employee. AOs must raise hazards, concerns and incidents with the Senior AO or the Deputy Commander AO operations.
- AOs must take steps to protect themselves from transmission of COVID-19 and adhere to physical distancing protocols wherever possible

## 9.2 Health Emergency

Coronaviruses are a large family of viruses that cause respiratory infections. These can range from the common cold to more serious diseases. COVID-19 is the disease caused by a new coronavirus. It was first reported in December 2019 in Wuhan City in China.

Symptoms of COVID-19 can range from mild illness to pneumonia. Some people will recover easily, and others may get very sick very quickly which in some cases can cause death.

## 9.3 OHS

OHS is a shared responsibility of both the employer and the employee. Officers must raise hazards, concerns and incidents with the rostered AO Team Leader.

One of the foremost issues associated with site attendance is the ‘uncontrolled environment’ that exists. AOs can be exposed to infectious diseases (such as COVID-19), confrontational and/or aggressive members of the public who may be drug affected, mentally ill or intellectually impaired. The very nature of this work is likely to be perceived as invasive and can provoke a defensive response.

Risks can be minimised by maintaining routine safe work practices and proper planning. Prior to any site visit, risks and hazards should be identified and assessed.

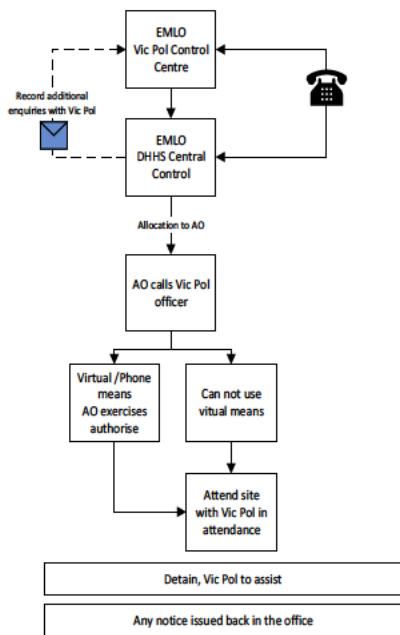
Officers and managers both have a shared responsibility for occupational health and safety. All employees have a responsibility to report and discuss hazards or perceived hazards, by bringing this to the managers attention.

## 9.4 Fatigue

AOs will be rostered on a rotating basis, with the aim of mitigating the risk of fatigue. Fatigue may impede decision making capability and when driving a motor vehicle to a location. When fatigue is identified please make this known to your Senior AO or Deputy Commander AO operations.

To mitigate the risk of fatigue, AOs should be aware of any fatigue they may have. A good tool to use to help officers identify their level of fatigue is to use the following calculator:  
<http://www.vgate.net.au/fatigue.php>

AOs are required to hold a valid motor vehicle licence and are required to adhere to the requirements of the department's driving policy. Information about this policy can be found on the DHHS intranet site.



## 9.5 Risk assessment before attendance -Personal Protection

Officers must only take a direction to attend a site with the approval of the Central DHHS Emergency Management Liaison Officer and a Senior AO or the Deputy Commander AO operations or DHHS management.

In the first instance, officers are required to use technology (i.e: mobile phone, Facetime, Skype) to exercise their authority. This aims to protect officers from attending an uncontrolled environment, where the risk of harm is increased.

Before attending a site, whether an airport or a hotel, the officer should make themselves familiar with the recommendations produced by the Australian Government and the Department of Health and Human Services, in the protection against COVID-19.

Interventions are known as ‘transmission reduction, or ‘physical distancing’ measures. Officers can take the following personal measures to reduce their risk of exposure to COVID-19. Officers with pre-existing medical conditions that put them more at risk of COVID-19, should discuss this with their medical practitioner and manager.

## 9.6 Personal measures to reduce risk the risk of exposure to COVID

### 9.6.1 General

AOs must take steps to protect themselves from transmission of COVID-19 and adhere to physical distancing protocols wherever possible. For example,:

- Stay healthy with good nutrition, regular exercise, sensible drinking, sleep well, and if you are a smoker, quit.
- Wash your hands often with soap and water for at least 20 seconds, especially after you have been in a public place, or after blowing your nose, coughing, sneezing, or using the toilet. If soap and water are not readily available, use a hand sanitiser that contains at least 60 per cent alcohol.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Cover your nose and mouth with a tissue when you cough or sneeze. If you don’t have a tissue, cough or sneeze into your upper sleeve or elbow.
- Stop shaking hands, hugging or kissing as a greeting.
- Ensure a **distance of 1.5 metres** is kept between yourself and others.
- Get vaccinated for flu (influenza) as soon as available. This could help reduce the risk of further problems. *Note: the department covers expenses for vaccines, speak to your Senior AO for more details.*
- Clean and disinfect high touch surfaces regularly, for example: telephones, keyboards, door handles, light switches and, bench tops.

When an officer is called to attend the airport or a hotel to exercise powers in relation to the Direction and Detention notice they should take a **risk-based approach** and assess the most suitable way to reduce harm to themselves. Before attending, the officer must obtain information such as:

- Is the person being detained a suspected or confirmed case of COVID-19?
- Has the person being detained been recently in close contact with a confirmed case of COVID-19?
- Has the person being detained recently returned from overseas within the last 14 days?

Officers are required to use their discretion and take into account their own personal safety. The Department of Health and Human Services has provided the following PPE:

- Single-use surgical mask
- Gloves
- Hand Sanitiser.

### **9.6.2 AO's going onto floors of hotel**

AOs going onto hotel floors with persons subject to detention must wear a surgical mask. There will be surgical masks for AO's at the hotels.

AO's should not enter the room in which a person is being detained. Communication should be from the corridor or outside the room.

### **9.6.3 Relocating a confirmed case of COVID-19**

All COVID-19 confirmed cases will be transferred to a COVID-19 hotel. The AO should amend the detention notice with the new location details prior to the detainee leaving the premises. Gloves and mask should be worn when amending the notice and advising the detainee of the amendment.

Companions of the confirmed COVID-19 case may wish to remain with the confirmed COVID-19 detainee and transfer to the COVID-19 hotel. Their detention notice will also need to be amended.

Transfer of the detainee is the responsibility of the EOC.

**The room or location change must be recorded in the compliance app by the AO.**

## **9.7 Measures and guides to enhance occupational health and safety**

**Table 14. Using Personal Protective Equipment**

PPE/measure	Guide
Single-use face mask (surgical mask)	When there is suspected or confirmed case of COVID-19, or a person subject to detention has been recently exposed to COVID-19 and a distance of at least 1.5 metres cannot be maintained.
Gloves	If contact with the person or blood or body fluids is anticipated.
Hand hygiene / Hand Sanitizer Soap and water	Always
Physical distancing of at least 1.5 meters	Always

**Table 15. Known risks and hazards**

<b>Hazard</b>	<b>Risk</b>	<b>Mitigate</b>
COVID-19 infection	Serious illness / death	Follow personal protective measures
Fatigue	Impaired decisions / driving to site	In the first instance use virtual technology to perform duties  Use fatigue calculator <a href="http://www.vgate.net.au/fatigue.php">http://www.vgate.net.au/fatigue.php</a>
Physical Injury	Low / Medium	Only attend a site with Victoria Police or with security.
Other infectious agents		Follow personal protective measures

### **9.7.1 COVID-19 testing for Authorised Officers**

Should an AO need to be tested for COVID-19, the AO should ask that their test to be marked urgent given the critical front-line response work.

# Appendix 1. Direction and Detention notice

## DIRECTION AND DETENTION NOTICE

*Public Health and Wellbeing Act 2008 (Vic)*

Section 200

### 1 Reason for this Notice

- (1) You have arrived in Victoria from overseas, on or after midnight on 11 May 2020.
- (2) A state of emergency exists in Victoria under section 198 of the *Public Health and Wellbeing Act 2008 (Vic)* (the *Act*), because of the serious risk to public health posed by COVID-19.
- (3) In particular, there is a serious risk to public health as a result of people travelling to Victoria from overseas. People who have been overseas are at the highest risk of infection and are one of the biggest contributors to the spread of COVID-19 throughout Victoria.
- (4) You will be detained at the hotel specified in clause 2 below, in the room specified in clause 2 below, for a period of 14 days, because, having regard to the medical advice, that detention is reasonably necessary for the purpose of eliminating or reducing a serious risk to public health, in accordance with section 200(1)(a) of the *Act*.
- (5) You must comply with the directions in clause 3 below because they are reasonably necessary to protect public health, in accordance with section 200(1)(d) of the *Act*.
- (6) The Chief Health Officer will be notified that you have been detained. The Chief Health Officer must advise the Minister for Health of your detention.

*Note: These steps are required by sections 200(7) and (9) of the Act.*

### 2 Place and time of detention

- (1) You will be detained at:

Hotel: \_\_\_\_\_ (*to be completed at place of arrival*)

Room No: \_\_\_\_\_ (*to be completed on arrival at hotel*)

- (2) You will be detained until: \_\_\_\_\_ on \_\_\_\_\_ of \_\_\_\_\_ 2020

*(to be completed at place of arrival)*

### 3 Directions — transport to hotel

- (1) You must proceed immediately to the vehicle that has been provided to take you to the hotel, in accordance with any instructions given to you.
- (2) Once you arrive at the hotel, you must proceed immediately to the room you have been allocated above in accordance with any instructions given to you.

### 4 Conditions of your detention

- (1) You must not leave the room in any circumstances, unless:

- (a) you have been granted permission to do so:
    - (i) for the purposes of attending a medical facility to receive medical care; or
    - (ii) where it is reasonably necessary for your physical or mental health; or
    - (iii) on compassionate grounds; or
  - (b) there is an emergency situation.
- (2) You must not permit any other person to enter your room, unless the person is authorised to be there for a specific purpose (for example, providing food or for medical reasons).
- (3) Except for authorised people, the only other people allowed in your room are people who are being detained in the same room as you.
- (4) You are permitted to communicate with people who are not staying with you in your room, either by phone or other electronic means.
- Note: An authorised officer must facilitate any reasonable request for communication made by you, in accordance with section 200(5) of the Act.*
- (5) If you are under 18 years of age your parent or guardian is permitted to stay with you, but only if they agree to submit to the same conditions of detention for the period that you are detained.

#### 5 Review of your detention

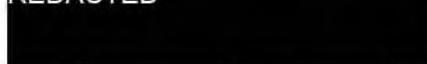
Your detention will be reviewed at least once every 24 hours for the period that you are in detention, in order to determine whether your detention continues to be reasonably necessary to eliminate or reduce a serious risk to public health.

*Note: This review is required by section 200(6) of the Act.*

#### 6 Offence and penalty

- (1) It is an offence under section 203 of the Act if you refuse or fail to comply with the directions and requirements set out in this Notice, unless you have a reasonable excuse for refusing or failing to comply.
- (2) The current penalty for an individual is \$19,826.40.

REDACTED



Name of Authorised Officer: Dr. Annaliese van Duemen

As authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the Act.

## Appendix 2. Script for plane/arrival

### **Required script before issuing a direction and detention notice**

*My Name is XXXX, I work for the Department of Health and Human Services Victoria and I am an Authorised Officer under the Public Health and Wellbeing Act. I am also authorised for the purposes of the emergency and public health risk powers in Victoria's current State of Emergency.*

*Please be advised that a State of Emergency has been declared in Victoria because of the serious risk to public health posed by COVID-19 virus.*

*Because you have arrived in Victoria from overseas, when you disembark off this plane you will be issued with a direction and detention notice, which requires you to quarantine for a 14-day period at the hotel nominated on the notice.*

*People who have been overseas are at the highest-risk risk of infection with COVID-19 and are one of the biggest contributors to the spread of COVID-19 in Victoria. Therefore, you will be detained in a hotel for 14 days because that is reasonably necessary to reduce or eliminate the serious risk to public health posed by COVID-19.*

*Please be advised that refusal or failure to comply without reasonable excuse is an offence. There are penalties for not complying with the notice.*

*Once you have been issued with the notice, please keep it with you at all times.*

*We greatly appreciate your co-operation and assistance in these challenging times. Thank you again.*

# Appendix 3. Detention notice for unaccompanied minors

## DIRECTION AND DETENTION NOTICE SOLO CHILDREN

*Public Health and Wellbeing Act 2008 (Vic)*

Section 200

### 1 Reason for this Notice

- (1) You have arrived in Victoria from overseas, on or after midnight on 28 March 2020 or on or after 13 April 2020 or 11 May 2020.
- (2) A state of emergency has been declared under section 198 of the *Public Health and Wellbeing Act 2008* (Vic) (the **Act**), because of the serious risk to public health posed by COVID-19.
- (3) In particular, there is a serious risk to public health as a result of people travelling to Victoria from overseas. People who have been overseas are at the highest risk of infection and are one of the biggest contributors to the spread of COVID -19 throughout Victoria.
- (4) You will be detained at the hotel specified in clause 2 below, in the room specified in clause 2 below, for a period of 14 days, because that is reasonably necessary for the purpose of eliminating or reducing a serious risk to public health , in accordance with section 200(1)(a) of the Act.
- (5) Having regard to the medical advice, 14 days is the period reasonably required to ensure that you have not contracted COVID -19 as a result of your overseas travel.
- (6) You must comply with the directions below because they are reasonably necessary to protect public health, in accordance with section 200(1)(d) of the Act.
- (7) The Chief Health Officer will be notified that you have been detained. The Chief Health Officer must advise the Minister for Health of your detention.

*Note: These steps are required by sections 200(7) and (9) of the Act.*

### 2 Place and time of detention

- (1) You will be detained at:

**Hotel:** \_\_\_\_\_ (*to be completed at place of arrival*)

**Room No:** \_\_\_\_\_ (*to be completed on arrival at hotel*)

- (2) You will be detained until: \_\_\_\_\_ on \_\_\_\_ of \_\_\_\_\_ 2020.

### 3 Directions — transport to hotel

- (1) You must **proceed immediately to the vehicle** that has been provided to take you to the hotel, in accordance with any instructions given to you.
- (2) Once you arrive at the hotel, **you must proceed immediately to the room** you have been allocated above in accordance with any instructions given to you.

#### **4 Conditions of your detention**

- (1) **You must not leave the room in any circumstances**, unless:
  - (a) you have been granted permission to do so:
    - (i) for the purposes of attending a medical facility to receive medical care; or
    - (ii) where it is reasonably necessary for your physical or mental health; or
    - (iii) on compassionate grounds; or
  - (b) there is an emergency situation.
- (2) **You must not permit any other person to enter your room**, unless the person is authorised to be there for a specific purpose (for example, providing food or for medical reasons).
- (3) Except for authorised people, the only other people allowed in your room are people who are being detained in the same room as you.
- (4) You are permitted to communicate with people who are not staying with you in your room, either by phone or other electronic means.
 

*Note: An authorised officer must facilitate any reasonable request for communication made by you, in accordance with section 200(5) of the Act.*
- (5) If you are under 18 years of age your parent or guardian is permitted to stay with you, but only if they agree to submit to the same conditions of detention for the period that you are detained.

#### **5 Review of your detention**

Your detention will be reviewed at least once every 24 hours for the period that you are in detention, in order to determine whether your detention continues to be reasonably necessary to eliminate or reduce a serious risk to public health.

*Note: This review is required by section 200(6) of the Act.*

#### **6 Special conditions because you are a solo child**

Because your parent or guardian is not with you in detention the following additional protections apply to you:

- (a) We will check on your welfare throughout the day and overnight.
- (b) We will ensure you get adequate food, either from your parents or elsewhere.
- (c) We will make sure you can communicate with your parents regularly.
- (d) We will try to facilitate remote education where it is being provided by your school.
- (e) We will communicate with your parents once a day.

**7 Offence and penalty**

- (1) It is an offence under section 203 of the Act if you refuse or fail to comply with the directions and requirements set out in this Notice, unless you have a reasonable excuse for refusing or failing to comply.
- (2) The current penalty for an individual is \$19,826.40.

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**Name of Authorised Officer:** \_\_\_\_\_

As ~~authorised~~ to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the Act.

## Appendix 4. Letter for carer to join detention

Dear [insert name]

In accordance with section 198 of the *Public Health and Wellbeing Act 2008* (**Act**), a state of emergency has been declared in Victoria as a result of the serious risk to public health posed by COVID-19.

In order to mitigate this public health risk, the Victorian government has introduced a quarantine period for people arriving in Victoria from overseas.

I note that [insert name of persons in hotel detention that are being joined by the kinship carer] have been issued with a direction and detention notice on [insert] under section 200(1)(a) of the Act.

You have agreed to be detained in quarantine with the above persons who have arrived from overseas in [insert hotel name], to provide kinship care and support.

In these circumstances, you will be subject to quarantined in accordance with the attached direction and detention notice issued under section 200(1)(a) of the Act, which sets out the terms and conditions of your period of quarantine.

Yours sincerely

Authorised Officer

[insert date]

# Appendix 5. Permission for temporary leave

## PERMISSION FOR TEMPORARY LEAVE FROM DETENTION

Public Health and Wellbeing Act 2008 (Vic)

### Section 200

An Authorised Officer has granted you permission to leave your room based on one of the grounds set out below. This is temporary. You will be supervised when you leave your room. You must ensure you comply with all the conditions in this permission and any directions an Authorised Officer gives you. You must return to your room at the time specified to finish your detention. Speak to your supervising Authorised Officer if you require more information.

#### 1 Temporary leave

- (1) You have arrived in Victoria from overseas, on or after midnight on 28 March 2020 or on or after 13 April 2020 or 11 May 2020 and have been placed in detention, pursuant to a Direction and Detention Notice that you were provided on your arrival in Victoria (**Notice**).
- (2) This Permission for Temporary Leave From Detention (**Permission**) is made under paragraph 4(1) of the Notice.

#### 2 Reason/s for, and terms of, permission granting temporary leave

- (1) Permission for temporary leave has been granted to: \_\_\_\_\_ [insert name] for the following reason/s [tick applicable]:
    - (a) for the purpose of attending a medical facility to receive medical care:  
 **Name of facility:** \_\_\_\_\_
    - Time of admission/appointment:** \_\_\_\_\_
    - Reason for medical appointment:** \_\_\_\_\_
  - (b) where it is reasonably necessary for physical or mental health:  
 **Reason leave is necessary:** \_\_\_\_\_
  - Proposed activity/solution:** \_\_\_\_\_
  - (c) on compassionate grounds:  
 **Detail grounds:** \_\_\_\_\_
- (2) The temporary leave starts on \_\_\_\_\_ and ends on \_\_\_\_\_ [insert date and time].

\_\_\_\_\_  
**Signature of Authorised Officer**

**Name of Authorised Officer:** \_\_\_\_\_

*As authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the Act.*

### 3 Conditions

- (1) You must be supervised at all times/may be supervised [delete as appropriate] while you are out of your room. You are not permitted to leave your hotel room, even for the purpose contained in this Permission, unless you are accompanied by an Authorised Officer.
- (2) While you are outside your room you must practice social distancing, and as far as possible, maintain a distance of 1.5 metres from all other people, including the Authorised Officer escorting you.
- (3) When you are outside your room you must refrain from touching communal surfaces, as far as possible, such as door knobs, handrails, lift buttons etc.
- (4) When you are outside your room you must, at all times, wear appropriate protective equipment to prevent the spread of COVID-19, if directed by the Authorised Officer escorting you.
- (5) When you are outside your room you must, at all times, comply with any direction given to you by the Authorised Officer escorting you.
- (6) At the end of your temporary leave, you will be escorted back to your room by the Authorised Officer escorting you. You must return to your room and remain there to complete the requirements under the Notice.
- (7) Once you return to the hotel, you must proceed immediately to the room you have been allocated above in accordance with any instructions given to you.
- (8) You must comply with any other conditions or directions the Authorised Officer considers appropriate.

*(Insert additional conditions, if any, at Annexure 1)*

### 4 Specific Details

- (1) Temporary leave is only permitted in limited circumstances, to the extent provided for in this Permission, and is subject to the strict conditions outlined at paragraph 3. You must comply with these conditions at all times while you are on temporary leave. These conditions are reasonably necessary to protect public health, in accordance with section 200(1)(d) of the *Public Health and Wellbeing Act 2008* (Vic).
- (2) Permission is only granted to the extent necessary to achieve the purpose of, and for the period of time noted at paragraph 2 of this Permission.
- (3) Nothing in this Permission, invalidates, revokes or varies the circumstances, or period, of your detention, as contained in the Notice. The Notice continues to be in force during the period for which you are granted permission for temporary leave from detention. The Notice continues to be in force until it expires.

## 5 Offence and penalty

- (1) It is an offence under section 203 of the Act if you refuse or fail to comply with the conditions set out in this Permission, unless you have a reasonable excuse for refusing or failing to comply.
- (2) The current penalty for an individual is \$19,826.40.

## Annexure 1: Additional conditions *[if applicable]*

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# Appendix 6. Guidance Note: Permission for Temporary Leave from Detention

## **How do you issue a Permission for Temporary Leave from Detention?**

It is recommended that Authorised Officers take the following steps when issuing a Permission for Temporary Leave from Detention:

- **Before you provide the Permission for Temporary Leave from Detention**

- carefully consider the request for permission and consider the grounds available under paragraph 4(1) of the Direction and Detention Notice – which include:
  - for the purposes of attending a medical facility to receive medical care; or
  - where it is reasonably necessary for the person's physical or mental health; or
  - on compassionate grounds.
- complete all sections of the Permission, including clearly documenting the reasons for the Permission, date and time when the temporary leave is granted from and to, and whether the person will be supervised by the authorised officer during the temporary leave
- ensure the reference number is completed.

- **When you are provide the Permission for Temporary Leave from Detention**

- you must warn the person that refusal or failure to comply without reasonable excuse, is an offence;
- explain the reason why it is necessary to provide the Permission and the conditions which apply to the temporary leave (including that the person is still subject to completing the remainder of the detention once the temporary leave expires, and the Permission is necessary to protect public health);
- provide the Permission to the person, provide them with time to read the Permission and take a photo of the Permission for the department's records.

**NB** If it is not practicable to explain the reason why it is necessary to give the Permission, please do so as soon as practicable after Permission has been exercised.

- **What are the requirements when you are granting a permission to a person under the age of 18?**

The same requirements set out above apply when issuing a Permission to an unaccompanied minor. However, the supervising Authorised Officer must have Working With Children Check, have regard to the special conditions in the Direction and Detention Notice as well as the person's status as a child.

- **What other directions can you give?**

Section 200(1)(d) of the PHWA sets out an emergency power that allows an authorised officer to give any other direction that the authorised officer considers is reasonably necessary to protect public health.

## **What are your obligations when you require compliance with a direction?**

Exercising this power imposes several obligations on departmental authorised officers including that an authorised officer must, before exercising any emergency powers, warn the person that refusal or failure to comply without reasonable excuse, is an offence.

# Appendix 7. Guidance: Exemptions under Commonwealth law

Please note that Victoria may vary from this guidance



Australian Government  
Department of Health

**Coronavirus disease  
(COVID-19)**

## Exemptions to the 14 day mandatory quarantine period for international travellers

The Australian Health Protection Principal Committee (AHPPC) recognise that there should be some exemptions from quarantine requirements for specific industry groups, provided they adhere to specified risk mitigations measures. These specific exemptions are recommended because of the industry infection prevention requirements, training these groups have undergone, and the vital role of these industries in Australia.

While these are national recommendations, mandatory quarantine is enforced under state and territory public health legislation. Individual states and territories may choose to implement additional requirements at the point of arrival.

Some jurisdictions may also have additional quarantine requirements upon entry to the state or territory. Depending on the jurisdiction, this could mean that an international traveller is required to go into mandatory quarantine at the first point of arrival into Australia, and further quarantine upon entry to another jurisdiction.

The following groups are recommended to be exempt from the 14 day mandatory quarantine requirements when entering Australia. While these groups are exempt from mandatory quarantine, all arrivals into Australia **must** continue to practise social distancing, cough etiquette and hand hygiene. Other requirements, such as self-isolation, may still apply and are outlined below.

### Aviation crew

#### International flight crew (Australian residents/citizens)

- Are not required to undertake 14 days of mandatory quarantine on arrival.
- Are not required to complete the Isolation Declaration Card.
- Are not required to self-isolate.

#### International flight crew (foreign nationals)

- Are not required to undertake 14 days of mandatory quarantine on arrival.
- Are not required to complete the Isolation Declaration Card.
- Must self-isolate in their hotel on arrival until their next flight.
- Must use privately organised transport to transfer to and from hotels between flights.
- May fly domestically to their next point of departure from Australia if required.

#### Domestic flight crew

- Exempt from self-isolation requirements except when a state or territory specifically prohibits entry.

### Maritime crew (excluding cruise ships)

- Are not required to undertake 14 days of mandatory quarantine on arrival into Australia. They are therefore not required to complete the Isolation Declaration Card.
- Must proceed directly to the vessel on arrival.

- If access to the vessel is not immediate, crew must self-isolate at their accommodation during any lay-over period.
- May travel domestically and/or take a domestic flight to meet their vessel at the next point of departure if required.
- At the completion of their shifts, they are not required to go into mandatory 14 days quarantine, but must undertake 14 days self-isolation.
- Time at sea counts towards the 14 days of self-isolation if no illness has been reported on-board. Therefore crew signing off commercial vessels that have spent greater than 14 days at sea, with no known illness on-board, do not need to self-isolate on arrival.

## Unaccompanied minors

Unaccompanied minors will be allowed to travel domestically after entering Australia to self-quarantine with a parent or guardian at their home.

## Transit passengers

- International transit passengers arriving into Australia are able to depart on another international flight if the following conditions are met:
  - If the individual has up to 8 hours until the departing international flight, they must remain at the airport and be permitted to onward travel, maintaining social distancing and hand hygiene.
  - If 8-72 hours before the departing flight, they must go to mandatory quarantine at the state designated facility until the time of the departing flight.
- No domestic onward travel is allowed, even if this is to meet a departing international flight. These people should go into mandatory quarantine at the state designated facility at the first point of arrival.

## Diplomats

- Australia has legal obligations under the Vienna Convention to ensure diplomats freedom of movement and travel, and protection from detention. Diplomats are not required to undertake 14 days of mandatory quarantine on arrival into Australia. They are therefore not required to complete the Isolation Declaration Card.
- Diplomats should self-isolate at their mission or in their usual place of residence on arrival for 14 days.
- Diplomats must continue to practise social distancing, cough etiquette and hand hygiene.

## Compassionate or medical grounds

Applications on medical or compassionate grounds should be submitted to the relevant state or territory who will consider requests on a case-by-case basis.

Contact details for state or territory public health agencies are available at [www.health.gov.au/state-territory-contacts](http://www.health.gov.au/state-territory-contacts).

## Where can I get more information?

For the latest advice, information and resources, go to [www.health.gov.au](http://www.health.gov.au).

Call the National Coronavirus Helpline on 1800 020 080. This line operates 24 hours a day, seven days a week. If you require translating or interpreting services, call 131 450.

# Appendix 8. Guidance note: unaccompanied minors

## Introduction

You are an officer authorised by the Chief Health Officer under section 199(2)(a) of the *Public Health and Wellbeing Act 2008* (Vic) to exercise certain powers under that Act. You also have duties under the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (**Charter**).

These Guidelines have been prepared to assist you to carry out your functions in relation to Victorian unaccompanied minors who have arrived in Victoria and are subject to detention notices, requiring them to self-quarantine in a designated hotel room for 14 days in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**) where no parent, guardian or other carer (**parent**) has elected to join them in quarantine (a **Solo Child Detention Notice**).

As part of your functions, you will be required to make decisions as to whether a person who is subject to a Solo Child Detention Notice should be granted permission to leave their room:

- for the purposes of attending a medical facility to receive medical care; or
- where it is reasonably necessary for their physical or mental health; or
- on compassionate grounds.

Authorised Officers are also required to review the circumstances of each detained person at least once every 24 hours, in order to determine whether their detention continues to be reasonably necessary to eliminate or reduce a serious risk to public health.

## Your obligations under the Charter of Human Rights and Responsibilities Act 2006

You are a public officer under the Charter. This means that, in providing services and performing functions in relation to persons subject to a Detention Notice you must, at all times:

- act compatibly with human rights; and
- give 'proper consideration' to the human rights of any person(s) affected by your decisions.

## How to give 'proper consideration' to human rights

'Proper consideration' requires you to:

- **first**, understand in general terms which human rights will be affected by your decisions (these rights are set out below under 'relevant human rights');
- **second**, seriously turn your mind to the possible impact of your decisions on the relevant individual's human rights, and the implications for that person;
- **third**, identify the countervailing interests (e.g. the important public objectives such as preventing the further spread of 2019-nCoV, which may weigh against a person's full enjoyment of their human rights for a period of time); and
- **fourth**, balance the competing private and public interests to assess whether restricting a person's human rights (e.g. denying a person's request to leave their room) is justified in the circumstances.

## Relevant human rights

The following human rights protected by the Charter are likely to be relevant to your functions when conducting daily wellbeing visits and when assessing what is reasonably necessary for the physical and mental health of children who are subject to Solo Child Detention Notices:

- The right of children to such protection as is in their best interests (s 17(2)). As the Solo Child Detention Notices detain children in circumstances where no parent has elected to join them in quarantine, greater protection must be provided to these children in light of the vulnerability that this creates. Where possible the following additional protection should be provided:
- You should undertake two hourly welfare checks while the child is awake and once overnight. You should ask the child to contact you when they wake each morning and let you know when they go to sleep so that this can be done.
- You should ask the child if they have any concerns that they would like to raise with you at least once per day.
- You should contact the child's parents once per day to identify whether the parent is having contact with the child and whether the parent or child have any concerns.
- You should ensure that where the child does not already have the necessary equipment with them to do so (and their parent is not able to provide the necessary equipment) the child is provided with the use of equipment by the department to facilitate telephone and video calls with their parents. A child must not be detained without an adequate means of regularly communicating with their parents.
- You should ensure that where the child does not already have the necessary equipment with them to do so (and their parent is not able to provide the necessary equipment) the child is provided with the use of equipment by the department to participate in remote education if that is occurring at the school they are attending. Within the confines of the quarantine you should obtain reasonable assistance for the child in setting up that computer equipment for use in remote education.
- You should allow the child's parents to bring them lawful and safe items for recreation, study, amusement, sleep or exercise for their use during their detention. This should be allowed to occur at any time within business hours, and as many times as desired, during the detention.
- The rights to liberty (s 21) and freedom of movement (s 12), and the right to humane treatment when deprived of liberty (s 22). As the Solo Child Detention Notices deprive children of liberty and restrict their movement, it is important that measures are put in place to ensure that the accommodation and conditions in which children are detained meet certain minimum standards (such as enabling parents to provide detained children with food, necessary medical care, and other necessities of living). It is also important that children are not detained for longer than is reasonably necessary.
- Freedom of religion (s 14) and cultural rights (s 19). Solo Child Detention Notices may temporarily affect the ability of people who are detained to exercise their religious or cultural rights or perform cultural duties; however, they do not prevent detained persons from holding a religious belief, nor do they restrict engaging in their cultural or religious practices in other ways (for example, through private prayer, online tools or engaging in religious or cultural practices with other persons with whom they are co-isolated). Requests by children for additional items or means to exercise their religious or cultural practices will need to be considered and accommodated if reasonably practicable in all the circumstances.
- The rights to recognition and equality before the law, and to enjoy human rights without discrimination (s 8). These rights will be relevant where the conditions of detention have a disproportionate impact on detained children who have a protected attribute (such as race or disability). Special measures may need to be taken in order to address the particular needs and vulnerabilities of, for example Aboriginal persons, or persons with a disability (including physical and mental conditions or disorders).
- The rights to **privacy, family and home** (s 13), **freedom of peaceful assembly and association** (s 16) and the **protection of families** (s 17). Solo Child Detention Notices are likely to temporarily restrict the rights of persons to develop and maintain social relations, to freely assemble and associate, and will prohibit physical family unification for those with family members in Victoria. Children's rights may be particularly affected, to the extent that a Solo Child Detention Notice results in the interference with a child's care and the broader family environment. It is important, therefore, to ensure children subject to Solo Child Detention Notices are not restricted from non-physical forms of

communication with relatives and friends (such as by telephone or video call). Requests for additional items or services to facilitate such communication (e.g. internet access) will need to be considered and accommodated if reasonably practicable in all the circumstances.

Whether, following 'proper consideration', your decisions are compatible with each these human rights, will depend on whether they are reasonable and proportionate in all the circumstances (including whether you assessed any reasonably available alternatives).

## **General welfare considerations**

All persons who are deprived of liberty must be treated with humanity and respect, and decisions made in respect of their welfare must take account of their circumstances and the particular impact that being detained will have on them. Mandatory isolation may, for some people, cause greater hardship than for others – when performing welfare visits you will need to be alert to whether that is the case for any particular person.

In particular, anxieties over the outbreak of 2019-nCoV in conjunction with being isolated may result in the emergence or exacerbation of mental health conditions amongst persons who are subject to Detention Notices.

If you have any concerns about the mental health of a detained person, you should immediately request an assessment of mental health be conducted and ensure appropriate support is facilitated. Hotel rooms are not normally used or designed for detention, so you should be aware that a person who is detained in a hotel room could have greater opportunity to harm themselves than would be the case in a normal place of detention.

## **Additional welfare considerations for children**

Children differ from adults in their physical and psychological development, and in their emotional and educational needs. For these reasons, children who are subject to Solo Child Detention Notices may require different treatment or special measures.

In performing functions and making decisions with respect to a detained person who is a child, the best interests of the child should be a primary consideration. Children should be given the opportunity to conduct some form of physical exercise through daily indoor and outdoor recreational activities. They should also be provided with the ability to engage in age-appropriate activities tailored to their needs.

Each child's needs must be assessed on a case-by-case basis. Requests for items or services to meet the needs of individual children will need to be considered and accommodated if reasonably practicable in all the circumstances.

Where available, primary school age children should be allocated rooms that have an outside area where it is safe for active physical play to occur (not a balcony) and consideration should be given to allowing small children access to any larger outdoor areas that are available within the hotel, where possible within relevant transmission guidelines. Although each child's needs must be assessed daily and individually, it can be assumed that it will have a negative effect on a child's mental health to be kept in the same room or rooms for two weeks without access to an adequate outdoor area in which to play.

## **Balancing competing interests**

However, the best interests of children and the rights of anyone who is subject to a Solo Child Detention Notice will need to be balanced against other demonstrably justifiable ends; for example, lawful, reasonable and proportionate measures taken to reduce the further spread of 2019-nCoV.

It is your role to undertake this balance in your welfare checks, based on the information and advice that you have from the department and on the information provided to you by the children that you are assessing.

## Appendix 9. Policy guiding release notices

Table 2. Management based on outcomes of Day 11 routine testing

		Staying in Victoria on exit	Leaving Victoria on exit (interstate or international)
Negative result	Asymptomatic	<ul style="list-style-type: none"> <li><b>Subject to the Stay at Home Directions</b></li> <li>Issue End of Detention Notice (standard)</li> <li>Allow to exit detention</li> </ul>	<ul style="list-style-type: none"> <li><b>Subject to the Stay at Home Directions until they leave Victoria</b></li> <li>Issue End of Detention Notice (standard)</li> <li>Allow to exit detention</li> </ul>
	Symptomatic	<ul style="list-style-type: none"> <li><b>Subject to the Stay at Home Directions</b></li> <li>Issue End of Detention Notice (standard)</li> <li>Allow to exit detention</li> <li>Advise to stay at home until symptoms have resolved for 72 hours</li> </ul>	<ul style="list-style-type: none"> <li><b>Subject to the Stay at Home Directions until they leave Victoria</b></li> <li>Allow to exit detention</li> <li>Issue End of Detention Notice (standard)</li> <li>Allow to travel interstate</li> <li>Advise to stay at home until symptoms have resolved for 72 hours</li> </ul>
Positive result	All cases	<ul style="list-style-type: none"> <li><b>Subject to the Diagnosed Persons and Close Contacts Direction</b></li> <li>Issue End of Detention Notice (confirmed case)</li> <li>If the person has more than 24 hours left in mandatory quarantine before they are due to exit, they should be transferred to the COVID hotel (Rydges) for the remainder of the quarantine period.</li> <li>If the person is due to exit to home within 24 hours of receiving the positive test result, the decision to transfer to the COVID hotel (Rydges) should be made on a case-by-case basis, and exiting from their current hotel to home on Day 14 may be the more appropriate arrangement.</li> <li>When the 14-day mandatory quarantine period is complete: <ul style="list-style-type: none"> <li>Victorians who are still infectious (who have not yet met the department's criteria for release from isolation of a confirmed case) may continue to isolate at an identified residence in Victoria, if they can do so safely and appropriately</li> <li>Individuals from interstate who cannot safely isolate at an alternative residence in Victoria may continue to isolate at the COVID hotel (Rydges) until they meet the</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><b>Subject to the Diagnosed Persons and Close Contacts Direction</b></li> <li>Issue End of Detention Notice (confirmed case)</li> <li><b>Must not travel interstate</b></li> <li>When the 14-day mandatory quarantine period is complete: <ul style="list-style-type: none"> <li>Individuals from interstate who are still infectious (who have not yet met the department's criteria for release from isolation of a confirmed case) are permitted to isolate at an identified residence in Victoria, if they can do so safely and appropriately</li> <li>Individuals from interstate who cannot safely isolate at an alternative residence in Victoria may continue to isolate at the COVID hotel (Rydges) until they meet the</li> </ul> </li> </ul>

		<p>confirmed case) are permitted to isolate at home, if they can do so safely and appropriately</p> <ul style="list-style-type: none"> <li>- Victorians who cannot safely isolate at home may continue to isolate at the COVID hotel (Rydges) until they meet the department's criteria for release from isolation of a confirmed case</li> <li>• Transport of positive cases (to home or to the COVID hotel) should be by Non-Emergency Patient Transport (NEPT)</li> <li>• Positive cases should wear PPE while in transit</li> </ul>	<p>department's criteria for release from isolation of a confirmed case</p> <ul style="list-style-type: none"> <li>• Transport of positive cases (to the COVID hotel or to other appropriate accommodation in Victoria) should be by NEPT</li> <li>• Positive cases should wear PPE while in transit</li> <li>• If there are concerns that the person will not safely isolate in Victoria, a further Direction and Detention Notice should be considered, in consultation with the Public Health Commander and DHHS Legal</li> </ul>
	Asymptomatic	<ul style="list-style-type: none"> <li>• If a person is currently asymptomatic and has no history of symptoms in the past 14 days, then the test date will be taken as a proxy for a symptom onset date (day 0) and they will be required to isolate for 10 days from this date.</li> </ul>	<ul style="list-style-type: none"> <li>• If a person is currently asymptomatic and has no history of symptoms in the past 14 days, then the test date will be taken as a proxy for a symptom onset date (day 0) and they will be required to isolate for 10 days from this date.</li> </ul>
	Symptomatic	<ul style="list-style-type: none"> <li>• If a person is symptomatic, the isolation period will be determined as per the department's criteria for release from isolation of a confirmed case</li> <li>• Release from isolation will be actively considered when ALL the following criteria are met: <ul style="list-style-type: none"> <li>- the person has been afebrile for the previous 72 hours, <b>AND</b></li> <li>- at least <b>ten days</b> have elapsed after the onset of the acute illness, <b>AND</b></li> <li>- there has been a noted improvement in symptoms, <b>AND</b></li> <li>- a risk assessment has been conducted by the department and deemed no further criteria are needed</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• If a person is symptomatic, the isolation period will be determined as per the department's criteria for release from isolation of a confirmed case</li> <li>• Release from isolation will be actively considered when ALL the following criteria are met: <ul style="list-style-type: none"> <li>- the person has been afebrile for the previous 72 hours, <b>AND</b></li> <li>- at least <b>ten days</b> have elapsed after the onset of the acute illness, <b>AND</b></li> <li>- there has been a noted improvement in symptoms, <b>AND</b></li> <li>- a risk assessment has been conducted by the department and deemed no further criteria are needed</li> </ul> </li> </ul>
Results pending	Asymptomatic	<ul style="list-style-type: none"> <li>• <b>Subject to the Stay at Home Directions</b></li> <li>• Issue End of Detention Notice (standard)</li> <li>• Allow to exit detention</li> <li>• All persons exiting mandatory quarantine who have COVID-19 test results pending should be advised to isolate until the test result is known</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Subject to the Stay at Home Directions until they leave Victoria</b></li> <li>• Issue End of Detention Notice (standard)</li> <li>• Allow to exit detention</li> </ul>

		<ul style="list-style-type: none"> <li>DHHS should ensure the test result, positive or negative, is provided to the person</li> </ul>	<ul style="list-style-type: none"> <li>All persons exiting mandatory quarantine who have COVID-19 test results pending should be advised to isolate until the test result is known</li> <li>DHHS should ensure the test result, positive or negative, is provided to the person and, if positive, to the relevant state/territory public health department</li> </ul>
	Symptomatic	<ul style="list-style-type: none"> <li><b>Subject to the Stay at Home Directions</b> <ul style="list-style-type: none"> <li>Issue End of Detention Notice (respiratory symptoms)</li> <li>Allow to exit detention</li> <li>Victorians who can safely isolate at home must do so until the test result is known</li> <li>Transport by NEPT, should wear PPE while in transit</li> <li>Victorians who cannot safely isolate at home or other appropriate accommodation may continue to isolate at the quarantine hotel until the test result is known</li> <li>DHHS should ensure the test result, positive or negative, is provided to the person</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><b>Subject to the Stay at Home Directions until they leave Victoria</b> <ul style="list-style-type: none"> <li>Issue End of Detention Notice (respiratory symptoms)</li> <li><b>Must not</b> travel interstate, must stay in Victoria until test result is known</li> <li>If there is concern that they will not follow this advice, a further Direction and Detention Notice may be issued in consultation with the Public Health Commander and DHHS Legal</li> <li>DHHS will accommodate in quarantine hotel until test result is known, if they have no other appropriate/safe accommodation to isolate in Victoria</li> <li>If required, transport by NEPT and wear PPE while in transit</li> <li>DHHS should ensure the test result, positive or negative, is provided to the person and, if positive, to the relevant state/territory public health department</li> </ul> </li> </ul>
Newly symptomatic after Day 11 test		<ul style="list-style-type: none"> <li>Where a person develops symptoms after the Day 11 testing, and the Day 11 test result is negative, repeat testing should be undertaken</li> <li>Management should be as per the relevant category described above</li> </ul>	<ul style="list-style-type: none"> <li>Where a person develops symptoms after the Day 11 testing, and the Day 11 test result is negative, repeat testing should be undertaken</li> <li>Management should be as per the relevant category described above</li> </ul>
Not tested (declined testing or other reason)	Asymptomatic	<ul style="list-style-type: none"> <li><b>Subject to the Stay at Home Directions</b> <ul style="list-style-type: none"> <li>Issue End of Detention Notice (standard)</li> <li>Allow to exit detention</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><b>Subject to the Stay at Home Directions until they leave Victoria</b> <ul style="list-style-type: none"> <li>Issue End of Detention Notice (standard)</li> <li>Allow to exit detention</li> </ul> </li> </ul>

	Symptomatic	<ul style="list-style-type: none"> <li><b>Subject to the Stay at Home Directions</b></li> <li>Issue End of Detention Notice (respiratory symptoms)</li> <li>Allow to exit detention</li> <li>Strongly advise to be tested</li> <li>Document that they are symptomatic, and that they have been offered and refused testing</li> <li>If requiring transport, they should go by NEPT and should wear PPE while in transit</li> </ul>	<ul style="list-style-type: none"> <li><b>Subject to the Stay at Home Directions until they leave Victoria</b></li> <li>Issue End of Detention Notice (respiratory symptoms)</li> <li>Strongly advise to be tested</li> <li>Document that they are symptomatic, and that they have been offered and refused testing</li> <li>Each instance must be discussed with the Deputy Public Health Commander for a risk assessment, a further Direction and Detention Notice may be considered, in consultation with the Public Health Commander and DHHS Legal</li> <li>DHHS will accommodate in quarantine hotel until test is agreed and result known, if they have no other appropriate/safe accommodation to isolate in in Victoria</li> <li>If required, transport by NEPT and wear PPE while in transit</li> </ul>
<b>Close contact (not tested)</b>	All close contacts	<ul style="list-style-type: none"> <li><b>Subject to the Diagnosed Persons and Close Contacts Direction</b></li> <li>Issue End of Detention Notice (standard)</li> <li>Close contacts of confirmed cases must isolate for 14 days since last contact with the confirmed case during their infectious period</li> <li>All close contacts of confirmed cases should be encouraged to separate from the confirmed case so that their new quarantine period can commence</li> <li>Close contacts from Victoria are permitted to isolate at home, if they can do so safely and appropriately</li> <li>DHHS will accommodate in hotel if they have no other appropriate/safe accommodation to isolate in in Victoria</li> <li>If required, transport by NEPT and wear PPE while in transit</li> </ul>	<ul style="list-style-type: none"> <li><b>Subject to the Diagnosed Persons and Close Contacts Direction</b></li> <li>Issue End of Detention Notice (standard)</li> <li>Close contacts of confirmed cases must isolate for 14 days since last contact with the confirmed case during their infectious period</li> <li>All close contacts of confirmed cases should be encouraged to separate from the confirmed case so that their new quarantine period can commence</li> <li><b>Must not travel interstate</b></li> <li>If there is a concern that they will not follow this advice (i.e. if refusing to isolate in Victoria and planning to travel interstate), a new Direction and Detention Notice should be considered, in consultation with the Public Health Commander and DHHS Legal</li> <li>DHHS will accommodate in hotel if they have no other appropriate/safe accommodation to isolate in in Victoria</li> </ul>

			<ul style="list-style-type: none"><li>• If required, transport by NEPT and wear PPE while in transit</li></ul>
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# Appendix 10. End of Detention Notice

## END OF DETENTION NOTICE

Public Health and Wellbeing Act 2008 (Vic)

Section 200

**Subject to the conditions below, this Notice is evidence that this detainee has completed their period of detention under a *Direction and Detention Notice* issued to reduce or eliminate the serious public health risk posed by COVID-19.**

### 1 Detention Notice

- (1) You have arrived in Victoria from overseas, on or after midnight on 28 March 2020 and have been placed in detention, pursuant to a Direction and Detention Notice that you were provided on your arrival in Victoria (**Notice**).

### 2 Details of Detention Notice

- (1) Name of Detainee: <>FIRST NAME><>LAST NAME>
- (2) Date of Direction and Detention Notice: <>DETENTION START DATE>
- (3) Place of Detention: <>HOTEL><>ROOM>

### 3 End of Detention Notice

- (1) In accordance with section 200(6) of the *Public Health and Wellbeing Act 2008* (Vic) (**Act**), I have reviewed your continued detention.
- (2) On review of the Notice, I have made the following findings:
  - (a) you will have served the required detention period by <>DETENTION END DATE>; and
  - (b) you have not started exhibiting any symptoms of COVID-19.
- (3) In consideration of the above circumstances, I have decided that your continued detention is not reasonably necessary to eliminate or reduce a serious risk to public health.
- (4) I advise that your detention pursuant to section 200(1)(a) of the **Act** and the Notice will end on <>DETENTION END DATE> at \_\_\_\_\_ after you have been discharged by an Authorised Officer and have commenced transportation to your ordinary residence.
- (5) **You must not leave your hotel room until you have been collected by Security** at which time you are permitted to travel to the hotel lobby to meet an Authorised Officer who will **sight your identification** and discharge you from detention. **On your exit date Security will give you approximately an hour notice of when they will collect you, which will be prior to midnight**
- (6) Although you will no longer be detained pursuant to the Notice, you are required to comply with all directions currently in force in Victoria. This includes the Stay at Home Directions (No 6) (**Direction**), as amended or replaced from time to time. Pursuant to the **Direction**, if you live in Victoria you are required to

travel directly to the premises where you ordinarily reside, and remain there unless you are leaving for one of the reasons listed in the Direction.

- (7) If you are a resident of another state arrangements will be made for you to return home. While you remain in the State of Victoria, you are required to comply with all Directions in operation in Victoria. Once you have returned home, you are required to comply with the Directions and/or Orders in place in your home jurisdiction, including any directions that may require you to isolate for a further 14 day period.
- (8) In the event that you start to experience symptoms of COVID-19, it is important that you self-isolate and, if necessary, contact your General Practitioner or local Public Health Unit.

#### **4 End of Detention Instructions**

- (1) Your detention **does not end** until the time stated in paragraph 3(4) of this notice which will be filled in by an authorised officer when you are discharged from detention. Until that time you must continue to abide by the requirements of your detention, as contained in the Notice.
- (2) When leaving detention you **must** adhere to the following safeguards:
  - (a) if provided to you, you **must** wear personal protective equipment;
  - (b) you **must** refrain, as far as possible, from touching communal surfaces, such as handrails, elevator buttons and door handles;
  - (c) you **must** where possible, practise physical distancing, maintaining a distance of 1.5 metres from other people; and
  - (d) upon leaving your hotel room, you **must** go straight to the foyer for discharge and then immediately after travel to your transportation and travel directly to your ordinary residence.

These steps are to ensure your protection, and reduce the risk of you becoming infected with COVID-19 by any persons detained in the hotel, or in the community, who may have COVID-19.

- (3) Until your detention has concluded, you must follow instructions from Authorised Officer/s and any other conditions set out.

#### **5 Offence and penalty**

- (1) It is an offence under section 203 of the Act if you refuse or fail to comply with the directions set out in this notice, unless you have a reasonable excuse for refusing or failing to comply.
- (2) The current penalty for an individual is \$19,826.40.

\_\_\_\_\_  
**Signature of Authorised Officer**

**Name of Authorised Officer:** \_\_\_\_\_

*As authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the Act.*

# Appendix 11. End of Detention Notice - confirmed case

**PLEASE BRING THIS NOTICE AND YOUR IDENTIFICATION WITH YOU.  
BOTH ITEMS ARE NEEDED TO EXIT THE HOTEL**

## END OF DETENTION NOTICE - Confirmed COVID-19 case

Public Health and Wellbeing Act 2008 (Vic)

Section 200

The detainee has returned a positive test for COVID-19. Subject to the conditions below, this Notice is evidence that this detainee has completed their period of detention under a *Direction and Detention Notice* issued to reduce or eliminate the serious public health risk posed by COVID-19 and is transitioning to a suitable premises to self-isolate pursuant to the Diagnosed Persons and Close Contacts Directions

### 1 Detention Notice

- (1) You have arrived in Victoria from overseas, on or after midnight on 28 March 2020 and have been placed in detention, pursuant to a Direction and Detention Notice that you were provided on your arrival in Victoria (**Notice**).

### 2 Details of Detention Notice

- (1) Name of Detainee: \_\_\_\_\_
- (2) Date of Direction and Detention Notice: \_\_\_\_\_
- (3) Place of Detention: \_\_\_\_\_ Room
- (4) Medical Facility: \_\_\_\_\_  
(if medical care is required)
- (5) COVID-19 Status (Confirmed): \_\_\_\_\_ [date of test]

### 3 End of Detention Notice

- (1) In accordance with section 200(6) of the *Public Health and Wellbeing Act 2008* (Vic) (**Act**), I have reviewed your continued detention.
- (2) On review of the Notice, I note that you have been diagnosed with COVID-19.
- (3) In consideration of the above, I do not believe that continued detention is reasonably necessary to eliminate or reduce a serious risk to public health because:
  - (a) You have been confirmed to have COVID-19 and will be required to self-isolate in accordance with the Diagnosed Persons and Close Contacts Directions, as amended from time to time, in a premises that is suitable for you to reside in, or travel directly to a hospital for medical treatment, until such time as you are notified that you no longer need to self-isolate and a clearance from self-isolation is given; and
  - (b) You are/are not [delete as applicable] ordinarily a resident of Victoria, and have chosen to self-isolate at the following premises:

your ordinary residence       another premises that is suitable for you to reside in for the purpose of self-isolation     

**Address of premises for self-isolation:** \_\_\_\_\_

- (4) I advise that your detention pursuant to section 200(1)(a) of the Act and the Notice will end on \_\_\_\_\_ at \_\_\_\_\_ after you have been discharged by an Authorised Officer and have commenced transportation to the premises detailed in 3(3)(b).
- (5) Although you are no longer to be detained pursuant to the Notice, you are required to comply with all directions pursuant to the *Public Health and Wellbeing Act 2008* currently in force in Victoria. Compliance with these directions is required to eliminate or reduce a serious risk to public health posed by COVID-19. It is essential that you self-isolate in accordance with the Diagnosed Persons and Close Contacts Directions, as amended or replaced from time to time, until such time as you are notified that you no longer need to self-isolate and a clearance from self-isolation is given.
- (6) The Notice is ended subject to the directions listed below under paragraph 4. Non-compliance with these conditions is an offence.

#### 4 Conditions

- (1) **You must not leave your hotel room until you have been collected by Security** at which time you are permitted to travel to the hotel lobby to meet an Authorised Officer who will sight your identification and discharge you from detention. **On your exit day Security will give you approximately an hour notice of when they will collect you, which will be prior to midnight.**
- (2) Your detention does not end until the time stated in paragraph 3(4) of this notice which will be filled in by an authorised officer when you are discharged from detention. **Until that time you must continue to abide by the requirements of your detention, as contained in the Notice.**
- (3) You will transit from the hotel where you have been detained to the premises detailed in 3(3)(b) to self-isolate pursuant to the Diagnosed Persons and Close Contacts Directions, as amended or replaced from time to time. You may be supervised during transit.
- (4) While you are transiting to the premises detailed in 3(3)(b), you must refrain, as far as possible, from touching communal surfaces, such as handrails, elevator buttons and door handles.
- (5) When you are transiting to the premises detailed in 3(3)(b), you must, **at all times**, wear appropriate protective equipment to prevent the spread of COVID-19, as directed by the Authorised Officer.
- (6) You must practise physical distancing, and as far as possible, maintain **a distance of 1.5 metres** from all other people, including any persons escorting you.
- (7) When you are transiting to the premises detailed in 3(3)(b), you must, **at all times**, comply with any direction given to you by any Authorised Officer escorting you.

**5 Offence and penalty**

- (1) It is an offence under section 203 of the Act if you refuse or fail to comply with the directions and requirements set out in this notice and/or the Isolation (Diagnosis) Direction unless you have a reasonable excuse for refusing or failing to comply.
- (2) The current penalty for an individual is \$19,826.40.

\_\_\_\_\_ Signature of Authorised Officer

Name of Authorised Officer: \_\_\_\_\_

As ~~authorised~~ to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the Act.

**PLEASE BRING THIS NOTICE AND YOUR IDENTIFICATION WITH YOU.  
BOTH ITEMS ARE NEEDED TO EXIT THE HOTEL**

## Appendix 12. End of detention notice – Close contact

**PLEASE BRING THIS NOTICE AND YOUR IDENTIFICATION WITH YOU.  
BOTH ITEMS ARE NEEDED TO EXIT THE HOTEL**

### END OF DETENTION NOTICE – CLOSE CONTACTS

Public Health and Wellbeing Act 2008 (Vic)

Section 200

The detainee is a close contact of a COVID-19 diagnosed person. Subject to the conditions below, this Notice is evidence that this detainee has completed their period of detention under a *Direction and Detention Notice* issued to reduce or eliminate the serious public health risk posed by COVID-19 and is transitioning to the premises at which they ordinarily reside to self-quarantine pursuant to the Diagnosed Persons and Close Contacts Directions

#### 1 Detention Notice

- (1) You have arrived in Victoria from overseas, on or after midnight on 28 March 2020 and have been placed in detention, pursuant to a Direction and Detention Notice that you were provided on your arrival in Victoria (Notice).

#### 2 Details of Detention Notice

- (1) Name of Detainee: \_\_\_\_\_
- (2) Date of Direction and Detention Notice: \_\_\_\_\_
- (3) Place of Detention: \_\_\_\_\_ Room \_\_\_\_\_

#### 3 End of Detention Notice

- (1) In accordance with section 200(6) of the *Public Health and Wellbeing Act 2008* (Vic) (Act), I have reviewed your continued detention.
- (2) On review of the Notice, I note that you are a close contact of a person diagnosed with COVID-19.
- (3) In consideration of the above, I do not believe that continued detention is reasonably necessary to eliminate or reduce a serious risk to public health because you have been confirmed to be a close contact of a person diagnosed with COVID-19 and will be required to self-quarantine at the premises at which you ordinarily reside, in accordance with the Diagnosed Persons and Close Contacts Directions, as amended or replaced from time to time.
- (4) I advise that your detention pursuant to section 200(1)(a) of the Act and the Notice will end on \_\_\_\_\_ at \_\_\_\_\_ after you have been discharged by an Authorised Officer and have commenced transportation to the premises at which you ordinarily reside, in accordance with the Diagnosed Persons and Close Contacts Directions, as amended or replaced from time to time, for the purpose of self-quarantine.

Although you are no longer to be detained pursuant to the Notice, you are required to comply with all directions pursuant to the Act currently in force in Victoria. Compliance with these directions is required to eliminate or reduce a

serious risk to public health posed by COVID-19. It is essential that you self-quarantine in accordance with the Diagnosed Persons and Close Contacts Directions, as amended or replaced from time to time.

- (6) The Notice is ended subject to the directions listed below under paragraph 4. Non-compliance with these conditions is an offence.

## 4 Conditions

- (1) You must not leave your hotel room until you have been collected by Security at which time you are permitted to travel to the hotel lobby to meet an Authorised Officer who will sight your identification and discharge you from detention. On your exit day Security will give you approximately an hour notice of when they will collect you, which will be prior to midnight.
  - (2) Your detention does not end until the time stated in paragraph 3(4) of this notice which will be filled in by an authorised officer when you are discharged from detention. Until that time you must continue to abide by the requirements of your detention, as contained in the Notice.
  - (3) You will transit from the hotel where you have been detained to the premises at which you ordinarily reside to self-quarantine pursuant to the Diagnosed Persons and Close Contacts Directions, as amended or replaced from time to time. You may be supervised during transit.
  - (4) While you are transiting to the premises at which you ordinarily reside to self-quarantine, you must refrain, as far as possible, from touching communal surfaces, such as handrails, elevator buttons and door handles.
  - (5) When you are transiting to the premises at which you ordinarily reside to self-quarantine, you must, at all times, wear appropriate protective equipment to prevent the spread of COVID-19, as directed by the Authorised Officer.
  - (6) You must practise physical distancing, and as far as possible, maintain a distance of 1.5 metres from all other people, including any persons escorting you.
  - (7) When you are transiting to the premises at which you ordinarily reside to self-quarantine, you must, at all times, comply with any direction given to you by any Authorised Officer escorting you.

## 5 Offence and penalty

- (1) It is an offence under section 203 of the Act if you refuse or fail to comply with the directions and requirements set out in this notice and/or the Isolation (Diagnosis) Direction unless you have a reasonable excuse for refusing or failing to comply.

(2) The current penalty for an individual is \$19,826.40.

**Signature of Authorised Officer**

**Name of Authorised Officer:** \_\_\_\_\_  
As authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the Act.

## Appendix 13. End of detention notice – Symptoms of respiratory illness

**PLEASE BRING THIS NOTICE AND YOUR IDENTIFICATION WITH YOU.  
BOTH ITEMS ARE NEEDED TO EXIT THE HOTEL**

### **END OF DETENTION NOTICE – Symptoms of respiratory illness (transition to suitable premises)**

Public Health and Wellbeing Act 2008 (Vic)

#### Section 200

The detainee has demonstrated symptoms of respiratory illness. Subject to the conditions below, this Notice is evidence that the detainee has completed their period of detention under a *Direction and Detention Notice* issued to reduce or eliminate the serious public health risk posed by COVID-19.

#### 1 Detention Notice

- (1) You have arrived in Victoria from overseas, on or after midnight on 28 March 2020 and have been placed in detention, pursuant to a Direction and Detention Notice that you were provided on your arrival in Victoria (Notice).

#### 2 Details of End of Detention Notice

- (1) Name of Detainee: \_\_\_\_\_
- (2) Date of Direction and Detention Notice: \_\_\_\_\_
- (3) Place of Detention: \_\_\_\_\_ Room \_\_\_\_\_
- (4) Medical Facility: \_\_\_\_\_  
(if medical care is required)
- (5) Respiratory illness symptoms [tick applicable]:
 

coughing	<input type="checkbox"/>	sore throat	<input type="checkbox"/>
fever or temperature in excess of 37.5 degrees	<input type="checkbox"/>	body aches	<input type="checkbox"/>
congestion, in either the nasal sinuses or lungs	<input type="checkbox"/>	fatigue	<input type="checkbox"/>
runny nose	<input type="checkbox"/>		

#### 3 End of Detention Notice

- (1) In accordance with section 200(6) of the *Public Health and Wellbeing Act 2008* (Vic) (Act), I have reviewed your continued detention.
- (2) On review of the Notice, I note that you have exhibited the symptoms of respiratory illness.
- (3) In consideration of the above, I do not believe that continued detention is reasonably necessary to eliminate or reduce a serious risk to public health because:

- (a) You are showing symptoms of respiratory illness and will be required to self-isolate in accordance with the Stay at Home Direction currently in force in Victoria and will need to travel directly to your ordinary residence or a premises that is suitable for you to temporarily reside in Victoria once you leave detention, and remain there unless you are permitted to leave for a reason specified in the Stay at Home Direction;
  - (b) You have:
    - been tested for 2019-nCoV and it is estimated that you will receive the results of that test by \_\_\_\_\_ [insert time];
    - not been tested for 2019-nCoV and are aware that you need to take precautions including #detail any specific precautions# for 72 hours after the time you cease showing symptoms of respiratory illness.
  - (c) You are ordinarily a resident in Victoria or you have indicated that although you ordinarily reside outside of Victoria, you have a suitable premises within Victoria to temporarily reside and intend to remain there until you have received your test results OR for 27 hours after the time you cease showing symptoms of respiratory illness [delete as applicable].
- (4) I advise that your detention pursuant to section 200(1)(a) of the Act and the Notice will end on \_\_\_\_\_ at \_\_\_\_\_ after you have been discharged by an Authorised Officer and have commenced transportation to your ordinary residence or a suitable premises within Victoria to temporarily reside until you have received your test results OR for 27 hours after the time you cease showing symptoms of respiratory illness [delete as applicable].
- (5) Compliance with all directions made pursuant to the Act currently in force in Victoria is required to reduce or eliminate the serious risk to public health posed by COVID-19. It is essential that you return to your ordinary residence or a premises that is suitable for you to reside temporarily in Victoria and remain there unless you are permitted to leave for a reason specified in the Stay at Home Direction. Please monitor your symptoms and seek appropriate medical care if required.
- (6) The Notice is ended subject to the directions below under paragraph 4. Non-compliance with these directions is an offence.

#### 4 Conditions

- (1) You will transit from the hotel where you have been detained to your ordinary residence or a premises that is suitable for you to temporarily reside in Victoria. You **must not leave your hotel room until you have been collected by Security** at which time you are permitted to travel to the hotel lobby to meet an Authorised Officer who will sight your identification and discharge you from detention. **Security will give you approximately an hour notice of when they will collect you, which will be prior to midnight on your exit date.**
- (2) Your detention **does not end** until the time stated in paragraph 3(4) of this notice which will be filled in by an authorised officer when you are discharged from

detention. Until that time you must continue to abide by the requirements of your detention, as contained in the Notice.

- (3) While you are transiting to your ordinary residence, or a premises that is suitable for you to temporarily reside in, you must refrain as far as possible, from touching communal surfaces, such as handrails, elevator buttons and door handles.
- (4) When you are transiting to your ordinary residence or a premises that is suitable for you to temporarily reside in, you must, at all times, wear appropriate personal protective equipment to prevent the spread of COVID-19, if directed by an Authorised Officer.
- (5) You must practise physical distancing, and as far as possible, maintain a distance of 1.5 metres from all other people, including any persons escorting you.
- (6) When you are transiting to your ordinary residence or a premises that is suitable for you to temporarily reside in, you must, at all times, comply with any direction given to you by an Authorised Officer escorting you.
- (7) You must remain at your ordinary residence or a premises that is suitable for you to temporarily reside in until you receive your 2019-nCoV test results OR for 72 hours after the time you cease showing symptoms of respiratory illness [delete as applicable].

## 5 Offence and penalty

- (1) It is an offence under section 203 of the Act if you refuse or fail to comply with the directions and requirements set out in this notice unless you have a reasonable excuse for refusing or failing to comply.
- (2) The current penalty for an individual is \$19,826.40.

\_\_\_\_\_  
Signature of Authorised Officer

Name of Authorised Officer: \_\_\_\_\_  
As authorised to exercise emergency powers by the Chief Health Officer under  
section 199(2)(a) of the Act.



# Appendix 14. End of detention notice: continued detention

## DIRECTION AND CONTINUATION OF DETENTION NOTICE

*Public Health and Wellbeing Act 2008 (Vic)*

Section 200

### 1 Detention Notice

- (1) You have arrived in Victoria from overseas, on or after midnight on 28 March 2020 and have been placed in detention, pursuant to a Direction and Detention Notice (Notice) that you were provided on your arrival in Victoria .
- (2) A state of emergency exists in Victoria under section 198 of the *Public Health and Wellbeing Act 2008 (Vic)* (Act), because of the serious risk to public health posed by COVID-19.
- (3) In particular, there is a serious risk to public health as a result of people travelling to Victoria from overseas. People who have been overseas are at the highest risk of infection and are one of the biggest contributors to the spread of COVID -19 throughout Victoria.
- (4) Pursuant to the Notice, you have been detained at the hotel and in the room specified in clause 1(5) below, for a period of 14 days, because, having regard to the medical advice, that detention is reasonably necessary for the purpose of eliminating or reducing a serious risk to public health , in accordance with section 200(1)(a) of the Act.

### (5) Place and time of current detention

You have been detained at:

Hotel: \_\_\_\_\_

Room No: \_\_\_\_\_

- (6) You were to be detained until: \_\_\_\_\_ on \_\_\_\_\_ of \_\_\_\_\_ 2020
- (7) An Authorised Officer has decided to continue your detention and issue this Direction and Continuation of Detention Notice. This decision has been made following the mandatory review of your Notice because:  
*(tick as applicable)*
  - (a) you have developed respiratory symptoms and are awaiting the results of a test for COVID-19
  - (b) you have returned a positive test for COVID-19 and have not been medically cleared to leave detention
- (8) You must comply with the directions in clause 2 and 3 below because they are reasonably necessary to protect public health, in accordance with section 200(1)(d) of the Act.
- (9) The Chief Health Officer will be notified that you have been detained. The Chief Health Officer must advise the Minister for Health of your detention.

*Note: These steps are required by sections 200(7) and (9) of the Act.*

## **2 Place and time of continued detention**

- (1) You will be detained at:

Hotel: \_\_\_\_\_ *(to be completed at place of arrival)*

Room No: \_\_\_\_\_ *(to be completed on arrival at hotel)*

- (2) You will be detained until: \_\_\_\_\_ on \_\_\_\_ of \_\_\_\_\_ 2020

## **3 Conditions of your detention**

- (1) You must not leave the room in any circumstances, unless:

- (a) you have been granted permission to do so:
  - (i) for the purposes of attending a medical facility to receive medical care; or
  - (ii) where it is reasonably necessary for your physical or mental health; or
  - (iii) on compassionate grounds; or
- (b) there is an emergency situation.

- (2) You must not permit any other person to enter your room, unless the person is authorised to be there for a specific purpose (for example, providing food or for medical reasons).

- (3) Except for authorised people, the only other people allowed in your room are people who are being detained in the same room as you.

- (4) You are permitted to communicate with people who are not staying with you in your room, either by phone or other electronic means.

*Note: An authorised officer must facilitate any reasonable request for communication made by you, in accordance with section 200(5) of the Act.*

- (5) If you are under 18 years of age your parent or guardian is permitted to stay with you, but only if they agree to submit to the same conditions of detention for the period that you are detained.

## **4 Review of your detention**

Your detention will be reviewed at least once every 24 hours for the period that you are in detention, in order to determine whether your detention continues to be reasonably necessary to eliminate or reduce a serious risk to public health.

*Note: This review is required by section 200(6) of the Act.*

## **5 Offence and penalty**

- (1) It is an offence under section 203 of the Act if you refuse or fail to comply with the directions and requirements set out in this Notice, unless you have a reasonable excuse for refusing or failing to comply.
- (2) The current penalty for an individual is \$19,826.40.

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**Name of Authorised Officer:** \_\_\_\_\_

As authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the Act.



## Appendix 15. End of detention guidance note

How to conclude a person's detainment under a *Direction and Detainment Notice* if they have served the required period of detainment, become a confirmed case of COVID-19 or have symptoms of respiratory illness

### What do you have to do before you issue an End of Detention Notice?

- if the person has served 14 days of detention you must decide how to administer the completion of that person's detention arrangements:
  - selecting a time for the person to attend a foyer after the 14 day period has concluded - it is recommended that this occur in small groups of people who are practicing appropriate social distancing and with sufficient time between groups to avoid crowds. This will ensure Authorised Officers can safely discharge each detainee
  - collecting a person from their hotel room after the 14 day period has concluded – this approach should be carefully administered to ensure Authorised Officers can safely discharge each person
- if a person's detainment is concluding because they have a confirmed case of COVID-19 or symptoms of respiratory illness they must be discharged when it is safe to do so – e.g. when other detained people are in their rooms, under full supervision etc.
- complete all sections of the Notice, including clearly documenting the reasons for the end of detention and the details recorded on the Direction and Detention Notice
- update all the registers and relevant records about the person's detainment arrangements
- ensure the reference number is completed.

### When should you issue an End of Detention Notice?

It is preferable that an End of Detention Notice be issued the day before a person's detainment is set to conclude – this will give the person adequate time to prepare (e.g. to pack their belongings) and ensure the orderly discharge of large groups of people.

A notice may be provided earlier but it creates a risk that a person may develop COVID-19 symptoms before the day the detainment period must end.

### What do you have to do when you issue an End of Detention Notice?

When you issue an End of Detention Notice you must:

- explain the reason why detention has ceased and is no longer necessary to eliminate or reduce a serious risk to public health
- advise that person of the arrangements being made for their discharge from detention (e.g. at an allocated time at the foyer; when they are escorted from their room etc)
- notify the person that although they are no longer subject to detention when they are discharged and leave the premises of their detention, they are still subject to the directions which are in force in Victoria, including
  - if they are ordinarily resident in Victoria, they are required to return immediately to their ordinary residence, where they must remain, in accordance with the Stay at Home Directions (No 2)
  - if they have a confirmed case of COVID-19, they must isolate at home in accordance with the Isolation (Diagnosis) Direction

# Appendix 16. : Charter of Human Rights obligations

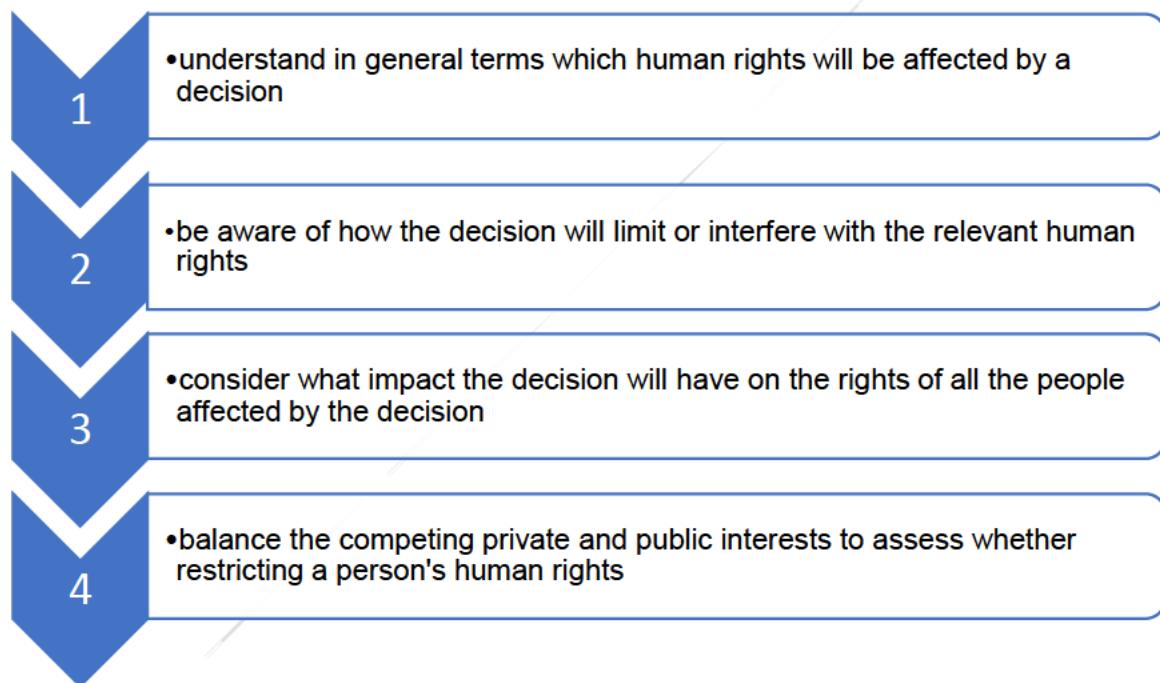
## Key points

- AO must act compatibly with human rights.
- AO must give 'proper consideration' to the human rights of any person(s) affected by an AO's decision.

## Department AO obligations under the Charter of Human Rights and Responsibilities Act 2006

Department AOs are public officials under the Charter of Human Rights. This means that, in providing services and performing functions in relation to persons subject to the Direction and Detention Notice, department AOs must, at all times: act compatibly with human rights; and give 'proper consideration' to the human rights of any person(s) affected by a department AO's decisions.

**Figure 3. How to give 'proper consideration' to human rights**



The relevant Charter Human Rights that departmental AOs need to be aware of that may be affected by a decision:

Charter Right	Obligation
Right to life	<b>This includes a duty to take appropriate steps to protect the right to life and steps to ensure that the person in detention is in a safe environment and has access to services that protect their right to life</b>
Right to protection from torture and cruel, inhuman or degrading treatment	<b>This includes protecting persons in detentions from humiliation and not subjecting persons in detention to medical treatments without their consent</b>
Right to freedom of movement	while detention limits this right, it is done to minimise the serious risk to public health as a result of people travelling to Victoria from overseas
Right to privacy and reputation	<b>this includes protecting the personal information of persons in detention and storing it securely</b>
Right to protection of families and children	<b>this includes taking steps to protect families and children and providing supports services to parents, children and those with a disability</b>
Property Rights	<b>this includes ensuring the property of a person in detention is protected</b>
Right to liberty and security of person	<b>this includes only be detained in accordance with the PHWA and ensuring steps are taken to ensure physical safety of people, such as threats from violence</b>
Rights to humane treatment when deprived of liberty	<b>this includes treating persons in detention humanely.</b>

# Appendix 17. Border health measures policy summary, 18 May 2020

## General principal

To protect Victoria from imported human biosecurity risks associated with coronavirus (COVID-19), pre-existing and enhanced border health measures are in place at Victoria's international air and seaports.

## Entry to Victoria

From 11.59pm AEDT 28 March 2020, all travellers arriving from overseas at Victorian airports or disembarking at maritime ports are subject to a Direction and Detention Notice (No 3), which mandates compulsory quarantine at designated hotels for the quarantine period of 14 days from the day of arrival (unless they are provided an exemption to this direction). The mandatory quarantine period must be undertaken in the port of arrival.

All travellers arriving at airports and seaports who are subject to mandatory quarantine will undergo health screening on arrival by DHHS nursing staff, working with Biosecurity Officers and Authorised Officers, at the port of entry (NOTE: individual arrangements may be put in place at seaports depending on the circumstances).

## Policy summary

Arrival	Airport	Seaport
<b>Passengers</b>	<p>All passengers arriving into Victoria from overseas on aircraft are subject to the Direction and Detention Notice (No 3) and must quarantine in mandatory detention hotels for a period of 14 days from arrival (unless an exemption has been granted).</p> <p><b>International transit passengers</b> arriving into Australia are able to depart on another international flight if the following conditions are met:</p> <ul style="list-style-type: none"> <li>• If the individual has up to 8 hours until the departing international flight, they must remain at the airport and be permitted to onward travel, maintaining physical distancing and hand hygiene.</li> <li>• If more than 8-72 hours (with rare exceptions on 72 hours if connecting international flight is difficult to arrange) before</li> </ul>	<p>All passengers arriving into Victoria from overseas on maritime vessels (whether recreational or commercial) are subject to the Direction and Detention Notice (No 3) and must quarantine in mandatory detention hotels for a period of 14 days from arrival (unless an exemption has been granted).</p>

	<p>the departing flight, they must go into mandatory quarantine until the time of the departing flight.</p> <p>Domestic onward travel is allowed in order to meet a departing international flight if the receiving jurisdiction (Australian state or territory) has been consulted and is willing to accept the passenger to transit to their international flight.</p>	
<b>Crew</b>	<p>Air crew are not subject to the Direction-Detention Notice but must self-isolate for 14 days on arrival into Victoria.</p> <p><b>9.7.1.1 International air crew who live in Victoria</b></p> <ul style="list-style-type: none"> <li>• Are not required to go into mandatory hotel quarantine.</li> <li>• Must self-isolate at their place of residence (or hotel) between flights, or for 14 days, whichever is shorter.</li> <li>• Are not required to complete the Isolation Declaration Card.</li> </ul> <p><b>9.7.1.2 International air crew who do not live in Victoria</b></p> <ul style="list-style-type: none"> <li>• Are not required to go into mandatory hotel quarantine.</li> <li>• Will be allowed to leave on their scheduled flight. They must self-isolate in their hotel on arrival until their next flight, or for 14 days, whichever is shorter.</li> <li>• Must use privately-organised transport to transfer to and from hotels between flights following appropriate physical distancing measures.</li> <li>• May fly domestically to their next point of departure from Australia if required.</li> <li>• Are not required to complete the Isolation Declaration Card.</li> </ul> <p><b>9.7.1.3 Domestic air crew</b></p> <ul style="list-style-type: none"> <li>• Are exempt from self-isolation requirements in Victoria.</li> </ul>	<p>Maritime crew arriving into Victoria from overseas on aircraft or maritime vessel are subject to the Direction-Detention Notice (No 3) and must quarantine in mandatory detention hotels for a period of 14 days from arrival (unless an exemption applies).</p> <p><b>Maritime crew arriving into Victoria from overseas on an international flight planning to board a maritime vessel</b></p> <ul style="list-style-type: none"> <li>• If maritime crew are transiting interstate, they will be subject to the Direction-Detention Notice (No 3) and must go into mandatory hotel quarantine for 14 days from arrival before being allowed to travel interstate (unless granted a specific exemption)</li> <li>• If maritime crew are joining a maritime vessel in Victoria, they will be subject to the Direction-Detention Notice (No 3) and must go into mandatory quarantine for 14 days from arrival UNLESS: <ul style="list-style-type: none"> <li>– They are granted a specific exemption, OR</li> <li>– They are boarding a maritime vessel at a Victorian port directly from the flight, <u>and</u> the time between boarding the vessel and the vessel departing the Victorian port for an international port is NO MORE THAN 48 hours. <ul style="list-style-type: none"> <li>– The crew member must use privately organised transport and follow appropriate physical distancing measures while transiting from the airport to the maritime vessel.</li> </ul> </li> </ul> </li> </ul>

	<p><b>Maritime crew arriving into Victoria on vessels from international waters</b></p> <p><b>Maritime crew who live in Victoria</b></p> <ul style="list-style-type: none"><li>Where a vessel has arrived at a Victorian port from international waters, maritime crew disembarking from this vessel must go into mandatory hotel quarantine for 14 days prior to returning to their Victorian residence (if they reside in Victoria).</li></ul> <p><b>Maritime crew who are transiting interstate</b></p> <ul style="list-style-type: none"><li>Where a vessel has arrived at a Victorian port from international waters, maritime crew disembarking from this vessel must go into mandatory hotel quarantine for 14 days prior to onward travel interstate.</li></ul> <p><b>Maritime crew who are leaving Victoria on an international flight</b></p> <ul style="list-style-type: none"><li>Maritime crew will be allowed to transit from their ship to an international flight: if the flight is leaving the same day and they travel directly to the airport using privately organised transport following appropriate physical distancing measures. Otherwise, the crew member must self-isolate in their hotel for up to 24 hours then travel directly to the airport to take their flight.</li><li>If there is more than 24 hours until the flight, they must stay in mandatory hotel quarantine until the flight, or for 14 days, whichever is shorter.</li></ul> <p><b>Maritime crew arriving on an international vessel (“the old vessel”) and planning to leave Victoria on another vessel that is departing for an international port (“the new vessel”)</b></p> <p>Maritime crew are not subject to mandatory hotel detention in the following situations:</p>
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	<ul style="list-style-type: none"><li>• If they are boarding a new vessel directly after disembarking the old vessel, AND the time between boarding the vessel and the vessel departing the Victorian port for an international port is NO MORE THAN 48 hours.<ul style="list-style-type: none"><li>– The crew member must use privately organised transport (if needed) and follow appropriate physical distancing measures while transiting between the vessels.</li></ul></li><li>• If the time from disembarking the old vessel and joining the new vessel is no more than 24 hours AND the time between boarding the new vessel and the vessel departing the Victorian port for an international port is NO MORE THAN 48 hours.<ul style="list-style-type: none"><li>– In this case the crew member must self-isolate in their accommodation (organised by their shipping company) for the layover period and travel directly to the accommodation and then to the port to join the new vessel.</li><li>– The crew member must use privately organised transport and follow appropriate physical distancing measures while transiting to and from the vessels and their accommodation.</li></ul></li><li>• <b>If the above situations do not apply</b>, the crew member must go into mandatory hotel quarantine until the time the new vessel leaves, or for 14 days, whichever is shorter, as long as the crew member travels directly from the quarantine hotel to the vessel on the day it departs Victoria.</li></ul> <p><b>Where a vessel left an Australian port, travelled into international waters, and then arrives back into a Victorian port</b></p> <p>The crew <b>do not</b> need to enter mandatory hotel quarantine or go into self-isolation on disembarkation if:</p> <ul style="list-style-type: none"><li>• All maritime crew aboard (who travelled from overseas to join the vessel in Australia) completed 14 days of mandatory hotel quarantine in Australia prior to joining the vessel AND</li></ul>
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	<ul style="list-style-type: none"> <li>• No further crew have joined the vessel during its voyage AND</li> <li>• The vessel did not dock at a foreign port during its voyage AND</li> <li>• There is no reported illness that could potentially indicate COVID-19 infection on board the vessel.</li> </ul> <p><b>Maritime crew arriving into Victoria on vessels that have only been in Australian waters</b></p> <p>Maritime crew disembarking from these vessels <b>do not</b> need to enter mandatory hotel quarantine or self-isolation on arrival into a Victorian port if:</p> <ul style="list-style-type: none"> <li>• The vessel has not left Australian waters AND</li> <li>• The vessel has only taken on maritime crew who have done 14 days mandatory hotel quarantine on arrival into Australia prior to boarding the vessel (and are able to verify this with documentation) AND</li> <li>• There is no reported illness that could potentially indicate COVID-19 infection on board the vessel.</li> </ul> <p><b>Note</b> that crew who then travel interstate may be subject to separate, state-based quarantine or self-isolation requirements on arrival.</p>
	<p><b>9.7.1.4 Crew requiring medical attention (for non-COVID-19 or other listed human disease-related illness) who would not be otherwise disembarking in Victoria</b></p> <p>A crew member may be granted approval to disembark a maritime vessel at a Victorian port WITHOUT having to go into mandatory hotel quarantine if:</p> <ul style="list-style-type: none"> <li>• They are coming off the vessel for the sole purpose of seeking medical review for a non COVID-19 related medical complaint and have also been given clearance by ABF and DAWE to do so AND</li> </ul>

		<ul style="list-style-type: none"> <li>• The crew member wears a surgical mask, and travels directly to the medical facility in private transport, maintaining physical distancing between the crew member and the driver AND</li> <li>• The crew member or operator of the vessel notifies the driver of the transport AND medical facility prior to their arrival that the crew member is coming off an international maritime vessel and has not completed 14 days mandatory hotel quarantine AND</li> <li>• If deemed well enough to not need hospital admission or stay on shore for further testing etc, AND</li> <li>• Following medical review, the crew member travels directly back to the vessel in the same manner as they travelled to the hospital.</li> </ul>
		<p><b>Cruise ships</b></p> <ul style="list-style-type: none"> <li>• All international cruise vessels have been banned from sailing into or out of Australian ports from 15 March 2020.</li> <li>• From 11.59pm AEDT 28 March 2020, <b>all cruise vessel passengers and crew</b> arriving from overseas at maritime ports are subject to mandatory hotel quarantine for a period of 14 days. The 14-day self-isolation period commences on disembarkation from the cruise vessel in Victoria.</li> <li>• Onward domestic or international travel is only allowed once the 14-day quarantine period is completed. Separate quarantine requirements may also apply at the next destination.</li> </ul>
		<p><b>Yachts and recreational vessels</b></p> <p>All passengers and crew arriving into Victoria from overseas on yachts and pleasure craft are subject to the Direction and Detention Notice (No 3) and must quarantine in mandatory detention hotels for a period of 14 days from arrival (unless an exemption has been granted).</p>

Departure	Airport	Seaport
All travellers	From 27 March 2020, all travellers departing the designated Victorian international airports for Pacific Island countries and Timor-Leste (as per the Biosecurity (Exit Requirements) Determination 2020) will undergo health screening at the airport prior to departure. See <a href="#">Appendix 4</a> .	
Vessel access at port	Airport	Seaport
		<p><b>Shore-based professionals</b></p> <ul style="list-style-type: none"> <li>Non-crew members (such as pilots, stevedores, Vessel Agents, surveyors, fumigators, shipper/receiver representative) can come on board the vessel to carry out essential vessel functions, provided necessary precautions have been put in place on the vessel.</li> <li>Crew on board must use PPE in public spaces on the vessel while non-crew members are on-board or whilst interacting with non-crew members. It is the requirement of the employer or vessel to provide adequate PPE for their workers.</li> <li>Where possible, shore-based professionals should stay 1.5 metres or more away from crew and interactions with persons on board the vessel should be limited to essential crew.</li> <li>Shore-based professionals should: <ul style="list-style-type: none"> <li>Wash their hands frequently while on board the vessel with soap and water, or use alcohol-based hand rub.</li> <li>Wear appropriate PPE (surgical masks) while on board a vessel.</li> <li>Avoid touching their mouth, eyes, and nose with unwashed or gloved hands.</li> </ul> </li> <li>If a shore-based professional becomes aware of any ill person on board, they should contact their local port authority and public health authority, and ask the vessel master to report the illness via MARS</li> </ul>

		<ul style="list-style-type: none"> <li>The ill crew member or passenger should isolate on the vessel in a single cabin until further direction is given by a biosecurity officer or human biosecurity officer.</li> <li><b>If the above measures, namely hand hygiene, strict physical distancing and use of PPE, are not adhered to by shore-based professionals boarding a vessel, they will be required to self-isolate for 14 days from the time of disembarkation from the vessel.</b></li> <li>Shore-based staff who do not board the vessel but may interact with crew from the vessel (e.g. stevedores) should maintain appropriate physical distancing measures but PPE is not currently advised.</li> </ul>
		<p><b>International crew performing shore based activities</b></p> <ul style="list-style-type: none"> <li>All crew must remain on-board while the vessel is berthed in Victoria, with the exception of conducting brief essential docking, security and maintenance tasks.</li> <li>Only the minimum necessary number of staff should be used to perform these tasks and interactions with shore-based professionals must be kept to a minimum. Where interaction is required, a distance of 1.5 metres should be kept between crew and shore-based professionals.</li> <li>Crew who are leaving the vessel to conduct essential shore-based activities must wear PPE.</li> </ul>

## Appendix 18. Early release for International transit

e000-xxx

Name of person

Address

Address

VICTORIA

Dear name

### Notification of international arrivals exemption from mandatory hotel detention in Victoria

I am aware that you have just returned to Victoria from overseas.

A state of emergency exists in Victoria under section 198 of the *Public Health and Wellbeing Act 2008* (Vic) because of the serious risk to public health posed by Covid-19. In particular, there is a serious risk to public health as a result of people travelling to Victoria from overseas. People who have been overseas are at the highest risk of infection and are one of the biggest contributors to the spread of Covid-19 throughout Victoria. Because of this, international arrivals are issued with a direction and detention notice that requires them to quarantine in a specified hotel.

I note that you were issued with a direction and detention notice on [date] under section 200(1)(a) of the Act and are currently complying with that detention notice.

I have been advised that you are travelling from [international location] to [destination Country], and that you are in transit in Victoria for a period of [insert timeframe > 8 hours].

In these circumstances, I have decided to bring your detention to an end in order to allow you to continue your return journey overseas. You will not be subject to the usual 14 day quarantine requirements because you intend to leave Victoria within that 14 day period. On the basis that you will immediately proceed to your destination outside of Victoria once you leave detention, I do not consider your continued detention is necessary to eliminate or reduce a serious risk to public health in Victoria.

If you need to discuss the conditions of this direction, please contact [name of contact].

Yours sincerely

Name of person authorised under s 199

Title

/ / 2020

## Appendix 19. Early release for interstate transit

e000-xxx

Name of person

Address

Address

VICTORIA

Dear [name]

### **Notification of international arrivals exemption from mandatory hotel detention in Victoria**

I am aware that you have just returned to Victoria from overseas.

A state of emergency exists in Victoria under section 198 of the *Public Health and Wellbeing Act 2008* (Vic) because of the serious risk to public health posed by Covid-19. In particular, there is a serious risk to public health as a result of people travelling to Victoria from overseas. People who have been overseas are at the highest risk of infection and are one of the biggest contributors to the spread of Covid-19 throughout Victoria. Because of this, international arrivals are issued with a direction and detention notice that requires them to quarantine in a specified hotel.

I note that you were issued with a direction and detention notice on [date] under section 200(1)(a) of the Act and are currently complying with that detention notice.

I have been advised that you are travelling from [international location] to [destination State/Territory], and that you are in transit in Victoria for a period of [insert timeframe].

There is a general policy in place in Victoria that people returning from overseas will be issued with detention notices requiring them to be isolated in a designated hotel room for a period of 14 days from their arrival. This policy generally applies to those in transit to an interstate residence, because of the risks of transmitting the virus within Australia while transiting.

I am advised that the [insert name of destination State/Territory] government has approved you travelling to [insert] from Victoria without firstly having completed the usual quarantine period required upon arrival in Victoria.

After considering your circumstances, I have decided that they warrant an exception being made to the above policy to allow you to continue your onward journey interstate. These circumstances are:

- Outline the reasons why an exception is being made:
  - UNACCOMPANIED MINORS (*brief summary of justification*)
  - MEDICAL AND COMPASSIONATE GROUNDS (*brief summary of justification*)

In these circumstances, I have decided to bring your detention to an end in order to allow you to continue your return journey home. You will not be subject to the usual 14 day quarantine requirements because you intend to leave Victoria within that 14 day period. On the basis that you will immediately proceed to your destination outside of Victoria once you leave detention, I do not consider your continued detention is necessary to eliminate or reduce a serious risk to public health in Victoria.

If you need to discuss the conditions of this direction, please contact [name of contact].

Yours sincerely

**Name of person authorised under s 199**

Title

/ / 2020

## Appendix 20. Exemption letter for foreign diplomats and their families

First name, last name

Address line 1

Address line 2

Dear [name]

### **Notification of diplomat exemption from mandatory hotel detention in Victoria**

A state of emergency exists in Victoria under section 198 of the *Public Health and Wellbeing Act 2008* (Vic) because of the serious risk to public health posed by Covid-19. In particular, there is a serious risk to public health as a result of people travelling to Victoria from overseas. People who have been overseas are at the highest risk of infection and are one of the biggest contributors to the spread of Covid-19 throughout Victoria. Because of this, there is a mandatory 14 day quarantine period for international arrivals requiring detention in a hotel.

You have been confirmed as having diplomatic status under the Vienna Convention.

Australia has legal obligations under the Vienna Convention to ensure diplomats and their family's freedom of movement and travel, and protection from detention. Diplomats are therefore not required to undertake 14 days of mandatory quarantine on arrival into Australia. They are also not required to complete the Isolation Declaration Card.

I confirm that, as a diplomat flying to Australia, you are not subject to a direction to go into immediate compulsory quarantine in Victoria, or in your Australian state of residence, and are free to travel there once you arrive in Victoria. In keeping with Australian Government policy, you should self-isolate at your mission or in your usual place of residence on arrival for 14 days.

I understand that arrangements have been put in place for you to travel to your place of residence. These travel arrangements should be via private or rental vehicle to your destination, including interstate travel, to minimise the risk of disease transmission.

It is essential that you practise social distancing, cough etiquette and hand hygiene, bearing in mind the important public health reasons for the mandatory quarantine policy. Although that policy does not apply to you because of your diplomatic status, I am sure you will appreciate the responsibility you bear to manage the potential risk that you and/or a family member may be infected.

If you need to discuss the conditions of this direction, please contact [name of contact].

Yours sincerely

**Name of person authorised under s 199**

Title

/ / 2020

# Appendix 21. Letter for diplomat staying at hotel

Ref Diplomat

[insert addressee details]

## Notification of diplomat exemption from mandatory hotel detention in Victoria

You have been confirmed as having diplomatic status under the Vienna Convention.

Australia has legal obligations under the Vienna Convention to ensure diplomats and their family's freedom of movement and travel, and protection from detention. Diplomats are not required to undertake 14 days of mandatory quarantine on arrival into Australia. They are therefore not required to complete the Isolation Declaration Card.

I confirm that, as a diplomat flying to Australia, you are not subject to a direction to go into immediate compulsory quarantine in Victoria. In keeping with Australian Government policy, you should self-isolate at your mission or in your usual place of residence on arrival for 14 days.

I understand that you will be staying at [insert name] hotel for [insert number days]. During the period you are staying at the hotel, **you should not leave the room in any circumstances**, unless:

- (1) you [have advised an authorised officer and] are doing so:
  - (i) for the purposes of attending a medical facility to receive medical care; or
  - (ii) where it is reasonably necessary for your physical or mental health; or
  - (iii) on compassionate grounds; or
  - (iv) because there is an emergency situation.
- (2) **You should not permit any other person to enter your room**, unless the person is authorised to be there for a specific purpose (for example, providing food or for medical reasons).
- (3) Except for authorised people, the only other people that you should allow in your room are people who are staying (because they are your family members or are also a diplomat) in the same room as you.
- (4) You can communicate with people who are not staying with you in your room, either by phone or other electronic means.

I understand that, after your stay at the hotel has concluded, arrangements have been put in place for you to travel to your place of residence. These travel arrangements should be via private or rental vehicle to your destination, including interstate travel, to minimise the risk of disease transmission.

You must continue to practise social distancing, cough etiquette and hand hygiene.

Yours sincerely

**XXXXX**  
Enforcement and Compliance Commander

/ / 2020



## Appendix 22. Exemption letter for key workers and covid cleared

e000-xxx

**TO BE USED FOR:**

- KEY WORKERS
- SURVIVORS

Name of person

Address

Address

VICTORIA

Dear name

**Notification of international arrivals exemption from mandatory hotel detention in Victoria**

I am aware that you have just returned to Victoria from overseas.

A state of emergency exists in Victoria under section 198 of the *Public Health and Wellbeing Act 2008* (Vic) because of the serious risk to public health posed by COVID-19. In particular, there is a serious risk to public health as a result of people travelling to Victoria from overseas. People who have been overseas are at the highest risk of infection and are one of the biggest contributors to the spread of Covid-19 throughout Victoria. Because of this, there is a mandatory 14 day quarantine period for international arrivals.

After considering your circumstances, I have concluded that you fall within one of the categories of people who the above policy does not apply to because:

- you are travelling to Victoria to engage in urgent and essential work to support the Covid-19 health response in Australia and appropriate arrangements are in place for your accommodation while you reside here.
- you have previously been diagnosed with Covid-19, and you have since received medical clearance indicating that you are now fully recovered.

Yours sincerely

Name of person authorised under s 199

Title

/ / 2020

# Appendix 23. Guidelines for considering exemptions

## Summary

You are an officer authorised by the Chief Health Officer under section 199(2)(a) of the *Public Health and Wellbeing Act 2008* (Vic) (**PHW Act**) to exercise certain powers under that Act. You also have duties under the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (**Charter**).

This guidance note has been prepared to assist the Enforcement and Compliance Commander to determine whether individual persons arriving in Victoria from overseas should be exempted from being subject to detention notices requiring them to self-quarantine in a designated hotel room for 14 days in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**). Such persons are ordinarily subject to detention notices because they are at increased risk of infection from 2019-nCoV and may inadvertently transmit it to others upon their return (and because earlier requirements to self-isolate at home were not uniformly complied with or easily enforceable).

If you decide that an exception applies, the relevant person will either be:

1. exempted from any kind of quarantine in Victoria; or
2. required to self-isolate at home or in another facility — either in Victoria, in which case they would either be subject to similar conditions as in the Self-Isolation (Diagnosis) Directions, or their home jurisdiction.

The exact outcome will depend on the person's circumstances. People in certain categories will be subject to an automatic exemption from the 14 day quarantine requirement. These categories are:

1. people in short-term international transit (up to 8 hours and not overnight);
2. people in long-term international transit (who are still required to quarantine, but are allowed to leave quarantine before the expiration of the usual 14 day period in order to undertake their onward journey overseas);
3. previous confirmed cases of 2019-nCoV who now have medical clearance and no longer require quarantine;
4. diplomats (who instead are requested to self-isolate at their mission or residence on arrival for 14 days); and
5. key workers (including aviation and medevac crew, except those on cruise ships)
6. Maritime crew in certain circumstances

How to deal with other categories of people will involve an exercise of your discretion, including by engaging in the process of proper consideration of relevant human rights under the Charter (discussed below). The question to be determined in relation to persons in these categories is whether they should be allowed to self-isolate for 14 days at another location as an alternative to hotel detention. These categories are:

1. unaccompanied minors whose legal guardians are unable to reside with them at the hotel; and
2. people who raise compassionate or medical grounds.

Decisions about people falling into these categories need to be made on a case-by-case basis, applying the considerations set out in this guidance note. Although decisions need to be made in light of the individual circumstances of each person, care must be taken to ensure consistency, transparency and a commitment to the mandatory quarantine policy unless alternative self-isolation is preferable and you consider it can provide sufficient protection to the community.

## Your obligations under the Charter (when exercising discretion)

You are a public officer under the Charter. This means that you **must give 'proper consideration' to relevant human rights when exercising your discretion** (that is, to grant an exception to an unaccompanied minor or to a person on medical or compassionate grounds). This includes the human rights of *any person* affected by the decision, including the person who would otherwise be subject to the detention notice, the person(s) who they may self-isolate with if they were to self-isolate at home, and members of the community.

'Proper consideration' requires you to:

- **first**, understand in general terms which human rights will be affected by your decision (*see the description of relevant rights at the end of this note*);
- **second**, seriously turn your mind to the possible impact of your decision on the relevant individual's human rights, and the implications for that person (*some of the possible impacts of your decision are discussed in this note; however, much will depend on the particular facts of the request*);
- **third**, identify the countervailing interests (*for example, the important public objectives such as preventing the further spread of 2019-nCoV, which may weigh against a person's full enjoyment of their human rights for a period of time*); and
- **fourth**, balance the competing private and public interests to assess whether restricting a person's human rights is justified in the circumstances (*see relevant factors in s 7(2) of the Charter below*).

The Charter provides that a human right may only be subject to 'reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom' (s 7(2)). In considering whether a limit is reasonable and demonstrably justified, **all relevant factors** must be taken into account, including, but not limited to, five factors listed in s 7(2) of the Charter:

- the nature of the right;
- the importance of the purpose of the limitation;
- the nature and extent of the limitation;
- the relationship between the limitation and the purpose; and
- any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve.

**You are not required to give proper consideration to human rights when applying automatic exemptions**, because that is a decision that has already been made.

### Automatic exceptions

There are certain categories of exception that **must** be automatically granted if certain criteria are met.

- For most categories of automatic exception — if granted, the person will **not** be subject to a detention notice or required to self-isolate at an alternative location. They will receive a letter from you confirming that the mandatory detention requirement does not apply to them (except for diplomats and their families, who will instead be issued a letter from DHHS by a DHHS Authorised officer at the airport).
- For one category of automatic exception (long-term international transit passengers) — the person **will** be subject to a detention notice for the period that they are in transit but, if granted, they will receive a letter from you allowing them to leave hotel detention to take their onward journey. However, short-term international transit passengers will not receive a detention notice and will be automatically exempt from the mandatory detention requirement.

These decisions are likely to have a positive effect on the Charter rights of the people most immediately affected (namely, their rights to **liberty** (s 21) and **freedom of movement** (s 12)).

However, it is acknowledged that these decisions may have an adverse effect on the rights of people in the Victorian community.

- It could limit the rights to **life** (s 9) and **health** (protected by art 12 of the International Covenant on Economic, Social and Cultural Rights, to which Australia is a signatory) of other people in the

- community, particularly those most susceptible to adverse health effects of the virus (namely, the elderly and those with certain pre-existing medical conditions).
- Consequently, it could also limit the rights to **privacy and family** (s 13) and the **protection of family and children** (s 17) by threatening to introduce a potential source of the virus into the community, which could subsequently interfere with the development and maintenance of social and familial connections, the best interests of children, and the broader family environment.

Any limitation of rights is considered reasonable and justified in light of the importance of each exception (as discussed below), as well as the relatively small risk of any particular person inadvertently spreading the virus in the community.

### ***International transit passengers***

#### *Description of category*

This category is intended to cover people who are travelling from one country to another and are in transit in Australia as part of their journey. For example, a passenger travelling from the UK to a Pacific Island, whose connecting flight is through Victoria. Those people do not intend to spend time in Victoria, other than for the purposes of transit.

The length of transit will range from short-term (up to 8 hours and not overnight) to long-term (8–72 hours or overnight).

- Short-term international transit passengers* will **not** receive a detention notice and will not be escalated to you for review. You are not required to consider their case or issue them with a letter confirming their exemption from mandatory detention. They will be permitted to depart on another international flight, without being subject to the mandatory hotel quarantine requirement for 14 days or for the period of transit. This is because it is assumed, as a matter of practicality, that they will remain at the airport for their period of transit, which is a confined area in which those in attendance are aware that international travellers are likely to be present and social distancing and cleaning practices are likely to be strictly adhered to. This adequately manages the risk that they pose.
- Long-term international transit passengers* will receive a detention notice requiring them to quarantine at an airport hotel (or nearby hotel) until their onward flight. Their cases will be escalated to you for review and, if exempted, they will receive a letter from you confirming that their period of detention has been cut short to enable them to continue their journey overseas. Although they are required to reside at a hotel for the period of transit, they are exempted from the requirement to quarantine in Victoria for the full 14 days. The justification for this exception is that it would be overly impractical and unreasonable to compel international transit passengers, who would otherwise only be in Victoria for a very short period of time, to quarantine for 14 days and thereby miss their onward journey. Detention for the duration of the transit period adequately manages the risk posed by long-term transit passengers while they are here.

The exception for short-term and long-term international transit passengers recognises that the risk they pose to public health will be borne primarily by the receiving jurisdiction. Consequently, upon arrival at their final overseas destination, international passengers will be subject to the quarantine arrangements of that jurisdiction. The brief period of time in which international transit passengers are in Victoria, in either the airport or a hotel, does not warrant mandatory quarantine for the full 14 day period.

It is noted that this policy is consistent with the Commonwealth guide to exemptions to the 14 day mandatory quarantine period (**Commonwealth guide**), which provides that short-term transit passengers (up to 8 hours) are exempt from detention if they remain in the airport and long-term transit passengers (8–72 hours) will be subject to mandatory detention in a hotel for the period of transit.

#### *Checklist of factors*

To confirm that an exception under this category applies, you must be reasonably satisfied that a person is a **long-term international transit passenger**.

Relevant factors to consider in coming to your decision include (but are not limited to):

- the passenger's travel documents (namely, passport and onward travel ticket), the country they are travelling to, the country they have travelled from;

- the length of time they will be in transit for;
- the public health risk profile of the passenger, including:
  - whether they have been tested for 2019-nCoV and, if so, whether the results were negative; and
  - whether they are exhibiting any clinical symptoms or signs of 2019-nCoV.

#### *Outcome*

If you are reasonably satisfied that a person is a **long-term international transit passenger**, you must provide them with a letter confirming that their detention will be brought to an end to enable them to continue their journey overseas (see *template letter for long-term international transit passengers*).

#### ***Previous confirmed cases with medical clearance who no longer require quarantine***

##### *Description of category*

This category is intended to provide an exception for persons arriving in Victoria from overseas who are 'survivors' of 2019-nCoV. That is, those persons who have previously been infected with 2019-nCoV, have been medically cleared and now no longer require quarantine.

The Chief Health Officer considers that recovered survivors who have been medically cleared do not pose a sufficient health risk to warrant mandatory detention or self-isolation for 14 days. Therefore, survivors of 2019-nCoV who can demonstrate proof of medical clearance will be exempt from mandatory detention or self-isolation for 14 days.

##### *Checklist of factors*

To confirm that an exception under this category applies, you must be reasonably satisfied that the passenger has **previously been infected with 2019-nCoV, made a full recovery and since been medically cleared**.

Relevant factors to consider in coming to your decision include (but are not limited to):

- medical documentation demonstrating that the passenger was infected with 2019-nCoV and has since tested negative and been medically cleared (for example, a letter or test results from a medical practitioner);
- confirmation from public health command that the clearance satisfies Victorian requirements

#### *Outcome*

If you are reasonably satisfied that a person has **previously been infected with 2019-nCoV, made a full recovery and since been medically cleared**, you must provide them with a letter confirming that the mandatory hotel detention requirement is waived (see *template letter for key workers and survivors of 2019-nCoV*).

#### **Diplomats**

##### *Description of category*

This category captures people who are covered by diplomatic immunity under the Vienna Convention. Australia has legal obligations under the Vienna Convention to ensure diplomats' and their families' freedom of movement and travel, and protection from detention. Diplomats are therefore not required to undertake 14 days of mandatory quarantine on arrival into Australia. They are also not required to complete the Isolation Declaration Card.

Upon arrival in Victoria, the diplomat and their family will be issued a letter from DHHS by an Authorised Officer at the airport. This letter will notify them of their exemption status and provide relevant information, including that diplomats and family members should self-isolate at their mission or usual place of residence for 14 days and that they should continue to practice social distancing, cough etiquette and hand hygiene.

Travel arrangements for diplomats and their families is the responsibility of the Department of Foreign Affairs and Trade (**DFAT**). It is the expectation that upon disembarking in Victoria, diplomats and their families should travel by private or rental vehicle to their destination, including interstate travel, to minimise the risk of disease transmission. If diplomats require overnight accommodation prior to road travel, then accommodation should be at a government nominated quarantine hotel.

A record of the letter must be made in the Compliance Application.

## **Exceptions that require your discretion**

### ***Unaccompanied minors whose guardians are unable to reside with them at the hotel***

#### *Description of category*

This category is intended to capture unaccompanied children who were travelling alone or with another child or children from overseas. This exception is only available if the parent or legal guardian of the child demonstrates that they are unable to reside with their child at the designated hotel. This may be due to a number of reasons, including other caring responsibilities that the parent or guardian may have at home or because the child ordinarily resides in another State or Territory and is transiting through Victoria on their way to their home jurisdiction.

The exception recognises the unique vulnerability of children and the unduly harsh and unreasonable impact that mandatory hotel detention without a parent or guardian could have on the child and their family, particularly if the child is detained in a different jurisdiction to where the family reside. Imposition of the mandatory detention period could adversely affect the development and care of the child, as well as their broader family environment. It may result in an unreasonable and disproportionate limitation of several human rights under the Charter, including the rights of children and families to protection, the right to equality, and freedom from inhumane treatment in detention (see below).

If the exception is granted, the child in question will be permitted to self-isolate at an alternative location, such as their home (either in Victoria or their home State or Territory) for 14 days. If they self-isolate in Victoria, they will be subject to similar conditions as in the Isolation (Diagnosed Persons and Close Contacts) Directions for the period of self-isolation. Unless there are sufficient reasons not to require it, the entire household, including parents or guardians, must also self-isolate for the purposes of mitigating the risk of spreading 2019-nCoV. If they self-isolate in another State or Territory, they will be subject to the conditions imposed in that respective jurisdiction.

#### *Checklist of factors*

To grant an exception under this category, you must be reasonably satisfied that the passenger is an **unaccompanied minor whose parent or legal guardian is unable to reside with them at the hotel**.

Relevant factors to consider in coming to your decision include (but are not limited to):

- the age and needs of the child (including whether they are in transit in Victoria on their way to another State or Territory);
- the reason that the parent or legal guardian is unable to reside with them at the hotel (including whether they have other caring responsibilities at home or ordinarily reside in a different State or Territory);
- the availability of another adult to reside with them at the hotel, for example, another family member who may assume temporary care of them for the period of detention;
- the public health risk profile of the child, including:
  - whether they have been tested for 2019-nCoV and, if so, whether the results were negative; and
  - whether they are exhibiting any clinical symptoms or signs of 2019-nCoV.

#### *Relevant human rights*

The following human rights protected by the Charter are likely to be relevant to your functions in deciding whether to grant an exception to an unaccompanied minor whose parent or legal guardian cannot reside with them in the hotel.

- **The protection of children** (s 17). Children are entitled to such protection that is in their best interests and is needed by them by reason of being a child. Detaining an unaccompanied minor in a hotel room for 14 days will almost certainly not be in their best interests, particularly if the child is an interstate transit passenger and detained in a different jurisdiction to where their family reside. Given the special vulnerability of children, they may require different treatment or special measures as detention in a hotel without a parent or guardian is likely to have a disproportionately adverse impact on their physical and psychological development and emotional and educational needs. It will interfere with the child's care and the broader family environment, potentially significantly and detrimentally.

- In deciding whether to permit a minor to self-isolate at home with their family (either in Victoria or their home jurisdiction) instead of alone at a hotel, the best interests of the child should be a primary consideration, including their developmental, emotional and educational needs. However, in appropriate circumstances, these interests can be balanced against other demonstrably justifiable ends; for example, lawful, reasonable and proportionate measures taken to reduce the further spread of 2019-nCoV. They may also depend on other factors, such as the age and dependence of the child (for example, in some circumstances it may be reasonable for an unaccompanied 17 year old to be detained in a hotel room for 14 days, but it is impossible to envisage any situation where this would be reasonable for an unaccompanied 7 year old).
- The right to **humane treatment when deprived of liberty** (s 22). As detention notices deprive persons of liberty, it is important that measures are put in place to ensure that the accommodation and conditions in which persons are detained meet certain minimum standards (such as enabling detained persons to obtain food, necessary medical care, and other necessities of living). However, even with those measures and balanced against the imperative need to protect public health, the detention of a child without a parent or guardian may nonetheless constitute inhumane treatment, having regard to factors such as the child's age and needs.
- The rights to **privacy, family and home** (s 13) and the **protection of families** (s 17). The detention of an unaccompanied minor, without the care of a parent or guardian, for 14 days, may constitute an arbitrary interference with privacy, family or home and/or a limitation of the right to the protection of families if it is not reasonable and appropriately justified. The enforcement of detention notices on unaccompanied children is likely to temporarily restrict the rights of persons (children and their family members) to develop and maintain social and familial relations, to live at home, and to be unified with other family members (particularly if the child is an interstate transit passenger and detained in a different jurisdiction to where their family reside). The reasonableness of any limitation on rights will depend on factors such as the importance of the purpose of protecting public health, the extent of the limitation of rights caused by detention, and the availability of less restrictive alternatives which also achieve the same purpose, for example, self-isolation of the child with their family at home (either in Victoria or their home State or Territory).
- The rights to **equality and freedom from discrimination** (s 8). These rights will be relevant due to the effect that detention may have on a parent or legal guardian who has other caring responsibilities, for example, if they have children or other dependants at home who require their care. An exception may need to be made in order to address the particular needs and vulnerabilities of those people, for example, by allowing the child to self-isolate at home with their family as an alternative to mandatory detention, which would mean that their parent or guardian is able to fulfil all of their carer responsibilities instead of having to prioritise one over another.
- The right to **life** (s 9). While allowing a child to quarantine at home with their family rather than by themselves at a designated hotel will prevent a potential breach of their rights, including their rights to protection under s 17(2) and humane treatment under s 22, it may limit the right to life of those family members and others in the community. However, depending on the circumstances of the child and their family, this may be considered less of a risk due to the engagement of the family and their understanding of the special treatment being afforded to their child, which would mean that they are unlikely to breach the terms of the quarantine. Families are also warned that detention may be required if self-isolation at home is not complied with, which will be a highly motivating factor for compliance.

#### *Outcome*

If you are reasonably satisfied that a person is an **unaccompanied minor whose parent or legal guardian is unable to reside with them**, you must provide them and their parents or guardians with a letter confirming that they must self-isolate at home or an alternative location for 14 days and setting out the conditions of self-isolation (see **template letter for home isolation**).

## **Compassionate or medical grounds**

### *Description of category*

This category of exception is intended to apply to cases that warrant departing from the general policy of mandatory hotel detention for compassionate or medical reasons.

The particular compassionate or medical grounds of the person in question must be sufficient to justify why they should be allowed to self-isolate at home (or an alternative location) instead of being detained in a hotel. You must give proper consideration to whether detention may result in an unreasonable and disproportionate limitation of their human rights under the Charter, including the right to equality and freedom from inhumane treatment in detention (see below).

To be granted an exemption under this category, the person must demonstrate why detention in a hotel for 14 days would be unduly harsh, unreasonable or, in the case of some medical cases, disproportionately risky. For comparison, consideration should be had to the severity of other restrictions currently in place to limit social contact and movement in Victoria, including limiting the number of people who can attend funerals and restricting visitors to aged care facilities and hospitals. Given the Deputy Chief Health Officer has considered it necessary to impose these restrictions, which impose significant emotional and psychological hardship on affected Victorians, this exception category should reflect the seriousness of this public health threat and the fact that hardship is being endured by many people under the current restrictions.

If an exception is granted on compassionate or medical grounds, the person in question will be required to self-isolate at an alternative location, such as their home (either in Victoria or their home State or Territory) for 14 days. In very limited circumstances, the self-isolation requirement may be waived for the purposes of allowing a person to receive medical treatment or to attend the end-of-life of a family member. If the person self-isolates in Victoria, they will be subject to the same conditions as in the Isolation (Diagnosed Persons and Close Contacts) Directions. Unless there are sufficient reasons not to require it, the entire household must self-isolate for the purposes of mitigating the risk of spreading 2019-nCoV. If they self-isolate in another State or Territory, they will be subject to the conditions imposed in that respective jurisdiction.

The requests to you must be supported by a letter from a medical practitioner confirming that detention would be inappropriate or unreasonable for the person given their circumstances, unless the reason is obvious in which case a letter from an authorised officer would suffice.

If it is reasonably possible to amend the conditions of hotel detention to accommodate the person's particular compassionate or medical circumstances, whilst maintaining their right to be treated with humanity and respect, then this is preferable to granting an exemption. For example, if the person has a particular disability or medical condition that would render hotel detention by themselves to be unduly harsh, a better option may be to allow their nominated carer to quarantine with them for the detention period. This would manage the person's medical circumstances and also mitigate the risk of a 2019-nCoV outbreak.

### *Checklist of factors*

To grant an exception under this category, you must be reasonably satisfied that the person has **compassionate or medical circumstances** that would make their detention unduly harsh, unreasonable or risky.

Relevant factors to consider in coming to your decision include (but are not limited to):

- the precise nature of their compassionate or medical circumstances, including, if relevant, whether they are transiting through Victoria on their way to their home jurisdiction;
- any proof of their circumstances, for example, a letter from a medical practitioner;
- the effect that detention would have on the person (or other people, if relevant), in light of their particular circumstances;
- whether their compassionate or medical circumstances can be appropriately managed in hotel detention;
- whether self-isolation at an alternative location (either in Victoria or the person's home jurisdiction) would be likely to mitigate or appropriately manage the risk posed by detention;
- the public health risk profile of the person, including:
  - whether they have been tested for 2019-nCoV and, if so, whether the results were

- negative; and
- o whether they are exhibiting any clinical symptoms or signs of 2019-nCoV.

#### *Relevant human rights*

The following human rights protected by the Charter are likely to be relevant to your functions in deciding whether to grant an exception to a person on compassionate or medical grounds.

- The rights to **equality and freedom from discrimination** (s 8). Given that disability is a protected attribute and includes physical and mental disability, equality rights are particularly relevant for a person whose medical condition may mean that detention is disproportionately harsh or arbitrary. It may also be relevant for a person with a different protected attribute, such as age, race or parental or carer status, if that attribute means that detention would be unfairly disadvantageous for them. The exact impact of detention on the person will depend on the nature of their medical condition or compassionate circumstances, and the extent to which their condition or circumstances can be appropriately managed in detention.
  - o The reasonableness of the measures will depend on whether they are proportionate to the purpose of protecting public health and whether there are less restrictive alternatives reasonable available to achieve that same purpose. Particularly in circumstances where there is medical or other proof to demonstrate the disproportionate impact of detention in a hotel room for 14 days, these rights may support a decision to allow the person to self-isolate at home (either in Victoria or their home jurisdiction) with appropriate conditions to mitigate any public health risks. Further, special measures that address the particular needs and vulnerabilities of persons with a disability or other protected attribute (such as self-isolation at home) will not be considered discriminatory against others who do not have that attribute, and may be required to ensure substantive equality.
- The right to **humane treatment when deprived of liberty** (s 22). The Charter requires that people be treated humanely when they are deprived of liberty, including in hotel detention. This may require that a person in detention be provided with adequate assistance, support and care as may be needed by them by reason of their medical condition, special vulnerability or other attribute. This assistance would have to be provided by DHHS and its authorised officers, unless a carer can reside with the person in the hotel for the period of detention. Depending on the particular circumstances, it may not be possible for either DHHS or a carer to provide the requisite assistance, care and support to the person in detention. This may be due to a range of reasons, including resourcing constraints, other caring responsibilities of the carer, the carer residing in another State or Territory, or the physical limitations of the hotel room. Given that it may not be humane to require a person to be detained in a hotel room for 14 days where they cannot receive the assistance, care and support they require, it may be preferable to make an exception for them to self-isolate at an alternative location (either in Victoria or their home jurisdiction) and to impose alternative conditions to ameliorate any public health risks.

- The rights to **privacy, family and home** (s 13) and the **protection of families** (s 17). The detention of a person with a disability, medical condition or other compassionate reason may constitute an arbitrary interference with privacy, family or home and/or a limitation of the right to the protection of families if it is not reasonable and appropriately justified. Much will turn on the particular circumstances of the person; however, it may be that detention will unduly affect their right to develop and maintain social and familial relations and to be unified with other family members, particularly if they depend on the care of a family member due to a disability or medical condition. The reasonableness of any limitation on rights will depend on factors such as the importance of the purpose of protecting public health, the extent of the limitation of rights caused by detention, and the availability of less restrictive alternatives which also achieve the same purpose, for example, self-isolation at home.
- The right to **life** (s 9). Although allowing a person with particular medical or compassionate circumstances to self-isolate at home rather than at a designated hotel will prevent a potential breach of their rights, including their rights to equality under s 8 and humane treatment under s 22, it may limit the right to life of other people they reside with and people in the community. However, depending on the circumstances of the person and their living situation, this may be considered less of a risk if they live alone or have the support and engagement of members of their household, which would mean that they are unlikely to breach the terms of their self-isolation. Families are also warned that detention may be required if self-isolation at home is not complied with, which will be a highly motivating factor for compliance.

#### *Outcome*

If you are reasonably satisfied that a person has sufficient **compassionate or medical grounds**, you must provide them with a letter confirming that they must self-isolate at home or an alternative location for 14 days and setting out the conditions of self-isolation (see *template letter for home isolation*).

## Attachment — Description of relevant human rights

### ***Humane treatment when deprived of liberty***

Section 22(1) of the Charter requires that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person. The right to humane treatment while deprived of liberty recognises the vulnerability of all persons deprived of their liberty and acknowledges that people who are detained should not be subject to hardship or restraint other than the hardship or restraint that is made necessary by the deprivation of liberty itself.

### ***Rights to privacy, family and home***

Section 13(a) of the Charter provides, relevantly, that a person has the right not to have their privacy, family or home 'unlawfully' or 'arbitrarily' interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought. The right to 'privacy' has a very wide scope, and includes the protection of the individual's personal and social sphere, such as their right to establish and develop meaningful social relations. The 'family' aspect of s 13(a) is related to s 17(1) of the Charter (see below), but contains a negative obligation that only prohibits unlawful or arbitrary interferences with family. The 'home' aspect of s 13(a) refers to a person's place of residence, and may cover actions that prevent a person from continuing to live in their home.

### ***Protection of families and children***

Section 17(1) of the Charter recognises that families are the fundamental group unit of society, and entitles families to protection by the society and the State. The term 'family' is construed widely and includes ties between near relatives, with other indicia of familial relationships including cohabitation, economic ties, and a regular and intense relationship. Cultural traditions may be relevant when considering whether a group of persons constitute a 'family' in a given case.

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their 'best interests' and is needed by them by reason of being a child. It recognises the special vulnerability of children, defined in the Charter as persons under 18 years of age. 'Best interests' is considered to be a complex concept which must be determined on a case-by-case basis. However, the following elements may be taken into account when assessing the child's best interests: the child's views; the child's identity; preservation of the family environment and maintaining relationships; care, protection and safety of the child; situation of vulnerability; the child's right to health; and the child's right to education.

### ***Right to equality***

Section 8(3) of the Charter relevantly provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

'Discrimination' under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* on the basis of a 'protected attribute', which includes age, race, disability (including physical and mental disability, whether permanent and temporary), and parental or carer status.

Indirect discrimination occurs where there is a requirement, condition or practice imposed that is the same for everyone but disadvantages a person, or is likely to disadvantage a person, because they have one or more of the protected attributes, and the requirement, condition or practice is not reasonable. Direct discrimination occurs where a person treats a person with a protected attribute unfavourably because of that attribute. Section 8(4) of the Charter provides that measures taken for the purpose of assisting persons disadvantaged because of discrimination do not constitute discrimination.

# COVID-19 COMPLIANCE AND ENFORCEMENT COMMAND

## OPERATIONAL INSTRUCTION 1/2020

EFFECTIVE DATE: 17 May 2020

SUBJECT: Supply of alcohol and searches of personal belongings

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### PURPOSE

To provide clarity as to the roles and responsibilities of Authorised Officers (AOs) with respect to operations in hotels where AO advice is sought on the supply of alcohol or searches of personal belonging.

### APPLICATION

These instructions are to be followed by all AOs engaged in enforcement and compliance activity relating to the *Public Health and Wellbeing Act 2008* (the Act).

Deviation from these instructions can only occur with the approval of the Deputy Commander COVID-19 Enforcement and Compliance, or in their absence the senior manager responsible for AOs during the relevant shift. The approval must be in writing (writing includes email).

### BACKGROUND

AOs have regularly been sought out by security, management and departmental colleagues at hotels with requests and or advice about the supply of alcohol or the searching of personal belongs pertaining to people subject to a detention notice at the hotel.

### INSTRUCTION

AOs are not to undertake any searches of personal belonging or deliveries to persons subject to detention notices. Powers such as searching can only be exercised in accordance with Part 9 and 10 of the Act.

AOs are not to provide instructions or engage in discussion about the supply of alcohol to person subject to detention notices. The supply of alcohol is not regulated by the Act.

Matters pertaining to searches of personal belonging and supply of alcohol are to be referred to the Operation Soteira Team Leader that is in each hotel.

Should AOs find that there is a conflict with this instruction from other areas supporting the needs of people subject to detention notices they are to immediately raise this with their line manager.

REDACTED



Murray Smith, Commander COVID-19 Enforcement and Compliance

# COVID-19 COMPLIANCE AND ENFORCEMENT COMMAND

## OPERATIONAL INSTRUCTION 2/ 2020

EFFECTIVE DATE: 24 May 2020

**SUBJECT:** Accountabilities for the role of Authorised Officer (AO) Team Leader

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### PURPOSE

To outline the roles and responsibilities of Authorised Officer Team Leaders. This is an interim position and subject to review at which time this Operational Instruction may be confirmed, altered or rescinded.

### APPLICATION

These instructions are to be followed by all AOs engaged in enforcement and compliance activity relating to the *Public Health and Wellbeing Act 2008* (the Act).

Deviation from these instructions can only occur with the approval of the Deputy Commander COVID-19 Enforcement and Compliance, or in their absence the senior manager responsible for AOs during the relevant shift. The approval must be in writing (writing includes email).

### BACKGROUND

AO Team Leaders have been established for an interim period to provide an additional layer of support and oversight to AOs working in the quarantine hotels.

Pending the finalisation of the structure and roles all AO operations this Operational Instruction outlines the expectations of AO Team Leaders.

### INSTRUCTION

During the interim period, AO Team Leaders will:

- Receive, consider and refer requests for exemptions brought to their attention by AOs. If approval is given to escalate the request, the Team Leader will have the AO refer the request to COVIDQUARANTINE.
- Provide advice and instruction on proposed decisions by AOs in relation to Permissions for Temporary Leave from quarantine.
- Authorise Permissions for Temporary Leave from quarantine where the proposed leave exceeds 3 hours and is not related to a medical emergency or planned treatment at a medical facility.
- In conjunction with hotel security staff and DHHS Team Leader consider safety and security of sites being considered for exercise and fresh air breaks for detainees. Refer recommendation to Senior AO for approval.

- In the event of an unauthorised departure from quarantine, inform the Senior AO on duty of the event and support the Senior AO in the management of the event.
- In the event of any departure from the COVID-19 Compliance policy and procedures or an incident that may bring disrepute on the COVID-19 Compliance and Enforcement Command or the good operation of the Department, its staff or any other stakeholder as part of Operation Soteria, inform the Senior AO on duty and support the Senior AO in the management of the event.
- Monitor and instruct AOs on adherence to the COVID-19 Compliance Policy and Procedures – Detention Authorisation, except where it varies to this instruction in which case this instruction takes precedence.
- Monitor and instruct AOs on adherence to all relevant Department of Health and Human Services procedures and policies relevant to the undertaking of COVID-19 Compliance and Enforcement activities.
- Monitor and instruct AOs on ensuring information arising from compliance related activities is recorded by AOs in the Compliance App in a timely and accurate manner.
- Undertake tasking and coordination of AOs in accordance to the operational needs of the shift and staff for which the AO team leader has responsibility for. Additionally, inform Senior AOs of any decision associated with the tasking and coordination process. This is inclusive of ensuring each AO has made contact and been briefed by the relevant DHHS Team Leader at locations used for detention at the commencement of the AOs shift or as soon as practicable.
- Monitor the safety and wellbeing of AOs and report issues of concern to the Senior AO on duty and undertake actions to mitigate the identified incident, hazard, near miss or risk.
- Ensure AOs know hazards and risks associated with any COVID-19 Compliance and Enforcement operations and implement the method established to eliminate or control risks.
- Review and ensure the accuracy of AO time sheets each fortnight and forward them to the Manager AO Operations Support  
REDACTED [REDACTED] in line with required the required timeframe.
- Undertake shift work as required.

REDACTED



Murray Smith  
Commander COVID-19 Enforcement and Compliance

# COVID-19 COMPLIANCE AND ENFORCEMENT COMMAND

## OPERATIONAL INSTRUCTION / 2020

### EFFECTIVE DATE:

### SUBJECT: AUTHORISED OFFICER HANDOVER NOTES

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#### PURPOSE

To provide clarity as to the roles and responsibilities of Authorised Officers (AOs) with respect to effective communication between AOs across shift changes and the accurate recording of information capable of review and management oversight to conduct risk assessments at hotels.

#### APPLICATION

These instructions are to be followed by all AOs engaged in enforcement and compliance activity relating to the *Public Health and Wellbeing Act 2008* (the Act).

Deviation from these instructions can only occur with the approval of the Deputy Commander COVID-19 Enforcement and Compliance, or in their absence the senior manager responsible for AOs during the relevant shift. The approval must be in writing (writing includes email).

#### BACKGROUND

In order to mitigate the public health risks posed by COVID-19, the Victorian government has introduced a quarantine period for people arriving in Victoria from overseas.

Authorised officers are guided by the State plan 'Operation Soteria: Mandatory Quarantine for all Victorian Arrivals, Annex 1 COVID-19 Compliance policy and procedures – Detention authorisation.'

#### INSTRUCTION

During the shift all information is to be recorded in the electronic handover notes in the Teams App.

1. Sanitise the keyboard and desk with alcohol wipes
2. Open Teams App on the tablet  
(<https://teams.microsoft.com/l/team/19%3a03309ecf29564f8c81de65e6784d8c7a%40thread.tacv2/conversations?groupId=f403591f-87d7-452c-bbd6-5e4aa0e4a49d&tenantId=c0e0601f-0fac-449c-9c88-a104c4eb9f28>)
3. Open relevant AO Handover Notes for the hotel that you are working at.
4. Enter the shift time and your name in the relevant section
5. Enter all details of any communication and activities on your shift

Ensure the following is included:

- Total number of current guests in the hotel
- Arrivals and releases: State the number who entered or departed the hotel (Ensure all entered on the app)
- Any exemptions granted
- Any temporary leave (ensure the form is issued to the individual after storing a copy in the app)
- Any transfers to Novotel SW (COVID hotel)
- Any voluntary quarantine arrivals
- Any calls to police/ambulance/other
- Any room changes
- Fresh air breaks (state the number completed for the day)
- All general notes, any phone calls or discussions
- Ensure all relevant information is also captured in the app.

REDACTED



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**Commander COVID-19 Enforcement and Compliance**

# COVID-19 COMPLIANCE AND ENFORCEMENT COMMAND

## OPERATIONAL INSTRUCTION 3/2020

**EFFECTIVE DATE:** 1 July 2020

**SUBJECT:** Use of improvement and prohibition notices

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### PURPOSE

To provide clarity as to the roles and responsibilities of Authorised Officers (AOs) with respect to the use of improvement/prohibition notices in the COVID-19 Compliance and Enforcement regulatory framework, including relevant factors for decision-makers in determining whether to issue a prohibition or improvement notice.

### APPLICATION

These instructions are to be followed by all AOs engaged in enforcement and compliance activity relating to the *Public Health and Wellbeing Act 2008*.

Deviation from these instructions can only occur with the approval of the Deputy Commander COVID-19 Enforcement and Compliance, or in their absence the senior manager responsible for AOs during the relevant shift. The approval must be in writing (writing includes email).

### BACKGROUND

The use of improvement notices or prohibition notices is an enforcement tool that can be used by AOs within the COVID-19 enforcement framework. Improvement or prohibition notice can be issued under section 194 of the *Public Health and Wellbeing Act 2008* (Vic) (PH&W Act), including in relation to a refusal or failure to comply with a direction issued by the Deputy Chief Health Officer under section 200 of the PH&W Act (DCHO Direction), which is a contravention of and an offence under section 203(1) of the PH&W Act.

If a person is issued with an improvement or prohibition notice and that person fails to comply with the terms of that improvement or prohibition notice, this is a contravention of and an offence under section 194(4) of the PH&W Act

### INSTRUCTION

Improvement and prohibition notices use sits within the COVID-19 Compliance and Enforcement Regulatory Framework (tabled below). It is an escalating, or 'tiered', approach to enforcement. Under a 'tiered' model, and subject to the seriousness of the alleged contravention of the PH&W Act and the *Public Health and Wellbeing Regulations 2019* (Vic) (PH&W Regulations).

	<p>aggravating factors.</p> <ul style="list-style-type: none"> <li>• The alleged offender has not been issued with previous infringement notices on more than one occasion for like offences.</li> <li>• There is a high level of public concern about the intensity of issues.</li> </ul>	
Criminal prosecutions	<p>The breach is of a serious nature.</p> <ul style="list-style-type: none"> <li>• There is prima facie evidence that a breach has occurred.</li> <li>• There is a reasonable prospect of conviction.</li> <li>• Prosecution is in the public interest as the result of significant or potential loss or detriment to public health</li> <li>• The person or business has been the subject of previous enforcement action and has continued to offend.</li> <li>• The alleged conduct has been a conscious and deliberate breach.</li> <li>• Other enforcement options are not considered appropriate to address the alleged conduct.</li> </ul>	Commander COVID-19 Enforcement and Compliance
Prohibition notice	<p>The breach is serious and there is an immediate and imminent risk to large scale public health</p> <ul style="list-style-type: none"> <li>• The specific breach can be identified immediately</li> <li>• There is a specific and known way to address the breach</li> <li>• The person or business is aware of a specific or known way to address the breach and has not implemented it</li> <li>• Immediate implementation of a remedy will address the public health risk</li> <li>• An improvement notice stipulating a course of action over a longer period does not address the public health risk or remedy the breach.</li> <li>• It is necessary to invoke the compulsive force of a prohibition notice.</li> <li>• The person or business the appropriate entity to take action to remedy the breach and by doing so protect public health</li> <li>• The person or business has been the subject of previous enforcement action and has continued to offend.</li> <li>• Other enforcement options are not considered appropriate to address the alleged conduct.</li> </ul>	Commander COVID-19 Enforcement and Compliance
Injunctive action	<p>There is prima facie evidence that a breach has occurred.</p>	Commander COVID-19 Enforcement

Act or the PH&W Regulations in connection with any matter in respect of which the improvement notice or prohibition notice was issued. Accordingly, a person might be issued with both an improvement notice or a prohibition notice and an infringement notice in relation to the same conduct (for example, a contravention of section 203 of the PH&W Act).

Section 51 of the *Interpretation of Legislation Act 1984 (Vic)* (ILA) provides that where an act or omission constitutes an offence under two or more laws, the offender shall, unless the contrary intention expressly appears, be liable to be prosecuted under either or any or all of those laws but shall not be liable to be punished more than once for the same act or omission.

If a person is issued with an improvement or prohibition notice which is in terms the same as a DCHO Direction, and that person fails to comply with the terms of that improvement or prohibition notice, this is likely to constitute an offence under both sections 194(4) and 203(1) of the PH&W Act. Section 51 of the ILA may prevent that person from being punished more than once for the same act or omission.

Advice should be sought from Legal Services Branch if the COVID-19 Compliance and Enforcement proposes to issue a prohibition or improvement notice where COVID-19 Compliance and Enforcement, or may in the future, issue an infringement notice in respect of the same person and the same act or omission.

**What steps should be taken in investigating whether to issue an improvement or prohibition notice?**

If investigating a contravention, or likely contravention, including when AOs are conducting inspections and interviews, AOs should seek to gather all relevant information. In particular, AOs should gather the information required to complete the template improvement or prohibition notice (attached).

Generally, improvement or prohibition notice should not be issued during an inspection or interview. Any proposed improvement or prohibition notice will be completed subsequently. The decision to issue any improvement or prohibition notice will be made in accordance with the regulatory framework above.

While conducting an inspection or interview, AOs should only advise the person under investigation that the Department will consider all of the information gathered, including any identified breach of a DCHO direction, and may decide to subsequently issue an improvement or prohibition notice.

**When should an improvement or prohibition notice be issued?**

The decision to issue an improvement or prohibition notice is a matter for the decision-maker in question. The decision-maker should consider the following principles:

**Evidence:** Is the decision to issue a proposed improvement or prohibition notice based on sound evidence?

**Seriousness:** Is the alleged contravention of the PH&W or PH&W Regulations serious, such that remedial action is required?

**Urgency:** Is the required remedial action urgent?

Prior to issuing an improvement or prohibition notice, the Department must be satisfied of the underlying facts involved in the alleged contravention of the PH&W Act or the PH&W Regulations and appropriate evidence should be secured. This can be met by taking photographs, making notes, gathering documentation relevant to the matter at hand.

Those subject to the notice can request an internal review of the improvement or prohibition notice. Internal reviews of any decisions for improvement or prohibition notices will be undertaken by the Deputy Commander, Determinations, Policy and Strategy.

REDACTED



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**Murray Smith**  
**COVID-19 Compliance and Enforcement**  
**1 July 2020**

# COVID-19 COMPLIANCE AND ENFORCEMENT COMMAND

## OPERATIONAL INSTRUCTION 4/2020

EFFECTIVE DATE: 2 July 2020

SUBJECT: Detainee Person Carer Policy

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### PURPOSE

To provide clarity as to the roles and responsibilities of Authorised Officers (AOs) with respect to the process and consideration for admitting a kinship carer to quarantine.

### APPLICATION

These instructions are to be followed by all AOs engaged in enforcement and compliance activity relating to the *Public Health and Wellbeing Act 2008* (the Act).

Deviation from these instructions can only occur with the approval of the Deputy Commander COVID-19 Enforcement and Compliance, or in their absence the senior manager responsible for AOs during the relevant shift. The approval must be in writing (writing includes email).

### BACKGROUND

A mandatory quarantine (detention) approach was introduced by the Victorian Government for people returning from overseas to Victoria with the objectives of:

- Identifying any instance of illness in returned travelers in order to detect any instance of infection
- Ensuring effective isolation of cases should illness occur in a returned traveller
- Providing for the healthcare and welfare needs of returned travelers who are well or shown to be COVID-19 negative but are required to remain in quarantine for 14 days.

From time to time, detainees may request a support person/carer to join them in quarantine even though that support person/carer is not the subject of a detention order. In other circumstances the support person/carer may make a request on behalf of the detained person to join them in quarantine.

### INSTRUCTION

#### Support for people detained in quarantine

For the purposes of maintaining strict infection control it is generally not appropriate for a person who is not subject to a detention order, to join a person in mandatory hotel quarantine. This should be made clear to any person in mandatory hotel quarantine or who is due to enter mandatory hotel quarantine at a later date, who

requests that a person not subject to a detention order join them in hotel quarantine. This should also be made clear to family members or friends of the person in mandatory hotel quarantine who arrive at a quarantine hotel or Melbourne Airport. Where additional support needs of the person in mandatory hotel quarantine are identified, every effort will be made to support them such that they do not need to be joined by someone not subject to a detention order.

Where a person who is, or is going to be, detained in mandatory hotel quarantine requests a support person to join them in mandatory quarantine on the basis that they need a carer or support person, the Operation Soteria Complex Assessment and Response Team (CART) will conduct an assessment with the person detained in mandatory quarantine to determine:

- their health and well being needs; and
- whether additional strategies or supports can be provided (e.g. assistance with the provision of medication, aids, regular phone calls/video calls with a loved one)

In most circumstances, the health and well-being needs of a person who is or will be in mandatory quarantine should be accommodated through additional strategies or supports identified in the Operation Soteria CART assessment.

In exceptional circumstances however, consideration will be given to a request made by a person who is detained or will be detained in mandatory quarantine to authorise a person to join the detainee for the purposes of engaging in caring responsibilities. Caring responsibilities relate to the provision of support to a person in mandatory quarantine who has significant needs that cannot be met through the implementation of other strategies or supports within the hotel.

Requests will only be accepted from persons who are, or will be, in mandatory hotel quarantine or their delegate in the event that the person in mandatory hotel quarantine does not have capacity.

The request should clearly outline:

- the health or welfare issue for which the support person is required;
- the nature of the relationship between the support person and the person in mandatory quarantine;
- the reason the request is being made; and
- whether the proposed carer consents to the conditions of joining the person detained in mandatory hotel quarantine.

Any requests from a person who is or will be detained in mandatory hotel quarantine for a support person/carer to be authorised to stay with them in their room must be in writing and made to the Authorised Officer or the Operation Soteria Welfare team [covidquarantine@dhhs.vic.gov.au](mailto:covidquarantine@dhhs.vic.gov.au)

In considering this application, Covid Quarantine will request a CART assessment via the Deputy Commander, Welfare, Ops Soteria to assess:

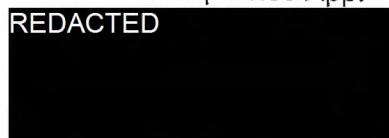
- the health and wellbeing needs of the person detained in mandatory quarantine
- whether additional supports or strategies could be implemented
- all risks to the health, safety and well being of the person in mandatory quarantine posed by the proposed carer/support person joining them in quarantine.
- the appropriateness of the proposed carer/support person entering mandatory quarantine (e.g. is the support/person carer in a high risk category if they contract COVID-19)
- whether the proposed carer/support person is likely to give informed consent to entering mandatory detention.

#### Process

1. Until the e-form can accommodate such a request, a person who is, or will be, in mandatory hotel quarantine must outline the reasons for their request to an Authorised Officer or the Ops Soteria Welfare team who will then forward that request to [covidquarantine@dhhs.vic.gov.au](mailto:covidquarantine@dhhs.vic.gov.au). Requests will not be accepted from individuals outside of mandatory hotel quarantine, except in exceptional circumstances or where the person in hotel quarantine does not have capacity.
2. The Determinations team will gather the relevant information and may seek advice and assessment from Operation Soteria CART to validate detainee health and welfare issues and support options.
3. The Commander, COVID19 Enforcement and Compliance (or a delegated representative) will make a determination as to whether to permit the entry and may consult with the Operation Soteria Deputy Commander, Welfare (or delegated representative) in doing so.
4. If the request is declined the Determinations team contacts the requestor to advise the outcome.
5. If a request is approved:
  - the Determinations team will:
    - i. advise the person who is, or who will be, detained in mandatory quarantine, of the outcome of their request.
    - ii. Seek informed consent from the proposed carer to the conditions that dictate their entry, outlined in a letter providing details of the health risks of entering quarantine.
    - iii. forward the approval to the Operation Soteria EOC [dhhsopsoteriaeoc@dhhs.vic.gov.au](mailto:dhhsopsoteriaeoc@dhhs.vic.gov.au) and the Senior Authorised Officer on duty to facilitate the entry
6. The Operation Soteria EOC will arrange the accommodation with DJPR.

7. The Authorised Officer will issue the required documentation to enable the support person to check in to the hotel and record the check-in in the AO Compliance App.

REDACTED



**Murray Smith  
Commander COVID-19 Enforcement and Compliance**

# COVID-19 COMPLIANCE AND ENFORCEMENT COMMAND

## OPERATIONAL INSTRUCTION 5 / 2020

EFFECTIVE DATE: 11 July 2020

SUBJECT: MANAGEMENT OF DETAINEE MOVEMENT FROM HOTEL TO HOTEL

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### PURPOSE

To provide clarity as to the roles and responsibilities of Authorised Officers (AOs) with respect to the process to be followed for transferring detainees from one hotel to another hotel to ensure Corrections Victoria security oversight.

### APPLICATION

These instructions are to be followed by all AOs engaged in enforcement and compliance activity relating to the emergency powers of *Public Health and Wellbeing Act 2008* (the Act).

Deviation from these instructions can only occur with the approval of the Deputy Commander COVID-19 Enforcement and Compliance, or in their absence the senior manager responsible for AOs during the relevant shift. The approval must be in writing (writing includes email).

### BACKGROUND

On occasions there will be a need to move a person from one hotel to another while they are under the authority of a detention notice issued under the Act.

### INSTRUCTION

#### At the hotel where the detainee was lodged

1. Confirm that the DHHS Team Leader (Op Soteria) is aware of the request to move detainee.
2. Await advice from DHHS Team Leader that the person(s) are to be relocated and when it is to occur. Note the DHHS Team Leader is to arrange transport and the designated hotel about the transfer including identifying how many rooms are required.
3. Once relocation has been confirmed, the AO at the currently lodged hotel must give a courtesy call to the receiving AO at the designated hotel to advise of the impending relocation. Confirm the end of mandatory quarantine date for the person(s) concerned.
4. Prepare temporary release documentation for each person being relocated advising that they are being transported to another hotel.
5. When the transport is ready, contact the person(s) to be relocated and arrange for security to give the person(s) face masks and gloves and to escort them to the foyer.
6. Don face mask and gloves (or perform hand hygiene) before and after the interaction with the person

7. Take images of the Temporary Release notice in the app as a record of the temporary release to move to the designated hotel.
8. Release the person(s) to the transport.
9. Contact the authorised officer at the designated hotel to notify that the person(s) is currently being transported to the hotel.

### **At the designated hotel**

#### **Arrival**

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10. The DHHS Team Leader (Op Soteria) should confirm the room configuration requirements and have rooms chosen and ready prior to the case leaving the other hotel.
11. Check that security team are aware of the impending arrival
12. The DHHS Team Leader should confirm the arrangements to be put in place to transport the person(s) to the room(s) to minimise the time spent outside their room. For example, a nurse wearing appropriate PPE to escort them from the transport straight to that pre-determined room.
13. Issue a new detention notice to each person with the same end of detention date as on their original notice.
14. Use the 'change place' feature in the App to change the hotel and room number making a note of the reason. Take an image of the new detention notice. At this stage check that the end of detention date in the app is correct.
15. Deliver the detention notice(s) to the detainee(s) by placing it under the detainee's door.
16. Then immediately phone the detainee, confirm over the phone their receipt of that Direction and Detention Notice, remind of the conditions and confirm their understanding of conditions of detention.

#### **Extension of hotel stay**

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17. If the person needs to stay on post-quarantine period for compassionate reasons and this additional stay has been approved by the DHHS Team Leader, the AO is to complete the following process.
18. Make a note in the contact log; issue the '**End of Detention**', take an image of the notice using camera function in app **but do not use the release function in the app**. The app is our record of who is in the hotel.
19. At the conclusion of this additional period of hotel stay, and where authorised by the Senior AO, make a note in the app using the contact log and release the person from the hotel using the app.
20. Under the new Detention arrangements, all detainees in hotel quarantine must undergo 11 day testing and this remains throughout the detainees detention period no matter which hotel they move to.
21. Failure to undergo the testing will result in a Direction for Continuation of Detention Notice being issued on 14 day and they will be required to stay for another 10 day period

REDACTED



**Murray Smith, Commander COVID-19 Enforcement and Compliance**

# OPERATION SOTERIA

## PPE Advice for Hotel Security Staff and AO's in Contact with Quarantined Individuals

Approved

Date: 08 Jun 20 By:REDACTED

Version 2.2

### Recommended PPE use According to Type of Activity

Setting	Activity	Security Staff	Client PPE required
<b>Hotel Lobby</b>	Able to maintain physical distance of at least 1.5 metres	No PPE Hand hygiene	No PPE
	When accompanying clients for fresh air/exercise breaks from room to outside and able to maintain 1.5 metres  1.5 metre physical distance is not feasible	No PPE Hand hygiene  Surgical mask Hand hygiene	Client to wear surgical face mask if tolerated Hand hygiene Advised not to touch anything on the way out/down
<b>Hotel Lobby</b> When new guests are arriving for the commencement of their quarantine  Perform hand hygiene before and after every client contact	Able to maintain physical distance of at least 1.5 metres	No PPE Hand hygiene	Client to wear surgical face mask if tolerated Hand hygiene
	1.5 metre physical distance is not feasible	Surgical mask Hand hygiene	Advised not to touch anything on the way in/up
<b>Hotel quarantine floor</b>  Not entering the client/s room or having direct contact with client/s.	No direct client contact e.g. walking room hallways or stationed in room corridors	No PPE Hand hygiene	No PPE
<b>Doorway indirect contact by security</b>  Perform hand hygiene before and after every client contact	Any doorway visit: Able to maintain physical distance of at least 1.5 metres	No PPE Hand hygiene	No PPE
	Any doorway visit: 1.5 metre physical distance is not feasible	Surgical mask Hand hygiene	Client to wear surgical face mask if tolerated Hand hygiene

### Hand Hygiene

Effective hand hygiene is the single most important strategy in preventing infection.

Hands should be washed with soap and water if they are visibly soiled, otherwise alcohol-based hand rub can be used continuously.

## PPE Advice for Hotel Security Staff and AO's in Contact with Quarantined Clients

Hand hygiene should be frequently performed, including

- Before and after contact with client
- After touching a client's items or surroundings
- Before putting on and after taking off personal protective equipment (e.g. surgical mask).
- Before and after eating
- After going to the toilet

Gloves are NOT a substitute for hand hygiene and gloves are NOT recommended for any security staff or AO staff member at any time

Alcohol-based hand rub is NEVER applied to gloved hands.

(Separate advice is available for those involved with care of clients or cleaning practices)

Respiratory hygiene and cough etiquette must be applied as a standard infection control precaution at all times and perform hand hygiene each time you use a tissue or cough or sneeze into your inner elbow. Discard use tissues immediately.

### ALWAYS AVOID TOUCHING YOUR FACE

#### Correct use of PPE (Mask only)

#### PROCEDURE FOR PUTTING ON A MASK

1. Perform hand hygiene using the alcohol-based hand rub
2. Put on the mask handling the side tapes only
  - a. If your mask has ear loops, place them over both ears at the same time.
  - b. If your mask has to be tied, tie the bottom first and then the top tie to secure on your face
  - c. Ensure the mask is secured across the bridge of your nose (moulding the metal clip over bridge your nose) and ensure the masks sits snuggly under your chin
3. Perform hand hygiene
4. After mask is in place never touch the front of your mask

#### PROCEDURE FOR TAKING OFF MASK

1. Perform hand hygiene using the alcohol-based hand rub
2. Do not touch the front of the mask
3. If your mask has ear loops, remove the loops and place straight into yellow bin.
4. Undo the bottom tie of your mask and then the top tie, handling the mask only by the top ties, drop mask straight into the yellow bin.
5. Perform hand hygiene using the alcohol-based hand rub

#### NOTES

- Hand hygiene should be performed when you feel that you may have contaminated your hands from touching the mask if wearing one or your face
- Single-use masks should not be reused, but discarded appropriately immediately after use
- Masks must not be pulled down or removed to consume food or drink. Masks should be removed using above procedure and replaced with a fresh mask.
- Masks will be less effective if they become damp or damaged

## [No Subject]

**From:** Crownmetropol <crownmetropol@dhhs.vic.gov.au>  
**To:** REDACTED  
**Date:** Thu, 25 Jun 2020 04:53:15 +1000  
**Attachments:** Operation Soteria PPE Advice for Hotel Security Gaurds and AOs in contact with Quarantined Individuals.pdf (734.46 kB)

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Hi REDAC and REDAC

How are you both?

As discussed, here is the most recent PPE advice for Security and AO's. I had consulted with DHHSops on Monday, with specific reference to security baggage handling (and use of gloves - so similar issue to what you have raised with regards to documents). They have informed me that this remains the most recent advice.

I have relayed your feedback regarding the handling of documents to DHHSops and will let you know when I hear back with a response. I don't expect that the message will be any different to the advice in the document attached.

Thanks and hopes this clarifies my position last night. I apologise to be working under an assumption that the AO's have been provided with this information - seems fundamental, given it directly concerns you and your work.

DHHS Team Leader (Overnight)

REDACTED