

PARLIAMENT OF VICTORIA

**COVID-19 Omnibus (Emergency Measures) and
Other Acts Amendment Bill 2020**

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PARLIAMENT OF VICTORIA

Introduced in the Assembly

COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020

A Bill for an Act to amend the **COVID-19 Omnibus (Emergency Measures) Act 2020** and other Acts to extend the operation of temporary modifications to the law of Victoria enacted for the purpose of responding to the COVID-19 pandemic and to provide for new temporary modifications to the law of Victoria for the purpose of responding to, and relating to, the COVID-19 pandemic and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purpose

The purpose of this Act is to amend the **COVID-19 Omnibus (Emergency Measures) Act 2020** and other Acts—

5

COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment
Bill 2020

Part 1—Preliminary

- 5
- (a) to extend the operation of temporary modifications to the law of Victoria enacted for the purpose of responding to the COVID-19 pandemic; and
 - (b) to provide for new temporary modifications to the law of Victoria for the purpose of responding to, and relating to, the COVID-19 pandemic.

2 Commencement

10 This Act comes into operation on the day after the day on which it receives the Royal Assent.

Part 2—Amendment of COVID-19 Omnibus (Emergency Measures) Act 2020

3 Extension of operation of Part 2.1

5 In section 11 of the **COVID-19 Omnibus
(Emergency Measures) Act 2020**, for "the day
that is 6 months after its commencement"
substitute "26 April 2021".

4 Regulations dealing with transitional matters

10 In section 62(1) of the **COVID-19 Omnibus
(Emergency Measures) Act 2020**, after "2020"
insert "or Part 3 of the **COVID-19 Omnibus
(Emergency Measures) and Other Acts
Amendment Act 2020**".

5 Repeal of spent Chapters

15 Chapters 3 to 5 of the **COVID-19 Omnibus
(Emergency Measures) Act 2020** are **repealed**.

6 New Chapter 7 inserted

After Chapter 6 of the **COVID-19 Omnibus
(Emergency Measures) Act 2020** insert—

20 **"Chapter 7—Repeal of this Act**

65 Repeal of this Act

This Act is **repealed** on 26 April 2022."

**Part 3—Amendment of Acts—New
temporary measures and extension of
existing temporary measures**

Division 1—Children, Youth and Families Act 2005

5

7 Insertion of new Division 4A of Part 8.5A

After section 600O of the **Children, Youth and
Families Act 2005** insert—

**"Division 4A—Family reunification
orders**

10

**600OA Period of a family reunification order—
modification of certain provisions**

(1) This section applies to—

(a) the making of a family reunification
order for a child; and

15

(b) the extension of a family reunification
order for a child under section 294.

20

(2) The Court may specify a period in the order,
or extend the order by a period, that will
have the effect that the child will be placed
in out of home care for a longer cumulative
period than would otherwise be permitted
under section 287A(2) or (3), or section
294A(1)(b) or 296(3) or (4), as the case
requires, if—

25

(a) the Court is satisfied that the progress
of a parent of the child towards
reunification has been impeded as a
result of the COVID-19 pandemic; and

Part 3—Amendment of Acts—New temporary measures and extension of
existing temporary measures

- 5 (b) the Court is satisfied that it is in the best interests of the child to specify the period in the order, or extend the order by the period, as the case requires; and
- 10 (c) the period specified, or the extension, does not exceed the period for which the parent's capacity to make progress towards reunification has been impeded as a result of the COVID-19 pandemic; and
- 15 (d) specifying the period in the order, or extending the order, will not have the effect that the child will be placed in out of home care for a cumulative period that is more than 6 months longer than would otherwise have been permitted under section 287A(2) or (3), or section 294A(1)(b) or 296(3) or (4), as the case requires.

- 20 **Notes**
- 1 This section does not prevent periods being specified in increments under a particular provision, up to a total of 6 months.
 - 25 2 Making or extending a family reunification order as permitted by this section can never have the effect that a child will be placed in out of home care for a cumulative period that is more than 30 months.

8 New section 600WA inserted

30 After section 600W of the **Children, Youth and Families Act 2005** insert—

"600WA Additional powers of registrars

- (1) Section 539(1)(d) does not apply. Subsections (2) and (3) apply instead.

Part 3—Amendment of Acts—New temporary measures and extension of
existing temporary measures

- 5
- (2) A registrar has power to abridge or extend the bail of a person who has been granted bail in relation to a criminal proceeding.
- (3) The power under subsection (2) may be exercised in respect of a person who has been granted bail—
- 10
- (a) either—
- (i) on a day on which the person's proceeding is listed before the Court; or
- (ii) on any other day; and
- (b) either in the presence or absence of the person.
- 15
- (4) A registrar has power to adjourn a criminal proceeding or a proceeding under the **Family Violence Protection Act 2008**, the **Personal Safety Intervention Orders Act 2010** or the **National Domestic Violence Order Scheme Act 2016**.
- 20
- (5) A registrar has power to abridge or extend the adjournment of a criminal proceeding or a proceeding under the **Family Violence Protection Act 2008**, the **Personal Safety Intervention Orders Act 2010** or the
- 25
- National Domestic Violence Order Scheme Act 2016**.
- 30
- (6) A registrar has power to otherwise change the time or place at which a criminal proceeding or a proceeding under the **Family Violence Protection Act 2008**, the **Personal Safety Intervention Orders Act 2010** or the **National Domestic Violence Order Scheme Act 2016** is listed before the Court.

Part 3—Amendment of Acts—New temporary measures and extension of
existing temporary measures

- 5 (7) The powers under subsections (4), (5) and
(6) may be exercised—
- (a) either—
- (i) on a day on which the proceeding
is listed before the Court; or
- (ii) on any other day; and
- (b) either in the presence or absence of the
parties.
- 10 (8) A registrar may exercise a power conferred
by this section—
- (a) on the application of a party; or
- (b) on the registrar's own initiative.
- (9) Nothing in this section empowers a registrar
to vary the amount or conditions of bail."

15 **9 Application of Part 1.2 principles**

In section 600ZB(2) of the **Children, Youth and
Families Act 2005**—

- (a) for "Division 5" (where first occurring)
substitute "Divisions 4A and 5";
- 20 (b) for "Division 5 relates" **substitute**
"Divisions 4A and 5 relate".

10 Section 600ZC substituted

For section 600ZC of the **Children, Youth and
Families Act 2005 substitute**—

25 **"600ZC Repeal of Part**

This Part is **repealed** on 26 April 2021."

Division 2—Crimes (Mental Impairment and Unfitness to be Tried) Act 1997

11 Court may determine certain matters without hearing

5

In section 120(1) of the **Crimes (Mental
Impairment and Unfitness to be Tried)
Act 1997**—

- (a) in paragraphs (a), (c), (e) and (g) **omit**
"custodial";
- 10 (b) for paragraph (b) **substitute**—
"(b) an application under section 31 for—
 - (i) a variation of a custodial
supervision order; or
 - 15 (ii) a variation or revocation of a
non-custodial supervision order;";
- (c) for paragraph (f) **substitute**—
"(f) an application under section 38ZN
for—
 - 20 (i) a variation of a custodial
supervision order; or
 - (ii) a variation or revocation of a non-
custodial supervision order;";
- (d) in paragraph (h) **omit** "non-custodial".

12 Repeal of Part

25

In section 122 of the **Crimes (Mental
Impairment and Unfitness to be Tried)
Act 1997**, for "the day that is 6 months after its
commencement" **substitute** "26 April 2021".

Division 3—Magistrates' Court Act 1989

13 Additional powers of registrars

- 5 (1) In the heading to section 152 of the **Magistrates' Court Act 1989** omit
"—criminal proceedings".
- 10 (2) In section 152(4), (5) and (6) of the **Magistrates' Court Act 1989**, after "proceeding" insert "or a proceeding under the **Family Violence Protection Act 2008**, the **Personal Safety Intervention Orders Act 2010** or the **National Domestic Violence Order Scheme Act 2016**".
- (3) In section 152(7)(a)(i) of the **Magistrates' Court Act 1989** omit "criminal".

14 Repeal of Part

- 15 In section 154 of the **Magistrates' Court Act 1989**, for "the day that is 6 months after its commencement" substitute "26 April 2021".

Division 4—Occupational Health and Safety Act 2004

15 New Part 16 inserted

After Part 15 of the **Occupational Health and Safety Act 2004** insert—

Part 16—COVID-19 temporary measures

189 Purpose and effect of Part

- 25 (1) The purpose of this Part is to temporarily change the operation of this Act in response to the COVID-19 pandemic.
- 30 (2) This Part applies despite anything to the contrary in—
(a) another Part of this Act; or

Part 3—Amendment of Acts—New temporary measures and extension of
existing temporary measures

- 5
- (b) any other Act, other than—
- (i) the Charter of Human Rights and Responsibilities; or
 - (ii) the **COVID-19 Omnibus (Emergency Measures) Act 2020**; or
 - (iii) the **Constitution Act 1975**; or
- 10
- (c) any subordinate instrument, other than a subordinate instrument made under—
- (i) the Charter of Human Rights and Responsibilities; or
 - (ii) the **COVID-19 Omnibus (Emergency Measures) Act 2020**; or
 - (iii) the **Constitution Act 1975**; or
- 15
- (d) any other law.

190 Power to issue prohibition notice

20 Section 112 has effect as if the following subsection were inserted after section 112(1)—

25 "(1A) For the purposes of subsection (1), a failure to comply with a direction relating to the COVID-19 pandemic given under section 200(1)(d) of the **Public Health and Wellbeing Act 2008** is taken to be an activity that involves an immediate risk to the health or safety of a person."

191 Power to give directions

30 Section 120 has effect as if the following subsection were inserted after section 120(1)—

5 "(1A) For the purposes of subsection (1), a
 failure to comply with a direction
 relating to the COVID-19 pandemic
 given under section 200(1)(d) of the
Public Health and Wellbeing Act
2008 is taken to be an activity that
 involves an immediate risk to the health
 or safety of any person."

192 Repeal of Part

10 This Part is **repealed** on 26 April 2021.!

Division 5—Public Health and Wellbeing Act 2008

16 New Part 13 inserted

After Part 12 of the **Public Health and**
Wellbeing Act 2008 insert—

15 '**Part 13—COVID-19 temporary**
 measures

Division 1—Preliminary

249 Purpose and effect of Part

- 20 (1) The purpose of this Part is to temporarily
 change the operation of this Act in response
 to the COVID-19 pandemic.
- (2) This Part applies despite anything to the
 contrary in—
- 25 (a) another Part of this Act; or
- (b) any other Act, other than—
- (i) the Charter of Human Rights and
 Responsibilities; or
- 30 (ii) the **COVID-19 Omnibus**
 (Emergency Measures)
 Act 2020; or
-

- 5
- (iii) the **Constitution Act 1975**; or
- (c) any subordinate instrument, other than a subordinate instrument made under—
- (i) the Charter of Human Rights and Responsibilities; or
- (ii) the **COVID-19 Omnibus (Emergency Measures) Act 2020**; or
- (iii) the **Constitution Act 1975**; or
- 10 (d) any other law.

Division 2—Emergency powers measures

250 Secretary may appoint authorised officers

15 Section 30 has effect as if the following subsection were inserted after section 30(1)—

20 "(1A) In addition to the persons who may be appointed under subsection (1), the Secretary by instrument may appoint any of the following to be an authorised officer for the purposes of this Act—

25 (a) a person the Secretary considers appropriate for appointment based on the person's skills, attributes, experience or otherwise;

(b) a person included in a prescribed class of person."

251 Modification of section 192

30 Section 192(2) has effect as if after "Police" (where secondly occurring) there were inserted "unless the authorised officer requesting assistance is a police officer".

252 Further emergency powers

This Act has effect as if the following
section were inserted after section 200—

**"200A Further emergency powers relating
to high risk persons**

5

(1) A designated authorised officer may
detain a person under section 200(1)(a)
if—

10

(a) a direction has been given in the
exercise of an emergency power
under section 200(1)(a), (b), (c) or
(d); and

15

(b) the designated authorised officer
reasonably believes that a person
who is required to comply with
the direction—

(i) is a high risk person within
the meaning of subsection
(2); and

20

(ii) is likely to refuse or fail to
comply with the direction.

(2) A person is a *high risk person* if—

25

(a) the person has been notified that
the person has been diagnosed
with COVID-19 and has not been
given clearance from self-isolation
in accordance with the applicable
requirements; or

30

(b) the person has been notified in
accordance with the applicable
requirements that the person is a
close contact of a person who has
been diagnosed with COVID-19,
and has not been given clearance
from self-quarantine in

35

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Bill 2020

Part 3—Amendment of Acts—New temporary measures and extension of
existing temporary measures

accordance with the applicable
requirements.

5

(3) For the purposes of detaining a person
under section 200(1)(a) in accordance
with this section—

10

(a) the reference in section 200(1)(a)
to the period reasonably necessary
to eliminate a serious risk to
public health is taken to be a
reference to the period throughout
which a designated authorised
officer reasonably believes that
the person—

15

- (i) is a high risk person; and
- (ii) is likely to refuse or fail to
comply with the direction;
and

20

(b) the reference in section 200(6) to
whether the continued detention of
the person is reasonably necessary
to eliminate a serious risk to
public health is taken to be a
reference to whether the continued
detention of the person is
reasonably necessary because a
designated authorised officer
reasonably believes that the
person—

25

- (i) is a high risk person; and
- (ii) is likely to refuse or fail to
comply with the direction.

30

(4) In this section—

35

applicable requirements, in relation to
a matter, means the requirements
specified in a direction given

Part 3—Amendment of Acts—New temporary measures and extension of
existing temporary measures

under section 200(1) in respect of
that matter;

designated authorised officer means an
authorised officer who may
exercise any of the public health
risk powers and emergency
powers because of the operation
of section 199(2) (whether or not
the authorised officer gave the
direction mentioned in
subsection (1)(a))."

5

10

253 Modification of section 202

Section 202(2) has effect as if after "Police"
(where secondly occurring) there were
inserted "unless the authorised officer
requesting assistance is a police officer".

15

Division 3—Miscellaneous

254 Repeal of Part

This Part is **repealed** on 26 April 2021.!

20

Part 4—Amendment of Acts—Extension of temporary measures

Division 1—Accident Compensation Act 1985

5 **17 Termination of weekly payments after expiry of entitlement period**

In section 395(3)(b) of the **Accident Compensation Act 1985**, for "the day that is 6 months after the commencement of this section" **substitute** "31 December 2020".

10 **18 Repeal of Part**

In section 396 of the **Accident Compensation Act 1985**, for "the day that is 6 months after its commencement" **substitute** "26 April 2021".

Division 2—Bail Act 1977

15 **19 Repeal of Part**

In section 34D of the **Bail Act 1977**, for "the day that is 6 months after its commencement" **substitute** "26 April 2021".

Division 3—Corrections Act 1986

20 **20 Repeal of Part**

In section 112V of the **Corrections Act 1986**, for "the day that is 6 months after its commencement" **substitute** "26 April 2021".

Division 4—County Court Act 1958

25 **21 Repeal of Part**

In section 79D of the **County Court Act 1958**, for "the day that is 6 months after its commencement" **substitute** "26 April 2021".

Division 5—Court Security Act 1980

22 Repeal of section

5 In section 7A(4) of the **Court Security Act 1980**,
for "the day that is 6 months after its
commencement" **substitute** "26 April 2021".

Division 6—Criminal Procedure Act 2009

23 Repeal of Chapter

10 In section 420ZN of the **Criminal Procedure
Act 2009**, for "the day that is 6 months after its
commencement" **substitute** "26 April 2021".

Division 7—Education and Training Reform Act 2006

15 **24 Extension of registration period—providers of
accredited senior secondary courses and senior
secondary qualifications**

In section 5A.2.1(2) of the **Education and
Training Reform Act 2006**, for "6 months"
substitute "12 months".

25 Extension of registration period for RTOs

20 In section 5A.3.1(2) of the **Education and
Training Reform Act 2006**, for "6 months"
substitute "12 months".

26 Institute may extend provisional registration of a teacher

25 In section 5A.4.1(2) of the **Education and
Training Reform Act 2006**, for "6 months"
substitute "12 months".

27 Institute may extend provisional registration of an early childhood teacher

5 In section 5A.4.2(2) of the **Education and Training Reform Act 2006**, for "6 months" substitute "12 months".

28 Institute may extend non-practising registration of teacher or early childhood teacher

10 In section 5A.4.3(2) of the **Education and Training Reform Act 2006**, for "6 months" substitute "12 months".

29 Institute may extend duration of permission to teach

15 In section 5A.4.4(2) of the **Education and Training Reform Act 2006**, for "6 months" substitute "12 months".

30 Repeal of Chapter

In section 5A.6.1 of the **Education and Training Reform Act 2006**, for "the day that is 6 months after its commencement" substitute "26 April 2021".

20 Division 8—Evidence (Miscellaneous Provisions) Act 1958

31 Repeal of Part

25 In section 191 of the **Evidence (Miscellaneous Provisions) Act 1958**, for "the day that is 6 months after its commencement" substitute "26 April 2021".

Division 9—Family Violence Protection Act 2008

32 Repeal of Part

30 In section 207C of the **Family Violence Protection Act 2008**, for "the day that is 6 months after its commencement" substitute "26 April 2021".

Division 10—Fines Reform Act 2014

33 Repeal of Part

5 In section 185D of the **Fines Reform Act 2014**,
for "the day that is 6 months after its
commencement" **substitute** "26 April 2021".

Division 11—Local Government Act 2020

34 Definitions

10 In section 393 of the **Local Government
Act 2020**, in the definition of *prescribed period*
for "1 November 2020" **substitute** "26 April
2021".

35 Repeal of Part

15 In section 396 of the **Local Government
Act 2020**, for "2 November 2020" **substitute**
"27 April 2021".

Division 12—Oaths and Affirmations Act 2018

36 Repeal of Part

20 In section 49H of the **Oaths and Affirmations
Act 2018**, for "the day that is 6 months after its
commencement" **substitute** "26 April 2021".

Division 13—Open Courts Act 2013

37 Repeal of Part

25 In section 33L of the **Open Courts Act 2013**, for
"the day that is 6 months after its commencement"
substitute "26 April 2021".

Division 14—Parliamentary Committees Act 2003

38 Repeal of Part

5 In section 55 of the **Parliamentary Committees Act 2003**, for "the day that is 6 months after its commencement" **substitute** "26 April 2021".

Division 15—Personal Safety Intervention Orders Act 2010

39 Repeal of Part

10 In section 181C of the **Personal Safety Intervention Orders Act 2010**, for "the day that is 6 months after its commencement" **substitute** "26 April 2021".

Division 16—Planning and Environment Act 1987

40 Repeal of Part

15 In section 205C of the **Planning and Environment Act 1987**, for "the day that is 6 months after its commencement" **substitute** "26 April 2021".

Division 17—Sentencing Act 1991

20 **41 Repeal of Part**

In section 180 of the **Sentencing Act 1991**, for "the day that is 6 months after its commencement" **substitute** "26 April 2021".

Division 18—Supreme Court Act 1986

25 **42 Repeal of Part**

In section 129D of the **Supreme Court Act 1986**, for "the day that is 6 months after its commencement" **substitute** "26 April 2021".

**Division 19—Victorian Civil and Administrative
Tribunal Act 1998**

43 Repeal of Part

5 In section 158C of the **Victorian Civil and
Administrative Tribunal Act 1998**, for "the day
that is 6 months after its commencement"
substitute "26 April 2021".

**Division 20—Workplace Injury Rehabilitation and
Compensation Act 2013**

10 **44 Termination of weekly payments after expiry of
second entitlement period**

15 In section 623N(3)(b) of the **Workplace Injury
Rehabilitation and Compensation Act 2013**, for
"the day that is 6 months after the commencement
of this section" substitute "31 December 2020".

45 Repeal of Part

20 In section 623O of the **Workplace Injury
Rehabilitation and Compensation Act 2013**, for
"the day that is 6 months after its commencement"
substitute "26 April 2021".

Part 5—Repeal of this Act

Part 5—Repeal of this Act

46 Repeal of this Act

This Act is **repealed** on the first anniversary of its commencement.

5

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment
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Endnotes

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

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