

April 23, 2020

Victorian Government COVID-19 Response: Omnibus Bill

On Thursday April 16, the Victorian Government passed legislation responding to the Coronavirus Pandemic.

The 296-page *COVID-19 Omnibus (Emergency Measures) Bill 2020* sets out a range of temporary changes including:

- Increasing financial and mediation support to tenants and landlords
- Temporarily freezing rent increases
- Temporarily banning rental evictions
- Allowing planning permits to be displayed electronically
- Allowing planning panels to conduct meetings remotely
- Extending WorkCover for workers due to finish their 130 weeks payment
- Allowing local councils to meet remotely
- Allowing parliamentary committees to meet remotely
- Increasing the availability of remote processes in courts
- Extending the length of interim Family Violence Intervention Orders and Personal Safety Intervention Orders
- Fast-tracking emergency care hearings in the Children's Court

These changes aim to protect landlords, tenants, and injured workers, as well as allow for government functions to continue operating in line with social distancing and other requirements advised by the Chief Health Officer.

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Tenancy Reform

The Bill implements the National Cabinet's tenancy reforms – enshrining the temporary ban on rental evictions and rent increases in law and provides for mediation support to landlords and tenants negotiating rental agreements.

Government Function Reform

The legislation also amends the Local Government Act 2020 to allow virtual meetings for local councils and amends the Parliamentary Committees Act to allow joint standing committees of the Parliament, including the Public Accounts and Estimates Committee (PAEC), to carry out their work remotely.¹

WorkCover Extension

The Bill extends WorkCover payments for up to six additional months for long term injured workers who are due to transition off the program. The extension will be backdated to apply to those who received notice from 1 December 2019 about the termination of their payments at 130 weeks.

¹ The PAEC will conduct a review into Victoria's response to the Covid-19 outbreak. The nine-member committee will be increased to ten to include crossbencher David Limbrick from the Liberal Democrats, giving the committee five members in government and 5 members in opposition.

Justice and Corrections

The Bill makes procedural and process changes to enable the courts, corrections, and the wider legal system to continue to deliver justice services while complying with coronavirus related restrictions.

This includes a temporary power to make further procedural changes by regulation, so that justice processes can be adapted to changing public health requirements.

Judge-only trials will be permitted where the defendant has agreed, and the prosecution have been consulted. Courts will have flexibility to change their processes to reduce person-to-person interaction, including electronic filing and execution of affidavits and increased use of audio-video links, telephone, and other technology to conduct proceedings.

The Bill gives the Magistrates Court the power to impose electronic monitoring conditions on Community Corrections Orders – a power currently only held by the County Court and the Supreme Court.

The Bill will also extend the time before which interim Family Violence Intervention Orders and Personal Safety Intervention Orders lapse, from 28 days to three months. Quarantine orders will be allowed in prisons and youth justice facilities – on order to manage the risk the virus poses to staff and inmates in these facilities.

The Bill also allows for emergency care hearings to be heard by the Children’s Court on the next working day.

Sunset Clause

Almost all the provisions in the Bill will sunset after six months with two exceptions. Most of the provisions of the Environment Protection Amendment Act 2018 will be pushed back to commence on 1 July 2021 – or earlier by proclamation – to allow business and industry to focus on the immediate impacts of coronavirus. Some of the Government’s earlier rental reforms will also be delayed until 1 January 2021 to accommodate disruptions due to the pandemic.

Appropriation Bill

The Victorian Government also passed legislation that allowed for the appropriation of \$24.5 billion in emergency funding to respond to the health and economic impacts of the COVID-19 pandemic.

The general appropriations Bill provides \$10 billion for the 2019-20 financial year and \$14.5 billion for the 2020-21 financial year. The Bill also includes general government funding, indexed at 2.5 per cent, and the annual capital appropriation.

This emergency funding is provided in addition to the Government’s \$1.9 billion investment to the health system, the \$1.7 billion economic survival, and jobs package, and the \$500 million to support residential and commercial tenants.

Further Information

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Further Hawker Britton Occasional Papers on the activities of the Victorian Government are available [here](#).



For further coverage of Labor Government Response Packages to the COVID-19 Pandemic see Hawker Britton Briefs [here](#).

For further coverage of Liberal Government Response Packages to the COVID-19 Pandemic see Barton Deakin Briefs [here](#).