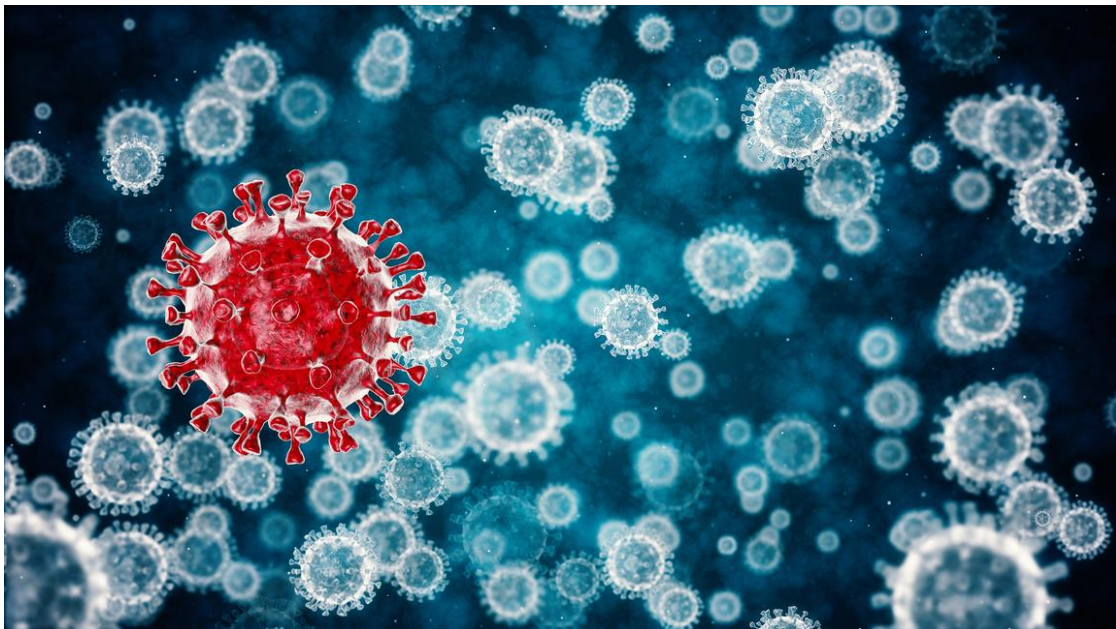




Bus Association Victoria Inc.

Navigating the COVID-19 Pandemic: Lessons for the Victorian Bus Industry



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Executive summary

The record of events reflected in this inquiry was begun at the very start of the pandemic in the belief that it was going to be unique and more worthy of analysis than any that had taken place in the past, both in scale and impact and in the manner in which states would proceed to confront it.

The Introduction distinguishes COVID-19 from seasonal influenzas, and provides some background context by reviewing its emergence and spread into a global pandemic of catastrophic scale.

Part 1, 'Facts and figures – COVID-19 and the Victorian bus industry', illustrates key impacts of the pandemic on Victoria from its sudden arrival in January 2020 through to late November in 2020, and a summary overview of the Victorian bus industry's fleet size and value to the state's economy.

Part 2, 'The Context: Australian pandemics before COVID-19', notes that although Australia suffered several epidemics during the twentieth century, there have only been four pandemics that impacted it before COVID-19. Of these, Spanish flu (1918-19) is the one with which COVID-19 has been most often compared. Governmental responses to COVID-19 were inevitably influenced by this history.

Part 3, 'Pre-pandemic planning and COVID-19 arrival', reviews pandemic preparedness through to the arrival of COVID-19. It notes influenza control measures prior to a vaccine, PPE supply issues, public panic, and international border closures as these impacted Victoria's bus industry.

Part 4, 'Pandemic-related legislation and directives impacting bus operators', outlines the principal legal instruments – legislation (Acts and Regulations), DOH Directions and Pandemic Orders, departmental directives, and official guidance - that have impacted (and continue to impact) bus operations since the declaration of a State of Emergency in March 2020.

Part 5, 'Bus operations during pandemic restrictions and lockdowns', reviews key positive and negative impacts of government decisions and actions on the Victorian bus industry, from the first closures of so-called "non-essential" businesses in late March 2020 through until early 2022.

Part 6, 'BAV communication with and support for members and the bus industry', details what BAV did to proactively address and support all aspects of bus operations and members' businesses from March 2020 onwards. It provides insight into the often complex behind-the-scenes work of engaging with government agencies and delivering support in an environment of continuous rule changes.

Part 7, 'Post-pandemic evaluations and lessons learned', reviews what the bus industry in particular has learned from events and actions between March 2020 and May 2022 with a view to the future.

Part 8, 'Recommendations', lists two matters for immediate consideration: the current guidelines in respect of vaccination status for drivers to work, and VicRoads' policies for the suspension of fees for parked-up commercial vehicles. A third general recommendation is made in respect of the AHMPPI.

Part 9, 'Conclusions', makes some final points about the ground traversed in this report.

Appendices provide BAV's sample CovidSafe Plan template and Control Measures guidance, and a chronology of Victoria's restriction phases and the roadmap for reopening to February 2022.

This report is presented in the hope that the experience of this extraordinary event will not soon be forgotten and especially that the lessons learned may act as a caution against future reckless actions by those entrusted with power under the misguided captainship of single-focus health authorities.

Definitions and abbreviations

Medical terms	
COVID-19	Novel Coronavirus 2019-nCoV (SARS-CoV-2), the virus which causes the coronavirus disease; ¹ subsequently named COVID-19 by the WHO.
Delta variant	First detected in Victoria on 9 May 2021; spread faster than original strain. ²
Kappa variant	The strain most prevalent in Victoria in June 2021 and which originated from South Australian hotel quarantine. ³ Delta superseded it during June.
Omicron variants	Omicron BA.1 was first detected in Victoria 8 December 2021. It became the predominant COVID-19 strain across Australia (including Victoria) by mid-January 2022, superseding Delta. ⁴ Omicron variants BA.2 and BA.4 were successively detected in Victoria (and interstate) in March and April 2022.
Outbreak	Outbreaks are a noticeable, often small increase over the expected number of cases for a given illness in a specified location. ⁵
Epidemic	An epidemic is an outbreak over a larger geographic area.
Pandemic	A pandemic is global in scale, and typically out of control.
Government terms	
BSV	Bus Safety Victoria, the bus safety regulator.
CHO	Chief Health Officer (Vic.); previously CMO, Chief Medical Officer.
DCHO	Deputy Chief Health Officer (Vic.).
DET	Department of Education and Training. It oversees school bus services.
DHHS (to Jan 2021)	Department of Health and Human Services (Victoria). As of 1 February 2021, the Department of Health and Human Services was separated into two new departments: the Department of Health (DOH) and the Department of Families, Fairness and Housing (DFFH).
DOH	Department of Health (Victoria), formally established 1 February 2021.
DOT	Department of Transport. It administers public transport contracts.
LPHU	Local Public Health Unit/s (from October 2020; formerly named Suburban Response Units); structured by health services and local governments.

¹ Definition from *Victoria Government Gazette* No. S 643, Friday 18 November 2021.

² <https://www.abc.net.au/news/2021-06-08/melbourne-covid-outbreak-delta-strain-link-hotel-quarantine/100183468>;

³ *University of Queensland News*, 8 June 2021, 'What's the Delta variant found in Melbourne?', <https://www.uq.edu.au/news/article/2021/06/whats-delta-covid-variant-found-melbourne-it-more-infectious-and-does-it-spread-more>

⁴ <https://www.theaustralian.com.au/breaking-news/victoria-health-authorities-testing-for-first-potential-omicron-case/news-story/21050e79d65b174189103aecdcb2661c> ; <https://www.abc.net.au/news/2022-01-12/omicron-delta-covid-strains-in-australia/100747762>

⁵ Definitions of scale from Ben Huf and Holly McLean, 'Epidemics and pandemics in Victoria: historical perspectives', Research Paper No. 1 (15 May 2020), Parliamentary Library & Information Service, Parliament of Victoria 2020.

INTRODUCTION

The COVID-19 pandemic has had a dramatic impact on the Victorian bus industry and on many other aspects of everyday life. This report aims to help BAV staff, members, and other interested parties to review the impact on the bus industry of the virus that emerged in Wuhan, China, in November 2019,⁶ with multiple cases there by mid-December,⁷ and swept across the world in two months.

It sets out the actions taken to address the pandemic insofar as these concerned the bus industry: what governments, especially the Victorian government and its health and transport agencies did, what bus operators did, and what BAV has done to support, represent, advise, and aid its member operators. Lastly, it aims to draw lessons learnt from the COVID-19 pandemic for future reference.

This introduction will first distinguish COVID-19 from seasonal influenzas, and then provide some brief background context by reviewing its emergence as a global pandemic of catastrophic scale.

Key differences between influenza and COVID-19

Influenza is a viral infection caused by a flu virus that tends to spread rapidly in seasonal epidemics. Infection usually lasts about a week and is transmitted easily from person to person via droplets and small particles produced when infected people cough or sneeze. In the very young, elderly and those with co-morbidities, infection can lead to the complication of conditions, pneumonia, and death.⁸

COVID-19 is a contagious respiratory illness caused by a new (novel) coronavirus. Compared to flu, it can cause more serious illnesses in some people, and it can take a longer time before people show symptoms. People can remain contagious for longer periods of time. While it and flu viruses are thought to spread in similar ways, the COVID-19 virus is generally more contagious than flu viruses.

COVID-19 spread is not limited to flu seasons. Serious illness resulting in hospitalization and death can occur even in healthy people. Long COVID can happen to anyone who has had COVID-19, even if their illness was mild or they had no symptoms.⁹ Much about COVID-19 immunity is still unknown.¹⁰

International awareness of COVID-19

On 31 December 2019, the WHO Representative Office in China picked up a media statement on cases of pneumonia of an unknown cause detected by the Wuhan Municipal Health Commission. At the same time, WHO's Epidemic Intelligence from Open Sources (EIOS) platform picked up a media report on *ProMED* about the same cluster of cases of a 'pneumonia of unknown cause' in Wuhan.

⁶ *South China Morning Post*, 13 March 2020, 'China's first confirmed Covid-19 case traced back to November 17', <https://www.scmp.com/news/china/society/article/3074991/coronavirus-chinas-first-confirmed-covid-19-case-traced-back>

⁷ Chaolin Huang et al., 'Clinical features of patients infected with 2019 novel coronavirus in Wuhan, China', *Lancet*, 24 January 2020, [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30183-5/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30183-5/fulltext)

⁸ PAHO/WHO, n.d., 'Influenza and other respiratory viruses', <https://www.paho.org/en/topics/influenza-and-other-respiratory-viruses>

⁹ CDC (USA), 'Similarities and Differences between Flu and COVID-19', <https://www.cdc.gov/flu/symptoms/flu-vs-covid19.htm>. Page last reviewed 18 January 2022.

¹⁰ Mayo Clinic, staff writers, 20 April 2022, "experts now believe it'll likely be difficult to achieve herd immunity for COVID-19", in article, <https://www.mayoclinic.org/diseases-conditions/coronavirus/in-depth/herd-immunity-and-coronavirus/art-20486808>

WHO's office in China notified its Western Pacific Office about the Commission's statement and provided a translation. That evening, WHO Europe shared that information with the European Centre for Disease Prevention and Control (ECDC). At no point had China's authorities notified WHO.

Several health authorities around the world contacted the WHO seeking further information. On 1 January 2020, the WHO requested information on the reports from the Chinese authorities. On 3 January China responded to the WHO that it had identified cases of a "viral pneumonia of unknown cause" in Wuhan.¹¹ Not until 8 January 2020 did China inform the WHO that it had identified a new coronavirus, and there was no notice or acknowledgement of human-to-human transmission.¹²

China knew at latest by 22 January 2020 that human-to-human transmission had occurred among close contacts since at least mid-December 2019.¹³ The first Wuhan case may have been as early as September 2019, with two more suspected cases reported there on November 14 and 21, along with several others before 8 December, the date that China gave the WHO for the "earliest onset case".¹⁴

The origin of the pandemic and why it matters

In April 2020, Australia was one of the first countries to call for an independent investigation into the origins of COVID-19,¹⁵ which severely strained diplomatic and trade relationships between China and Australia.¹⁶ Two theories have been widely aired: a leap of the virus from a bat to humans via an intermediary animal, possibly civets, sold as food in the Wuhan wet market;¹⁷ and a leak from the Wuhan Institute of Virology's highest level facility, BSL4,¹⁸ via an infected laboratory worker.¹⁹

¹¹ PAHO/WHO, 'Timeline of WHO's Response to COVID-19', 2 July 2020, <https://www.paho.org/en/news/2-7-2020-timeline-whos-response-covid-19>

¹² Fabrice Carrat et al., 'Evidence of early circulation of SARS-Cov-2 in France', *European Journal of Epidemiology* 36 (2021), 219, <https://link.springer.com/content/pdf/10.1007/s10654-020-00716-2.pdf>

¹³ Qun Li et al., 'Early Transmission Dynamics in Wuhan, China, of Novel Coronavirus-Infected Pneumonia', *New England Journal of Medicine* 382.13 (26 March 2020), 1.

¹⁴ *Daily Mail*, 30 May 2020, 'Is "Patient Su" Covid's Patient Zero?', <https://www.dailymail.co.uk/news/article-9632921/Is-Patient-Su-Covids-Patient-Zero-asks-IAN-BIRRELL.html>

¹⁵ *ABC News*, 20 May 2020, 'Australia started a fight with China over an investigation into COVID-19 — did it go too hard?', <https://www.abc.net.au/news/2020-05-20/wha-passes-coronavirus-investigation-australia-what-cost/12265896>

¹⁶ *ABC News*, 3 January 2021, 'Australia called for a COVID-19 probe. China responded with a trade war', <https://www.abc.net.au/news/2021-01-03/heres-what-happened-between-china-and-australia-in-2020/13019242>

¹⁷ *Nature*, 27 February 2022, 'Wuhan market was epicentre of pandemic's start, studies suggest', <https://www.nature.com/articles/d41586-022-00584-8>

¹⁸ *The Conversation*, 14 June 2021, 'Fifty-nine labs around world handle the deadliest pathogens — only a quarter score high on safety', <https://theconversation.com/fifty-nine-labs-around-world-handle-the-deadliest-pathogens-only-a-quarter-score-high-on-safety-161777>

¹⁹ *Nature*, 8 June 2021, 'The COVID lab-leak hypothesis', <https://www.nature.com/articles/d41586-021-01529-3>

The true origin of COVID-19 will likely never be known with certainty,²⁰ primarily for international political and trade reasons.²¹ Already by mid-January 2020 the Chinese journalist known as ‘Chen Wei’ wrote that “the only things allowed to be discussed about this pandemic is how the well the government has done and how thankful the Chinese people should be to the government”.²²

On 15 May 2020 China confirmed it had ordered “unauthorised” laboratories to destroy samples of the new virus in the early stage of the outbreak, and said this was done for biosafety reasons.²³ That may be true; but it also made source tracing impossible. Even more importantly, early sequences of the virus genome were deleted from a key global database at China’s request, which scientists unsurprisingly saw as prima facie evidence of China wanting to obfuscate the potential source of the pandemic.²⁴

In late May 2020, Gao Fu, Director of China’s Centre for Disease Control and Prevention, confirmed that COVID-19 did not start in Wuhan's wet market, the initial assumption. He stated that no viruses were detected in animal samples from the market. He said they were found only in environmental samples, including sewage, and added that ‘the novel coronavirus had existed long before’.²⁵ Even by mid-2021, researchers were unable to detect any animal host that might have transmitted COVID-19 from bats to humans, despite intensive efforts that included tests on more than 80,000 samples.²⁶

A group of Chinese scientists led by virologist Li-Men Yan published a September 2020 research paper arguing that unusual features of the Sars-CoV-2 genome suggested sophisticated laboratory

²⁰ *Al Jazeera*, 5 April 2022, ‘COVID-19: The endless search for the origins of the virus’, <https://www.aljazeera.com/news/2022/4/5/covid-19-source-china-animal-or-lab>

²¹ *Al-Jazeera*, 13 August 2021, “Jamie MetzI, who sits on a WHO advisory board on human genome editing and who has been leading efforts calling for an independent investigation on how COVID-19 started, described his earlier declaration that a lab leak was unlikely ‘shameful’. ‘It’s even more significant that the international expert team who stated with such confidence in the February Wuhan press event that a lab origin was unlikely themselves believed this was not the case and were simply trying to assuage their Chinese government-affiliated hosts,’ said MetzI. All of the scientists on the WHO-led team were approved by China and the team’s agenda and final report were also vetted by the Chinese government”, <https://www.aljazeera.com/news/2021/8/13/who-scientist-puts-covid-lab-leak-theory-back-under-spotlight>.

By contrast, *Council on Foreign Relations* (USA), 3 November 2021, ‘Will the World Ever Solve the Mystery of COVID-19’s Origin?’, <https://www.cfr.org/background/will-world-ever-solve-mystery-covid-19s-origin>

²² ‘Chen Wei’, ‘Earliest days of the COVID outbreak’, *Al Jazeera*, 18 January 2020,

<https://www.aljazeera.com/news/2021/1/18/new-footage-shows-wuhan-during-earliest-days-of-covid-pandemic>

²³ *Today Online*, 18 May 2020, <https://www.todayonline.com/world/china-confirms-unauthorised-labs-were-told-destroy-early-coronavirus-samples>

²⁴ *Telegraph*, 23 June 2021, ‘China requested deletion of early coronavirus data that could help explain pandemic origins, researcher finds’, <https://www.telegraph.co.uk/global-health/science-and-disease/china-deleted-early-coronavirus-data-could-help-explain-pandemic/>

²⁵ *Daily Mail*, 30 May 2020, ‘Beijing now admits that coronavirus DIDN’T start in Wuhan's market’, https://www.dailymail.co.uk/news/article-8373007/amp/Beijing-admits-coronavirus-DIDNT-start-Wuhans-market-DID-come-from.html?ico=amp_articleInlineText

²⁶ *Daily Mail*, 25 July 2021, ‘Damning research reveals Beijing's response to SARS two decades ago’, <https://www.dailymail.co.uk/news/article-9821629/Research-reveals-Beijings-response-SARS-created-template-Covid-deception-writes-IAN-BIRRELL.html>

modification.²⁷ Dr Yan (now in hiding), who was involved in some of the earliest COVID-19 research, maintained the claim against a number of US scientists' assertions to the contrary.²⁸

Without tracing the research funding trail it is impossible to know how much of the debate is motivated by interests other than pure science by those who have dismissed the lab leak theory, given that China conceded the wet market hypothesis is invalid. As a number of scientists have shown, there are sound reasons to reconsider the lab leak theory based in the genetics of CoV-2.²⁹

In what is termed gain-of-function research, microbiologists can increase the lethality of a coronavirus by splicing a special sequence into its genome at a prime location. This leaves no trace of manipulation, but it alters the virus spike protein, rendering it easier for the virus to inject genetic material into the victim cell. At least 11 separate such experiments since 1992 have produced supercharged viruses.³⁰

Research showed that “in the entire class of coronaviruses that includes CoV-2, [their unique genetic] combination has never been found naturally. That means the common method of viruses picking up new skills, called recombination, cannot operate here. A virus simply cannot pick up a sequence from another virus if that sequence isn't present in any other virus. [This] is strong evidence of gene splicing, and the absence of diversity in the public outbreak suggests gain-of-function acceleration. The scientific evidence points to the conclusion that the virus was developed in a laboratory”.³¹

Around the same time, mid-2021, an international group of 21 biologists led by Professor Edward Holmes from the University of Sydney held that focusing on “highly improbable” lab origins distracted from the urgency of comprehensively investigating what they saw as a zoonotic origin. They held that without a focus on this line of enquiry, the world would be “vulnerable to future pandemics” arising from new viruses.³² This does not explain why both lines of enquiry should not be vigorously pursued.³³

If it is true that our bus industry, Victoria, Australia, and the world, deserve to know what happened in Wuhan given the consequences we have lived through for the past two years and more, then all avenues of enquiry should be thoroughly explored if we are to learn anything of real value about how to prevent a similar pandemic or, if not prevent it, better manage its impact on the community.

²⁷ Li-Meng Yan et al., working paper, 14 September 2020, ‘Unusual Features of the SARS-CoV-2 Genome Suggesting Sophisticated Laboratory Modification Rather Than Natural Evolution and Delineation of Its Probable Synthetic Route’, <https://zenodo.org/record/4028830#.Ynd0j-hByUn>

²⁸ *New York Post*, 11 September 2020, ‘Chinese virologist claims COVID was made in lab — but US studies don't agree’, <https://nypost.com/2020/09/11/chinese-virologist-says-she-has-proof-covid-19-was-made-in-wuhan-lab/amp/>

²⁹ *CNN*, 6 July 2021, ‘Senior Biden officials finding that Covid lab leak theory as credible as natural origins explanation’, <https://ktvz.com/politics/cnn-us-politics/2021/07/16/senior-biden-officials-finding-that-covid-lab-leak-theory-as-credible-as-natural-origins-explanation/>

³⁰ *Wall Street Journal*, 6 June 2021, <https://www.wsj.com/articles/the-science-suggests-a-wuhan-lab-leak-11622995184>

³¹ *Ibid.*

³² *University of Sydney News*, 8 July 2021, ‘Leading biologists publish review of SARS-CoV-2 origin evidence’, <https://www.sydney.edu.au/news-opinion/news/2021/07/08/biologists-publish-review-sars-cov-2-origin-evidence-edward-holmes.html>

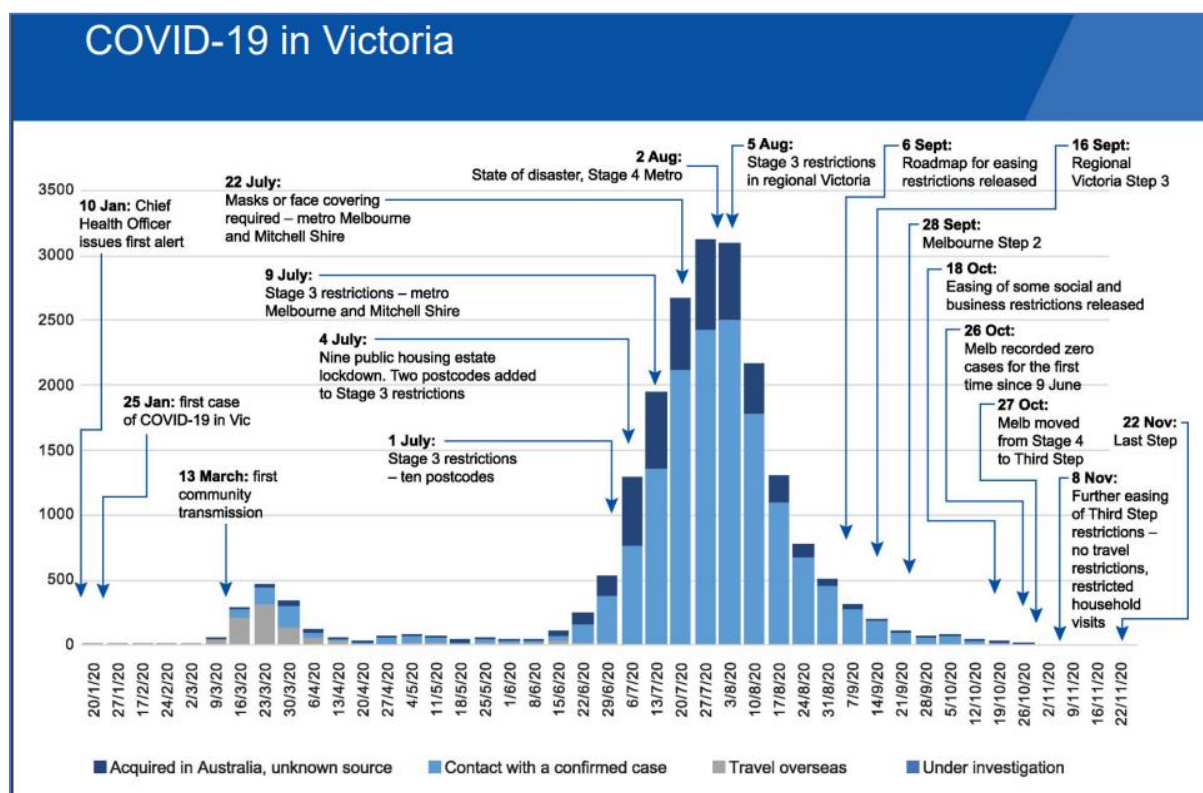
³³ On this see Sharri Markson, *What really happened in Wuhan?* (Sydney: HarperCollins, 2021), ch. 26.

PART 1 – FACTS AND FIGURES - COVID-19 AND THE VICTORIAN BUS INDUSTRY

This chapter provides first, a graph illustrating the scope and scale of the COVID-19 pandemic in Victoria from its sudden arrival in January through to late November 2020; and second, a summary overview of the Victorian bus industry’s fleet size, employment, and value to the state’s economy.

1.1 The scope and scale of the COVID-19 pandemic in Victoria

This chart shows case numbers, acquisition source and key events in the first year of the pandemic in Victoria,³⁴ the launching point from which initial key pandemic management decisions were made.



1.2 The Victorian bus industry at a glance

The Victorian bus fleet

As of 23 February 2022, there were 3,234 accredited and registered bus operators in Victoria, operating 13,352 buses and coaches.³⁵ These comprised:

- 712 Accredited bus operators operating 7,226 buses and coaches; and
- 2,522 Non-accredited (Registered) bus operators operating 6,126 buses and coaches.

³⁴ Health Minister Martin Foley MP, presentation, *Inquiry into the Victorian Government’s Response to the COVID-19 Pandemic*, https://www.parliament.vic.gov.au/images/stories/committees/paec/COVID-19_Inquiry/Presentations_Round_3/4._COVID_PAEC_Presentation.pdf

³⁵ Bus Safety Victoria to BAV/Stuart Dawson, email, 24 February 2022.

- Of those 7,226 accredited buses and coaches, approximately 1,450 buses provided regional Victorian government contract school bus services.³⁶
- In FY 2019-2020, 8,850 eligible students with a disability travelled by Special School Bus.³⁷

On 1 March 2022 the *Bus Safety Amendment Regulations 2022* abolished the category of registered bus operator. All then-registered operators were deemed accredited except for those exempt under section 26AA of the *Regulations* (being philanthropically operated buses with less than 24 seats).³⁸

Victorian bus industry employment and sector revenue

The Victorian bus industry currently employs some 11,000 people, comprised of over 8,000 directly employed staff and some further 3,000 persons employed in associated businesses.

Commercial operators include the charter and tour sector and comprise mainly small to medium trans-generational family businesses, with 7 corporatized, public and multinational enterprises.

The total value of government contract bus services was \$1.3 Billion per year in 2021. Additional to this are private school contract services and other school charters such as excursions and camps.³⁹

The 2019 (pre-COVID-19) tourism charter and tour sector contributed approximately \$215 million to the Victorian economy, with charter and tour passenger destination spend in Victoria contributing an additional \$569+ million.

The table below shows the numbers of passengers carried on charter and tour bus services in the Victorian tourism sector in 2019, the year before COVID-19 struck, and their economic value:⁴⁰

Victorian visitor means of arrival at destination; expenditure in \$M spent at stopover	2019 long distance coach or bus passengers	2019 \$M spent at stopover by long distance coach or bus passengers	2019 Charter or tour bus passengers	2019 \$M spent at stopover by charter or tour bus passengers
International	45,000	\$68M	186,000	\$224M
Domestic overnight	403,000	\$132M	146,000	\$83M
Domestic day	912,000	\$62M	np	np

This table shows tourism sector charter and tour only, not school charters, e.g., sports, galleries and camps.

Note: np = data non-publishable due to insufficient sample size.

According to government data, the combined number of international, domestic and regional airline passengers in the 2020-21 financial year collapsed down to levels last seen in 1991.⁴¹

³⁶ Fiona Xuereb, DOT, in 'DOT Emergency Management: Bus Services' webinar, 18 November 2020.

³⁷ *State Budget Papers #3 Service Delivery 2020-2021*, 183, 'Support for Students with Disabilities', Eligible special school students provided with appropriate travel, 2019-2020.

³⁸ *Bus Safety Amendment Regulations 2022*, Reg. 15; *Bus Safety Regulations 2022*, Part 5, 26AA.

³⁹ Chris Lowe (BAV), 'The Victorian Bus Industry: Opportunities Aplenty'. BAV PPT presentation, March 2021.

⁴⁰ Tourism Research Australia, 'Transport types and Expenditure items', data provided 18 February 2022.

⁴¹ *ABC News*, 9 February 2022, 'The impact of Australia's closed borders', <https://www.abc.net.au/news/2022-02-09/four-charts-tell-the-story-of-australias-closed-borders/100813560>

PART 2 – THE CONTEXT: AUSTRALIAN PANDEMICS BEFORE COVID-19

Although Australia suffered several epidemics during the twentieth century (Polio, 1937-8; Asian flu, 1957; HIV/AIDS, 1981 on; SARS-Cov 1, 2002-2004), there have only been four pandemics, namely the 1891 Russian flu, 1919 Spanish flu, 2007 Bird flu, and 2009 Swine flu, that impacted Australia before COVID-19. Of these, Spanish flu is the one with which COVID-19 has been most often compared.⁴² Governmental responses to COVID-19 were inevitably influenced by this history.⁴³

2.1 Spanish flu (H1N1), 1918-1919

‘Spanish flu’ (named from the King of Spain being one of its earliest victims) was the parent strain of the 2009 Swine flu. It was highly virulent and infected an estimated one-third of the world’s population. It had a mortality rate of more than 2.5 percent, compared to less than 0.1 percent for other pandemics, and was “one of the worst natural disasters in history and perhaps the worst pandemic since the fourteenth-century Black Death in terms of mortality and social impacts”.⁴⁴

The primary public health strategy was maritime quarantine, but the virus nevertheless infiltrated the wider population. At least 3,561 Victorian deaths were attributed to Spanish flu, with between 12,000 and 20,000 deaths Australia-wide. In late 1918 a national influenza planning conference decided upon a federally led strategy under which states would arrange emergency hospitals, medical resources, and public awareness campaigns. Infected state’s borders would be closed until cases were reported in other states, upon which border controls would be lifted.⁴⁵

As with the current COVID-19 pandemic, the states soon came to disagreement about the previously agreed federally-led steps, and by early 1919 each state was following its own course of action.⁴⁶ So too the National Cabinet established on 13 March 2020 to coordinate the action of all governments in response to COVID-19 was praised in July 2020 for its “very effective response to the pandemic” in a School of Government review,⁴⁷ but it came unstuck with disagreements particularly over border closures and funding. Through 2021 the states and Commonwealth were often travelling in different directions,⁴⁸ complicated further by politicking with an upcoming May 2022 Federal election.⁴⁹

⁴² Ben Huf and Holly McLean, ‘Epidemics and pandemics in Victoria: historical perspectives’, Research Paper No. 1 (15 May 2020), (Parliamentary Library & Information Service, Parliament of Victoria 2020), 3.

⁴³ *Ibid.*, 29.

⁴⁴ *Ibid.*, 9; 10.

⁴⁵ *Ibid.*, 11-12.

⁴⁶ *Ibid.*, 12.

⁴⁷ Melbourne School of Government, ‘A New Federalism? The Role and Future of the National Cabinet’, Policy Brief No. 2, 1 July 2020, <https://apo.org.au/node/308767>

⁴⁸ *Daily Mail*, 28 August 2021, ‘How the 70% to 80% vaccination target has given Australians hope’, <https://www.dailymail.co.uk/news/article-9928037/Australia-states-diverge-national-Covid-19-opening-plan-end-lockdowns.html>; *ABC News*, 4 September 2021, ‘Australia has a COVID opening plan, but the states are now more divided’, <https://www.abc.net.au/news/2021-09-04/covid-opening-strategy-federal-state-differences-on-plan/100432944>; *Sky News*, 13 March 2022, ‘National Cabinet row over funding split’, <https://www.skynews.com.au/australia-news/coronavirus/national-cabinet-row-over-funding-split/video/d19de2097cb843b0e7c27f48b5704721>

⁴⁹ *Nikkei Asia*, 30 October 2021, ‘One nation or 8?’, “Without an enshrined bill of rights like the U.S. or Canada, Australia’s six states and two territories have been able to implement unprecedented restrictions on their

2.2 Avian influenza or Bird flu (H5N1) – A ‘phantom pandemic’, 2006–2007

It is notable that Bird flu is not mentioned in Huf and McLean’s historical review of epidemics and pandemics in Victoria.⁵⁰ It was this ‘phantom pandemic’ that triggered global concerns about a potential human pandemic in which infection could be passed to humans through handling live infected birds, contact with bird faeces, or through de-feathering or butchering infected birds.⁵¹

In February 2007 an international conference on Seasonal and Pandemic Influenza discussed progress in preparing for a pandemic primarily in response to that outbreak. The USA developed a Severity Index in which a category 4-5 pandemic (equivalent to the 1918-19 Spanish flu pandemic) with an illness rate of 30% (based on the 2006 US population) would yield 1,800,000 deaths.⁵²

This ‘worst case’ approach sparked a worldwide passion for pandemic plans that largely disregarded antiviral production capacities and learnings since 1919. It would continue to underpin international government and research body response thinking as seen in the subsequently contested Imperial College London (ICL) extreme scenario modelling during the current COVID-19 pandemic.⁵³

The WHO continued to publicly worry that an avian and a human influenza virus might mix and result in a new strain of influenza that could be easily passed from person to person and trigger a worldwide influenza pandemic.⁵⁴

There was then or since no evidence that avian influenza viruses had changed into a form that could pass efficiently from human to human.⁵⁵ This would be required before an avian flu could start a

residents' civil liberties, with some of the toughest lockdowns and health measures in the democratic world. This has been no clearer than when they have, at various points in the pandemic, closed their internal borders to other states in response to rising coronavirus cases. ... Until recently, the thinking was that although the states handled matters like health, education and law and order, the federal government could use its financial leverage to bend them to its will. The pandemic has upended that notion”,

<https://asia.nikkei.com/Spotlight/Coronavirus/One-nation-or-8-COVID-fuels-Australian-power-shift-toward-states>

⁵⁰ Ben Huf and Holly McLean, ‘Epidemics and pandemics in Victoria: historical perspectives’, Research Paper No. 1 (15 May 2020), (Parliamentary Library & Information Service, Parliament of Victoria 2020). I coined the term ‘phantom pandemic’ for the Bird flu for this reason, as it is significant in reviewing government actions.

⁵¹ https://www.awe.gov.au/biosecurity-trade/pests-diseases-weeds/protect-animal-plant/bird-owners/avian_influenza_bird_flu

⁵² Arnold Monto and Richard Whitely, ‘Seasonal and Pandemic Influenza: A 2007 Update on Challenges and Solutions’, *Clinical Infectious Diseases* 46.7 (1 April 2008), 1024-1031, <https://academic.oup.com/cid/article/46/7/1024/290233>

⁵³ Imperial College London, 26 March 2020, ‘Coronavirus pandemic could have caused 40 million deaths if left unchecked’, <https://www.imperial.ac.uk/news/196496/coronavirus-pandemic-could-have-caused-40/>; *Nature*, 2 April 2019, ‘The simulations driving the world’s response to COVID-19’, <https://www.nature.com/articles/d41586-020-01003-6>; ‘Model used to evaluate lockdowns was flawed’, 26 December 2020, <https://www.lunduniversity.lu.se/article/model-used-evaluate-lockdowns-was-flawed>

⁵⁴ https://www1.health.gov.au/internet/main/Publishing.nsf/Content/health-avian_influenza-index.htm?Open= (Page last updated August 2015.)

⁵⁵ All human infections from Bird flu appear to have been transmitted from infected birds, <https://www.daf.qld.gov.au/business-priorities/biosecurity/animal-biosecurity-welfare/animal-health-pests-diseases/notifiable/outbreaks>

new human influenza pandemic. The real threat was economic damage: following detection on poultry farms, millions of birds are culled which costs the sector millions if not billions of dollars. The most recent outbreak in Victoria, in 2020, resulted in approximately 500,000 poultry being culled.⁵⁶

Nevertheless, a Bird flu panic was stoked by media hysteria. In Victoria, the *Age* highlighted Bond University recommendations for the public to consider face masks to block Bird flu, together with handwashing and wearing masks, gloves and gowns.⁵⁷ Academic scaremongering has a history.

BAV along with other industry and government bodies rushed to develop pandemic responses. BAV produced a 2007 *Influenza Pandemic Business Continuity Planning Guide*,⁵⁸ and organised the bulk purchase and distribution of masks to worried bus operators throughout Victoria. (When COVID-19 broke out, a number of regional operators reported still having boxes of masks dating from 2007.)

The BAV *Guide* was a practical examination of business continuity factors in a hypothetical scenario of between 30% to 50% driver unavailability at the peak of a pandemic. However, some 15 years later, the experience of both Swine flu and COVID-19 made much of its content redundant.

In summary, considerable social disruption and cost was created by sensationalist media reporting from fear-based, worst-case epidemiological hypotheses given undeserved credibility by the WHO.

2.3 Swine flu (H1N1), 2009

Prior to COVID-19, Swine flu was the most significant global outbreak of influenza since Spanish flu. It was declared a pandemic by the WHO on 11 June 2009, and officially ended on 10 August 2010.

The first case in Australia arrived on a flight into Brisbane on 8 May 2009.⁵⁹ A cruise ship brought further significant numbers of people with flu-like symptoms into NSW without suitable quarantine measures being applied. Swine flu mostly impacted children, young and middle-aged people.⁶⁰ The first case in Melbourne was announced on 20 May 2009. In 2009 Victoria recorded 3,089 cases of Swine flu and 26 deaths. Australia overall recorded 6,725 cases and 84 deaths.⁶¹

As with Spanish flu, responsibilities for response were shared between the Commonwealth and the states. There were a number of pandemic plans then in existence. Review of the various government responses and their flexibility or otherwise after the Swine flu resulted in the 2014 *Victorian Health Management Plan for Pandemic Influenza* on which its COVID-19 response has largely been based.⁶²

2.4 Observations from past epidemic and pandemic responses

⁵⁶ Doherty Institute, 3 March 2022, <https://www.doherty.edu.au/news-events/news/high-burden-of-avian-influenza-in-the-northern-hemisphere-and-what-it-means-for-us-here-in-australia>

⁵⁷ *The Age*, 29 November 2007, <https://www.theage.com.au/national/face-masks-recommended-to-block-bird-flu-20071129-gdrpk3.html>

⁵⁸ BAV, *The Victorian Bus Industry's Influenza Pandemic Business Continuity Planning Guide*, 2007.

⁵⁹ Richard Trembath, 'Aide memoire: Swine flu in Australia, 2009-2010', *Australian Policy and History*, 30 June 2021, <https://aph.org.au/2021/06/swine-flu-in-australia-2009-2010/>

⁶⁰ Ben Huf and Holly McLean, 'Epidemics and pandemics in Victoria: historical perspectives', Research Paper No. 1 (15 May 2020), (Parliamentary Library & Information Service, Parliament of Victoria 2020), 23-24.

⁶¹ *Ibid.*, 2, Table 1.

⁶² *Ibid.*, 25-27.

Huf and McLean’s analysis noted that “there are patterns in how people and governments respond to health crises that apply to Victoria and relate to (a) how people and communities react to severe diseases; (b) the role of the media in shaping or inflaming public reactions; (c) the potential impact of such crises on public health facilities and logistical difficulties in delivering vaccines; and (d) that cooperation between levels of government in Australia cannot be taken for granted”.⁶³ It is important to add when reflecting on these observations that they all reflect a “health” lens.

Largely ignored or marginalised in the commentary as not focussed on “health outcomes” are the social and economic costs of government decisions made in the name of public health management. This report will underline that these costs were and are significant, and for some, terminal. The large question raised is to what extent should public policy be determined by an exclusive focus on health.

⁶³ Ibid., loosely quoted from p. 27, itself taken from work by Peter Curson and Kevin McCracken, ‘An Australian perspective of the 1918-1919 influenza pandemic’, *NSW Public Health Bulletin*, 17.7 (2006) 103-107.

PART 3 – PRE-PANDEMIC PLANNING AND COVID-19 ARRIVAL

This chapter reviews influenza pandemic preparedness through to the arrival of COVID-19. It notes the declaration of a global pandemic, influenza control measures prior to a vaccine, PPE supply issues, public panic, and international border closures as these impacted Victoria's bus industry.

3.1 Pre-COVID-19 pandemic planning

For the 2009 Swine flu, the overarching Commonwealth plan in place was the 2008 *Australian Health Management Plan for Pandemic Influenza*. There had been no lack of other planning. Various governments and agencies had issued 18 primary pandemic plans, 28 sub-plans, appendices and annexes, and 11 guidelines.⁶⁴ Within that tally, Victoria had five pandemic plans of its own.⁶⁵

Interestingly, BAV's 2007 *Pandemic Business Continuity Planning Guide* had centrally addressed continuity planning, in contrast to a state agency failure noted in the VAGO's report on Victoria's responses to the COVID-19 pandemic: "Before the pandemic, most departments' business continuity arrangements were inadequate. This meant that their response to restoring and maintaining their prioritised services was reactive and less efficient and effective than it could have been."⁶⁶

When Swine flu arrived (from which 84 died),⁶⁷ one Melbourne clinician noted multiple failures in practice including "resource supply failures, time-consuming administrative burdens, delays in receiving laboratory test results and ... a lack of clear communication about policy changes as the situation progressed. ... It is only due to the low virulence of the virus that this pandemic has merely stressed our local service delivery and not completely paralysed ... the state-wide response".⁶⁸

Post Swine flu, Federal and state pandemic plans were duly reviewed by beives of health experts and bureaucrats from 'lessons learned'.⁶⁹ By 2018, each Victorian LGA should have had pandemic influenza in its emergency plans.⁷⁰ Most relevantly, prior to the arrival of COVID-19 there were at

⁶⁴ T. Carney et al., 'Pandemic planning as risk management: How fared the Australian Federation?' *Journal of Law and Medicine*, 19.1 (2012), 567.

⁶⁵ *Victorian Health Management Plan for Pandemic Influenza 2007; Victorian Human Influenza Pandemic Plan 2007; Human Influenza Pandemic Whole of Victorian Government Communication Strategy: Overview 2007; Preparing for an Influenza Pandemic: A Tool Kit for Local Government 2008; Preparing for an Influenza Pandemic: An Information Kit and Workplan for General Practice 2006.*

⁶⁶ Bus Association Victoria, *The Victorian Bus Industry's Influenza Pandemic Business Continuity Planning Guide 2007*; Victorian Auditor-General's Office, *Business-Continuity-During-COVID-19* (February 2022), 1, <https://www.audit.vic.gov.au/sites/default/files/2022-02/20220223-Business-Continuity-During-COVID-19.pdf>

⁶⁷ In 2009, Victoria had 3,089 cases and 26 deaths from Swine flu; the Australian total was 6,725 cases and 84 deaths. Ben Huf and Holly McLean, 'Epidemics and pandemics in Victoria: historical perspectives', Research Paper No. 1 (15 May 2020), (Parliamentary Library & Information Service, Parliament of Victoria 2020), 2.

⁶⁸ Dr. Peter Eizenberg, 'The general practice experience of the swine flu epidemic in Victoria — lessons from the front line', *Medical Journal of Australia*, 191.3 (3 August 2009), 151-153.

⁶⁹ Subsequent Victorian pandemic plans were built on the updated Department of Health's '*Victorian health management plan for pandemic influenza*' (DOH 2014, 1).

⁷⁰ EDJTR, Joint Transport, Communications, Health and Government Sector Resilience Networks exercise, 'Exercise Petunia' slide pack, 11 October 2018, Dr Finn Romanes (Acting DCHO) presentation, slide 5.

least six Victorian government-led forums and exercises that directly addressed potential influenza pandemic scenarios and planning between May 2018 and ‘Exercise Teapot’ in September 2019.⁷¹

Victoria’s 2016 *State Public Transport Disruption Sub-plan* had included pandemic influenza in its risk categories, and noted public fear and apprehension, as well as impacts on emergency services and health relying on public transport, along with PTO staff shortages, as among the likely consequences. The mitigation actions in the 2016 Transport sub-plan were activation of the *Victorian Health Management Plan for Pandemic Influenza* (2014) and the *State Health Emergency Response Plan*.⁷²

Victoria’s 2018 *Critical Infrastructure All Sectors Resilience Report* considered critical dependencies for 2018-19 and identified pandemic influenza as a key health risk.⁷³ The *ASR Network Forum* ran a cross-sector desktop and functional exercise, and it supported delivery of two pandemic influenza emergency and public information and communication exercises, ‘Petunia’ and ‘Alchemy’.⁷⁴ Exercise ‘Alchemy’ was based on a Bird flu pandemic scenario,⁷⁵ the ‘phantom pandemic’ discussed in Part 2.2 of this report. It would seem that no health experts recalled that it could not cause a pandemic.

The Commonwealth released its update of the 2014 *Australian Health Management Plan for Pandemic Influenza* (AHMPPI) on 21 August 2019, “to incorporate minor amendments”.⁷⁶ There appear to be no changes to the actual plan itself. Emergency Management Victoria’s December 2019 edition of the *Victorian Emergency Management Handbook* is concerned with bushfires and floods.⁷⁷ There is no mention of health emergencies, influenza, or pandemic anywhere in its text.

3.2 Pandemic readiness

How effective was Victoria’s pandemic planning when COVID-19 arrived in January 2020? The Public Accounts and Estimates Committee reported in February 2021, “The swine flu pandemic highlighted the need for flexibility to respond to a high probability threat in an often unpredictable environment. To guide responses to future pandemic influenza, the Victorian Government developed the *Victorian Health Management Plan for Pandemic Influenza* in 2014, followed by the *Victorian Action Plan for Influenza Pandemic* in 2015. Both documents were to be updated over their lifecycle, to reflect new developments, identify operational challenges and promote effective implementation”.⁷⁸

However, “The *Victorian Health Management Plan for Pandemic Influenza* stated that it was to be reviewed periodically, although a review date was not set. *The Victorian Action Plan for Influenza*

⁷¹ *COVID-19 Hotel Quarantine Inquiry*, EM Commissioner Andrew Crisp Witness Statement, DOJ.600.002.0008, 14 August 2020, p. 11.

⁷² EMV, *State Public Transport Disruption Sub-plan*, Edn. 1 (2016), 4, re. *Victorian Health Management Plan for Pandemic Influenza* (2014) and the *State Health Emergency Response Plan*.

⁷³ EMV, *Victoria’s Critical Infrastructure All Sectors Resilience Report*, 2018 (May 2019), 26.

⁷⁴ *Ibid.*, 14, 26.

⁷⁵ *COVID-19 Hotel Quarantine Inquiry*, EM Commissioner Andrew Crisp Witness Statement, DOJ.600.002.0008, 14 August 2020, 11.

⁷⁶ Australian DOH, <https://www1.health.gov.au/internet/main/publishing.nsf/Content/ohp-ahmpipi.htm>, page last updated 12 December 2019. The minor amendments are listed on that web page.

⁷⁷ EMV, *Victorian Emergency Management Handbook*, December 2019.

⁷⁸ Parliament of Victoria: Public Accounts and Estimates Committee, ‘Inquiry into the Victorian Government’s response to the COVID-19 pandemic’, 2 February 2021, 9.

Pandemic was due to be reviewed in 2018. As at 16 December 2020, the *Victorian Action Plan for Influenza Pandemic* had not been reviewed or updated”.⁷⁹ Victoria’s planning had been left to drift.


3.3 Australian flu season data 2014-2019 - and no alarms rung for 2020

A data slide from 1 February 2020, from Melbourne’s WHO Collaborating Centre for Reference and Research on Influenza, in conjunction with the Doherty Institute,⁸⁰ shows that reported influenza-associated deaths for 2019 in Australia were more than double the previous five-year average.⁸¹

NNDSS reported influenza associated deaths in Australia

	1 January to 31 December						
	2014	2015	2016	2017	2018	5 year average	2019*
Notifications**	67,670	100,556	90,858	251,151	58,858	113,819	307,907
Deaths[§]	189	222	273	1181	148	403	902
Case Fatality Rate	0.28%	0.22%	0.30%	0.47%	0.25%	0.35%	0.29%

*Data on 'Deaths' should always be used with extreme caution as clinical information is not always collected across the various jurisdictions and timely mortality data is not available. These notification data are based on data extracted from the NNDSS on the date indicated above. Due to the dynamic nature of the NNDSS, data on this extract are subject to retrospective revision and may vary from data reported in published NNDSS reports and reports of notification data by states and territories. In general notification data represent only a proportion of the total cases occurring in the community, that is, only those cases for which health care was sought, a test conducted and a diagnosis made, followed by a notification to health authorities. The degree of under-representation of all cases is unknown and is most likely variable by disease and jurisdiction. In interpreting these data it is important to note that changes in notifications over time may not solely reflect changes in disease prevalence or incidence. Depending on the disease changes in testing policies; screening programs including the preferential testing of high risk populations; the use of less invasive and more sensitive diagnostic tests; and periodic awareness campaigns, may influence the number of notifications that occur annually.

 *Up to 1.12.19
Data kindly supplied by OHP, DoH

WHO Collaborating Centre
for Reference and
Research on Influenza
VIDRL

Slide 2 of the same set links to an American news article of 31 January 2020 that noted the new coronavirus but said that “clearly the [regular] flu poses the bigger and more pressing peril”.⁸²

Slide 34 shows the WHO Flunet global influenza map as at 17 January 2020. It does not mention SARS-CoV-2 (COVID-19), regardless that the WHO had known of the existence of the new virus “of unknown cause” since 31 December and that China had admitted to the WHO on 8 January that it

⁷⁹ Ibid.

⁸⁰ The Doherty Institute is a joint venture between The University of Melbourne and The Royal Melbourne Hospital. It has been the primary source of modelling for the National Cabinet’s COVID-19 response.

⁸¹ Ian Barr, ‘Review of the 2019 influenza season in Australia and what to expect in 2020’, *The Melbourne WHO Collaborating Centre for Reference and Research on Influenza*, 1 February 2020, <https://www.immunisationcoalition.org.au/wp-content/uploads/2020/02/1-Barr-ASM-2020-presentation.pdf>, Slide 17. (Slide set accessed 25 February 2022.)

⁸² *Washington Post*, https://www.washingtonpost.com/health/time-for-a-reality-check-america-the-flu-is-a-much-bigger-threat-than-coronavirus-for-now/2020/01/31/46a15166-4444-11ea-b5fc-efa848cde99_story.html

had identified a new coronavirus.⁸³ The WHO knew the virus had reached Thailand and Japan by mid-January.⁸⁴ Did the WHO keep its Melbourne Collaborating Centre in the dark?

Slide 35 reassuringly stated, “Prediction for 2020: A quiet year with H1pdm viruses predominating!!” This represents a massive failure of both WHO and Melbourne’s WHO Collaborating Centre to alert Australia to the existence and evident threat of a novel coronavirus for which no vaccine existed.

3.4 The arrival of COVID-19 in Australia

Chinese authorities had identified its “pneumonia of unknown cause” as a novel coronavirus by 7 January 2020.⁸⁵ They told the WHO on 8 January, and it was worldwide news by 9 January 2020.⁸⁶ The WHO also knew the virus had spread beyond Thailand and Japan to reach Korea by 20 January.⁸⁷

The WHO states that on 10 January 2020 it issued “a comprehensive package of technical guidance online with advice to all countries on how to detect, test and manage potential cases, based on what was known ... at the time. This guidance was shared with WHO's regional emergency directors to share with WHO representatives in countries”.⁸⁸ Was not WHO’s Melbourne CCRRRI aware of this?

The first case of COVID-19 in Australia arrived in Melbourne on 19 January 2020, on a flight from Wuhan, China. The man had been staying with relatives since his arrival, and tested positive on 25 January.⁸⁹ The same day, three more cases were confirmed in NSW among travellers from China.⁹⁰ By 1 March 2020 there had been 26 cases reported Australia-wide.⁹¹ The local spread had begun.

⁸³ Ian Barr, ‘Review of the 2019 influenza season in Australia and what to expect in 2020’, *The Melbourne WHO Collaborating Centre for Reference and Research on Influenza*, 1 February 2020,

<https://www.immunisationcoalition.org.au/wp-content/uploads/2020/02/1-Barr-ASM-2020-presentation.pdf>, Slide 34. SARS-CoV-2 is not among the four virus subtypes listed. (Slide set accessed 25 February 2022.) WHO Europe, ‘Coronavirus disease’, identified by China 7 January 2020, <https://www.euro.who.int/en/health-topics/health-emergencies/coronavirus-covid-19/novel-coronavirus-2019-ncov>

⁸⁴ *World Health Organization*, 21 January 2020, ‘Novel Coronavirus (2019-nCoV): Situation report 1’, <https://apps.who.int/iris/bitstream/handle/10665/330760/nCoVsitrep21Jan2020-eng.pdf?sequence=3&isAllowed=y>

⁸⁵ WHO Europe, <https://www.euro.who.int/en/health-topics/health-emergencies/coronavirus-covid-19/novel-coronavirus-2019-ncov>

⁸⁶ *Washington Post*, 9 January 2020, ‘China identifies new strain of coronavirus as source of pneumonia outbreak’, https://www.washingtonpost.com/world/asia_pacific/china-identifies-new-strain-of-coronavirus-as-source-of-pneumonia-outbreak/2020/01/09/f2625650-329f-11ea-971b-43bec3ff9860_story.html

⁸⁷ *World Health Organization*, 21 January 2020, ‘Novel Coronavirus (2019-nCoV): Situation report 1’, <https://apps.who.int/iris/bitstream/handle/10665/330760/nCoVsitrep21Jan2020-eng.pdf?sequence=3&isAllowed=y>

⁸⁸ WHO, ‘Timeline – COVID-19’, <https://www.who.int/news/item/27-04-2020-who-timeline---covid-19>

⁸⁹ DOH, 25 January 2020, ‘First novel coronavirus case in Victoria’, <https://www.health.vic.gov.au/media-releases/first-novel-coronavirus-case-in-victoria>

⁹⁰ *ABC News*, 25 January 2022, <https://www.abc.net.au/news/2022-01-25/australia-two-years-with-covid-cases-on-our-shores-omicron/100778662>

⁹¹ Commonwealth DOH, ‘Coronavirus (COVID-19) case numbers and statistics, New and Cumulative Cases’, <https://www.health.gov.au/health-alerts/covid-19/case-numbers-and-statistics#new-and-cumulative-cases>

Like previous influenza pandemics it was next to impossible to contain despite the best intentions of Commonwealth and State health agencies. Victoria's Point Nepean quarantine station was closed in 1980 and its infectious diseases hospital at Fairfield closed in 1996.⁹² International authorities also failed to recognise the seriousness of COVID-19 compared to annual influenza outbreaks due to China's deliberate active suppression of both internal and external information and data about it.⁹³

3.4.1 The declaration of a pandemic

By 22 January 2020 it was clear to Chinese scientists that human-to-human transmission of COVID-19 had occurred among close contacts since at least the middle of December 2019.⁹⁴ Wuhan City was put into lockdown on 23 January 2020.⁹⁵ On 30 January 2020, the WHO declared the novel coronavirus outbreak a Public Health Emergency of International Concern (PHEIC), its highest level of alert, but it did not describe the outbreak as a pandemic until 11 March 2020.⁹⁶ By contrast, the Australian government stated on 27 February 2020 that COVID would become a pandemic.⁹⁷

3.4.2 COVID-19 control measures in 2020, prior to vaccines

In May 2020 an Australian medical historian, Dr Peter Hobbins, drew parallels between the Spanish flu (1919) and COVID-19: "During both pandemics, Australians were asked to abandon their normal lives to control the impact of the disease. Since there was no vaccine and no cure, we had to rely on quarantine, supportive medical care and the goodwill of the community. Then, as now, those measures drastically affected people's jobs, family lives, worship and entertainment options".⁹⁸

⁹² *Nepean Historical Society*, "Victoria had maintained and progressively improved a quarantine station at Point Nepean from the nineteenth century"; the land was transferred to joint control of the army and the Commonwealth Department of Health in March 1901. The quarantine station was declared the station surplus to requirements and closed by proclamation on 2 August 1980. 'Quarantine the Fourth Phase 1900 to 1925', <https://nepeanhistoricalsociety.asn.au/history/quarantine-station/quarantine-the-fourth-phase-1900-to-1925/>; Quarantine the Fifth Phase 1950 to 1998', <https://nepeanhistoricalsociety.asn.au/history/quarantine-station/quarantine-the-fifth-phase-1950-to-1998/>. On Fairfield, *Darebin Heritage*, 'Fairfield Infections Diseases Hospital', <https://heritage.darebinlibraries.vic.gov.au/article/122>

⁹³ Sharri Markson, *What really happened in Wuhan?* (Sydney: HarperCollins, 2021), chs. 2-3.

⁹⁴ Qun Li et al., 'Early Transmission Dynamics in Wuhan, China, of Novel Coronavirus-Infected Pneumonia', *New England Journal of Medicine* 382.13 (26 March 2020), 1. It may have already been circulating via Wuhan guestworkers in Europe as early as September 2019, Apolone et al., 'Unexpected detection of SARS-CoV-2 antibodies in the pre pandemic period in Italy', *Tumori Journal*, 107.5 (2021), 446-451, <https://journals.sagepub.com/doi/pdf/10.1177/0300891620974755>

⁹⁵ Sharri Markson, *What really happened in Wuhan?* (Sydney: HarperCollins, 2021), 43; 47.

⁹⁶ WHO Europe, <https://www.euro.who.int/en/health-topics/health-emergencies/coronavirus-covid-19/novel-coronavirus-2019-ncov>

⁹⁷ *Guardian*, 27 February 2020, <https://www.theguardian.com/world/2020/feb/27/australia-declares-coronavirus-will-become-a-pandemic-as-it-extends-china-travel-ban>

⁹⁸ Peter Hobbins, '2020 versus 1919: is COVID-19 as bad as the 'Spanish' flu?', *University of Sydney News*, 27 May 2020, <https://www.sydney.edu.au/news-opinion/news/2020/05/27/2020-versus-1919--is-covid-19-as-bad-as-the--spanish--flu-.html>

As BAV had stated in its 2007 bus industry pandemic planning guide, without a vaccine some basic practical measures are still highly effective: “Personal hygiene such as hand washing, covering your nose and mouth when coughing or sneezing, workplace cleaning, use of protective equipment, and avoiding contact with others will help avoid infection”.⁹⁹ Harsher controls were imposed in 2020.¹⁰⁰

3.4.3 PPE supply problems

It was obvious that PPE would be crucial in any pandemic strategy, as it had been with Swine flu and previous influenza epidemics. An Australia National Audit Office report of December 2020 found that successive governments had allowed Australia’s stockpile of PPE to be depleted and that as of 31 December 2019, the National Medical Stockpile held only \$10.76 million worth of PPE, which was further reduced when 3.5 million P2/N95 respirators were distributed as part of the response to the Black Summer bushfire emergency. Pandemic risk was not part of NMS procurement priorities.¹⁰¹

Between 29 January and 28 August 2020 only around 13 million items of PPE and medical equipment were distributed to allied and community health combined (including general practice). The situation deteriorated to the point where GPs were forced to improvise their own PPE solutions and form buying groups, before it was later confirmed that the Government would only provide general practices with PPE as a ‘fallback’ for those who could not commercially source their own supplies.¹⁰²

PPE shortages were compounded by at least three China-linked property developers bulk-buying PPE and flying it to China in January and February 2020. Greenland Group staff bought masks, gloves, hand sanitiser, thermometers, antibacterial wipes, Panadol, protective clothing and goggles here. It conducted similar operations overseas, sourcing 3 million protective masks, 700,000 hazmat suits and 500,000 pairs of protective gloves from Australia, Canada, Turkey and other countries.¹⁰³

Risland Group sent 90 tonnes of Australian medical supplies to China in early February 2020.¹⁰⁴ Poly Development and Holdings strongly encouraged staff to buy masks from pharmacies across Sydney,

⁹⁹ BAV, *The Victorian Bus Industry’s Influenza Pandemic Business Continuity Planning Guide* (2007), 6.

¹⁰⁰ Paul Garrett et al., January 2021, “In the absence of a vaccine or treatment, behavioral measures such as restricting public gatherings and physical distancing, mask wearing, lockdown policies, and hand-washing have been the only means available to slow the spread of the virus”, in ‘The acceptability and uptake of smartphone tracking for COVID-19 in Australia’, *PLOS ONE*, 21 January 2021, 9, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0244827>

¹⁰¹ Australia National Audit Office, *Planning and Governance of COVID-19 Procurements to Increase the National Medical Stockpile*, 10 December 2020. The audit also reported jurisdictional dysfunction, finding that stockpile information had not been ‘adequately shared’ with states and territories, which hold their own stockpiles, and that agreements about stockpiling responsibilities were ‘not documented’. See summary at <https://www1.racgp.org.au/newsgp/professional/government-did-not-consider-pandemic-risks-on-ppe>

¹⁰² Ibid.

¹⁰³ *Sydney Morning Herald*, 26 March 2020, <https://www.smh.com.au/national/chinese-backed-company-s-mission-to-source-australian-medical-supplies-20200325-p54du8.html>

¹⁰⁴ *News.com*, 29 March 2020, <https://www.news.com.au/finance/business/second-company-sent-90-tonnes-of-australian-medical-supplies-to-china/news-story/be74b7679d7c8cb910d0f34713b2f008>

with the article saying these were for export to China.¹⁰⁵ At the same time, by 6 February 2020 China had increased its production of medical masks to 14.8 million per day.¹⁰⁶ Australia was well behind.

Australia had had little capacity or interest in manufacturing masks at the time the pandemic struck due to lack of demand, but in March 2020 the Commonwealth contracted a South Australia packaging company to make masks for SA and the national stockpile, and by August 2020 SoftMed in Victoria was building a new factory planned to make 240 million surgical-grade face masks a year.¹⁰⁷

Australia had few makers of sanitiser, and several small distilleries leaped to alter their production lines to produce sanitiser given that spirit sales had collapsed with the shutdown of hotels and entertainment venues, and that distillery tastings and live events were also banned.¹⁰⁸ Where a government report of July 2020 lauded that “COVID-19 revealed Australia’s very strong domestic production capacity for hand sanitiser and demonstrated the agility of Australia’s supply chain”,¹⁰⁹ for many of those small businesses it was simply a survival move from desperation.

Meanwhile, China was found to be exporting faulty PPE including masks and protective clothing to Australia and other countries as early as March 2020.¹¹⁰ One law enforcement official, who spoke on the condition of anonymity, estimated in late March that the Australian Border Force had by then seized 800,000 masks with a combined value of more than \$1.2 million on the Australian market.¹¹¹ In September 2020 China still “was and remains the main source of [Australian] imports” of PPE.¹¹²

¹⁰⁵ *News.com*, 6 April 2020, <https://www.news.com.au/finance/business/manufacturing/coronavirus-the-chinese-companies-stockpiling-sydneys-medical-supplies/news-story/7e20157f7d378f7674531e86cf1158aa>

¹⁰⁶ *Xinhuanet*, 6 February 2020, ‘China focus: mask makers go all out in fight against novel coronavirus’, http://www.xinhuanet.com/english/2020-02/06/c_138760527.htm, cited in Oluniyi Fadare and Elvis D. Okoffo, ‘Covid-19 face masks: A potential source of microplastic fibers in the environment’, *Science of the Total Environment* 737 (1 October 2020), 1,

<https://www.sciencedirect.com/science/article/pii/S0048969720338006?via%3Dihub>. The English translation now almost instantly diverts to a generic news banner on the Xinhuanet website.

¹⁰⁷ *Manufacturer’s Monthly*, 31 March 2020, <https://www.manmonthly.com.au/news/sa-manufacturer-produce-face-masks-covid-19/>; *Financial Review*, 26 August 2020, <https://www.afr.com/companies/healthcare-and-fitness/new-melbourne-factory-to-make-hundreds-of-millions-of-face-masks-20200824-p55ops>

¹⁰⁸ *Smart Company*, 26 March 2020, <https://www.smartcompany.com.au/coronavirus/australian-gin-distilleries-hand-sanitiser-covid19/>; *Canberra Times*, 27 March 2020, <https://www.canberratimes.com.au/story/6698841/act-distilleries-turning-gin-into-hand-sanitiser/>; on 1 April 2020 Bass & Flinders Distillery (Dromana, Vic) began selling hand sanitiser. (Website accessed 1 April 2020.)

¹⁰⁹ *DISCE*, ‘Hand Sanitiser in Australia: Market Insights’, July 2020, 3,

<https://www.industry.gov.au/sites/default/files/2020-10/hand-sanitiser-market-insights-brochure.pdf>

¹¹⁰ *ABC News*, 1 April 2020, “Thousands of testing kits and medical masks are below standard or defective, according to authorities in Spain, Turkey and the Netherlands. The Dutch health ministry announced it had recalled 600,000 face masks on March 28”, <https://www.abc.net.au/news/2020-04-01/coronavirus-chinese-ppe-border-force-intercepted/12085908>

¹¹¹ *ABC News*, 1 April 2020, ‘Australia seizes faulty coronavirus protective equipment imported from China’, <https://www.abc.net.au/news/2020-04-01/coronavirus-chinese-ppe-border-force-intercepted/12085908>

¹¹² Australian Bureau of Statistics, 3 September 2020, ‘Imports of Personal Protective Equipment (PPE)’, <https://www.abs.gov.au/articles/imports-personal-protective-equipment-ppe>

3.4.4 Public panic strikes

Global panic started in January 2020 with news of market closures, lockdowns and deaths in Wuhan. Multiple videos from China showed people being bundled into ambulances whilst convulsing or after collapsing dead in the streets from the new virus (in ways that no-one was ever actually afflicted).¹¹³

By mid-February it was entirely predictable that panic buying would be in full swing across Australia by March, fuelled by fear of being unable to leave one's residence for two weeks' isolation and worsened by saturation news coverage.¹¹⁴ Similar panic buying in a number of countries overseas had occurred from early February 2020 and was intensively covered by Australian media.¹¹⁵

On 26 February 2020 an article on the very popular news.com.au website announced that "A virologist says Australians should be stocking up on toilet paper, prescription meds and pet food before coronavirus sweeps through the country". The interviewed Professor also mused, "Should you talk to your doctor about getting a few extra prescriptions in the cupboard just in case?"¹¹⁶ Similar articles urging people to stock up for two to three weeks' isolation appeared overseas.¹¹⁷

Victorian chemists were confronted by angry customers demanding double issues of prescription medication that they were legally unable to supply.¹¹⁸ As had happened when the Swine flu arrived in Australia a decade earlier,¹¹⁹ pharmacies sold out of masks as fast as they could get stock.¹²⁰

On 4 March 2020 CHO Brett Sutton bolstered local panic buying when he said the spread of the virus was inevitable and it was "reasonable" to stock up on goods like toilet paper and dry foods. "People can and should think about dry goods and other essential items every time they go shopping".¹²¹

On 15 March 2020 Sutton further fuelled panic buying when he said, "We're ... asking Victorians to think about buying a small amount of extra food and other essential supplies for themselves, for

¹¹³ *Tasnim News Agency*, 24 January 2020, 'Disturbing Footages Show People Collapsing in Virus-Hit Chinese City of Wuhan', <https://www.tasnimnews.com/en/news/2020/01/24/2188257/disturbing-footages-show-people-collapsing-in-virus-hit-chinese-city-of-wuhan>.

¹¹⁴ *9 News*, 3 March 2020, <https://www.9news.com.au/national/coronavirus-supermarket-restrictions-control-panic-buying-shelves-emptied/36e3babe-2f76-49e2-b21c-84cbe7054112>

¹¹⁵ *9 News*, 8 February 2020, <https://www.9news.com.au/world/hong-kong-coronavirus-panic-buying-essentials-supermarkets-empty/087a264b-c65c-43cd-a656-252d8e220f2a>; *9 News*, 3 March 2020, <https://www.9news.com.au/national/coronavirus-supermarket-shelves-empty-food-supplies-australia/9dd763f1-a55b-4ebb-915f-42e0f28fc433>

¹¹⁶ *News.com*, 26 February 2020, <https://www.news.com.au/finance/economy/australian-economy/its-coming-its-just-how-long-it-takes-to-come/news-story/e4236f1b73802379a9f8592ccb572d13>

¹¹⁷ *WUBR* (Boston, USA), 27 February 2020, <https://www.wbur.org/news/2020/02/27/novel-coronavirus-massachusetts-how-to-prepare>

¹¹⁸ *9 News*, 5 March 2020, <https://www.9news.com.au/national/drugs-shortage-fears-panic-buying-pharmacies-australia/e7fc730a-0ee3-444f-a3e6-6161a57a67a7>

¹¹⁹ *ABC News*, 1 May 2009, 'Flu fears spark rush on pharmacies', <https://www.abc.net.au/news/2009-05-01/flu-fears-spark-rush-on-pharmacies/1668426>

¹²⁰ *ABC News*, 17 February 2020, <https://www.abc.net.au/news/health/2020-02-17/coronavirus-face-masks-hygiene-prevention/11958878>

¹²¹ *3AW*, 4 March 2020, <https://www.3aw.com.au/victorias-chief-health-officer-says-people-should-be-stocking-up/>

their pets, and for others they may be caring for. That does not mean stockpiling – but planning sensibly as you shop. Thinking about what extra items you’d like in your pantry and by shopping accordingly – for food such as non-perishables like dried fruit and nuts, canned foods and vegetables, beans, coffee, cereal, and pasta. You don’t need too much, just a two-week supply of food and a 30-day supply of prescription medication”.¹²² The ‘don’t stockpile’ message was lost.

The *Monthly* summarised the inevitable result: “Panic buying hit the supermarkets in the wake of the article. Customers raced to stockpile hand sanitiser, Panadol, rice, tinned food and, of course, toilet paper. Mere weeks after the nation congratulated itself on the way it pulled together after the bushfires, desperate shoppers began wrestling each other for the last packs of toilet paper. Twitter, Facebook and evening news bulletins ... were suddenly full of images of empty shelves”.¹²³

Many bus operators were unable to buy hand sanitiser, non-bleach cleaners and antiviral sprays such as Glen-20 to meet DOT bus cleaning expectations. In practice, however, soap and water for hands and buses is scientifically more effective than alcohol-based sanitisers, which are a fall-back position for when there is no access to soap and water.¹²⁴ Panic buying recurred throughout 2020.¹²⁵

3.5 Australia shuts down international business travel and tourism

One of the first industries to examine the threat to the Australian economy was tourism. In February 2020 the Tourism and Transport Forum published a report comparing the known 9-month impact of SARS in 2002-03 with the potential impact of a new coronavirus of unknown duration. It estimated the international visitation would drop 40% between January and June, with a loss of \$2b per month not counting an estimated reduction of 99,000 – 133,200 jobs in mostly part-time, casual and contract/seasonal jobs/positions, lost salaries and wages into broader economy of \$3.9b to \$5.3b, and lost PAYG tax contributions of \$1.12b to \$1.59b.¹²⁶ The reality was worse than these projections.

On 18 March 2020 on the recommendation of the Chief Health Officer the Prime Minister declared the first human biosecurity emergency under the Biosecurity Act 2015, that empowered the Health

¹²² DOH, Brett Sutton, ‘Coronavirus (COVID-10) Statement’, 15 March 2020, <https://www.dhhs.vic.gov.au/coronavirus-statement-doctor-brett-sutton>

¹²³ *The Monthly*, 18 March 2020, <https://www.themonthly.com.au/blog/russell-marks/2020/18/2020/1584496689/viral-panic#mtr>

¹²⁴ *Australian Academy of Science*, 3 April 2020, ‘Hand sanitiser or soap: making an informed choice for COVID-19’, <https://www.science.org.au/curious/people-medicine/hand-sanitiser-or-soap-making-informed-choice-covid-19>

¹²⁵ For an example of supermarket buying limits in June 2020, https://www.woolworthsgroup.com.au/page/media/Latest_News/woolworths-reinstates-product-limits-on-select-categories-in-victorian-stores-in-response-to-recent-demand-surge/

¹²⁶ Tourism And Transport Forum, *Estimated Impact Of Coronavirus On The Australian Visitor Economy* (February 2020), 2, <https://www.ttf.org.au/wp-content/uploads/2020/03/Economic-Impact-of-Coronavirus-TTF.pdf>

Minister to issue legally enforceable directions to combat the virus.¹²⁷ That same day, international cruise ships were forbidden from entering Australian ports under the new Declaration.¹²⁸

At 9pm AEDT, 20 March 2020, Australia closed its borders to all non-citizens and non-residents, with exemptions only for Australian citizens, permanent residents and their immediate family, legal guardians and dependants, and New Zealanders living here as Australian residents. New Zealanders and Pacific Islanders could leave to transit to their home countries. 14 days self-isolation applied to returning Australian citizens and permanent residents and those exempt from entry restrictions.¹²⁹

The border closure immediately impacted international business travel and globally mobile employees and their families, along with 457 and 482 visa holders (including dependent family members) then overseas who could not return to Australia to resume or commence employment.¹³⁰

A by-product of the border closure was that at end July 2021, more than a year into the pandemic, over 38,500 Australian citizens were still registered with the Department of Foreign Affairs and Trade to return home but were stuck overseas, with 4,569 of these considered vulnerable.¹³¹

There was growing public resentment that at the same time nearly 15,000 business innovation and investment visas had been granted, since the pandemic began, to foreign applicants with more than \$1.25 million in assets, to be able to enter and stay in Australia, and almost 3,500 had done so.¹³²

The international tourism market, much of which undertakes bus tours, immediately dried up. (Tourism is Australia's largest service export industry, and in the financial year 2018-2019 accounted for around 13 per cent of Australia's total number of businesses, employing five per cent of the national workforce.¹³³) The graph below shows the immediacy of the impact.¹³⁴

¹²⁷ Prime Minister, Media Statement, 18 March 2020, <https://www.pm.gov.au/media/update-coronavirus-measures>

¹²⁸ Parliament of Australia, 'COVID-19 Legislative response', 19 March 2020, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2020/March/COVID-19_Biosecurity_Emergency_Declaration

¹²⁹ Prime Minister, Media Release, 19 March 2020, <https://www.pm.gov.au/media/border-restrictions>

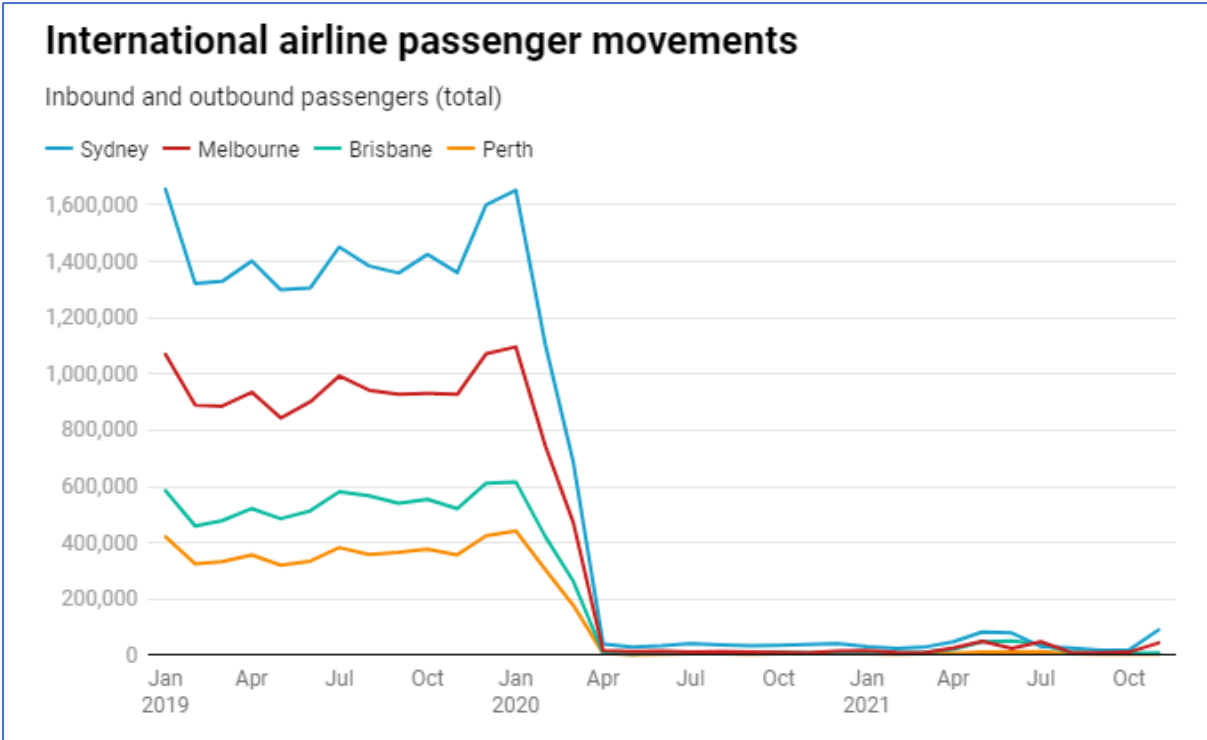
¹³⁰ KPMG, 'Flash alert', 24 March 2020, <https://home.kpmg/xx/en/home/insights/2020/03/flash-alert-2020-100.html>

¹³¹ *SBS News*, 30 July 2021, <https://www.sbs.com.au/news/article/more-than-38-000-australians-remain-stranded-overseas-dfat-reveals/4zjhsh4yk>

¹³² *Sydney Morning Herald*, 1 August 2021, <https://www.smh.com.au/national/15-000-rich-foreigners-given-visas-to-australia-during-the-pandemic-20210721-p58bkky.html>

¹³³ *Edith Cowan University Newsroom*, 19 March 2021, 'Another year of hard borders could crush the tourism sector', <https://www.ecu.edu.au/newsroom/articles/opinion/another-year-of-hard-borders-could-crush-the-tourismsector>; *Tourism Australia*, Tourism 2020, <https://www.tourism.australia.com/en/about/our-organisation/our-performance-and-reporting/tourism-2020.html>

¹³⁴ Graph from *ABC News*, 9 February 2022, 'The impact of Australia's closed borders', <https://www.abc.net.au/news/2022-02-09/four-charts-tell-the-story-of-australias-closed-borders/100813560>



Australia did not fully reopen its international borders (to vaccinated travellers) until 21 February 2022, two years after their closure. According to the Australian Chamber of Commerce and Industry, every month under these policies cost businesses an estimated \$3.6 billion, with tourism particularly hard hit.¹³⁵ A separate Griffith University analysis in June 2021 had estimated that lost expenditure from tourists and international students was costing the economy about \$36.5 million a day.¹³⁶

3.6 Into the pandemic

This chapter has noted flaws in Victoria’s pandemic planning regardless that overall Australia was in theory reasonably well prepared. A major failing was that of health experts, particularly Melbourne’s specialist influenza researchers, to alert Australia to the evident threat of a novel coronavirus in January 2020 despite the volume of planning around such a prospect. Mass public panic triggered by media hysteria and the dramatic shutdowns of business characterise much of Victoria’s response.

The impact on the bus and other industries would go far beyond economic distress as lockdowns and other historically unprecedented emergency measures took their toll on mental and physical health across Victoria. These measures and their consequences are reviewed in the next three chapters.

¹³⁵ *France24*, 21 February 2022, <https://www.france24.com/en/asia-pacific/20220221-australia-fully-re-opens-borders-after-two-year-covid-19-closure>

¹³⁶ *The Conversation*, 3 June 2021, ‘Australia’s closed border is costing the economy \$36.5 million a day’, <https://theconversation.com/australias-closed-border-is-costing-the-economy-36-5-million-a-day-160873>

PART 4 – PANDEMIC-RELATED LEGISLATION AND DIRECTIVES

IMPACTING BUS OPERATORS

A raft of legislation, regulatory obligations, departmental directives, and official guidance has accompanied the COVID-19 pandemic. Under Commonwealth law the states and territories hold authority to act in matters of public health.¹³⁷ Actions taken by the Victorian government as public health measures were enabled by state legislation. The principal legal instruments are:

4.1 Occupational Health and Safety Act 2004 (Vic) and OHS Regulations 2017 (Vic)

This is the main body of workplace health and safety law in Victoria and sets out key principles, duties and rights about OHS. It seeks to protect the health, safety and welfare of employees and other people at work. It also aims to ensure that the health and safety of the public is not put at risk by work activities. WorkSafe Victoria operates under the OHS Act and was directly involved as regards COVID-19 workplace case reporting obligations as well as workplace inspections.¹³⁸

The *Regulations* set out how to fulfil duties and obligations, and particular processes that support the OHS Act. They came into effect on 18 June 2017, replacing the previous *OHS Regulations 2007*.

4.2 Public Health and Wellbeing Act 2008 (Vic) (PHWA 2008)

Part 1 (1) of the Act states, “The purpose of this Act is to enact a new legislative scheme which promotes and protects public health and wellbeing in Victoria”. The various COVID-19 restrictions known as Directions, and from 15 December 2021 as Pandemic Orders, are issued under section 200(1)(d) of the PHWA as being considered “reasonably necessary to protect public health.”

4.3 State of Emergency, 16 March 2020 to 15 December 2021

A State of Emergency was declared by the Minister for Health from midday 16 March 2020 under section 198(1) of the PHWA 2008, “in response to the serious risk to public health presented by COVID-19”. It was to be in force for four weeks to assist with measures designed to ‘flatten the curve’ of COVID-19, “and give the health system the best chance of managing the virus”.¹³⁹

Under a State of Emergency, the Chief Health Officer was empowered “to do whatever is necessary to contain the spread of the virus and reduce the risk to the health of Victorians. ... Authorised

¹³⁷ Terry Carney, Richard Bailey, and Belinda Bennett, ‘Pandemic planning as risk management: How fared the Australian federation?’, *Journal of Law and Medicine* 19 (2012), 555, “The National Action Plan for Pandemic Influenza (NAP) is Australia’s over-arching plan. It outlines how the Federal Government and the State and Territory governments will *cooperate* in the event of a pandemic; including the relationship between plans”.

¹³⁸ From 29 July 2020 “employers [were] required to notify WorkSafe immediately on becoming aware that an employee or an independent contractor or a contractor’s employee has received a confirmed coronavirus (COVID-19) diagnosis and has attended the workplace during the infectious period”,

<https://www.worksafe.vic.gov.au/news/2020-07/employers-must-notify-worksafe-covid-19-cases>

The regulation was revoked on 14 January 2022, “WorkSafe Victoria COVID-19 reporting rules revoked”,

<https://www.victorianchamber.com.au/news/worksafe-victoria-covid-19-reporting-rules-revoked>

¹³⁹ From Premier of Victoria, statement, 16 March 2020, ‘State of Emergency declared in Victoria to combat COVID-19’, <https://www.premier.vic.gov.au/state-emergency-declared-victoria-over-covid-19>.

Officers, at the direction of the Chief Health Officer, can act to eliminate or reduce a serious risk to public health by detaining people, restricting movement, preventing entry to premises, or providing any other direction an [Authorised Officer] considered reasonable to protect public health”.¹⁴⁰

The expanded powers were accompanied by significant penalties. A person who did not comply with a directive from the Chief Health Officer could be issued with a fine of up to \$20,000. Fines for body corporates that did not comply could be up to \$100,000. The first direction from CHO Brett Sutton under these new powers included banning “non-essential mass gatherings” of over 500 people.¹⁴¹

Under section 198(7) of the PHWA 2008, a declaration of a State of Emergency expires after 4 weeks but it can be extended by successive declarations, each not exceeding 4 weeks, for a total period not exceeding 6 months.¹⁴² Subsequent extensions were by amendment (e.g., the *Public Health and Wellbeing Amendment (State of Emergency Extension and Other Matters) Act 2021* (Vic) 198(7)(c).

On 24 April 2020 the Victorian Parliament passed the *COVID-19 Omnibus (Emergency Measures) Act 2020* which included a legislative override provision that enabled emergency regulations to be put in place to override justice-related laws without parliament having to sit.¹⁴³

4.4 State of Disaster, 2 August 2020 – 8 November 2020

On 2 August 2020 the Victorian Premier declared a four-week State of Disaster under the *Emergency Management Act 1986* (the maximum term of each such emergency Declaration) that gave the Minister for Police and Emergency Services enhanced powers to enforce compliance with public health directions. It was followed by three more such declarations, on 2 September, 13 September and 11 October, ending at 11.59pm on 8 November 2020.¹⁴⁴ These further restricted movement to and within Victoria, including introducing a curfew,¹⁴⁵ and significantly impacted the bus industry.

4.5 Public Health and Wellbeing Amendment (Pandemic Management) Act 2021

This purpose of this Act was “to amend the *Public Health and Wellbeing Act 2008* in relation to the effective management of pandemics” (Part 1 (1)). The Bill for this Act was highly contentious and attracted vocal community opposition on civil liberties grounds as neither the public health advice nor the human rights analysis claimed to underpin and justify its restrictions were made public.¹⁴⁶

¹⁴⁰ Premier Andrews, statement, 16 March 2020, ‘State of Emergency declared in Victoria to combat COVID-19’, <https://www.premier.vic.gov.au/state-emergency-declared-victoria-over-covid-19>

¹⁴¹ Ibid.

¹⁴² Report to Parliament on the Extension of the Declaration of a State of Emergency, 23 September 2021.

¹⁴³ Summarised from <https://www.humanrights.vic.gov.au/legal-and-policy/covid-19-and-human-rights/embedding-human-rights-during-covid-19/>

¹⁴⁴ A State of Disaster could be extended in 4 week blocks. For the dates, ‘Government Responses to the Recommendations of the PAEC Inquiry’, p. 3, https://www.parliament.vic.gov.au/file_uploads/Government_response_to_final_report_of_PAEC_s_Inquiry_into_the_Victorian_Government_s_response_to_the_COVID-19_pandemic_-_Final_for_tabling_zk158vFP.PDF

¹⁴⁵ ABC News, 2 August 2020, ‘Victoria has enacted a state of disaster to enforce coronavirus restrictions’, <https://www.abc.net.au/news/2020-08-02/victoria-coronavirus-state-of-disaster-explained/12516570>

¹⁴⁶ Parliament of Victoria, *Questions on Notice; Adjournment Matters No. 897*, asked 15 October 2021, answered 25 February 2022, <https://www.parliament.vic.gov.au/questions-database/details/53/5039>; see also

4.6 DOH Directions relevant to bus operators, issued 16 March 2020 - 15 December 2021

From 16 March 2020 the Victorian Department of Health and Human Services (now DOH) issued a progressively increasing range of Directions from the office of the Chief Health Officer (CHO) under its State of Emergency powers. The principal Directions that impacted bus operations were the many variations of *Stay at Home* and *Restricted Activity Directions* that curtailed normal movement.

These were compounded by *Area Directions* that forbade movement between Metropolitan and regional Victoria, effectively killing charter and tour operations, and *Border Crossing Permit Directions* that forbade or heavily restricted interstate and border community movement including within cross-border communities, often without COVID-19 cases in impacted areas.

The rushed second jab deadline under the *COVID-19 Mandatory Vaccination (Workers) Directions* meant that some drivers still waiting for a second Astra-Zeneca jab could not work until they had it, causing chaos for a number of regional bus operators who were unable to readily find relief drivers. The cumbersome workers' Travel Permit system was another nightmare under the State of Disaster.

4.7 DOH Pandemic Orders relevant to bus operators, issued from 15 December 2021 onwards

As with previous DOH Directions, Pandemic Orders were issued under the PHWA 2008. The more impactful of these essentially shadowed the Directions that they replaced. Those of particular relevance to bus operations are current versions of the *Movement and Gathering Order*, *Open Premises Order*, and *Workplace Order*, with vaccination Order goals already met in the bus industry.

Other Orders may be relevant in specific circumstances. A historical record and copy of all Directions and Pandemic Orders is accessible online.¹⁴⁷ It has been a significant and continuous task for BAV to monitor and update members as to how the at times unclearly drafted restrictions encapsulated in Directions and Orders variously impacted bus operations across the different sectors of this industry.

4.8 Other Legislation, Departmental Directives and Guidance

Other Acts and Regulations are involved in the state government and DOH responses to COVID-19,¹⁴⁸ such as the *Health Records Act 2001*, used to collect vaccination information about employees, and the *Privacy and Data Protection Act 2014*, used in the handling of vaccination information. But the above legislation is the primary foundation of state government actions that have impacted buses.

Departmental Directives

DOT, V/Line and other agencies have issued a range of directives to public transport operators over the course of the pandemic. Typically, these are instructions to follow procedures generated by DOH. Examples are the DOT directives of March and May 2020 to school bus operators to fog school

<https://libertyvictoria.org.au/content/liberty-victoria-comment-public-health-and-wellbeing-amendment-pandemic-management-bill-2021>, see esp. p. 16.

¹⁴⁷ David Davis MP, website, <http://daviddavis.com.au/covid19-government-orders/>

¹⁴⁸ So e.g., WorkSafe Victoria, "There are other Victorian laws and regulations that cover particular areas of health and safety", <https://www.worksafe.vic.gov.au/occupational-health-and-safety-act-and-regulations>

buses,¹⁴⁹ and V/Line directives immediately ceasing, then ten months later reinstating, cash handling on scheduled coach services.¹⁵⁰

Official Guidance

DOT's 'Cleaning Guidelines for PT Operators' is an example of official guidance.¹⁵¹ Guidance is not obligatory but typically models a process or format that will be acceptable to the issuing Department if followed. Other examples include the CovidSafe Plan templates and guidance notes issued by Business Victoria (with subsequent revisions), and by Bus Safety Victoria in December 2021.

¹⁴⁹ DOT emails to bus operators, 19 March 2020; 21 May 2020 (discussed in section 6.2.1.2 of this report).

¹⁵⁰ V/Line to Scheduled Coach Operators, 25 January 2021, referencing DOT's 2 April 2020 immediate cessation of cash handling on V/Line coaches, and reinstating cash ticket sales on coaches from 31 January 2021.

¹⁵¹ DOT, 'COVID-19 Cleaning Guidelines for Public Transport Operators', 14 April 2020.

PART 5 – BUS OPERATIONS DURING PANDEMIC RESTRICTIONS AND LOCKDOWNS

As documented in part 7.2 of this report, as well as restrictions spanning over two years from the first closures of so-called “non-essential” businesses in late March 2020 that immediately impacted the charter and tour bus sector, Victoria endured the world’s longest COVID-19 lockdown (282 Stay at Home days) to 22 October 2021, with further Orders and conditions since. Part 5 reviews key positive and negative impacts of government decisions and actions on the Victorian bus industry.

5.1 The closure of “non-essential” businesses in Victoria from 23 March 2020

The DOH’s *Non-Essential Business Closure Direction* issued on 23 March 2020 was a measure stated in its Introduction and Preamble as having been considered by the Deputy Chief Health Officer to be “reasonably necessary to protect public health” by prohibiting “the operation of non-essential businesses and undertakings in order to limit the spread of Novel Coronavirus 2019 (2019-nCoV)”.

The Direction closed pubs, bars, clubs, gyms, indoor sports centres, casinos, cinemas, nightclubs and entertainment venues, restaurants and cafes (except for takeaway), and places of worship except for weddings and funerals. Those businesses that could still operate had *Mass Gatherings Direction* (No. 2) limits of fewer than 100 people in a single indoor space, with a density limit of one per 4m².

The decision as to what was to be closed as a “non-essential” business was a blanket measure that gave no consideration to any individual enterprise’s ability to continue to operate safely with masks, sanitisation, and physical distancing – the standard approach to tackling influenza pandemics that had been universally adopted including in Australia before the development of a relevant vaccine.¹⁵²

The list of “non-essential businesses” continued to expand to include much of retail, with workforce attendance limits on many other businesses (such as construction projects), manufacturing and office work.¹⁵³ From 30 March 2020 these were restructured as the *Restricted Activities Directions*. Limits on individual movements commenced from 31 March with the first *Stay at Home Directions*.

5.2 Interstate border closures, area restrictions, and cross-border school bus issues

A Parliamentary Library chronology of Victorian border closures observed that “state and territory border closures have been a key part of Australia’s COVID-19 response. At some point during 2020 [and 2021], Victorians were locked out of every state and territory ... and required special permission to cross those borders”.¹⁵⁴ At various times, interstate bus travel and bus tourism ceased to operate.

¹⁵² BAV, *The Victorian Bus Industry’s Influenza Pandemic Business Continuity Planning Guide* (2007), 6, “Some of the most basic measures can have the greatest effect in controlling the spread of influenza. Personal hygiene such as hand washing, covering your nose and mouth when coughing or sneezing, workplace cleaning, use of protective equipment, and avoiding contact with others will help you avoid infection.”

¹⁵³ *Herald-Sun*, 3 August 2020, ‘sweeping restrictions are slapped on retail, construction and services’, <https://www.heraldsun.com.au/coronavirus/stage-four-lockdowns-impact-on-victorian-businesses-revealed/news-story/3cc78b6a2d7bbd7e0a07928d2a08f01e>

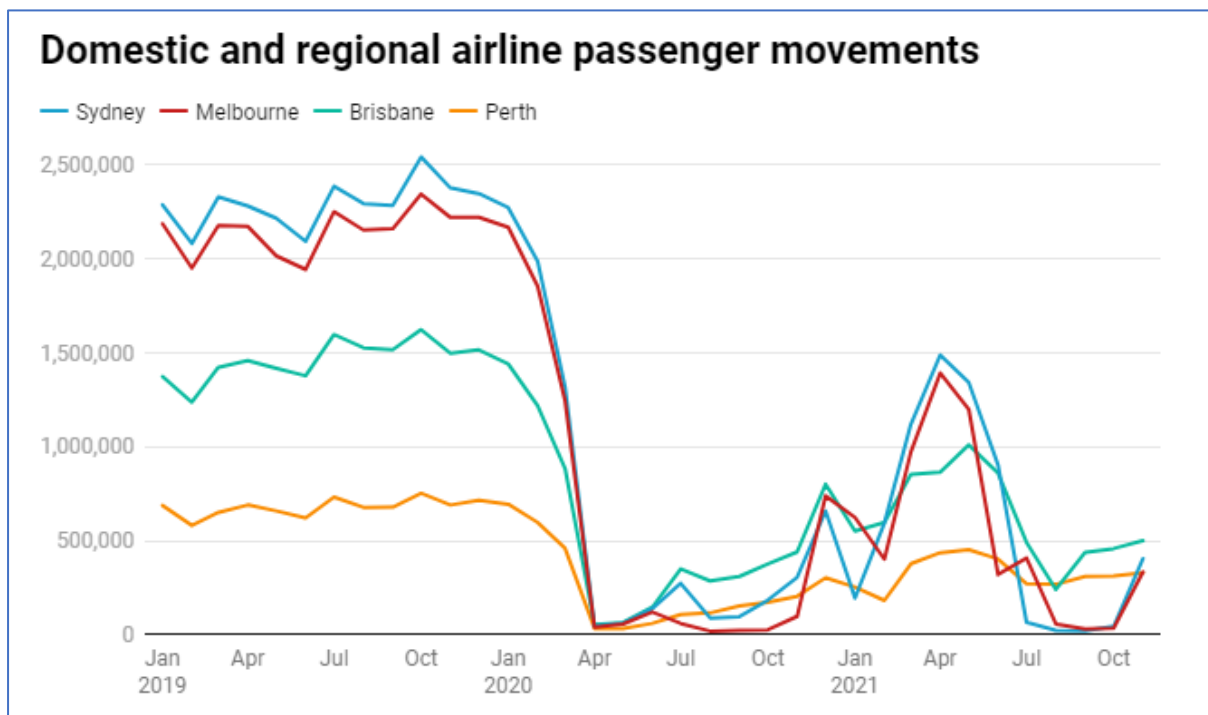
¹⁵⁴ Annie Wright, ‘Chronology of Victorian border closures due to COVID-19’, Research Note No. 4, June 2021, Parliamentary Library and Information Service (Parliament of Victoria), 1.

On 11 January 2021, Victoria introduced a ‘traffic light’ permit system to classify other states, and regions within states, when an outbreak was detected.¹⁵⁵ A permit system applied to persons wanting to enter Victoria from other states, with varying isolation or quarantine periods and testing requirements depending on which colour zone the person had been in before coming to Victoria.

The restrictions created havoc at borders for residents of border communities and other workers needing to cross borders on a regular or daily basis. Cross-border bus operators were swept up in a sea of paperwork that differed on each side of a border. For example, at various points a permit would be needed to enter NSW or SA from Victoria, administered by the relevant government; and a permit would be needed from Victorian authorities for the worker to re-enter Victoria.

School bus passengers on routes that crossed the NSW border where some children lived on one side and attended a school on the other, were also swept up in the permit system, regardless that they invariably caught the bus wearing a school uniform and were clearly local students. The wild contortions of all the involved states’ permit procedures can only be described as extraordinary.

Domestic business and tourist travel also crashed with internal border restrictions and lockdowns. The graph below shows the speed of the change illustrated by domestic flights. Travel had picked up in late 2020 with the lifting of lockdowns - slowest in Victoria - but in June 2021 half of the country's population was put back into lockdown due to state government responses to the Delta variant.¹⁵⁶



¹⁵⁵ DOH, ‘Coronavirus update, 11 January 2021’, <https://www.dhhs.vic.gov.au/coronavirus-update-victoria-11-january-2021#>. Classifications were based on Local Government Areas and/or distance from state borders.

¹⁵⁶ Graph from ABC News, 9 February 2022, ‘The impact of Australia’s closed borders’, <https://www.abc.net.au/news/2022-02-09/four-charts-tell-the-story-of-australias-closed-borders/100813560>

5.3 Intrastate LGA divisions, area restrictions and Permitted Worker Permits

Intrastate travel restrictions are conveniently illustrated in the Table of Restrictions issued on 3 June 2021, which sets out the different restrictions in place between Regional Victoria and Metropolitan Melbourne, and also indicates with green highlights the changes in that table from its previous issue.¹⁵⁷ The restrictions created an impassable barrier for bus operators whose routes crossed any LGA boundary between the intrastate divisions, or whose charter work would cross such a boundary.

These sorts of intrastate divisions were first introduced on 1 July 2020 with the DOH *Restricted Activity Directions (Restricted Postcodes)* and the accompanying 1 July *Area Directions*. Travel was forbidden between metropolitan and regional Victoria based on classification of Local Government Areas. A week later, on 8 July, the DOH devised a dual restriction format comprising *Restricted Activity Directions (Restricted Areas)* and *Restricted Activity Directions (Non-Melbourne)*, together with *Area Directions* that prescribed what LGAs had Melbourne-style restrictions at any given time.

At various times a regional LGA, e.g., Shepparton, might be classified as a Restricted Area to reflect that COVID-19 cases or water waste traces had triggered alarm bells in DOH. Any type of planning for charter and tour work ceased as school and other groups cancelled camps and other activities.

Any hope that the pandemic might ease and its draconian restrictions lift had collapsed from June 2020 with the breakdown of the state's hotel quarantine program, as the virus passed from infected cases via illicit liaisons with at least one of the private security guards engaged by the government into the community.¹⁵⁸ Program failures were held responsible for Melbourne's second wave and 768 resulting deaths.¹⁵⁹ Embarrassingly for the government, in September 2021 WorkSafe Victoria moved to lay charges against the DOH for 58 breaches of the OHS Act during the failed program.¹⁶⁰

In the 2020 Hotel Quarantine Inquiry that cost taxpayers over \$13 million, no-one could be found to take responsibility for the decision to hire a private security firm, and no-one volunteered to do so.¹⁶¹ The inquiry cost \$5.7 million and the government spent at least \$7.7 million in legal defence

¹⁵⁷ DOH, 'Restrictions From 11.59pm Thursday 3 June [2021]',

<https://www.premier.vic.gov.au/sites/default/files/2021-06/210602%20-%20Table%20of%20Restrictions.pdf>

¹⁵⁸ *Forbes*, 7 July 2020, 'Australia: New Coronavirus Lockdown Melbourne Amid Sex, Lies, Quarantine Hotel Scandal', <https://www.forbes.com/sites/tamarathiessen/2020/07/07/australia-coronavirus-melbourne-lockdown-hotel-sex-scandal/?sh=212e5c89131d>

¹⁵⁹ *Guardian*, 28 September 2020, <https://www.theguardian.com/australia-news/2020/sep/28/victoria-hotel-quarantine-failures-responsible-for-covid-second-wave-and-768-deaths-inquiry-told>

¹⁶⁰ WorkSafe Victoria, 29 September 2021, <https://www.worksafe.vic.gov.au/news/2021-09/charges-laid-over-hotel-quarantine>

¹⁶¹ On 4 July 2020 DOH authorised a lockdown of 9 Melbourne public housing towers for 5 days that commenced the same afternoon as the order leaving residents unprepared with medicine and food, an immediacy later found to have been a breach of human rights by the Victorian Ombudsman for which the Housing Minister refused to apologise, <https://www.abc.net.au/news/2020-12-17/lockdown-public-housing-towers-breached-human-rights-ombudsman/12991162>

fees.¹⁶² The explosion of COVID cases led DOH to again adopt an extreme lockdown approach, essentially because it had failed to effectively quarantine two families in its quarantine hotels.¹⁶³

On 8 July 2020 some 1,200 police officers with more than 260 Australian Defence Force personnel formed a ‘Ring of Steel’ that lasted four months to 8 November, to enforce the restrictions against travelling from metropolitan Melbourne into regional Victoria.¹⁶⁴ As DOH considered reintroducing a ‘Ring of Steel’ in May 2021 the Police Association said the approach had been neither effective nor efficient, and Cindy McLeish MP noted that it was “pretty tough to keep kids away from school and people from work when the closest exposure site is 300 to 500 kilometres from your town or city”.¹⁶⁵

On 2 August 2020 Metropolitan Melbourne (31 LGAs) moved to Stage 4 restrictions with exercise limited to one hour once per day within 5km of home, and with a curfew from 8:00pm to 5:00am each night. Regional Victoria came under Stage 3 restrictions.¹⁶⁶ Some businesses newly classified as “non-essential” were not informed as to whether or not they could stay open until after 11pm, less than an hour before tightened rules took effect.¹⁶⁷ For the bus industry, the news was devastating.

As was noted by an infectious disease specialist, a curfew is a “blunt instrument” that does not stop infections and can actually push people into closer proximity if they stayed over at other’s houses. A legal expert said Victoria seemed to be focusing on enforcement as a frontline approach to a health emergency, and it did not seem proportionate or acceptable when other measures were available.¹⁶⁸

On 8 September 2020, CHO Brett Sutton admitted that Melbourne’s curfew was not a public health measure recommended by him or based on medical advice.¹⁶⁹ The blunt instrument did no harm to state revenue, however. By 4 September 2020, more than 1,800 fines had been issued by Victoria Police for breaching curfew — an average of 60 a day, resulting in \$2.9 million in infringements.¹⁷⁰

¹⁶² *Australian Financial Review*, 2 February 2021, <https://www.afr.com/companies/professional-services/taxpayers-foot-7-7m-hotel-inquiry-legal-bill-despite-poor-advice-20210202-p56ypw>

¹⁶³ *Age*, 18 August 2020, ‘Family of four staying at Rydges seeded 90% of second-wave COVID cases’, <https://www.theage.com.au/national/victoria/it-started-with-a-family-of-four-rydges-seeded-90-per-cent-of-victoria-s-second-wave-covid-cases-20200818-p55mqe.html>

¹⁶⁴ *9 News*, 8 July 2020, ‘Operation Sentinel’, <https://www.9news.com.au/national/coronavirus-operation-sentinel-police-create-ring-of-steel-to-enforce-melbourne-victoria-lockdown/1f6abfc5-7503-4d7c-96b9-419c93db4a79>; *ABC News*, 8 November 2020, <https://www.theage.com.au/national/victoria/nine-in-a-row-victoria-again-records-no-new-cases-of-coronavirus-20201108-p56chs.html>

¹⁶⁵ *Age*, 1 June 2021, <https://www.theage.com.au/politics/victoria/ring-of-steel-approach-ineffective-should-not-be-reintroduced-police-union-20210531-p57wsb.html>

¹⁶⁶ *ABC News*, 2 August 2021, <https://www.abc.net.au/news/2020-08-02/victorias-latest-coronavirus-restrictions-explained/12516182>

¹⁶⁷ *9 News*, 6 August 2020, <https://www.9news.com.au/national/victoria-coronavirus-businesses-close-as-stage-four-lockdowns-curfew-begin-workers-permit-needed/7eef55e3-58b4-41d3-ae31-c6e88f07e69c>

¹⁶⁸ *ABC News*, 4 September 2020, citing Professor Peter Collignon and Daniel Nguyen, <https://www.abc.net.au/news/2020-09-04/victoria-covid-19-curfew-pros-cons-health-response-policing/12626192?nw=0&r=Image>

¹⁶⁹ *Age*, 9 September 2021, 6, ‘Cracks revealed in road map modelling’; *Australian*, 8 September 2020.

¹⁷⁰ *ABC News*, 4 September 2020, ‘Melbourne’s coronavirus curfew has been in force for a month. What are the pros and cons?’, <https://www.abc.net.au/news/2020-09-04/victoria-covid-19-curfew-pros-cons-health-response-policing/12626192?nw=0&r=Image>

Interestingly, Victoria Police Chief Commissioner Patton stated that he had never asked for a curfew and had not been consulted about it. He said the first Victoria Police knew about the night-time lock-in was on 2 August 2020 when its policy department received a copy of the CHO guidelines “a couple of hours” before the curfew was due to start. It appears it was another decision by the Premier.¹⁷¹

The curfew that had begun on 2 August ended on 28 September 2020, accompanied by some easing of restrictions,¹⁷² but with fines for alleged breaches of Health Directions increased to almost \$5,000, and the Premier stated that Victoria would now base its decisions about public health restrictions on case numbers, rather than aspirational dates.¹⁷³ One might wonder why this was not done sooner.

In September 2020 internationally renowned Deakin University epidemiologist Professor Catherine Bennett stated that the State Government’s 5km rule had no epidemiological basis. The Premier’s response was that “she’s not the Chief Health Officer... We’ve got a series of decisions that have been made ... and there are aggregate benefits from each of the measures we’ve taken”.¹⁷⁴ One might well ask why a world class epidemiologist rather than a Master of Public Health and Tropical Medicine had not immediately been appointed as the Victorian CHO when the pandemic broke.¹⁷⁵

In February 2021 the *Public Accounts and Estimates Committee* was scathingly critical of Victoria’s 2020 Stage 4 restrictions and curfew. By the end of June 2020 there had been signs of a job recovery in Victoria but restrictions weighed down the recovery, with nearly all industries across Victoria recording job losses. Between March and November 2020 declines in Victorian payroll jobs were greater than national figures in all 19 sectors except for manufacturing, healthcare and social assistance.¹⁷⁶ By November 2020 the State government had committed to a \$364 billion spend that would triple the state debt to \$154.8 billion, or \$23,000 for every Victorian by 2024.¹⁷⁷ This is a direct consequence of business including charter buses not being permitted to trade in a COVIDSafe way.

Despite there being no logistical or epidemiological justification for the curfew, another curfew was imposed in 2021, from 9pm to 5am nightly from 16 August. Authorised workers had to carry permits certified by their employer when working, and when travelling for work, from 11:59pm on Tuesday

¹⁷¹ *Age*, 10 September 2020, ‘Police did not request Victorian curfew’, <https://www.theage.com.au/national/victoria/i-was-never-consulted-police-did-not-request-victorian-curfew-20200910-p55u7j.html>

¹⁷² The curfew reduced by 1 hour on 14 September 2020; it then ran from 9pm to 5am until 28 September.

¹⁷³ *Guardian*, 27 September 2020, <https://www.theguardian.com/australia-news/2020/sep/27/melbourne-covid-curfew-ends-and-restrictions-ease-but-victoria-introduces-huge-new-fines>

¹⁷⁴ *News.com.au*, 29 September 2020, <https://www.news.com.au/lifestyle/health/health-problems/daniel-andrews-dismisses-5km-rule-speculation-as-victoria-records-10-new-virus-cases/news-story/4bde91c34cd06ddd42ec191a4e6c06f5>

¹⁷⁵ CHO Brett Sutton is not an epidemiologist but holds a Bachelor of Medicine and Bachelor of Surgery (MBBS) and a Master of Public Health and Tropical Medicine, *Board Of Inquiry Into The Covid-19 Hotel Quarantine Program*, Witness Statement of Brett Sutton, 13 August 2020, DHS.9999.0002.0001. He does not have a Ph.D. He was appointed an Adjunct (honorary) Clinical Professor, apparently in March 2020, by Monash University, <https://www.monash.edu/medicine/sphpm/about/staff/adjunct>

¹⁷⁶ *Parliament of Victoria: Public Accounts and Estimates Committee*, ‘Inquiry into the Victorian Government’s response to the COVID-19 pandemic’, 2 February 2021, xviii and Finding 47.

¹⁷⁷ *Herald-Sun*, 25 November 2020, 1, ‘Digging deep’.

August 17, with exercise and shopping again limited to 5km from one's home.¹⁷⁸ The curfew lasted until 21 October 2021, with COVID-19 Commander Jeroen Weimar warning Melburnians not to leave their homes before precisely 11:59pm, to "to enjoy a midnight outing to a reopened business".¹⁷⁹

Permitted Worker Permits were another business hurdle placed in front of bus operators in Greater Melbourne through the periods of Stage 4 restrictions.¹⁸⁰ From 5 August 2020 all workplaces had to close unless the workplace was a 'Permitted Work Premises' that had issued its on-site employees with a valid Permitted Worker Permit unless they were working from home.¹⁸¹ For one large Melbourne route bus fleet that meant providing permits for over 1,000 bus drivers and staff.¹⁸²

Employers faced penalties of up to nearly \$20,000 for individuals and \$100,000 for companies who issued a worker permit to an ineligible employee, or who otherwise breached the Permitted Worker Scheme requirements. There were also on-the-spot fines of up to \$1,600 for individuals and \$9,900 for companies who breached the Permitted Worker Scheme rules. This included employers and employees who did not carry their worker permit when travelling to and from work.¹⁸³

On 5 August 2020 BAV advised members of the just-announced scheme that required employers to articulate a staff member's work roster up to 6 weeks in advance. This was an unrealistic expectation for the industry, and BAV and operators began working with DOT for a simpler solution that was more reflective of work practices. Metropolitan operators needed to ensure staff had the permit in their possession from midnight 5 August (i.e., for the next day) throughout the Stage 4 restrictions.

In September 2020 it emerged that all then-held Victorian workers permits needed to be reissued or updated over the coming weeks as the dates on them expired. Permits that were issued before the Stage 4 lockdown restrictions in Melbourne were extended had specific dates printed on them.¹⁸⁴ Employers with large numbers of staff had to spend hours reissuing permits with a new template.¹⁸⁵

The Permitted Worker Permit scheme was revived on 23 August 2021 with a surge in case numbers. As with previous COVID-19 measures and their fallout, DOH ignored the predictable complications

¹⁷⁸ Premier Andrews, statement, 16 August 2021, 'Extended Melbourne Lockdown to Keep Victorians Safe', <https://www.premier.vic.gov.au/extended-melbourne-lockdown-keep-victorians-safe-0>

¹⁷⁹ ABC News, 21 October 2021, 'Melbourne bids farewell to COVID-19 lockdown and the controversial curfew', <https://www.abc.net.au/news/2021-10-21/victoria-melbourne-covid-lockdown-curfew-ends/100549690>

¹⁸⁰ The 2-page August 2020 Permitted Worker Permit form to be completed by employers for each employee permitted to work on site is archived at <https://www.coronavirus.vic.gov.au/sites/default/files/2021-08/Authorised%20Provider%20and%20Worker%20Permit.docx>

¹⁸¹ Summarised from Holding Redlich, 14 August 2020, <https://www.holdingredlich.com/covid-19-stage-4-update-greater-melbourne-s-permitted-worker-scheme>

¹⁸² Melbourne Transdev (now Kinetic) has over 1,000 bus drivers, <https://www.wearekinetic.com/melbourne>; the other three large fleets are in the 800s for drivers and other staff; but even the smaller metropolitan fleets can have upwards of 50 staff that needed employer permits for their drivers, mechanics, etc., to go to work.

¹⁸³ Summarised from Holding Redlich, 14 August 2020, <https://www.holdingredlich.com/covid-19-stage-4-update-greater-melbourne-s-permitted-worker-scheme>

¹⁸⁴ NECA News, 14 September 2020, <https://neca.asn.au/vic/content/victorian-permitted-worker-permits#:~:text=Victorian%20workers%20permits%20will%20need,specific%20dates%20printed%20on%20the%20m.>

¹⁸⁵ October 2020 Metro-Regional template, <https://www.coronavirus.vic.gov.au/sites/default/files/2020-10/Metro-Regional%20Work%20Travel%20Permit%20-%2028%20October%202020.docx>

that had resulted when cross-border community resident bus drivers could not access Permitted Worker Permits for their work on the Victorian side of the border, and chaos once again ensued.¹⁸⁶

5.4 The impact on Bus Association Victoria Inc. as an organisation

Three BAV entities were particularly impacted by government actions in response to COVID-19 and particularly the Victorian lockdowns and area restrictions: BAV itself, BAV Finance, and Road Safety Inspections Pty Ltd, the latter two being wholly-owned but separate companies from BAV itself.

Office closure in favour of working from home was mooted by the government in early March 2020, and public events were being cancelled due to restrictions. On 20 March, BAV advised its members that five regional branch meetings scheduled for late March had been postponed, and that it was likely that its July 2020 maintenance conference and trade expo, a major source of revenue, would be cancelled. The Queensland and Tasmanian associations also cancelled their 2020 conferences.

On Sunday 22 March 2020 BAV's Executive Director advised staff that with the exception of Road Safety Inspections, all staff who could work from home were to commence doing so, and that all scheduled meetings were to be converted to phone or online meetings with immediate effect.

BAV had been a week ahead of the curve. When the first *Stay at Home Directions* were released on 30 March, all Victorians not working in essential services were required to work from home unless they were unable to do so remotely given the nature of their work. (When return to offices was eventually permitted, it was limited to varying percentages of workers depending on restrictions.)

Despite the closure of the Port Melbourne office, remote working enabled BAV to continue its daily support for members during the lockdowns. All staff had work laptops and utilised home internet. Computer technical support had been conducted remotely by a third party contractor for some time before the COVID-19 office closure took effect, and it continued to be accessible when needed.

Membership income from the charter and tour sector was projected to fall significantly for the 2021-2022 financial year as the impact of restrictions particularly on the coach tourism sector began to bite. At the same time frequent changes of DOH Directions resulted in a significantly increased workload for Member Services staff.

BAV Finance revenue projections also fell as bus replacements, which BAV Finance brokers as a key income stream, began to stall in an environment of business uncertainty. RSI continued to inspect buses at the Port Melbourne inspection facility under COVIDSafe procedures, and to conduct mobile inspections in regional locations when permitted to do so, although the volume of work decreased as new bus deliveries were cancelled and deferred.

On 24 April 2020 BAV determined that it was eligible to claim JobKeeper payments for all of its staff.

Working at home became the "new normal" for BAV through the next two years to the present time, and it is unlikely that BAV staff will return to the office full time. Remote working had disadvantages particularly of isolation during lockdowns and the absence of office camaraderie, although over time

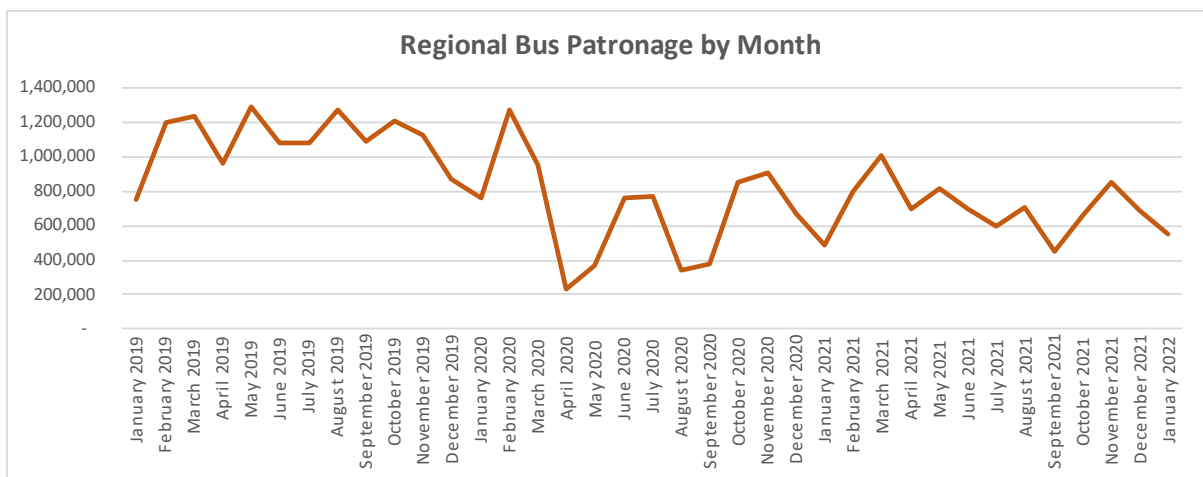
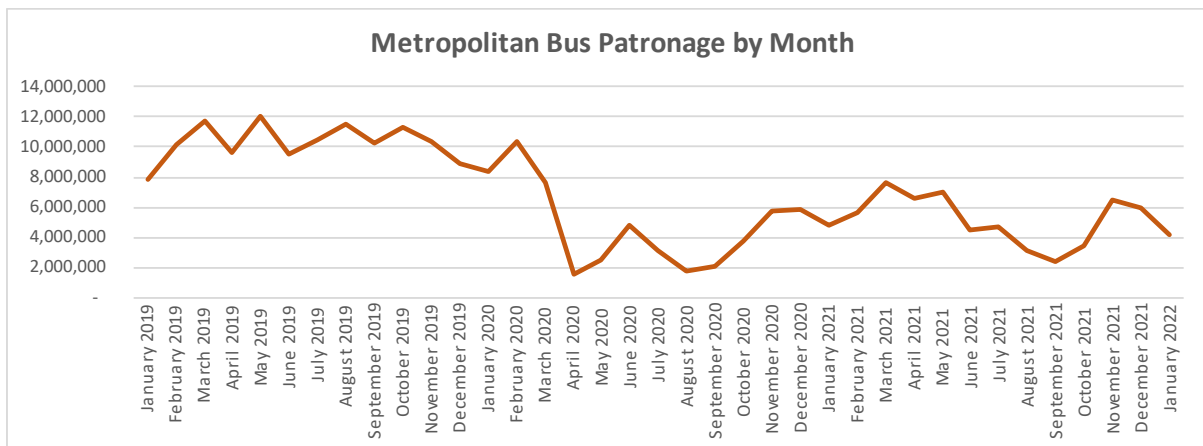
¹⁸⁶ ABC News, 24 August 2021, <https://www.abc.net.au/news/2021-08-24/vic-border-residents-unable-to-get-authorised-workers-permit/100395814>

this has evolved into the increased use of virtual face-to-face contact via MS Teams or Zoom. On the positive side, the journey to work takes seconds and one has greater control over one’s workspace.

None of this detracted from BAV’s central mission of support for its members and their businesses, and the raft of actions undertaken by BAV through the pandemic are set out in Part 6 of this report.

5.5 The impact on state contract-holder bus businesses

The two DOT graphs below indicate the impact of the pandemic and the associated DOH restrictions on metropolitan and regional government contract bus patronage from the pre-pandemic base year of 2019, through the collapse of bus patronage from March 2020 to its current level of around 50% of pre-pandemic levels.¹⁸⁷ As with DOT, BAV has used 2019 as the pre-COVID-19 baseline year.¹⁸⁸



¹⁸⁷ Graphs courtesy of Iryna Peresyolkova, DOT, 3 March 2022.

¹⁸⁸ DOT, *Victorian Public Transport Patronage Report, December 2021 Edition: Transport Analysis and Modelling*, p. 24, “2019 is used as a baseline year for Covid impact analysis”.

By 20 March 2020 patronage numbers had decreased by approximately 60% for V/Line services into Melbourne. Metro Trains patronage had reduced by approximately 50% based on myki data.¹⁸⁹

On 2 April 2020, DOT notified all metropolitan bus, regional route bus (CRUBS) and V/Line services (myki or non-myki) that cash handling was to immediately cease, and that “any provisions in [the] contract ... relating to cash handling, ticket checking and myki top-up requirements under the myki ticketing system have been waived until further notice”.¹⁹⁰ It also advised operators on the myki system that Authorised Officers would no longer be checking myki’s or paper tickets but would remain as a presence on the network.¹⁹¹ Not only did this impact farebox revenue from the myki system, but the suspension of cash handling effectively eliminated revenue from CRUBS services.

DOT bus operator contracts continued as discussed in part 6.2.1 of this report, but casual charter work was lost under restrictions and lockdowns. With the massive fall in passenger trips by train, rail replacement in which buses carry passengers between designated stations during rail works also fell.

In a member email of 2 April 2020, BAV noted that “whilst it may seem strange during these times, some operators have a need for drivers because (for example) of increases in absenteeism, whilst others have drivers or ex-drivers looking for driving work”, and it invited members to contact BAV to exchange information if they needed drivers or had employees or ex-employees looking for work.

For DOT’s regional school bus operators the disruption came on top of a new 2020 contract regime that cut profit margins to 9% or 10% depending on fleet size.¹⁹² In many cases this reduced margins to the extent that a replacement engine or transmission constituted a significant financial blow.

Some of the disruption that resulted from pandemic restrictions was almost impossible to foresee. In September 2020, V/Line’s *Coach Customer Charter Focus* for its operators noted that apart from curfews and state border closures, services had been impacted by closures of rest break locations.

5.6 The impact on the charter and tour sector

2020 and 2021 were devastating years for the charter, tour, and express sectors of the bus industry, not just in Victoria but across Australia. International, domestic, local and school charter were all affected. This section reviews the multi-faceted nature of pandemic impacts on this sector.

5.6.1 The collapse of international arrivals

The graph below illustrates the collapse of international business and tourist travel in March 2020.¹⁹³

¹⁸⁹ BAV/DOT teleconference 20 March 2020; DOT advice to operators 20 March 2020, ‘For the Attention of V/Line Coach Operators, Country Route Bus Operators, and those operators who interact with regional rail services (i.e., some school operators)’, noting that myki data may be impacted by people not touching on.

¹⁹⁰ DOT to public transport operators, 2 April 2020, ‘COVID19 – Cash handling & ticket checking update’, and V/LINE-Coaches Team, 2 April 2020, ‘COVID19 V/Line Scheduled coach operators – cessation of cash handling’.

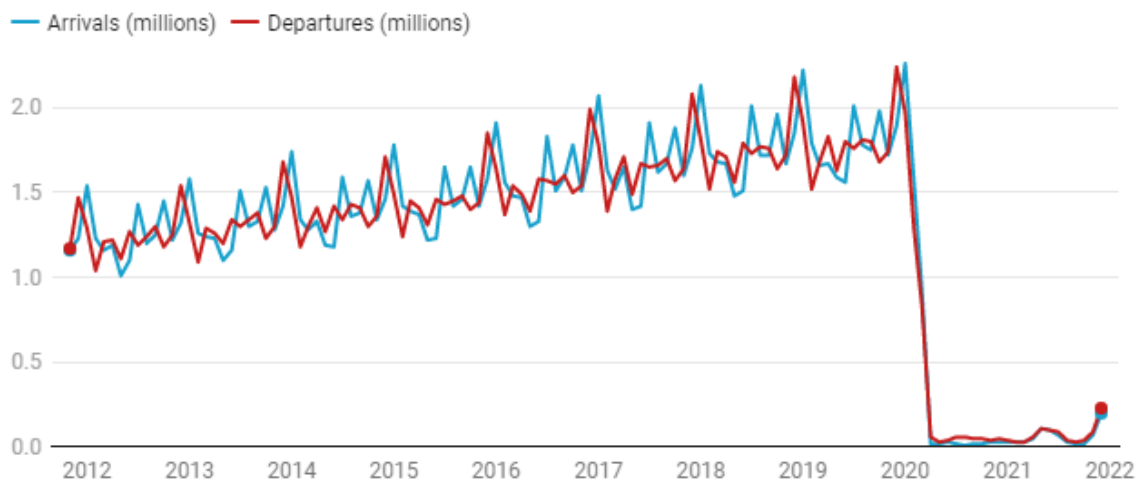
¹⁹¹ BAV member email, 2 April 2020.

¹⁹² Under the PTV 2020 School Bus Services Contract, the margin payment expressed as a percentage of operating expenses is 10% for operators holding 1-5 school bus contracts and 9% for 6 or more contracts.

¹⁹³ *ABC News*, 9 February 2022, ‘The impact of Australia’s closed borders’,

<https://www.abc.net.au/news/2022-02-09/four-charts-tell-the-story-of-australias-closed-borders/100813560>

Total overseas arrivals and departures (millions): November 2011 to December 2021*



*December data is provisional, so the estimates will be revised. But the ABS says the data indicate arrivals and departures picked up noticeably after restrictions were eased in November.

The closing of international borders wiped out bus tours to tourist sites around the nation, slashing operator income to zero. Many who relied on the inbound tourism market had heavily invested in vehicles to serve the previous demand and were in debt to banks and other lenders. Many could not pay and had to consider refinancing their homes or using their home equity to meet repayments.¹⁹⁴

A number of such companies closed during 2020 and 2021. BAV member ExtraGreen Holidays went into liquidation on 26 February 2021, its fleet of 23 luxury coaches sent to auction on 24 March.¹⁹⁵ Other BAV member charter and tour businesses also folded. Many others made no profits and lost significant amounts of capital even if they did not go under, but not only from the death of custom.

The key causes were ongoing fixed costs, particularly depot fees but also necessary maintenance, and the refusal of VicRoads (presumably on instructions from the Victorian Department of Treasury and Finance) to waive registration fees for parked-up buses, with the seasonal registration option (designed for farm vehicles) being insufficient to enable survival.¹⁹⁶ Some had to deregister vehicles they could not afford to register, which blocked their ability to work if circumstances changed.

5.6.2 The collapse of domestic tourism and intercity express services

State border closures began to impact Victorian bus operators from March 2020 onward.¹⁹⁷ On 5 May 2020 the State Treasurer announced measures including the freezing of all fees due to be

¹⁹⁴ Australasian Bus and Coach, 27 October 2020, <https://www.busnews.com.au/industry-news/2010/mum-and-dad-bus-businesses-stage-canberra-rally>

¹⁹⁵ Hilco Global, 24 March 2021, <https://auctions.hilcoapac.com/auctions/catalog/id/1051/Major-Event-Late-Model-Luxury-Coach-and-Bus-Fleet-Liquidation-Auction>

¹⁹⁶ Telephone discussion, BAV/Stuart Dawson with ExtraGreen Travel, January 2021.

¹⁹⁷ Annie Wright, 'Chronology of Victorian border closures due to COVID-19' (June 2021), Parliamentary Library and Information Service, Melbourne, Parliament of Victoria.

increased in July at current levels, including vehicle registration and permit fees.¹⁹⁸ However there was nothing about COVID-impacted commercial bus business's fees being postponed or cancelled.

By October 2020 most states had imposed multiple internal border closures on top of the death of international tourism, and the charter and tour sector were struggling nationally.¹⁹⁹ A number of charter companies provide airport shuttle services, notably in Victoria to Tullamarine and Laverton. Interstate tour and express bus services such as Greyhound and Firefly also ground to a halt.

Bus charter and school tours and excursions, including annual pre-booked school tours, are often written into state curriculums (e.g., Red Centre; Canberra Civics). Their cessation highlighted the local economic and social impact of the pandemic on the community, and on the many ancillary small businesses that depend on these tour and charter bus and coach businesses if they don't run. The national Bus Industry Confederation also noted that schools don't pay any tour cancellation fees.²⁰⁰ Operators who provide these regular advance-booked services each year were suddenly out of work.

School camps and excursions including to sports, galleries, museums, etc., were repeatedly cancelled or not booked in the first place due to ongoing uncertainty about restrictions. At various times DOH (via DET) cancelled even local camps and trips,²⁰¹ and Victorian kilometre travel limits, especially the lengthy intrastate split between metropolitan and regional Victoria, hit the bus industry very hard.

5.6.3 Non-government school contract charter buses

The most forgotten operators in the charter sector are those that provide non-subsidised private school charter services meeting the daily transport needs of non-government school students. When a school cancels its buses due to DOH-mandated COVID-19 school shutdowns, the operator receives no income and casual school bus drivers are not paid, but overheads continue as normal.

By late July 2021, Victorian students had missed up to 126 days of face-to-face school since March 2020.²⁰² The charter work typically booked for these non-government school bus operators through the year by their schools such as camps and excursions was, like the general charter market, dead. Of course, there was no government assistance available on the basis of normal work foregone.

5.6.4 Summary of impacts on the charter and tour sector

¹⁹⁸ Government media release re. Treasurer Tim Pallas's announcement, 5 May 2020,

<https://www.premier.vic.gov.au/saving-jobs-and-reducing-burden-businesses-and-families>

¹⁹⁹ *Australasian Bus and Coach*, 27 October 2020, "'Mum and Dad' Bus Businesses Stage Canberra Rally",

<https://www.busnews.com.au/industry-news/2010/mum-and-dad-bus-businesses-stage-canberra-rally>

²⁰⁰ Bus Industry Confederation Inc., *Australian Bus and Coach Industry: a snapshot* (September 2021), 106-7.

²⁰¹ James Merlino, Minister for Education, 'School-camps return to regional and rural Victoria', 21 September 2020, <https://www.premier.vic.gov.au/school-camps-return-regional-and-rural-victoria>

²⁰² *Age*, 25 July 2021, 'Children have suffered enormously: School closures leave experts divided', <https://www.theage.com.au/national/victoria/children-have-suffered-enormously-school-closures-leave-experts-divided-20210723-p58c8u.html>

In a past Victorian bus industry survey of issues that impacted the viability of bus and coach services, operators rated the price of fuel as their highest concern.²⁰³ A charter operator who survived the 2020 and 2021 COVID-19 collapse said in February 2022, “Now the honeymoon is over we can see the snowball effect coming. The supply chain breakdown and fuel costs are out of control. Then there was the recent Ad Blue crisis; Ad Blue’s [cost has] gone through the roof”.²⁰⁴ As did diesel.²⁰⁵

The owner of one of our member’s fleets was driving a truck for several months just to prevent the total collapse of his parked-up coach business. At the same time government officials were hounding him for paperwork to meet their targets for reviewing COVIDSafe plans and other documents.

To fixed costs like depot rental payments, vehicle registration and insurances must be added the loss of income of thousands of bus drivers, mechanics, cleaning and other ancillary staff employed by the bus industry, together with windscreens, tyres, fuel and other products whose sales fell dramatically. Some of these places closed too. The total loss to the sector over 2020-2021 is probably incalculable.

5.7 COVID-19 supply chain issues in coachbuilding

Through 2020 and 2021 the bus industry was hit with supply chain issues. Scheduled bus replacements for government contract school and route buses suffered chassis importation and parts delays, resulting in delays in body building. By April 2020, BAV’s bus supplier partners were urging operators to order any replacement buses at least six months earlier than they normally would have, in order to secure a place in the coachbuilding queue.

This situation persisted through 2021, and it was not until January 2022 that bus suppliers were able to reassure BAV members that supply chain problems had been largely overcome. Random delays in production were still reported, but these were mostly due to members of coachbuilding workforces isolating under self-quarantine restrictions, not parts shortages.

In late March 2022, bus suppliers advised another cause of coachbuilding delays: a once-in-nine-years overlap of scheduled bus replacements under CRUBS and V/line contracts was likely to book up coachbuilding capacity, and school bus operators were again advised to consider ordering any scheduled bus replacements earlier than they normally would.²⁰⁶

5.8 The Victorian mandatory vaccination deadline, 26 November 2021

On 22 March 2021, Phase 1B of the national vaccination roll-out strategy commenced. It included public transport frontline staff. At that time vaccination was recommended but it was optional, not mandated. DOT established a weekly Vaccination Roll-out Working Group to address the risk of too many operational staff receiving jabs in same timeframe from a safety and operational perspective.

²⁰³ 2009 Victorian Bus Industry Survey, Monash University Institute of Transport Studies, p. 19.

²⁰⁴ Australasian Bus and Coach, 11 February 2022, ‘Coach operators joining Canberra “freedom convoy”’, <https://www.busnews.com.au/industry-news/2202/coach-operators-joining-canberra-freedom-convoy>

²⁰⁵ The diesel price per litre in Victoria from 24 January 2022 to 2 May 2022 averaged \$1.96 during that period, with a minimum of \$1.69 on 24 January and a maximum of \$2.28 on 21 March, https://www.globalpetrolprices.com/Australia/Victoria/diesel_prices/ (Accessed 6 May 2022.)

²⁰⁶ BAV/Stuart Dawson, discussions with BAV bus supplier partners, January through March 2022.

DOT's information as at April 2021 was that most adverse reactions to COVID-19 vaccines occurred 12-24 hours after the dose. There was a 4.3% absentee rate for Pfizer first dose, a 22.4% absentee rate for Pfizer second dose, and a 25.3% absentee rate for AstraZeneca first dose. (AstraZeneca was newly released and the figures were drawn from a sample that included some non-workers.)²⁰⁷

On 19 May 2021 DOT issued a *proof of eligibility* letter for eligible public-facing transport workers to receive a COVID-19 vaccine, and workers were encouraged to get vaccinated. By October DOH and the Premier were promoting the concept of a "vaccinated economy", a two-class system in which the unvaccinated would be locked out from on-site work, events, and "non-essential" shopping.²⁰⁸

The *COVID-19 Mandatory Vaccination (Workers) Directions* (7 October 2021) prescribed deadlines after which non-exempt unvaccinated workers could not work outside their usual place of residence. For transport workers including bus drivers the first dose deadline was 15 October 2021 (or 22 October 2021 with proof of a first dose appointment), with the second dose by 26 November 2021.

To assist members, BAV prepared and issued a "blue sheet" headed 'Ramifications of employee and employer non-compliance to Victorian COVID-19 Directions issued 7 October 2021', explaining how the law applied to each party and suggesting how best to manage the changes it required.

In mid-October 2021 BAV emailed members to advise that a worker not providing their vaccination information and getting vaccinated by the prescribed dates did not necessarily mean termination of employment. It meant they could not roster staff for work if they were not vaccinated prior to 15 October 2021 or were booked (and had) their first jab by 22 October 2021. The employee may have had a medical exemption and could therefore work on site, or may have leave they could take whilst organising vaccination. They might be a casual who could remain on the books as such, but just not receive any work. It was only after all options were explored that an operator may have to follow disciplinary procedures. Termination was the 'end of the line' only if there were no alternatives.²⁰⁹

BAV raised with DOT the issue that the rigid second dose deadline could impact drivers over 60 who could only get AstraZeneca, which had a recommended 12 week period between doses.²¹⁰ If a driver had not had their first AZ dose until shortly before the deadline announcement, their second dose would not be due until after 26 November. Clinics were not all willing to advance second doses.²¹¹

Regional school bus operators were the most concerned, as in many regions vaccinated casual relief drivers who could potentially cover a temporary staffing gap were next to impossible to obtain.

BAV proposed to DOT that for the older driver cohort required to have the AZ vaccine it would be reasonable to accept proof of having booked a second jab before 26 November 2021 in line with the

²⁰⁷ DOT Vaccination Roll-out Working Group presentation, 16 April 2021.

²⁰⁸ *ABC News*, 28 October 2021, 'Confusion is rife over Victoria's vaccinated economy', <https://www.abc.net.au/news/2021-10-28/victorias-vaccinated-economy-retail-change-/100572120>

²⁰⁹ BAV member email, 13 October 2021.

²¹⁰ *British Medical Journal* 3 February 2021, 'Covid-19: New data on Oxford AstraZeneca vaccine backs 12 week dosing interval', <https://www.bmj.com/content/372/bmj.n326>; "A longer delay [greater than 12 weeks] before the second dose of [AstraZeneca] leads to an increased antibody titre after the second dose", Amy Flaxman et al., 'Reactogenicity and immunogenicity after a late second dose or a third dose of ChAdOx1 nCoV-19 in the UK', *Lancet* 398 (September 2021), [https://www.thelancet.com/article/S0140-6736\(21\)01699-8/fulltext](https://www.thelancet.com/article/S0140-6736(21)01699-8/fulltext)

²¹¹ Several members contacted BAV with this concern.

recommended 12-week dosage interval as sufficient to continue working through until the booked vaccination date. We understand that DOT raised this with DOH, but no flexibility was forthcoming.

Due to concerns about potential staffing impacts, DOT began contacting metropolitan bus operators to see how they were tracking in terms of staff vaccination levels. By 13 November, 67 staff had been terminated for not being or refusing to get vaccinated. Overall there was about a 2% refusal rate across metro bus.²¹² Anecdotally regional bus was slightly higher, as was regional school bus.

As the vaccination deadlines approached, BAV prepared template documents including a warning/termination letter for employees who refused to get vaccinated, and an updated employment application form and engagement letter that incorporated the new vaccination requirements.²¹³

In practice, the government made private sector employers bear the brunt of implementing and enforcing its Directions, along with the resulting strained relations with employees, under threat of heavy penalties. We think our industry was as well prepared as it could be to cope with that.

5.9 QR codes on buses

Under the *Workplace Directions (No. 32)* of 10 June 2021, all persons who attended work premises had to check in using “a digital system” (QR code) via the Service Victoria app. A short grace period applied until 1 July, upon which all Victorian businesses were messaged with an SMS text, “Your business must use the VicGov QR Code from 1 July or face fines. Check in everywhere, every time”.

Records had to be kept of all attendees and which parts of a premises (e.g., buses, bus yard, depot office, workshop) they attended, and a method of recording attendance had to be maintained in the event that a person did not have a smartphone, for example by providing a tablet or a hard-copy register, with “reasonable efforts” being required by businesses to ensure compliance.²¹⁴

Business owners had under threat of heavy fines (if a natural person, 120 penalty units; if a body corporate, 600 penalty units) to do the heavy lifting of government regulation enforcement. Any Victorian businesses found intentionally flouting the Chief Health Officer’s Directions such as the requirement to use QR Code systems would receive a new \$1,652 on-the-spot fine.²¹⁵

In mid-June 2021, DOH requested DOT to coordinate the installation of QR codes across the public transport network, which led to general industry consternation about where and how they would be installed, and at whose expense. To create the QR codes, individualised for each vehicle, data about the rolling stock embracing all government contract buses, trams and trains was required.

On 30 June 2021, DOT sent a spreadsheet to all myki bus operators to populate with their fleet details so that DOT could produce and supply a set of QR decals unique to each contract bus. The completed spreadsheet was due to be returned to DOT by close of business the next day, 1 July.²¹⁶

²¹² DOT Vaccination Roll-out Working Group, 17 November 2021. We do not know how many drivers or other staff resigned over the mandatory vaccination requirements before those DOT termination numbers.

²¹³ Member emails, 13 and 15 October 2021.

²¹⁴ *Workplace Directions (No. 32)*, 10 June 2021, clause 6(7).

²¹⁵ Danny Pearson MP, Media Release, 13 May 2021, ‘New fine for businesses flouting QR code requirements’, <https://www.premier.vic.gov.au/new-fine-businesses-flouting-qr-code-requirements>

²¹⁶ DOT email to contract bus operators, 29 June 2021.

BAV immediately raised concerns about the short timeframe (and required staff time) to do this, together with its practicality, cost and usefulness given that drivers would not be playing any kind of enforcement role, to no avail. If DOT raised these concerns with DOH it was non-responsive.

Charter and tour buses were also obligated to obtain QR codes for use by their passengers (drivers having checked in at their depot), but there was then no process on the Services Victoria website for such buses, only for fixed location venues and commercial passenger vehicles such as taxis.²¹⁷ In a pattern displayed throughout the pandemic, DOH had no idea of how businesses actually operate.

Operators of dedicated school buses were also required to submit their fleet details by returning a spreadsheet to DOT for QR code production, regardless that BAV pointed out that all children using contract school buses can be traced daily by the school and bus rolls, that many don't have mobile phones, and indeed that many schools forbid children to bring phones to school.²¹⁸

Picture small children standing in the rain by the road waiting to board their school bus while other kids fumble with their phones trying to launch the Service Victoria app in order to board. Imagine a driver trying, as DOH policy-makers desired, to record the details of any child without a phone on a paper check-in sheet instead of looking after the safety and behaviour of a bus full of children.

On 2 July, while school bus operators were still sending completed spreadsheets to DOT, DOH appear to have been rethinking whether to extend the school exemption from QR codes to school buses.²¹⁹ In any event, individualised QR code stickers were printed and sent to operators for each contract school bus at doubtless great cost, then never used as the requirement was dumped.²²⁰

On route buses including CRUBS and V/Line, DOT decided that bus operators, who all have signage and stickers on their buses, needed to conduct a risk assessment for affixing QR code stickers. In early July 2021 it requested all operators to provide a risk assessment for its review. This exemplifies the sort of pointless time-wasting pushed by government onto businesses throughout the pandemic.

To support its members, BAV produced a template risk assessment for QR code stickering, with such risks as slips and falls, obscured visibility, and several other obvious risks that all bus operators were thoroughly well aware of (if not obvious to the desk-bound policy makers who could not understand or evaluate them), which was distributed to members on 12 July, to complete and return to DOT.²²¹

QR code decals for each contract bus were produced and sent to operators after several delays, with staggered supply still occurring in early September. On 13 October DOT notified all its contract bus operators that it would reimburse them for "reasonable direct costs incurred in the installation and maintenance of QR Codes on their fleet", and it would advise the claim and invoicing process.²²²

As at 11 November 2021 invoicing information had still not been provided to bus operators, and BAV reiterated its suggestion to DOT "that the simplest way of doing it would be an amount per bus, the

²¹⁷ BAV/Peter Kavanagh to DOT, 30 June 2021.

²¹⁸ BAV/Peter Kavanagh to DOT, 30 June 2021.

²¹⁹ BAV/Stuart Dawson conversation notes, 2 July 2021.

²²⁰ *Workplace Directions no. 50*, 23 September 2021, clause 6(11)(j), removed QR use on school buses.

²²¹ BAV member email, 'Risk Assessment for QR Codes - DOT request', 12 July 2021.

²²² DOT, 'Head TfV Letter to Transport Bus Operators CRUBS re QR Codes and costs', 13 October 2021.

same way as the COVID additional cleaning allowance is paid, rather than a convoluted invoicing and accounting process". In the end, however, an individualised invoicing process was used.²²³

By early February 2022 the Victorian public had largely abandoned QR check-ins. Data compiled by the *Sunday Age* showed that the number of scans dropped from 45.6 million in the final week of November to a weekly average of 20.3 million in February.²²⁴ Contrary to the *Age*, this was not because cases had dropped, nor to the Treasurer's suggestion of complacency, but because the government had for some time abandoned contact tracing and advising the public of infection sites. Checking in was pointless. Epidemiologists, businesses, and civil libertarians vocally agreed.²²⁵

On 17 February the government announced that QR check-in requirements would soon be eased, including in some transport settings.²²⁶ On 18 February DOT announced that display of QR codes would no longer be required on commercial passenger vehicles, public transport and charter and tour bus services, with a transition plan to remove QR codes from the public transport network.²²⁷

The email acknowledged that costs had been incurred while QR codes had been in place on public transport, and requested an approximate cost to date that could be claimed for QR code installation and maintenance, and an estimate for the cost of removing QR codes, to enable reimbursement. The cessation of QR code check-in requirements for buses came into effect at 6pm on 18 February 2022.

But not all buses. As at 24 February 2022, if a licensed tourism operator's bus was used for tourism purposes it was an 'open premises' that required a QR code, and the operator was responsible for ensuring that persons who took the tour used the QR code to record their attendance at the premises (the bus). But if the same bus was procured on behalf of a tour company, the responsibility for both obtaining and ensuring the use of a QR code rested with the tour operator.²²⁸

Despite the apparent freedom for bus operators to remove QR codes from 18 February when QR check-in ended, DOT instructed its contract operators not to proceed with decal removal as the "managed decommissioning" of QR code and COVID-19 decals had been indefinitely postponed.²²⁹

On 6 April 2022, DOT advised operators that "the removal of QR codes and COVID-19 decals from public transport continues to be postponed. QR codes and COVID-19 decals should not be removed until confirmed by DOT." In the meantime, scheduled QR code inspections and maintenance should be continued; and DOT "will contact public transport operators soon with new removal timelines".²³⁰

On 20 April 2022, DOT emailed public transport operators instructing that COVID-19 QR Codes and related collateral were to be removed from 21 April and completed by 30 June at latest, with a

²²³ DOT letter to a BAV member regarding a QR Code decommissioning invoice accepted, 20 April 2022.

²²⁴ *Age*, 13 February 2022, 'Victorians abandon QR code check-ins as COVID cases drop', <https://www.theage.com.au/national/victoria/victorians-abandon-qr-code-check-ins-as-covid-cases-drop-20220211-p59vnr.html>

²²⁵ *Age*, 4 February 2022, 'Calls to abolish mandatory QR check-ins', <https://www.theage.com.au/national/victoria/calls-to-abolish-mandatory-qr-check-ins-20220203-p59tgb.html>

²²⁶ Premier, Media Release, 17 February 2022, 'Density Limit Dancefloor, QR Code Restrictions To Ease'.

²²⁷ Email, DOT COVID-19 Response and Resilience Division Request for Action, 18 February 2022.

²²⁸ DOT, email to BAV, 24 February 2022, clarifying who was responsible for ensuring the use of QR codes.

²²⁹ DOT, PDF presentation, COVID-19 Operational Readiness Monthly Forum, Tuesday 22 March 2022.

²³⁰ DOT, 'FOR INFORMATION: QR codes on public transport update', 6 April 2022.

Completion Report submitted by 8 July.²³¹ Operators also received an allowance for their removal. It would be interesting to know what the full cost of the individualised QR code and COVID-19 signage program across all contracted public transport was, including operator, DOT and DOH staff costs.

5.10 Masks on buses

BAV advocated for masks to be worn by bus passengers as well as by drivers due to concern about the safety and wellbeing of a passenger-facing and on average older workforce than that in many other industries. Unlike the cabinet-like protection enclosing train and tram drivers, many coaches and route buses, and all school buses, have no non-porous screen between passengers and drivers.

V/Line and school bus drivers frequently handle passenger baggage while face to face with passengers (especially when on school charter), and CRUBS and V/Line buses handle cash fares. There was also considerable concern by operators that if regional school bus drivers quit over fears of infection it was next to impossible to find suitable FT or casual replacement drivers in many areas.

BAV pushed for the wearing of masks on buses from early March 2020. This advocacy was based on overseas health advice and well ahead of government action. On 6 March BAV wrote, “Masks are regarded as not effective for avoiding Coronavirus, but are recommended for people who have flu-like symptoms, to minimise the risk of them spreading droplets by coughing and sneezing”.²³²

Masks had been highly recommended in flu seasons for years, especially in Asia.²³³ Hong Kong had advised its public to wear masks on public transport or in crowded places on 24 January 2020.²³⁴ By the end of March 2020 British research had shown that standard surgical masks were as effective as P2/N95 masks for preventing infection in viral respiratory illnesses such as influenza.²³⁵

By contrast, a DOH poster of 5 March 2020 had instructed, “Don’t wear a face mask if you are well”.²³⁶ On 6 March the same message was published by the Commonwealth for public transport users.²³⁷ A statement from CHO Brett Sutton on 15 March 2020 said, “masks ... play a role if you’re

²³¹ DOT to Public Transport Operators, ‘Important: Commence removals of QR codes and other specified signage’, 20 April 2022.

²³² BAV, first Coronavirus Update email, 6 March 2020.

²³³ Habida Elachola et al., ‘COVID-19 Facemask use prevalence in international airports in Asia, Europe and the Americas’, *Travel Medicine and Infectious Disease*, March 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7118530/>; Sui Huang, ‘Covid-19: why we should all wear masks — there is new scientific rationale’, Institute for Systems Biology, 27 March 2020, <https://cancerwarrior.medium.com/covid-19-why-we-should-all-wear-masks-there-is-new-scientific-rationale-280e08ceee71>

²³⁴ Hong Kong Dept. Health, 24 January 2020, <https://www.info.gov.hk/gia/general/202001/24/P2020012400762.htm>

²³⁵ Trish Greenhaigh et al., *Oxford COVID-19 Evidence Service*, 30 March 2020, <https://www.cebm.net/covid-19/what-is-the-efficacy-of-standard-face-masks-compared-to-respirator-masks-in-preventing-covid-type-respiratory-illnesses-in-primary-care-staff/>

²³⁶ DOH poster, ‘Ten ways to reduce your risk of coronavirus’, 5 March 2020.

²³⁷ Commonwealth Department of Health, ‘Coronavirus - Information for drivers and passengers using public transport’, 6 March 2020, What drivers need to know, “You do not need to wear a mask if you are healthy”.

unwell and you need to be out and about, but if you're well they're not a great use of a resource in high demand".²³⁸ His remarks were widely publicised in the media, including by the ABC.²³⁹

Early official statements both here and overseas that people who are well should not wear masks were motivated by a wish to save scarce masks for health care workers,²⁴⁰ but there was never any scientific basis for the statement that masks worn by non-professionals are not of value.²⁴¹ The CHO failed to mention that cloth masks had long been recommended by medical studies as a stopgap.²⁴² Instructions on how to make a DIY cloth mask were widely available online by March 2020.²⁴³

As late as 18 May 2020, DOT responded to a BAV query that "All the advice so far from the State (Chief Medical Officer and DHHS) has been not to proactively encourage/require face masks".²⁴⁴ By 19 July 2020 masks became mandatory for residents of metropolitan Melbourne and Mitchell Shire when leaving their home, with a grace period to midnight 22 July to comply or risk a \$200 fine.²⁴⁵

It is indisputable that masks reduce the risk of COVID-19 transmission on public transport. A peer-reviewed study attached to a December 2021 letter from DOT to bus operators included as an attachment a Korean study which showed that "Mandatory wearing of masks and practicing social distancing with masks during peak hours reduced infection rates by 93.5 and 98.1%, respectively".²⁴⁶ A note to DOT by the Secretary, DOH, indicated it was highly relevant to Australian circumstances.

What can be seen is that mask rules have been in constant flux with no relationship to scientific studies on mask effectiveness. As illustrated in Appendix 3, Victoria has swung erratically between mandating masks indoors, in crowds and on public transport, to not being required in workplaces, to being mandated both indoors and outdoors; unpredictably to and fro throughout the pandemic.

²³⁸ Brett Sutton, 'Coronavirus (COVID-10) Statement', 15 March 2020,

<https://www.dhhs.vic.gov.au/coronavirus-statement-doctor-brett-sutton>

²³⁹ ABC News, 17 Feb 2020, <https://www.abc.net.au/news/health/2020-02-17/coronavirus-face-masks-hygiene-prevention/11958878>

²⁴⁰ 'WHO warns of global shortage of face masks and protective suits', *Guardian*, 8 February 2020, <https://www.theguardian.com/world/2020/feb/07/who-warns-global-shortage-face-masks-protective-suits-coronavirus>

²⁴¹ Sui Huang, *Institute for Systems Biology*, 27 March 2020, 'Covid-19: why we should all wear masks — there is new scientific rationale', <https://cancerwarrior.medium.com/covid-19-why-we-should-all-wear-masks-there-is-new-scientific-rationale-280e08ceee71>

²⁴² Anna Davies et al., 'Testing the Efficacy of Homemade Masks: Would they Protect in an Influenza Pandemic?', *Disaster Medicine and Public Health Preparedness*, August 2013, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7108646/>. The first draft of Jeremy Howard et al., 'Face Masks Against COVID-19: An Evidence Review' which recommended "the adoption of public cloth mask wearing as an effective form of source control, in conjunction with existing hygiene, distancing, and contact tracing strategies" was submitted on 10 April 2020, <https://www.preprints.org/manuscript/202004.0203/v1>.

²⁴³ Masks4all, <https://masks4all.co/about-us/>

²⁴⁴ Email, DOT to BAV/Stuart Dawson, 18 May 2020.

²⁴⁵ DOH, 19 July 2020, 'Face coverings mandatory for Melbourne and Mitchell Shire', <https://www.dhhs.vic.gov.au/updates/coronavirus-covid-19/face-coverings-mandatory-melbourne-and-mitchell-shire>

²⁴⁶ DOT, 'COVID-19 industry update – Phase D', 1 December 2021, with Attachment A, Donggyun Ku et al, 'Safe travelling in public transport amid COVID-19', *Science Advances*, 7.43 (22 October 2021), research article.

In an EMV forum on 14 April 2022, BAV again raised the issue of masks after reports that DOH was reviewing public transport mask requirements. BAV emphasised the difference between indoor spaces in general and sitting adjacent to a coughing or sneezing fellow traveller in a closed vehicle.²⁴⁷ The DCHO said that would be a decision by the Health Minister after discussion with the CHO.²⁴⁸

The next week, the Health Minister said that from 22 April masks would no longer be required in primary schools, early childhood, hospitality and retail settings, or at events of any size, but would still be required on public transport.²⁴⁹ This led again to problems with masks and school buses.

Masks on school buses

One of the big issues for school bus operators throughout the pandemic has been students not wearing masks on buses. Especially in regional Victoria where COVID-19 cases were relatively low until Delta, students would frequently remove their masks on buses, even if they wore them when boarding in view of a teacher. As bus drivers are on average an older workforce cohort, particularly in regional Victoria, many drivers were concerned about an increased vulnerability due to age.

Vaccines were not available for drivers until mid-March 2021 when Phase B1 of the national rollout commenced, and not readily obtainable throughout Victoria for some time afterwards. At times the DOH Directions required students to be masked on buses but not at school.²⁵⁰ The fact that students could mingle unmasked all day yet had to wear masks on school buses did not foster compliance.

BAV has received numerous calls from operators noting that their drivers had reported unmasked students on their school buses and asking how to deal with it. Drivers could not challenge students about mask wearing as the driver was not to know if a child had an exemption, or was asthmatic or anaphylactic, etc., and could not put in the position of trying to enforce masking. DOT agreed.²⁵¹

²⁴⁷ See e.g. Dr Tony Bartone, “the spread of flu, Omicron and other Covid variants could be reduced if masks and density limits were reintroduced indoors. ... There are simple things that we could all do, restrictions or not, that will minimise the risk of us contracting another episode of Covid ... Mask-wearing in crowded places is something simple that we can do...”, *Daily Mail Australia*, 14 April 2022, ‘Top doctor calls for the return of masks as Aussies brace for deadly flu season’, <https://www.dailymail.co.uk/news/article-10609203/Top-doctors-calls-return-masks-Australia-braces-significant-flu-season.html>

²⁴⁸ BAV/Stuart Dawson in EMV information webinar with David Lister, Deputy Chief Health Officer, ‘Winter preparedness for COVID-19’, 14 April 2022.

²⁴⁹ Martin Foley MP, media release, 20 April 2022, ‘High vax rate means most restrictions can safely ease’.

²⁵⁰ For example, in the *Stay at Home Directions (Restricted Areas) Directions (No 4)* of 22 July 2020, face masks applied on public transport and in other specified places but not to primary students in school in the Restricted (Greater Metropolitan) Area; and while on public transport but not while in school to all students outside the Restricted Area (clause 7). Similarly, in *Pandemic (Public Safety) Order No. 1* of 22 April 2022, Clause 8(1)(b)(iv), masks are mandated on public transport, but students weren’t wearing them as they weren’t worn at school.

²⁵¹ As per letter from DOT, ‘Mandatory Mask Requirements from Thursday 23 July 2020’, “Drivers are not to check or enforce the use of masks and they cannot refuse travel for any one not wearing a mask. This is up to the Police to enforce. They may want to remind students that if police board the bus they may issue \$200 fines to students (over 12) not wearing masks. Drivers may also note students who are not wearing masks and inform the Principal or School bus coordinator”. This did not apply to DET SSBs as per letter to DET Bus Operators, “there is no requirement for students attending a specialist school to wear a face covering”.

Given that DET is responsible for its students complying with conditions of travel, all BAV could do was advise operators to report the fact that students were not wearing masks on the school bus to the Principal or bus coordinator and ask the school to remind its students of that requirement.

5.11 Exempt workers (transport) Directions 2022

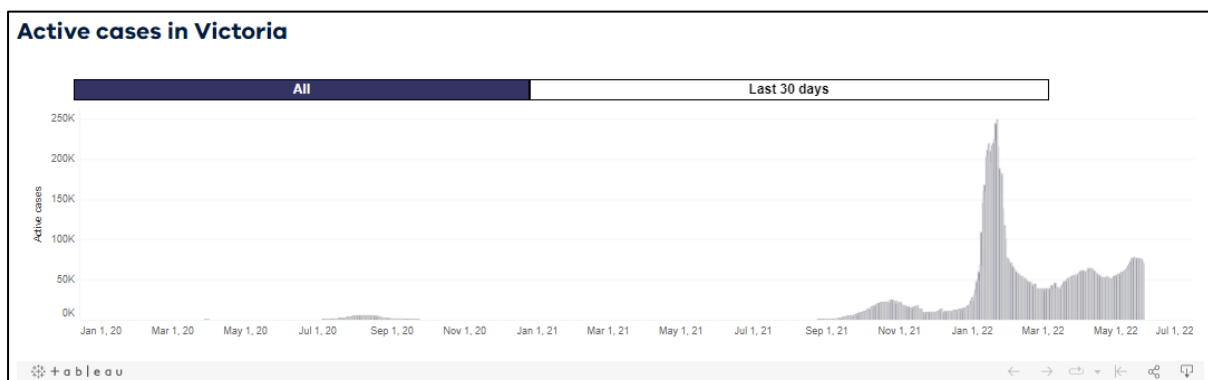
By early January 2022 it was evident that DOH isolation and self-quarantine requirements were negatively impacting the ability of many businesses to have enough staff at work to be able to operate in any meaningful and cost-covering way. On 13 January the Premier announced changes to allow some essential workers (including in transport) to return to work from 18 January 2022.²⁵²

The wording of the media release was curious to say the least: “With the number of COVID-19 close contacts continuing to grow, Victoria’s public health team will provide more essential workers with an exemption from close contact home isolation requirements to attend their workplace.” After two years of lockdowns in pursuit of COVID Zero, the failure of that approach was finally conceded.

The exemption applied to public transport workers (amongst others) who were close contacts under the *Pandemic Quarantine, Isolation and Testing Order (No. 4)* and had no symptoms of COVID-19.²⁵³ Close contact meant essentially a ‘household contact’, i.e., a person who had spent more than four hours in an indoor space at a private residence, accommodation premises or care facility with a diagnosed or probable case during their infectious period or a person so identified by the DOH.

Exemptions regarding public transport workers are in Clause 5 of the exemption Direction. There are 17 conditions, including that a fully vaccinated worker meeting the above criteria could return to work only by mutual consent, and only if it was necessary for continuity of operations and if other options had been exhausted. A daily RAT applied for five days with a negative result each day before attending work; surgical face masks applied; and the worker could not enter any shared workspace.

The graph below illustrates the active cases in Victoria through the period under discussion.²⁵⁴



The extensive list of conditions meant the exemption was of such limited practical use that it was seen largely as a government public relations exercise. As the Omicron variant rocketed through the

²⁵² Premier Andrews, media release, 13 January 2022, ‘A Safe And Sensible Return To Work For Essential Workers’,

²⁵³ *Exemption of Specific Workers - Contacts Conditions and Other Directions (No. 1)*, 18 January 2022.

²⁵⁴ Victorian COVID-19 data, graph accessed 24 May 2022, <https://www.coronavirus.vic.gov.au/victorian-coronavirus-covid-19-data>

community in the 2022 New Year and public events continued apace, critical sectors continued to be constrained by risk-obsessed restrictions from operating relatively normally in a COVIDSafe manner.

5.12 Government business assistance programs and the bus industry

With the onset of the pandemic and the disruption and forced closure of businesses across Australia, both Commonwealth and state governments devised various forms of financial support and other assistance for businesses and individuals. This section focuses on Victorian bus industry issues.

The Grattan Institute said that “on 12 March 2020, the Commonwealth announced its first (relatively small) \$17.6 billion economic package of measures, described as ‘economic stimulus’ (i.e., the Government still did not see the size of the problem and the need to support rather than stimulate). It did not include support for people who had lost employment because of business closures”.²⁵⁵

It is crucial to understand that critical responsibilities such as border closures, physical distancing, lockdowns, and vaccination rules, are vested in state governments. The Commonwealth had no power over state decisions to introduce or end lockdowns, or to allow people and the economy to continue as normal. Importantly, there was no consistency among states in their approaches.²⁵⁶

The Grattan Institute noted that “often the outcome of a National Cabinet meeting was a ‘decision’ in name only. Often, behind the fig-leaf of unity, each state and territory went its own way (e.g., on the timing of easing of restrictions, and of schools reopening).” Perhaps cynically, it wrote that “Nevertheless, the public appreciated the veneer of cooperative action”.²⁵⁷ We all fell for this. The critical decisions that shaped Victoria’s response lay solely in the hands of the State government.

The Commonwealth rolled out two large economic support packages amounting to \$176 billion of spending. To put this spending in perspective, by May 2020 the Commonwealth Government had estimated that the various state lockdowns were costing Australia’s economy about \$4 billion each week.²⁵⁸ The packages included doubling the JobSeeker payment (previously called Newstart) for unemployed persons, and a JobKeeper wage subsidy to keep people connected to their employer.²⁵⁹ JobKeeper ran from 1 March 2020 to 28 March 2021.²⁶⁰ This report only reviews business support.

On 23 March 2020, BAV summarised the then-available Commonwealth and State business support measures that might assist eligible members. In brief, Commonwealth support had increased to \$189 billion, including up to \$100,000 cash flow help for eligible small and medium sized employing businesses, an SME loans guarantee scheme, and a temporary increase of the threshold for statutory demands on a company and the time companies have to respond to any statutory demands.

The Victorian State government set up a \$1.7 billion business assistance package to complement the work of the Federal Government. It included full payroll tax refunds for the 2019-20 financial year to small and medium-sized businesses with payroll of less than \$3 million, and a \$500 million Business

²⁵⁵ Grattan Institute, ‘Coming out of COVID lockdown: the next steps for Australian health care’, June 2020, 24.

²⁵⁶ *Ibid.*, 25.

²⁵⁷ *Ibid.*, 25.

²⁵⁸ *Ibid.*, 29.

²⁵⁹ *Ibid.*, 27.

²⁶⁰ ATO website, <https://www.ato.gov.au/general/jobkeeper-payment/employers/eligible-employers/>

Support Fund to assist SME's most impacted by the COVID-19 outbreak, working with the Victorian Chamber of Commerce, Australian Hotels Association, and Ai Group to administer the fund.²⁶¹

As part of that package the Victorian Government said it would pay all outstanding supplier invoices within five business days, "releasing up to \$750 million into the economy earlier".²⁶² It is not clear that paying one's bills promptly is an economic relief measure, but it should be default government policy. The fanfare 5-day payment policy lasted only two weeks, then it was moved out to 10 days.²⁶³

A catch in some Victorian State government business relief packages was that they only applied to businesses that had already qualified for Commonwealth support through JobKeeper, otherwise they were not eligible. The May 2020 announcement of \$491 million in tax relief illustrates this.²⁶⁴

As the pandemic and the ever-changing directive responses to it continued to wreak havoc through 2020 and 2021, a range of other business assistance programs both State and Federal were put into place. BAV kept its members posted with program information as each new program launched. But a number of operators did not qualify for these programs, or the little they could get was not enough. JobKeeper helped retain workers, but did nothing to pay costs on parked-up charter and tour buses.

The fundamental problem remained that due to the lockdown-first approach to pandemic control, many businesses that could have traded in a COVIDSafe manner were not permitted to trade their way to economic survival. Even in 2022 numerous Victorian businesses are pleading for government support in what has become known as a 'shadow lockdown' due to supply and staffing issues but, because there is no official lockdown, federal and state support mechanisms are not triggered.²⁶⁵

As noted in section 5.6 above, the bus charter and tour sector has largely slipped through the cracks in government assistance programs. BAV's pushes to help are reviewed in section 6.5 of this report.

²⁶¹ Premier's media release, 21 March 2020, 'Economic Survival Package to Support Businesses and Jobs', <https://www.premier.vic.gov.au/economic-survival-package-support-businesses-and-jobs>

²⁶² Ibid.

²⁶³ Jaana Pulford MP, Victorian Parliament, *Questions on Notice No 2915*, answered 2 February 2021, <https://www.parliament.vic.gov.au/questions-database/details/53/3554>

²⁶⁴ Premier's media release, 5 May 2020, 'Saving Jobs And Reducing The Burden On Businesses And Families', <https://www.premier.vic.gov.au/saving-jobs-and-reducing-burden-businesses-and-families>

²⁶⁵ *Age*, 13 January 2022, 'Business pleads for government support amid "shadow lockdown"', <https://www.theage.com.au/politics/victoria/business-pleads-for-government-support-amid-shadow-lockdown-20220111-p59nbw.html>

PART 6 – BAV COMMUNICATION WITH AND SUPPORT FOR MEMBERS AND THE BUS INDUSTRY

BAV was proactively involved in negotiations and monitoring all aspects of bus operations reviewed in Part 5 this report. From April 2020 onwards BAV's COVID response was reported to its Operators' Committee on a monthly basis. This chapter follows the general structure of those monthly reports, which were a one-page summary of BAV's actions, and highlights key aspects of member support.

6.1 Government Taskforce engagement

BAV employees have sat in three of the four State Government COVID-19 Taskforce groups: a weekly CEOs forum (no longer convening), a second for operational matters, and a third for customer impacts, including collateral. The groups respectively discussed how the network may change, when it may change, what will the impacts be etc., and any collateral to be produced around that.

6.2 Engagement with government departments, agencies, and regulators

BAV engages with a wide range of Victorian government departments and agencies.²⁶⁶ Of these, DOT, DET, and BSV are most closely involved with the impact of the pandemic on bus operators. BAV also works with the Minister for Public Transport, Roads and Road Safety and his office on various issues. BAV has no direct engagement with DOH, which will be discussed last in this chapter.

6.2.1 Working with the Department of Transport (DOT)

BAV has been in constant discussion with DOT around all contracted route, school, and inter-city (CRUBS and V/Line) operations, in particular concerning issues of payments if services should cease or be reduced, costs in regard to mandated additional cleaning, and bus services going cashless.

6.2.1.1 Continuation of school bus service contract payments during COVID-19 school shut-downs

DOT school bus operators are contracted to provide a.m. and p.m. school bus services every school day regardless of staff illnesses, breakdowns, vehicle loss or other impediments. If a driver is sick,

²⁶⁶ The principal Victorian government departments and agencies BAV engages with are:

- Department of Transport (DOT)
- Department of Education (DET) – school bus; special school bus
- Bus Safety Victoria (BSV) – safety and operator accreditation regulator
- VicRoads – roads regulator, road repairs
- V/Line – regional rail and coaches contract operator and agency
- Commercial Passenger Vehicles Victoria (CPVV) – driver accreditation licensor
- Major Transport Infrastructure Authority – Big Build issues
- Public Transport Ombudsman – complaints and dispute resolution
- VicTrack – owner of rail land – coach parking and security
- Infrastructure Victoria – 'independent' infrastructure advisor
- Local Governments – road repairs, bus stops and parking
- Victoria Police – Transit Tasking, behavioral issues reporting.

Source: Chris Lowe (BAV), 'The Victorian Bus Industry: Opportunities Aplenty', BAV presentation, March 2021.

they must have an emergency driver on call. If a bus breaks down, or is undergoing work such as engine replacement, they must have access to another vehicle that can be immediately sourced.

The only days school buses do not run are when schools are closed for scheduled curriculum days, or if DET or a school cancels a service, for example during a Code Red day, or for another authorised reason such as a school or schools being closed under DOH directives due to COVID-19 infection.

A number of regional Principals authorised their school buses to run without passengers once or twice a week during prolonged school closures to deliver homework and tests. These were dropped or collected contactlessly at the normal school bus stops, so that country students often without reliable internet would still be able to receive and return schoolwork, and was much appreciated.

Following urgent representation by BAV, DOT and DET agreed in a joint April 2020 memorandum that in the event of school closure days due to COVID-19, contracted payments including (often casual) driver wages would continue except that forgone costs such as fuel, bus kilometre running, and dead car running if applicable, would be returned to the Department after reconciliation.²⁶⁷

This vital initiative ensured the economic survival of many school bus operators, who were alarmed by the collapse of school and charter work, and the retention of many bus drivers both full time and casual who would otherwise have resigned to seek other work from financial desperation. The agreement continued through 2021 and was reconfirmed for 2022 by DOT on 15 February 2022.²⁶⁸

The industry is grateful to DOT for its support, without which a large number of regional school bus businesses could have gone into liquidation and their student passengers be left without transport.

6.2.1.2 Bus cleaning, sanitisation, and fogging

On 19 March 2020 DOT advised its regional bus operators that it expected all touchable hard surfaces to be wiped down with sanitary wipes or a sanitary solution nightly and before maintenance activities, with buses to be fumigated every three days.²⁶⁹ According to the email this was because “several countries” were undertaking this in an effort to reduce the spread of COVID-19.

Cleaning

From the start of the pandemic there was concern that the virus could settle on and be readily transmitted from touch surfaces. Early laboratory research estimated the median half-life of COVID-19 on surfaces to be approximately 5.6 hours on stainless steel and 6.8 hours on plastic.²⁷⁰ Panic arose about the risk of surface contamination, and anti-bacterial products joined toilet paper in being instantly sold out for weeks on end around Victoria,²⁷¹ as were anti-viral sprays like Glen-20.

²⁶⁷ 9 April 2020, ‘DOT - DET Joint Notification Student Transport Arrangements Term 2 2020’.

²⁶⁸ DOT to BAV, 15 February 2022.

²⁶⁹ DOT to regional bus operators, ‘Clarification on Cleaning Plan – COVID-19’, 19 March 2020.

²⁷⁰ Neeltje van Doremalen et al, ‘Aerosol and Surface Stability of SARS-CoV-2 as Compared with SARS-CoV-1’, *New England Journal of Medicine*, 382.16 (16 April 2020), ‘Correspondence’, 2.

²⁷¹ *ABC News* (Coles signage), 2 March 2020, <https://www.abc.net.au/news/2020-03-02/antibacterial-shortage-notice-in-coles/12016498?nw=0>; *Guardian*, 8 March 2020, ‘Women charged after fight over toilet paper’, <https://www.theguardian.com/australia-news/2020/mar/07/it-isnt-mad-max-police-warning-after-shoppers-brawl-over-toilet-paper-in-sydney>

By May 2020, “the WHO and health agencies around the world were recommending that people in ordinary community settings — houses, buses, churches, schools and shops — should clean and disinfect surfaces, especially those that are frequently touched. Disinfectant factories worked around the clock to keep up with heavy demand”.²⁷² Not until July 2020 was the belief countered.²⁷³

Simple hand washing practices should have eliminated surface contamination concerns given that COVID-19 is a breath-borne aerosol virus, but the media encouraged people to spray their household shopping with anti-bacterial sprays, sanitise interior doorknobs, and shower and wash their clothes after every trip into public places.²⁷⁴ No amount of cleaning was ever enough for the news cycle.²⁷⁵

On 18 March 2020, DOT advised that it would pay CRUBS operators an allowance for additional bus cleaning, a measure extended to its contracted school bus operators on 21 May, under which \$75 per bus per week would be paid while sanitisation protocols were in place. This was to cover wiping down of all tactile surfaces with sanitised wipes or solution after each run, and periodic fogging of buses.²⁷⁶ School bus payments began on 1 August, backdated to 26 May when schools resumed.²⁷⁷

Bus operators said it was certainly better than nothing, but observed that \$15 per bus per school day (paid monthly) did not fully cover wages, materials and equipment under that cleaning protocol. The allowance did nevertheless offset costs and it was maintained through 2021 into 2022.

When the Pandemic Orders took effect from 15 December 2021, express references to cleaning requirements had been removed. The *Workplace Order* only obliged an employer to follow any cleaning directions from DOH/WorkSafe where there had been a confirmed case identified in the workplace. The *Open Premises Order* only obliged licensed tourism operators to ensure that any shared equipment used was cleaned between users. No other workplace cleaning was mandated.

On 28 April 2022, DOT advised its CRUBS and school bus operators that the additional cleaning was no longer required and that the special cleaning payment of \$75 per bus would end on 1 June.²⁷⁸

Sanitisation

²⁷² Diyani Lewis, ‘COVID-19 rarely spreads through surfaces. So why are we still deep cleaning?’, *Nature*, 29 January 2021, <https://www.nature.com/articles/d41586-021-00251-4>

²⁷³ Emanuel Goldman, ‘Exaggerated risk of transmission of COVID-19 by fomites’, *Lancet Infectious Diseases*, 20 (July 2020), 892–893.

²⁷⁴ This was so prevalent that experts felt a need to publicly comment to discount it, e.g. *News.com.au*, 26 March 2020, ‘Coronavirus: Why you don’t need wash clothes, shower constantly’, <https://www.news.com.au/lifestyle/health/health-problems/coronavirus-why-you-dont-need-wash-clothes-shower-constantly/news-story/364781cfceb400c5cb7e04a50964c141>

²⁷⁵ ‘Have I been cleaning all wrong?’, *New York Times*, 6 May 2020, <https://www.nytimes.com/2020/05/06/well/live/coronavirus-cleaning-cleaners-disinfectants-home.html>

²⁷⁶ DOT to school bus operators, ‘Return to school from 26 May 2020: Bus Operations’, 21 May 2020. As a guide to bus cleaning expectations see DOT, ‘COVID-19 Cleaning Guidelines for Public Transport Operators’, 14 April 2020, p. 30, ‘Coaches/ buses’.

²⁷⁷ BAV email to its school bus operator members, 29 June 2020.

²⁷⁸ DOT letters to Regional Route Bus Operators (CRUBS) and Regional School Bus Operators, 28 April 2022.

Thorough depot and vehicle sanitisation is not simple. One industry training guide recommended a full vehicle clean at the end of each shift and at each driver changeover. All driver and passenger touch points were to be cleaned and sanitised with wipes containing at least 60 percent alcohol.

For driver cabins, this included keys, steering wheel, internal and external door handles, dash controls, indicator and wiper stalks, cup holders, window controls, electronic devices, arm rests, seat belts and release buttons, inner door linings, phone, GPS, and any other touchable equipment.

A set process was recommended: wash hands; do outside door handle first; clean inside door handle (protective cage access); clean all driver touch points; keep windows open where possible and air; dispose of cleaning cloths responsibly, then wash hands again.²⁷⁹ Cleaning passenger areas similarly meant wiping all seats, seatbelts, and touch points, and spraying or fogging with an anti-viral spray.

In October 2020 DOH released its 'COVID-19 cleaning guidelines for workplaces' which urged constant surface cleaning vigilance. The September 2021 version was updated "in line with emerging evidence that the environment plays a smaller role in the transmission of COVID-19", although deep cleaning was still mandated if a workplace met the Local Public Health Units' 'outbreak' definition.²⁸⁰

Bus fogging

On 19 March 2020 DOT wrote to regional school bus operators that it was "looking to implement fumigation [fogging] every three days in regional buses. Fumigation involves cleaners wearing special protective clothing [with a photo of a cleaner in a hazmat suit in the email] and spraying disinfectant through the bus".²⁸¹ DOT advised BAV after our query that "the hazmat suits are not necessary".²⁸²

Many bus operators quickly sought fogging equipment at their own cost, ranging from \$700 to over \$1,200 not including chemicals and PPE, or contracted with a fogging company to regularly fog their buses. Many others were unable to source a then hard-to-get fogging machine, and in some regional areas no-one offered fogging services. BAV tried to obtain a list of suppliers from DOT to no avail.²⁸³

Fogging sprays disinfectant from a portable or backpack-style fogging machine to create a chemical fog in a closed area. It is not effective at disinfecting the undersides of horizontal surfaces and can damage electrical components if not bagged or removed. It has to reach a certain concentration for a certain time to be effective, and it is not a replacement for standard cleaning practises.²⁸⁴

Some two months later, on 14 May 2020, the WHO stated that "in indoor spaces, routine application of disinfectants to environmental surfaces via spraying or fogging ... is not recommended. Spraying

²⁷⁹ Queensland Truck Association, Hygiene Awareness Course, undertaken 21 July 2020; and similarly, DOT, 'COVID-19 Cleaning Guidelines for Public Transport Operators', 14 April 2020, p. 30, 'Coaches/ buses'.

²⁸⁰ DOH, 'COVID-19 cleaning guidelines for workplaces', December 2021; September change in version control.

²⁸¹ DOT email to bus operators, 'Clarification on Cleaning Plan – COVID-19', 19 March 2020.

²⁸² DOT to BAV, relayed in a member email to Metro and CRUBS operators, 20 March 2020.

²⁸³ BAV then assembled and distributed a list of potential suppliers from an internet search.

²⁸⁴ 'The facts about fogging', BioHygiene, <https://www.biohygiene.co.uk/2020/06/23/facts-about-fogging/>

environmental surfaces in both health care and non-healthcare settings ... with disinfectants will not be effective and may pose harm to individuals”.²⁸⁵ This had been known for at least a decade.²⁸⁶

On 19 May 2020, Safe Work Australia followed suit, stating that fogging was not recommended for workplaces: “If fogging is undertaken, it must only be performed by trained persons and using appropriate controls in accordance with the manufacturer’s directions. It should not be undertaken as a response to, or element of a response to contamination of an area with COVID-19 ... Physically cleaning surfaces with detergent and warm water, followed by disinfecting with liquid disinfectant, is the best approach”.²⁸⁷ In other words, do what had been done by bus operators from the start.

Perhaps unaware of this information and advice, on 21 May DOT wrote to all contracted school bus operators stating that sanitisation was to continue, and this “includes periodic fogging of buses”.²⁸⁸ It is indisputable that DOT instructed its contracted bus operators that bus fogging was required.

On 22 May a member notified BAV that the Safe Work Australia website advised against fogging as it could irritate eyes and skin and introduce new work health and safety risks. BAV then asked DOT, “did the person or persons who wanted fogging done in at DOT read the attached from Safe Work Australia? It says disinfectant fogging is not recommended for general use against COVID-19”.

After further discussions with DOT that day, BAV emailed members that “In respect of the fogger/fogging services, the message from DOT is for operators to try to source the fogger/fogging services locally if they can, noting that the expectation is that it is only done once a week (at the earliest) or more likely fortnightly/monthly, but if an operator is unable to access such an item/services, they just inform DOT and there is no intention of penalising anyone for not doing it”.²⁸⁹

Not until 10 September 2020, four months after the WHO and Safe Work Australia announcements, did DOH issue updated advice “confirming it does not recommend the use of Fogging for COVID-19 cleaning and disinfection moving forward”.²⁹⁰ On 28 September DOT relayed to its contract public transport operators that fogging was not recommended by DOH. It should be noted that DOT is obligated to follow DOH decisions on all COVID-19 matters whether it has reservations or not.

DOT’s letter to its contracted bus operators stated, “Some Public Transport Operators ... currently use Fogging as part of their COVID-19 cleaning practices. ... If Fogging is being performed in conjunction with deep cleaning disinfection, then it may be as simple as removing the practice”.²⁹¹

²⁸⁵ WHO, ‘Coronavirus disease (COVID-19) Situation Report 115’, 14 May 2020.

²⁸⁶ John Palmer, ‘Disinfectant fog is not your friend’, *OSHA Healthcare Advisor*, 31 December 2010, cited and discussed by Tina Chen, ‘A rapid review of disinfectant chemical exposures and health effects during the COVID-19 pandemic’, 26 October 2020, National Collaborating Centre for Environmental Health (Canada), <https://nccch.ca/documents/field-inquiry/rapid-review-disinfectant-chemical-exposures-and-health-effects-during>

²⁸⁷ Safe Work Australia, 19 May 2020, https://covid19.swa.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/cleaning#heading--23--tab-toc-what_is_disinfectant_fogging,_and_do_i_need_to_do_it?

²⁸⁸ DOT to School Bus Operators, 21 May 2020.

²⁸⁹ BAV email, 22 May 2020.

²⁹⁰ DOH advice on fogging, 10 September 2020, Attachment A to DOT letter of 28 September 2020.

²⁹¹ DOT letter to public transport operators, 28 September 2020.

On 1 October 2020 BAV notified its Operator's Committee, in regard to DOT's 28 September letter, that it had asked some questions of DOT about the matter, most notably whether operators who had purchased fogging equipment to meet DOT's previous requirement for fogging would be reimbursed. The answer from DOT was negative. DOT's or DOH's prolonged wrongful insistence on fogging had cost many operators into the thousands of unnecessary and non-reimbursable dollars.

6.2.1.3 Removal of cash handling from buses

Widespread concern that cash handling was unhygienic and a likely source of COVID-19 transmission was reinforced by media emphasis on contactless payment and alarm about touch payment screens at supermarkets.²⁹² Bus driver and TWU concern about the safety of cash handling reflected this.

In early 2020, some instances of antagonistic behaviour were reported back to DOT of bus passengers licking myki cards when asked by Authorised Officers to produce them for checking, so that the AOs would not handle them. A few rare instances were also reported of bus passengers licking cards so that drivers would not handle them for on-board myki top-ups or CRUBS fares.²⁹³

On 2 April 2020, DOT advised operators of metropolitan and regional route buses that the handling of cash and passenger tickets/mykis was to cease immediately.²⁹⁴ A similar note was sent to V/Line operators in regard to all V/Line staff and coach drivers operating V/Line branded services.²⁹⁵ DOT promoted contactless payment via the myki website (including auto top-up) and Android pay.²⁹⁶

Cash transactions were permanently removed from the myki bus network on 13 July 2020, and not restored when cash handling was reinstated for regional bus services and V/Line on 31 January 2021. The advisory note stated that with the then-current state of COVID-19 there was "negligible risk associated with the use of cash for transactions", but also urged hand hygiene after handling cash.²⁹⁷

6.2.2 Working with the Department of Education (DET)

The Department of Education manages Special School Bus (disability school bus) services. As with DOT, after BAV's engagement DET guaranteed the continuity of contract and wages payments (without distance variables) regardless of school COVID-19 closures, that enabled Special School Bus operators to survive the shutdowns without potentially going into liquidation (see 6.2.1.1 above).

Through the first two years of the pandemic DET was generally supportive of Special School Bus staff interests and followed DOT (with which the SSB operator contracts are signed) in respect of bus management matters including the cleaning allowance paid from 26 May 2020 (see 6.2.1.2 above).

²⁹² *Mercury News*, 20 March 2020, 'Coronavirus: Grocery, pharmacy touch screens can spread infection, epidemiologist warns', <https://www.mercurynews.com/2020/03/20/coronavirus-grocery-pharmacy-touch-screens-can-spread-infection-epidemiologist-warns/>

²⁹³ Reported in MMAO deployment meetings, 2020. BAV attends these meetings.

²⁹⁴ DOT, 'COVID-19 - Cash handling and ticket checking update', 2 April 2020.

²⁹⁵ V/Line, 'COVID-10 V/Line Scheduled coach operators - cessation of cash handling', 2 April 2020.

²⁹⁶ Apple Pay was not then viable for DOT due to its demanding 30% commission per transaction; discussed in Network Revenue Protection Plan meeting, 2021. BAV understands negotiations are occurring with Apple.

²⁹⁷ PTV Staff Advisory 2021:2, 'Return of cash handling to the public transport network', 25 January 2021. It said that cash would be accepted at PTV hubs and railway station ticket offices from 31 January 2021.

Many issues were common to both standard and Special School Buses managed by DET. When schools recommenced in February 2022, BAV quickly found that schools that came across positive student cases who had travelled on a bus were either not telling bus operators who it was, or were refusing to say when asked, or were telling bus operators but not until 2 or 3 days after they knew.

Under the *Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 4)*, of 12 January 2022, drivers and SSB supervisors could be “social contacts” of a student who is a diagnosed or probable case. Students (or their parents) were required to notify their school and others, including social contacts, “to the extent the probable case is able to reasonably ascertain and notify such person”.²⁹⁸ Clearly, either the parents (or the school with their permission) should be notifying the bus operator.

BAV represented to DET that if school bus operators have not been informed at any stage of a positive student case amongst their student passengers, it was almost impossible for them to meet their OHS obligations to their drivers in a timely manner, or at all.²⁹⁹ Here, DET student privacy rules overrode common sense to increase the probability of COVID-19 transmission to school bus drivers.

DET responded that Principals must notify staff and the school community when students or staff members have returned a positive COVID-19 test result and had attended the school. But diagnoses were not to be shared unless the individual (or their parent/carer) had provided consent, or unless schools are legally obliged or authorised to do so (for example, to comply with a Pandemic Order).³⁰⁰

BAV proposed that the school could act consistently with its privacy obligations if, when it received the positive case information, it asked for consent to inform the bus operator; or alternatively DET could seek to have the Pandemic Order amended to impose an obligation on schools to inform their school bus operators.³⁰¹ At the time of writing (mid-June 2022), BAV had still not received an answer.

6.2.3 Working with Bus Safety Victoria (BSV)

Bus Safety Victoria is the regulator within Transport Safety Victoria that regulates the bus industry.

6.2.3.1 Leeway regarding bus inspection dates

BAV requested BSV to allow some tolerance with quarterly and annual safety inspection dates in the event that an inspection could not be done by the due date as a result of workshop closures or delays due to COVID-19. BSV responded positively. It contacted operators and confirmed that it would (A), not punish operators for not having annual inspections done by the due date for a parked up vehicle, and (B), not punish operators for not undertaking a VSI on a parked up vehicle.³⁰²

BSV advised operators that if a bus due for an annual inspection is not currently being used, they are not required to undertake an inspection on that bus until it is once again being used. When the bus is used again (even for one trip) they must ensure a current annual inspection has been undertaken on the bus, if the annual inspection would normally have been due. The same was applied to VSIs.

²⁹⁸ *Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 4)*, 12 January 2022, ss11(3)(b); 16(3)(b).

²⁹⁹ BAV/Peter Kavanagh to DET, 9 February 2022.

³⁰⁰ DET to BAV/Peter Kavanagh, 9 February 2022.

³⁰¹ BAV/Peter Kavanagh to DET, 15 February 2022.

³⁰² VSI – Vehicle Safety Inspection; typically performed quarterly or by a mileage figure, whichever occurs first.

The accepted temporary process to corroborate that those buses were not being operated was to photograph the odometer and note the date at the start of the non-operation of each affected bus, and to do this again when the affected bus was put back into service. These two photographs with the notation of relevant dates would constitute evidence that the bus had not been operating.³⁰³

6.2.3.2 Pausing of annual bus operator accreditation fees

With operators suffering an immediate drop in charter and tour work from the start of restrictions, BAV asked BSV if it could freeze annual accreditation fees for all buses other than contracted route operators. BSV was supportive and, as of 24 March 2020, it paused annual fee renewal invoices.

From 25 March, BSV began writing to operators who had an outstanding annual fee renewal invoice, advising them that the fees were paused and that they did not have to pay the invoice.³⁰⁴ Those eligible operators who had already paid their accreditation renewal fee were then reimbursed.

BSV also engaged with DOT to issue annual bus accreditation fee refunds to eligible bus operators for the 2021 calendar year.³⁰⁵ The annual accreditation fee resumed from 1 January 2022.

6.2.4 The Victorian Department of Health (DOH; named DHHS prior to 1 February 2021)

BAV was an active participant in several DOT forums that contained representatives from DOH in which BAV was able to provide input and represent the bus industry's perspective. However, DOH were unable from the first to give BAV a direct contact within DOH to provide prompt answers to industry queries in a rapidly changing environment. BAV queries had to be channelled via DOT.

The same refusal by DOH to engage directly with industry was experienced by other transport operators (V/Line, Metro Trains, Yarra Trams); but bus was especially disadvantaged, as a significant number of bus operators do not hold government transport contracts and have no other means of industry input into state decision-making. The predictable result was that DOH had no first-hand idea of the disruptive impact of its at times highly contentious procedural decisions on industry.

Not infrequently queries had to be sent for referral via DOT for clarification due to poor, obscure, or seemingly contradictory drafting in the DOH Directions which notably did not improve over time.³⁰⁶

³⁰³ BSV, Regulatory Guidance Note, 13 May 2020.

³⁰⁴ Confirmed by BAV/Stuart Dawson with BSV by phone, 25 March 2020.

³⁰⁵ BSV, 'Bus Safety Matters' e-newsletter, December 2021.

³⁰⁶ For an egregious example, the DOT Transport Portfolio COVID-19 Update of 23 November 2021 raised four problems for bus operators which were unclear due to apparent differences between the Update information, the revised DOH website instructions, and the two relevant DOH Directions. We found contradictions between the *Workplace Directions (no. 56)* of 18 November 2021 in which s. 8(3)(e) provides that if a confirmed close contact is a worker, send them home to self-quarantine, and if the close contact is not a worker, issue them a written communication to recommend that they self-quarantine in accordance with guidance from the Department. However, the DOH website (as at 24 November when this was raised), said that patrons are not persons who must be notified. Second, the *Workplace Directions* 10(10) defined a close contact as any person who has had face-to-face contact of any duration, or who has shared a closed space, with a confirmed case during the Relevant Period. However, the DOH Contact Assessment and Management Matrix determined what a contact was by a combination of length of exposure time, masking and vaccination status. Going by the 23 November Update we assume operators go by the Matrix, but the *Workplace Directions* don't seem to support

Fortunately, DOT designated an efficient and proactive contact who forwarded BAV's queries to DOH and went the extra mile to chase answers for us. Unfortunately, DOH often could not provide answers to urgent queries about its own policies as they had to be referred to an internal DOH policy team. DOH's responses were often confused, industrially ignorant, and poorly communicated.

There were several Emergency Management Victoria (EMV) webinars that DOH personnel attended, but not until April 2022 did DOH clearly indicate that it was open to receiving post-forum questions from EMV forum participants, and there was still no provision of a general industry contact point.³⁰⁷

6.3 COVID-19 member communications

This section reviews BAV's interaction and communication with members in the provision of direct individual advice, membership update emails, and the creation of a website resource archive. BAV continues to send out information and advice about all changes that impact bus operations.

6.3.1 The commencement of COVID-19-specific information

From the start of the pandemic BAV has proactively kept members up to date with DOH, DOT and industry information and developments, as far as possible on the same day information was released. BAV continually monitors and advises members of changes to COVID-19 restrictions, DOT requirements for bus, Commonwealth and State business support, and many related matters.

In the first of what would become an ongoing series of Coronavirus Updates, on 6 March 2020 we advised that the process for any public transport service closures was that services would only be closed by decision of the Premier and Cabinet on advice from the Chief Medical Officer.³⁰⁸ In the event that a school was closed due to coronavirus, DOT had agreed that operator contract payments would continue, but the distance variable would not be paid for days when the bus did not run.

We said that masks, then regarded by DOH as not effective for avoiding coronavirus,³⁰⁹ were useful for people who had flu-like symptoms to minimise the risk of them spreading droplets by coughing and sneezing. Washing hands with soap and water for 20 seconds was as effective as sanitiser for

that approach. Third, the guidance as to what an employer should do in the event of a confirmed case in the workplace, in the *Diagnosed Persons and Close Contacts Directions*, clause 8, are clear. If someone is a work contact/exposed person they must go home, get a PCR test, and not return to the workplace until they have a negative test result. But these do not match with the *Workplace Directions*, which at clause 8(3)(g) states an employer/operator is to advise all workers to be tested for COVID-19 and self-quarantine if they become symptomatic. And this applied to all workers regardless of whether they are close contacts or not, which is at odds with the Matrix assessment, the updated DOH web page instructions and the *Diagnosed Persons and Close Contacts Directions*. Fourth, the *Workplace Directions* 8(3)(i) says that in the event of a confirmed case in a workplace, the employer must notify DOH of the actions taken, and provide a copy of the DOH workplace risk assessment undertaken, and a list of all identified close contacts. Yet at the same time all these form-filling requirements had been removed from the updated DOH 'Confirmed Case in the Workplace' page. Chaos.

³⁰⁷ EMV information webinar with David Lister, Deputy Chief Health Officer, 'Winter preparedness for COVID-19', 14 April 2022.

³⁰⁸ As the CHO was then called.

³⁰⁹ "Don't wear a face mask if you are well", in DHHS poster, 'Ten ways to reduce your risk of coronavirus', 5 March 2020, preserved at <https://www.northeasthealth.org.au/2020/reduce-your-risk-of-coronavirus/>

cleaning hands. There was no need for panic if sanitiser was not available, and people should avoid touching eyes, nose and mouth with unwashed hands, a precaution we had noticed in news derived from overseas.³¹⁰ The email included a download link to the DOH's 'Ten ways to reduce your risk of coronavirus' A4 poster that DOT requested operators on behalf of DOH to display in buses.³¹¹

On 12 March 2020 in response to the impact of media hysteria about the newly declared pandemic on the public at large, BAV issued a reassuring Update which noted that the word 'pandemic' simply characterised the spread of COVID-19 coronavirus.³¹² It changed nothing about the latest advice for precautions needed to minimise the chance of contracting coronavirus as linked by BAV to DOH.

We reminded members that a large number of those who had tested positive had already recovered or were in the process of recovery. Media panic generated contradictory messages, and we repeated that all enquiries should be referred only to the coronavirus pages of the DOH website. A Federal stimulus was forthcoming, and we would advise if and how it might apply to members. Just four days later the Victorian Premier declared a State of Emergency for four weeks to "flatten the curve".³¹³

Bus drivers are an older than average sector of the workforce and as such were regarded early as a sector having a potentially higher vulnerability to COVID-19. BAV sought out information to protect the health of bus drivers who, like rail station staff, are in direct contact with the traveling public.

On 18 March 2020 we relayed advice to members that internal spaces should be well ventilated and where possible, fresh air should be allowed to flow. For buses, windows should be open if possible. If bus windows could not be opened, air conditioning could potentially be used to provide air flow.

At that time there was no evidence show that air conditioning transmits viruses. We discussed this with a bus air conditioning supplier who suggested that using an anti-bacterial spray on the filter was an extra precaution (if one could get it!), and that some models of bus air conditioners could be used in a ventilation mode which does not deliver air conditioning or heating, just straight ventilation.

We recommended three practical measures that would become standard practice on member's buses: roping off the seats immediately behind the driver, particularly on school buses where there is typically no panel behind the driver to separate drivers from passengers; distancing between passengers where possible, particularly on charter and tour buses with only members of the same family seated together, and drivers not handling baggage to minimise any direct transmission risk.³¹⁴

6.3.2 Direct individualised member advice

³¹⁰ See e.g., *ABC News*, 17 February 2020, <https://www.abc.net.au/news/health/2020-02-17/coronavirus-face-masks-hygiene-prevention/11958878>

³¹¹ DOH (then DHHS) poster, 'Ten ways to reduce your risk of coronavirus', 5 March 2020, preserved at <https://www.northeasthealth.org.au/2020/reduce-your-risk-of-coronavirus/>

³¹² *ABC News*, 12 March 2020, 'WHO declares coronavirus COVID-19 a pandemic', <https://www.abc.net.au/news/2020-03-12/coronavirus-updates-who-declares-pandemic/12047598>

³¹³ On 16 March 2020, <https://www.premier.vic.gov.au/state-emergency-declared-victoria-over-covid-19>

³¹⁴ On 7 April 2020 our recommendations were echoed in a letter from DOT to regional school bus operators instructing that "Social Distancing needs to be maintained ... where possible: ... Seats behind the driver will be left vacant (bus operators should cordon off these seats – do not use)", and "Students must sit one to a seat with a seat separating in front and behind", amongst other measures.

BAV has provided individualised advice to members on the whole range of issues that relate to the ongoing COVID-19 pandemic, including any proposed changes to service provision, relevant State and Commonwealth government information on the virus, stimulus packages, JobKeeper; extensions to JobKeeper, changes to eligibility requirements for JobKeeper; income support options, and the Victorian government business support packages including Alpine support initiatives, etc.

6.3.3 BAV Coronavirus Update emails

There were 57 issues of Workplace Directions in the 68 weeks between 5 August 2020 and 25 November 2021, along with endless variations of *Stay at Home*, *Restricted Activity*, and other Directions that especially impacted charter and tour work, starting with the *Non-Essential Business Closure Direction* of 23 March 2020 that also limited weddings to 5 persons and funerals to 10.

Each time the Directions changed, the Member Services team spent the equivalent of one to two person's full working days reviewing the government media releases, DOH website information and the updated Directions, checking what had changed in respect of each bus sector – route, school, charter and tour, and V/Line, in order to inform members so they could avoid falling foul of the law. This has been a significant impost on Member Services' time over and above the normal workload.

Changes in Directions were often complex and included area and cross-border restrictions, travel distance limits, worker permit requirements, record keeping processes, venue restrictions and limits impacting charter and tour buses, not to mention changing staff and passenger management rules, cleaning requirements, DOH and WorkSafe reporting processes, and many other matters over time.

BAV Coronavirus Updates evolved into a standard format that soon became familiar to members. The email subject line highlighted the main issue, e.g., 'Victorian Directions have been updated with changes to the restrictions introduced on [previous date]'.

Each Update began with summary points noting how the latest changes impacted bus services, including frequent changes to charter, tour, and Licensed Tourism Operator rules which adversely affected many members. For much of 2020 and 2021 Updates were provided under 5 headings:

1. **Information from DOH website**, typically addressing changes in the *Stay Safe*, *Restricted Activity* and *Workplace Directions*. It set out the relevant restrictions in both Metropolitan Melbourne and Regional Victoria where these differed, with comments. This section also noted any travel limits within Victoria, including curfews and the prolonged restrictions on travel between specified Greater Melbourne and regional Victorian Local Government Areas.

At the end of this section we provided links to relevant documents or DOH web pages, e.g. the 'How We Work' and 'How We Live' pages, the so-called Recovery Roadmaps, authorised worker lists, the then-maintained DOH Public Exposure Sites web page, etc.

2. **Victorian COVID Directions update**. Each updated Direction relevant to bus was listed, with its commencement and scheduled end times, along with the title of the Direction it replaced.

At the end of this section we provided a link to the DOH Directions web page ('Victoria's Restriction Levels COVID-19', and from 15 December 2021, the 'Pandemic Order Register'), which contained all current Directions or Orders with the restrictions currently in place.

3. **Borders update**. This summarised NSW, SA, and Victorian border changes. It set out the requirements (including vaccination, COVID testing, and other requirements) for Victorians

(and other states/territories) entering into NSW or SA, including essential travellers (e.g., students, workers) and cross border community members. At various times it included requirements for people from interstate wanting to enter Victoria and noted changing definitions of distance from the state border for cross-border community members.

A number of members and drivers are cross-border residents or operated school or V/Line cross border runs. Some members live on one side of a border and have their depot on the other side, with health bureaucrats seemingly unable to comprehend and allow for this.

4. **Charter and Tour Operations.** This listed key changes such as not being able to carry passengers from Metropolitan Melbourne (as a restricted area) into regional Victoria in certain periods and vice versa; changes in record keeping or QR code requirements, etc.
5. **Other matters.** This noted any general announcements not specific to (but potentially relevant to) bus, such as the commencement or cessation of JobKeeper, the Commonwealth Disaster Payment, or similar State Government business and individual support programs, along with a link to the relevant web page for information.

QR Codes were an intermittent item. There were numerous announcements and requests for operator information in relation to the setup, installation, and maintenance of QR decals on buses. The QR update was included when requirements were updated or policies changed.

Member feedback showed that these email Updates were and are widely appreciated. We often receive calls after our Updates, mostly to clarify what operators can or can't do in specific scenarios. This frequently requires checking specific parts of the Directions in order to answer the question. One can only imagine the time and stress for many Victorian businesses who lacked such support.

6.3.4 BAV COVID-19 Update and Resources Archive

It was clear by early March 2020 that COVID-19 was going to become a long-haul issue, and that BAV needed to generate and avail resources to assist members to deal with rapidly increasing demands of government departments and agencies for COVID-19 documentation and compliance regulation, in addition to providing member advice and guidance in accordance with CHO Directions and DOT.

BAV began to engage regularly with members from its first Coronavirus Update of 6 March 2020, and to distribute relevant support information and resources from DOH, DOT and elsewhere.

On 19 March 2020, BAV established a dedicated members-only resource web page to access and update key resources such as our sample COVIDSafe Plan template as tailored for bus operations, and COVID-19-specific member emails as they were produced. It was intended as both a resource for members and as a record of BAV's proactive lead in assisting members to deal with an unfolding situation.

The archive has proved invaluable for tracing the history of BAV's engagement with issues arising from the pandemic, for example in creating this report, as it provides a window into BAV's activity to support a specific and in many ways unique industry that has suffered the brunt of government actions, restrictions and confusions across its varied bus and coach sectors both public and private.

6.4. BAV COVIDSafe Plan templates and Control Measures guidance

Victoria declared a State of Disaster with Stage 4 restrictions on 2 August 2020. All businesses with 5 or more employees that were permitted to remain open were required to have a COVIDSafe Plan.³¹⁵

To assist members to meet at least the minimum requirements of a Victorian workplace COVIDSafe Plan, BusVic developed a COVIDSafe Plan template together with Control Measures guidance specific to bus operations, released on 13 August 2020. Updates followed over time to reflect changing government documentation requirements, with Version 4 released in early February 2021.

Our 12 page version 4 was developed to reflect the numbering used in a somewhat cumbersome 22 page sample COVIDSafe Plan released by BSV in December 2020, via adaption from a longer version produced by a consultant for CPVV.³¹⁶ BAV offered its version 3 to BSV as a practical template when we heard of BSV's intentions, but it seems that a consultant with no idea about buses was preferred.

When Pandemic Orders replaced Workplace Directions in December 2021, a fifth version of the BAV template and guidance was developed to reflect the new regime and was released in early February 2022. In March 2022 a significant change occurred with the government largely abandoning QR code requirements including on buses, except for buses operated by Licensed Tourism Operators.

In response to this further development, along with changed COVID-19 workplace case reporting requirements, version 6 of our COVIDSafe Plan and accompanying guidance material was issued on 18 March 2022. The endless update requirements ignore that the practical functions of COVIDSafe Plans as regards protection, cleaning and reporting have changed little since they were introduced.

BSV, WorkSafe and V/Line all decided at various times that they should audit bus operators' COVID-Safe Plans to ensure that these met the paperwork expectations of the different bureaucracies. Not only did the agencies issue bluntly worded diktats to submit copies of Plans by a deadline or face big penalties,³¹⁷ but they inevitably requested pointless make-work changes that BAV had to contest.

At least one BSV auditor was spoken to by a senior manager after BAV representation and advised not to be over-zealous.³¹⁸ WorkSafe reported after a coach operator inspection that "The voice over system did not advise patrons to wear masks at every bus stop", and "There was no voice over to advise patrons of the QR code check in requirements".³¹⁹ This was never required by the Directions.

(Under the *COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Act 2020*, of 20 October, WorkSafe inspectors had become Authorised Officers under the PHWA to proactively audit

³¹⁵ https://plumber.com.au/wp-content/uploads/2020/08/Fact-Sheet_COVID-Safe-Plan_for-employers.pdf

³¹⁶ Compare BSV, 'Sample COVIDSafe Plan', December 2020, with the remarkably similar but substantially longer CPVV 'Sample COVIDSafe Plan & Checklist' (27 pages), November 2020.

³¹⁷ E.g., on 17 August 2020, V/line Coach required operators to complete a declaration template attesting that a COVIDSafe Plan had been created and implemented, to be returned by COB, 1 September. "As an assurance measure, V/Line will undertake occasional reviews of coach operator COVIDSafe Plans and a member of the coach team will make contact to obtain detail of your COVIDSafe plan, when selected for review." BSV wrote, "as per section 54 (1) of the Bus Safety Act 2009 (the Act), the Safety Director is requesting that you provide your COVIDSafe plan ... by [DATE]. Please note, as per section 54 (2) of the Act, an accredited bus operator must comply with a request made by the Safety Director under subsection (1). Penalty: 1200 penalty units."

³¹⁸ The auditor had demanded that COVID-19 "biohazard" wording be included in the operator's risk register.

³¹⁹ WorkSafe Inspection report from 2021, copy provided to BAV by the operator.

COVIDSafe compliance, including the requirement to have a COVIDSafe Plan;³²⁰ and WorkSafe had been entering workplaces specifically to review COVIDSafe compliance since at least mid-2021.³²¹)

The wording of V/Line's 17 August 2020 letter is revealing: "We appreciate these are unprecedented times, with many new processes directed by the Victorian Government." In practice, whole agencies and departments as well as their private sector contractors were and are being micromanaged by health bureaucrats who don't understand them. No business should have been put through this.

In January 2022 the DJCS joined in. A letter to a bus operator advised, "I am an Authorised Officer working in the COVID-19 Industry Engagement and Enforcement Operations team within the Department of Justice and Community Safety, which is tasked with ensuring compliance with the Minister for Health Pandemic Orders." A pile of documents was to be provided within 48 hours.³²²

At this point no less than four different agencies have demanded to review operator's COVIDSafe Plans. For many state-contracted bus operators, this is an overlap of three different agencies each.

BAV has had hundreds of calls for assistance from members since August 2020 relating to COVIDSafe Plan changes resulting from minor changes in workplace Directions and Orders. There is no business purpose for a COVIDSafe Plan to be longer than a page or so of practical actions, nor to rigorously document every latest change in directions, except to satisfy a bureaucratic passion for paperwork.

For the reader's information, covers of BAV's version 6 'COVIDSafe Plan template' and 'Control Measures' documents are included as appendices to this report. As the documents are updated, the revised versions are uploaded to the members-only section of the BAV website.³²³ (We first ran a webinar in October 2020 with Q&A on these documents, which is also on the member's website.)

From 1 September 2021 the government offered any Victorian business "a free, confidential review of your COVIDSafe Plan review by professional services firm Ernst & Young", to "consider your Plan and any relevant information, meet with you to discuss how you have implemented the plan, and provide confidential advice on how to address any gaps or areas for improvement".³²⁴ At what cost?

6.5 BAV assistance for Charter and Tour members

2020 and 2021 were devastating years for the charter, tour, and express sectors of our industry. Some members' businesses are built entirely on private school charter, and they receive no payment

³²⁰ Parliament, *Questions on Notice No. 3059*, <https://www.parliament.vic.gov.au/assembly/questions-on-notice/questions-database/details/53/3700>; WorkSafe Inspection Report, premises entry box, December 2020.

³²¹ The category "COVID 19 Infectious disease" is in a WorkSafe Inspection Report of July 2021 held by BAV.

³²² Email, 28 January 2022. The required information was a copy of the operator's completed COVIDSafe Plan, a photograph of the Service Victoria QR Code displayed at the business, a photograph of the mask signage displayed at the business, a copy/photograph of the Vaccination Status Register, and the business ABN.

³²³ BAV member resources, <https://www.busvic.asn.au/resources/covid19-busvic-membersonly-information>

³²⁴ *Greater Shepparton Council news release*, 1 September 2021, <https://greatershepparton.com.au/whats-happening/news/news-article/!/456/post/free-review-of-your-covidsafe-plan>. The offer was still on the VicGov website on 19 November 2021. I have been unable to find an end date, or what the program cost taxpayers.

for days when schools are closed due to COVID-19 shutdowns. State Government recommendations that schools cancel or defer school excursions and camps further impacted the sector.³²⁵

6.5.1 BAV lobbying

Throughout 2020 and 2021 BAV constantly lobbied State and Federal Governments to seek better outcomes for charter and tour operators and for more financial relief for the coach tourism sector. Already by 20 March 2020 BAV had made government enquiries about an industry-specific funding package to remunerate and retain casual staff who had no hours due to the flatlining of demand.³²⁶

In May 2020 BAV's submission to the PAEC *Inquiry into the Victorian Government's Response to the COVID-19 Pandemic* noted that "Most of the pure tour and charter operator members of BusVic have reported they are now insolvent, and their future looks bleak. Extrapolated out to an industry wide basis, approximately 440 of 560 tour and charter coach operators are in this situation".³²⁷

With the ending of JobKeeper, BAV wrote to the Prime Minister, the Treasurer, and the Tourism Minister, urging that JobKeeper be extended beyond the end of September 2020 for this sector.

In September 2021 the national Bus Industry Confederation also proposed a suite of federal measures to assist the deregulated bus sector (long distance, tour, charter and express services) including a national rescue package for cancelled bookings, suspension or waiving of government fees, road tolls, and road user charges including for a period after the return to normal services.³²⁸

With the advent of the Omicron strain of COVID-19 and its subvariants, charter and tour demand remains low in 2022 and demand for intercity express services is woefully low. As BAV reported to its Board in February 2022, no-one including the State government was responsive to our calls for financial support for this sector, but BAV will continue advocating for specific sector support in 2022.

6.5.2 Assistance from BAV Finance with financial management of debt

BAV Finance has assisted impacted members to make arrangements for payment deferrals and extensions for debt with their lending institution. This information is commercially sensitive.

6.5.3 Funded time with Pitcher Partners for business advice for Charter and Tour members

BAV offered to fund members whose business was predominantly charter or tour to have time with Pitcher Partners business accountants to show them ways to reduce costs in the face of reducing revenue, and how to hibernate the business if necessary. This information is commercially sensitive.

³²⁵ NSW began cancellations as early as March 2020, *Sydney Morning Herald*, 15 March 2020, 'School assemblies, excursions and events to be cancelled', <https://www.smh.com.au/national/nsw/school-assemblies-excursions-and-events-to-be-cancelled-20200315-p54aae.html>

³²⁶ BAV member email from Chris Lowe, 20 March 2020.

³²⁷ BAV, 'Submission to Public Accounts and Estimates Committee's *Inquiry into the Victorian Government's Response to the COVID-19 Pandemic*', Submission No. 8, 25 May 2020, https://www.parliament.vic.gov.au/images/stories/committees/paec/COVID-19_Inquiry/Submissions/8._Bus_Association_Victoria_Inc._Redacted.pdf

³²⁸ Bus Industry Confederation Inc., *Australian Bus and Coach Industry: a snapshot* (September 2021), 106-7.

6.5.4 Discounted membership levies for Charter and Tour members

By mid-March 2020, schools, tourism operators and other regular bus customers were cancelling jobs in light of the social distancing and other restrictions and the downturn in tourism associated with COVID-19. School sports days, camps and excursions were among the many events impacted.

This also affected many state contract bus operators for whom occasional charter is extra income, although it is worth noting that many regional school bus operators provide day charters for the schools they service at little more than cost price, as a favour to their local school community.

BAV devised massively discounted membership levies for the 2020-21 and 2021-22 membership years for members whose businesses are predominantly charter or tour based. Levies were divided into contract buses and non-contracted buses, and the unit value of the non-contracted buses was dramatically reduced, so that membership was more affordable for the charter and tour sector.

6.5.5 Direct financial assistance for Charter and Tour members

BAV provided various forms of direct financial assistance to predominantly charter/tour members in need, including refunds of membership fees and the return of insurance commissions, using some of its Bus Foundation funds. (The core purpose of the Bus Foundation is to provide financial assistance to BAV's members and past members who may be in need of assistance for a variety of reasons.)

6.5.6 Promotion of bus travel and tourism

BAV has produced a set of 15, 30 and 60 second promotional videos for distribution to encourage the travelling public to get back into coach tourism. The videos show appealing tourism imagery and speak to the virtues of coach/express travel by "travelling through the country, not over it". They will be promoted from July 2022 on social media, websites, and affordable traditional media channels.

The objectives of developing and distributing such a promotion are numerous: to show the public the benefits of coach tourism, to get the public to reconsider coach travel, to re-establish confidence in coach tourism, to promote our members' coach services, and to give their businesses a push.

As noted in Part 5 of this report, border closures and the flatlining of inbound tourism demand caused many charter and tour operators to close up shop. It is hoped that at some point during 2022, coach tourism demand will return. When it does, it will be even more competitive than previously. Hence, BAV is going to need to continue assisting those member operators experiencing hardship brought on by the pandemic. We will continue to frequently reach out to our members in the coach tourism sector and help them in any way we can to keep their businesses viable.

6.5.7 Bus insurance recommendation regarding parked-up buses and coaches

Insurance premiums for parked-up buses and coaches was another issue that overwhelmingly impacted Charter and Tour operators. BAV encouraged operators to speak with their insurance broker and review the extent of the 'lay-up' (Section 2 third-party liability) component of their insurance premium for any vehicles that were parked up and not being driven.

Some BAV members who suffered a collapse in business due to lock downs and restrictions were able to arrange with Australian Bus & Coach (via their insurance broker) a reduction of cover whilst vehicles were laid up so as to temporarily reduce the cost of their Fully Comprehensive Insurance.³²⁹

6.5.8 VicRoads representation regarding annual registration fees and related costs

Registration is a significant cost for coach operators. For example, registration for a three-axel coach costs \$2,674 per vehicle per year plus the TAC charge. With the collapse of tour and charter work by mid-March 2020, a member asked VicRoads what would happen if they cancelled bus registrations.

VicRoads advised that it owned the accredited number plates, which would need to be returned in person at the time of cancellation. To re-register any vehicles the operator would need to obtain a RWC, make an appointment with VicRoads, and be issued new plates. There is three months grace after the renewal due date to pay the fee before registration is cancelled. Alternatively, operators could apply for short term (3 or 6 months) registration subject to approval so as to pay less upfront.

This showed remarkable inflexibility to an industry on the verge of collapse. BAV asked VicRoads for assistance for coach charter and tour operators in particular: to freeze or suspend registration costs, and to waive new coach registration fees, stamp duty, TAC insurance and plate costs for 6 months.

In response to our representations, VicRoads advised that the best they could offer was the existing seasonal registration option whereby an operator cancels their current registration (but retains the bus number plates) and in the same transaction re-registers the vehicle under seasonal registration.

This allows nomination of a period between 1 and 9 months for which registration including the Transport Accident Charge are not charged. If seasonal registration is sought, the minimum term for which a vehicle must be registered in a 12-month period is three months. Payment for the active use period is made in advance, for the months the vehicle is intended to be used, at the time of converting to the seasonal registration. The process has to be done in person at a VicRoads office.

According to VicRoads, the system was originally developed for use by primary producer vehicles, “so it lacks some flexibility in dealing with other types of heavy vehicle operators who don’t work on a regular seasonal basis”. That was certainly true. To obtain seasonal registration with a non-use period commencing immediately, operators had to do the following:

“Make an appointment *for each vehicle* (by calling VicRoads on 131 171) to attend a VicRoads Customer Service Centre and advise you wish to cancel and immediately re-register the buses for seasonal registration. A seasonal registration form and a registration application (available on the VicRoads website) will need to be completed *for each vehicle*.

“VicRoads will immediately re-register the buses (with no certificate of roadworthiness required), with the non-use period commencing immediately. Refunds for the cancelled registrations will be paid by cheque in around 14 days, *minus an administration fee*. Payment must be made for the seasonal registration period at the time of the appointment. (No payment will be due for the non-use period, but *payment for the active use period must be made in advance*).

³²⁹ Description of offer for BAV members confirmed with Tony La Rocca, SURA Australian Bus and Coach.

“Once the vehicle is re-registered for a seasonal registration ‘non-use period’, two things could occur: A: The registration could reactivate into an ‘active use’ period when the ‘non-use period’ ends. At the end of the non-use period, the vehicles can be used on the road until the end of the registration period; or B: If the operator wishes to use the vehicle before the ‘non-use’ period expires, the operator should make an appointment to attend a VicRoads Service Centre, cancel the registrations and immediately re-register the buses for ‘normal’ registration. No certificate of roadworthiness will be required if the vehicle is cancelled and re-registered in the same transaction.

“VicRoads will waive number plate assignment fees *but will charge registration appointment fees* (\$19.00 per transaction). The operator retains their bus number plates. No vehicle inspections or certificates of roadworthiness will be necessary if the vehicles are not modified or changed from when they were last registered and are being registered to the same registered operator”.³³⁰

As can be seen the process was ‘clunky’. BAV asked for clarification on two matters and received the following responses: If an operator nominated an “active use” period to commence at some future time (and has paid for it) but wishes to recommence use earlier, they should contact VicRoads to arrange an appointment at a VicRoads Customer Service Centre to have the registration cancelled then immediately reinstated to the new period (as described above). *BAV: If so, are they then renewing the bus registration for 12 months?* VicRoads: “Sort of. They are nominating seasonal registration over a twelve-month period which takes in periods of ‘non-use’ and ‘active use’”.

Second, if the cancellation and re-registration to convert to seasonal registration is done in the same transaction, no certificate of roadworthiness (RWC) is needed. If registration is cancelled but the bus is subsequently re-registered into a seasonal registration period at a later time, a RWC is necessary.

In sum, although charter and tour work had collapsed due to various combinations of *Restricted Activity, Area, and Border Directions* on top of the ending of international tourism, VicRoads could not waive registration and TAC fees apparently because of a Treasury decision. Many operators were forced to deregister vehicles they could not afford to register, which also axed their potential to work if circumstances changed. As was noted in part 5.6.1 of this report, the refusal to waive these state fees for parked-up buses was a key factor in sending several tour bus operators bankrupt.

Yet in April 2020 Victoria found \$16.8 million for the arts, including for new works.³³¹ By December 2021, the Commonwealth had poured \$59 million into a COVID-19 Arts Sustainability Fund.³³² Great news! And an astounding shift occurred: “During [the 2020] pandemic lockdown, public servants in Victoria were paid \$669 million more and non-public servants received a pay cut of \$3.54 billion”.³³³

6.6 Rapid Antigen Test (RAT) kit issues

Rapid Antigen Tests can detect whether COVID-19 proteins are present in a swab sample but are not as accurate as PCR tests. Under DOH ‘Contact Assessment Guidance’ of 30 December 2021, a contact

³³⁰ VicRoads information, relayed to BAV members 14 May 2020.

³³¹ *Arts Hub*, <https://www.artshub.com.au/news/news/victorian-government-announces-168-million-arts-survival-package-260260-2367149/>

³³² DITRDC, Office for the Arts, COVID-19 update, <https://www.arts.gov.au/covid-19-update>

³³³ *Australian Financial Review*, 4 June 2021, ‘In Victoria’s lockdowns, it pays to be a public servant’, <https://www.afr.com/policy/economy/in-victoria-s-lockdowns-it-pays-to-be-a-public-servant-20210603-p57xos>

(“any staff member or contractor who has contact with a confirmed positive case of COVID-19 in a non-household setting”) was required to have “daily rapid antigen testing for 5 days after contact notification”,³³⁴ regardless of whether the contact was and continued to be asymptomatic.

At the start of January 2022 RAT kits were virtually impossible to obtain.³³⁵ BAV approached DOT and DET to see if they could supply or facilitate the supply of RATs to all contracted operators to keep vehicles running and public transport staff safe.³³⁶ DOT said its COVID Response Team was working to enable operators to purchase directly from the State’s panel of suppliers and at a reduced cost.³³⁷

In a 13 January EMV industry briefing, BAV stated that the product information on three RAT kits (*Roche*, *CareStart*, and *OnSite*) indicated that they were not intended for pre-symptomatic screening. (E.g., Roche says, “it is recommended this test be used within 7 days post-onset of symptoms”.) The need to use a RAT seemed at odds with the product information if a person is asymptomatic.³³⁸

Although the question was read out by the facilitator and DOH personnel were in the briefing, there was no follow up reply. It would be alarming if the promoted universal utility of RATs was in error, given that by 20 January 2022 the State Government had ordered 200 million RAT kits.³³⁹

While the guidelines did not require employers to avail RATs to staff, doing so could help to keep a business operational under the provisions described in the *Quarantine Isolation and Testing Order*, to allow transport workers who were asymptomatic close contacts of a diagnosed person to come to work after 18 January.³⁴⁰ It should be noted that a lengthy list of conditions applied to this situation.

BAV noted that operators might also decide to avail RATs to their workers as part of a general OH&S mitigating measure in their COVID-19 response. In January and February 2022 BAV received dozens of calls from members every week with questions about RATs and RAT kit availability.

Because Government could not advise when bus operators might be able to access RATs from the millions it had ordered, BAV consulted its Board and Operator Committee, and in mid-January placed an order for 17,000 RATs to be distributed across the entire bus and coach industry. It also extended this offer to the handful of non-BAV member operators, who took up the offer. After two rounds of supplier and warehousing delays, the RAT kits were distributed from 14 February 2022.

³³⁴ DOH, ‘Contact assessment and management guidance: workplaces, business and industry’, version 3, 30 December 2021.

³³⁵ *ABC News*, 4 January 2022, <https://www.abc.net.au/news/2022-01-04/surging-covid-19-cases-finding-a-rapid-antigen-test-kit-website/100737618>; *Herald-Sun*, 4 January 2022, ‘Rapid test supply crisis leaves Victorians stranded’, <https://www.heraldsun.com.au/coronavirus/rapid-test-supply-crisis-leaves-victorians-stranded/news-story/d8c8e536f0b1c7f0949072db8c0b9687>

³³⁶ Chris Lowe (BAV Executive Director) to DOT/DET, 7 January 2022.

³³⁷ DOT to Chris Lowe, 13 January 2022.

³³⁸ EMV, ‘COVID-19 Industry Briefing for Sector Resilience Networks’, 13 January 2022. Question entered in chat at 12:58 pm. The product information for *RightSign* also indicates it is for post-symptomatic testing. I have not looked at any more RAT kit information, but these four are indicative, and all are approved by the TGA.

³³⁹ Premier’s media release, 20 January 2022, ‘Millions more rapid tests on the way’, <https://www.premier.vic.gov.au/millions-more-rapid-tests-way>

³⁴⁰ Transport workers (including providers of bus company services) were added to the exemptions listed in the *Exemption of Specific Workers - Contacts Conditions and Other Directions* (No. 3) of 8 February 2022.

After supply issues – the major cause of consternation – were resolved, it appeared that a majority of operators wished to have RAT kits on hand as a fallback position, but much preferred to use relief drivers (or other staff members) wherever possible if a regular driver or staff member had to isolate.

The DOH *Coronavirus (COVID-19) Testing requirements policy* (version 5) of 22 April 2022 mandated that any close contact without COVID-19 symptoms must undertake a RAT on the first and sixth day from when they are required to self-quarantine. It then bizarrely recommended using a RAT “on three other days between the first and sixth day”, regardless that they are already in self-quarantine.

Despite serious labour disruption across many industries caused by isolation rules,³⁴¹ the *Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 7)* of 12 April 2022, clause 33, defined a person as “a symptomatic person in the community if (1), the person is experiencing one or more COVID-19 symptoms, unless those symptoms are caused by an underlying health condition or medication; and (2), the person is not a close contact, exposed person, social contact or a recent confirmed case”.

Such a person, who had had no contact with any COVID-19 related person, even third hand, under clause 34 “must comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons”. These in turn said the person “should undertake a COVID-19 rapid antigen test (RAT) or a COVID-19 PCR test as soon as possible after symptom onset, and self-quarantine until they receive a negative result or for seven days post-test, whichever is earlier.”³⁴²

With relentless messaging since March 2020 from DOH and the Premier’s office that anyone “with the slightest symptoms” should get tested, plus Pandemic Orders for anyone with any COVID-19 symptoms (which overlap with hay fever, common colds, and many other non-COVID-19 seasonal annoyances), the economically and socially damaging labour shortages should be no surprise.

6.7 BAV member support webinars

With the cancelling of BAV regional branch meetings and events from early 2020 through to late 2021, including both of its annual two-day maintenance conferences, BAV determined to continue to provide members with opportunities to hear both from its own staff and from external experts via webinars. These have typically been 20-25 minutes in length, with a further 20 minutes for Q&A.

The format enabled questions to be fed into the chat feature and read out to the presenter for answering, ensuring that all viewers heard the question and answer. The recorded webinars were uploaded to the members’ website for access by any member who could not attend on the day.

Some comprised COVID-19 content on such practical matters as bus and depot cleaning, disinfecting and sanitisation, DOH Workplace Directions, and COVIDSafe Plan and control measures guidance. One reviewed COVID-19 and patronage trends on public transport networks at the start of 2022.

³⁴¹ *The Loadstar*, 31 January 2022, [Staff shortages from Covid heighten chronic Australian supply chain delays](https://www.theguardian.com/australia-news/2022/jan/06/staff-shortages-batter-australian-economy-as-covid-surge-leaves-half-of-some-companies-employees-unable-to-work); *Guardian*, 6 January 2022, ‘Staff shortages batter Australian economy as Covid surge leaves half of some companies’ employees unable to work’, <https://www.theguardian.com/australia-news/2022/jan/06/staff-shortages-batter-australian-economy-as-covid-surge-leaves-half-of-some-companies-employees-unable-to-work>

³⁴² DOH, ‘Coronavirus (COVID-19) Testing requirements for contacts and exposed persons’, then version 3 of 4 February 2022, but maintained through version 4 into version 5 of 22 April 2022.

Compliance topics explored changes to the Bus Safety Act and Regulations, internal and external audits, updating the MIS and MMS, roadworthiness trends and best practice vehicle inspections, DOT School Bus replacements, and the Reportable Conduct Scheme for DET Special School Buses.

Other webinars addressed legal and business management issues including managing employee performance and disciplinary issues, terminations and unfair dismissal or discrimination claims, industrial relations (Sexual Discrimination Act), and buying and selling bus contracts.

Another central theme was operator and employee welfare including COVID-19 & Superannuation, and protecting and promoting the mental health and wellbeing of ageing workers. Most of these topics do not date quickly and should be a useful resource archive for at least the medium term.

6.8 Looking forward

Protection of operators' and drivers' health and wellbeing, concern for and action to secure the financial viability of members' businesses, and the provision of relevant advice to members in a constantly changing environment has been at the heart of BAV's actions since the pandemic began.

Calls with members every week has shown again and again that we have gone about this the right way. At various times the volume of information we have generated has been overwhelming for members who have not been able to read everything sent out due to multiple demands on their time, not least from government agencies demanding complex documentation at short notice while they were trying to run a business and cope with ever-changing COVID-19 rules and restrictions.

BAV will continue to support and advocate for its members' businesses to the best of its ability, as it has done through the last two years of the COVID-19 pandemic, no matter what happens around it.

PART 7 – POST-PANDEMIC EVALUATION AND LESSONS LEARNED

It is too early to say we have reached the ‘post-pandemic’ phase for COVID-19 but, for the purposes of this review of, and report on, what the bus industry (amongst others) has been through between March 2020 and May 2022, it can certainly be said that we have learned a great deal for the future.

Before highlighting key learning points, there are two caveats:

(1) The pandemic is a dynamic environment.

Not only have there been multiple variants from the original SARS-CoV-2 strain each with its own degree of transmissibility and impact – notably the arrival of Delta in May 2021, its rapid succession by Kappa, and then Omicron from December 2021, with several others in between – but state and Commonwealth responses have varied widely, and indeed clashed at various times over border closures, school re-openings, and medical and financial aid, with a blame game in play on all sides that soon sought to lay responsibility for policy misjudgements and failure on citizens themselves.³⁴³

(2) More COVID-19 variants are inevitable.

By April 2022, Omicron variant BA.2 was the latest sub-variant to arrive in Australia. It is unknown how many more variants may develop, but virologists say that more are certain.³⁴⁴ Within a week of BA.2’s arrival a South African visitor had brought a new sub-variant, BA.4, into NSW. A former WHO epidemiologist said that it appeared to have same transmissibility as BA.2, but was more infectious, including to those vaccinated, and was then rapidly overtaking the BA.2 sub-variant in Africa.³⁴⁵

By May 2022, Omicron variant BA.2.12.1 (a sub-lineage of BA.2) was accelerating in the US and proving more transmissible than BA.2, with a first case identified in Melbourne wastewater.³⁴⁶ A

³⁴³ Jason Thompson, *University of Melbourne Pursuit*, ‘Get Ready For A Shift In The Covid Blame Game’, 8 July 2021, <https://pursuit.unimelb.edu.au/articles/get-ready-for-a-shift-in-the-covid-blame-game>; *Sydney Morning Herald*, Opinion, 27 June 2021, ‘The COVID blame game isn’t always fair’, <https://www.smh.com.au/national/the-covid-blame-game-isn-t-always-fair-20210627-p584lm.html>

³⁴⁴ *Nature*, 28 February 2022, ‘The next variant: three key questions about what’s after Omicron’, <https://www.nature.com/articles/d41586-022-00510-y>; *Scientific American*, 4 April 2022, ‘What We Know about Omicron’s BA.2 Variant So Far’, <https://www.scientificamerican.com/article/what-we-know-about-omicrons-ba-2-variant-so-far1/>

³⁴⁵ *Geelong Advertiser*, 29 April 2022, ‘New Covid variant in NSW prompts concern over reinfection rates’, <https://www.geelongadvertiser.com.au/breaking-news/new-covid-variant-in-nsw-prompts-concern-over-reinfection-rates/news-story/8f2eba48576a6d0db3caa5bc89289f6a>

³⁴⁶ *ABC news*, 4 May 2022, ‘COVID-19 Omicron subvariant BA.2.12.1 detected in Australia in Victorian wastewater’, <https://www.abc.net.au/news/2022-04-30/covid-19-omicron-subvariant-ba-2-12-1-detected-in-victoria/101027818>

BA.5 variant along with BA.4 was accelerating globally in June 2022.³⁴⁷ Scientists say that both the sub-variants are more transmissible than BA.2 but do not appear to cause more severe disease.³⁴⁸

7.1 Lessons from the Deltacron scare

Health authorities and the media are equally likely to succumb to hysteria in a climate of panic that suggests an almost total collapse of what little common sense remains after two years of pandemic misinformation (including by virological experts), scaremongering and knee-jerk authoritarianism.³⁴⁹ This can be illustrated with the January 2022 announcement of a non-existent variant, 'Deltacron'.

On 7 January 2022, University of Cyprus researchers identified several SARS-CoV-2 genomes that featured elements of both the Delta and Omicron variants.³⁵⁰ On 9 January, *Bloomberg Asia* picked up the story,³⁵¹ and 'Deltacron' became world news. It was allegedly a merger of the more virulent Delta AY.4 with the faster spreading Omicron BA.1 from a patient infected with both strains at once. It was "identified" in the USA and Europe, and officially recognised as a new variant by the Institut Pasteur in France. WHO experts warned it was likely to appear in more countries in coming weeks.³⁵²

Doubts arose by late January, with some experts questioning whether Deltacron was a new variant or if the data was the result of contamination during laboratory testing. The discovery team stood by their work and other touted experts weighed in, recommending further research,³⁵³ regardless that the tale of Deltacron would be completely overthrown in favour of lab error by the end of January.³⁵⁴

³⁴⁷ *News.com.au*, 10 June 2022, 'Covid-19 cases tipped to rise over winter with arrival of new variants BA.4 and BA.5', <https://www.news.com.au/lifestyle/health/health-problems/covid19-cases-tipped-to-rise-over-winter-with-arrival-of-new-variants-ba4-and-ba5/news-story/6a620bf04a6630e53121c7d22793c2d0>

³⁴⁸ *News.com.au*, 3 May 2022, 'Experts' warning about Covid variants as cases surge overseas', <https://www.news.com.au/world/coronavirus/this-is-real-experts-warning-about-covid-variants-as-cases-surge-overseas/news-story/5499ddc2f8deb5ccc8356d82be0a0af7>

³⁴⁹ On 4 July 2020 the DOH authorised a lockdown of 9 Melbourne public housing towers for 5 days that commenced the same afternoon as the order, leaving residents unprepared with medicine and food and with emergency aid deliveries also blocked. There was never any reason why urgent food and medical supplies, and even non-essentials, could not have been delivered in a COVIDSafe way. The immediacy of the lockdown was later found to have been a breach of human rights by the Victorian Ombudsman but for which the Housing Minister refused to apologise, *ABC News*, 17 December 2020, <https://www.abc.net.au/news/2020-12-17/lockdown-public-housing-towers-breached-human-rights-ombudsman/12991162>

³⁵⁰ *Nature*, 21 January 2022, 'Deltacron: the story of the variant that wasn't', <https://www.nature.com/articles/d41586-022-00149-9>

³⁵¹ *Bloomberg Asia Edition*, 9 January 2022, 'Cyprus Finds Covid-19 Infections That Combine Delta and Omicron', <https://www.bloomberg.com/news/articles/2022-01-08/cyprus-finds-covid-19-infections-that-combine-delta-and-omicron>

³⁵² *News.com.au*, 21 March 2022, 'Scientists explain "Deltacron" strain detected in several overseas countries', <https://www.news.com.au/world/coronavirus/scientists-explain-deltacron-strain-detected-in-several-overseas-countries/news-story/80530254f804fbcee2d398357dafac24>

³⁵³ *Medical News Today*, 24 January 2022, 'Deltacron: New variant or laboratory error?', <https://www.medicalnewstoday.com/articles/deltacron-new-variant-or-laboratory-error>

³⁵⁴ *Australian Financial Review*, 24 January 2022, 'No, delta and omicron have not merged to form a "super variant"', <https://www.afr.com/policy/health-and-education/no-delta-and-omicron-have-not-merged-to-become-a-super-variant-20220124-p59qq4>

In Australia, however, the non-existent variant continued to make news. The *ABC* announced its arrival on 9 March 2022, with one Queensland Associate Professor of infectious diseases claiming that “It does look, increasingly, like there's two different Deltacrons”.³⁵⁵ At the same time the WHO was talking about the possibility of recombinant strains in respect of Deltacron,³⁵⁶ much as in 2007 it had leapt to wrongly speculate that Bird flu could mix to become transmissible between humans.³⁵⁷

On 22 March 2022, *9 News* said that Deltacron had not yet been detected in Australia.³⁵⁸ On 7 April both *7 News* and the *Daily Mail* claimed the first two Australian cases had been identified in NSW,³⁵⁹ although it seems from the article texts that these are the same cases claimed by the *ABC* back on 9 March. A Google search for “deltacron in Australia” on 31 May 2022 produced only 2,460 results.³⁶⁰

It seems that Deltacron had stopped being a ‘thing’. On 21 May 2022, within an article titled ‘How the new Deltacron hybrid strain is different’, a subheading pointedly asked, ‘Is Deltacron even in Australia?’. Epidemiologist Professor Catherine Bennett said that “genomic testing from infection samples is being conducted, but the likelihood that Deltacron has reached Australia is very low. We would know if it was here in any number, especially if associated with more of a Delta-like illness”.³⁶¹

In other words, Deltacron belongs in the land of alarmist myth. The few studies still claiming it as a ‘thing’ seem only to be able to repeat the long rejected January 2022 claims and suggest that “we should expect to encounter recombinants since viruses mutate with time”.³⁶² That is true, but it establishes nothing about the claim for Deltacron, which was nonsense.³⁶³ The most that can be said is that IF it exists it is no worse than Delta,³⁶⁴ and the key lesson is that even experts fall for clickbait.

³⁵⁵ *ABC News*, 9 April 2022, ‘A new COVID-19 variant has been detected in Australia’,

<https://www.abc.net.au/news/2022-04-09/qld-coronavirus-covid-new-variant-deltacron/100958122>

³⁵⁶ Maria Van Kerkhove (Infectious Disease Epidemiologist, COVID-19 Technical Lead; Emerging Diseases and Zoonoses Lead), WHO Health Emergencies Programme, 9 March 2022,

<https://twitter.com/mvankerkhove/status/1501279629906259973>

³⁵⁷ See part 2.2.2 of this report.

³⁵⁸ *9 News*, 22 March 2022, <https://www.9news.com.au/world/coronavirus-world-updates-deltacron-variant-what-is-new-strain-how-dangerous-explainer/fdcdd9cd-2015-4230-bc7f-aca6f56e1ec2>

³⁵⁹ *7 News*, 7 April 2022, <https://7news.com.au/news/coronavirus/first-deltacron-and-mixed-covid-infections-reported-in-weekly-nsw-health-overview-c-6375553>; *Daily Mail*, 7 March 2022,

<https://www.dailymail.co.uk/news/article-10697721/Deltacron-arrives-Australia.html>

³⁶⁰ 31 May 2022. One would expect results in the tens of thousands; “omicron in australia” gave 43,000 results.

³⁶¹ *Daily Mail*, 31 May 2022, see especially the second part of the article, ‘Is Deltacron even in Australia?’,

<https://www.dailymail.co.uk/news/article-10689955/How-new-Deltacron-hybrid-strain-different-better-Covid-NOW.html>

³⁶² E.g., Sazan Maulud et al., ‘Deltacron: Apprehending a new phase of the COVID-19 pandemic’, *International Journal of Surgery* 102 (May 2022) 106654, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9080049/>

³⁶³ *Lancs Live*, 10 January 2022, ‘Deltacron Covid variant myths debunked as scientists give verdict’, <https://www.lancs.live/news/uk-world-news/deltacron-covid-variant-myths-debunked-22697086>

³⁶⁴ *Becker Hospital Review*, 23 March 2022, ‘Why the name 'deltacron' may be misleading’,

<https://www.beckershospitalreview.com/public-health/why-the-name-deltacron-may-be-misleading.html>

7.2 Victoria's lockdown strategy

Since March 2020 Melbourne has endured the greatest number of days – 282 – under lockdown of any city in the world.³⁶⁵ This includes 111 consecutive days during Melbourne's second wave in 2020, and 82 consecutive days in Lockdown 6 to October 2021.³⁶⁶ Lockdowns are euphemistically named 'non-pharmaceutical interventions' and 'large-scale anti-contagion policies'.³⁶⁷ It is a pre-vaccine tactic, but there is little moral justification for lockdowns even before a vaccine is widely available.³⁶⁸

Lockdown was only one option when the possibility of eliminating the virus by quarantine existed. Elimination is "defined as the date of clearance of infection by the last case. The observable moment of 28 days without a locally acquired case with no known contact follows by about another two weeks".³⁶⁹ Melbourne University experts asserted (against overseas experiences) that "Lock-downs are effective for pandemic control. Our case for an explicit elimination strategy in Victoria [in July 2020] is that given [it] is in lock-down for six-weeks there is only a marginal cost of 'going hard' with a rigorous public health response that increases the probability of achieving elimination".³⁷⁰

"Going hard" had become the go-to catchphrase of lockdown advocates globally. New Zealand enacted a nationwide lockdown across both islands in response to one case in August 2021. "Prime Minister Jacinda Ardern said the toughest 'level 4' rules were required - closing schools, offices and all businesses with only essential services remaining operational. 'I want to assure New Zealand that we have planned for this eventuality. Going hard and early has worked for us before', she said".³⁷¹

How did lockdowns become 'the way'? Ari Joffe saw in 2021 that "early modelling made concerning predictions that induced fear".³⁷² The first coronavirus modelling to advocate strict lockdowns as a

³⁶⁵ Reviewed by *ABC Fact Check*, 25 October 2021: "Fact Check's research found Melbourne had been under so-called 'stay-at-home' orders for a cumulative 277 days when Mr Frydenberg made his October 16 [longest lockdown in the world] claim, five days before the latest orders were finally lifted," which yields 282 days. *Fact Check* then argued against common sense that exemptions "during part of the city's first lockdown" meant that fewer days should be counted. It allowed 262 days for the total period that Melbourne has been under strict stay-at-home orders, with some postcodes locked down for an additional week in 2020, i.e., 267. As Stay at Home orders were the comparison criteria, Melbourne's 282 days stands; it easily beat all other contenders, <https://www.abc.net.au/news/2021-10-25/fact-check-is-melbourne-most-locked-down-city/100560172>

³⁶⁶ *Herald-Sun*, 3 October 2021, 1: "From most liveable city to most locked down". Victoria's last lockdown ended 22 October 2021 (DOT, *Victorian Public Transport Patronage Report*, December 2021, 17).

³⁶⁷ So e.g., Seth Flaxman et al., 'Estimating the effects of non-pharmaceutical interventions on COVID-19 in Europe', *Nature* 2020, <https://www.nature.com/articles/s41586-020-2405-7>; Solomon Hsiang et al., 'The effect of large-scale anti-contagion policies on the COVID-19 pandemic', *Nature* 2020, <https://www.nature.com/articles/s41586-020-2404-8>

³⁶⁸ Steven Kraaijeveld, 'COVID-19: Against a Lockdown Approach', *Asian Bioethics Review*, 13.2 (June 2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7687977/>

³⁶⁹ Tony Blakely et al., 'Maximizing the probability that the 6-week lock-down in Victoria delivers a COVID-19 free Australia', *Medical Journal of Australia*, 17 July 2020, 2, <https://www.mja.com.au/system/files/2020-07/Blakely%20mja20.01292%20-%202017%20July%202020.pdf>

³⁷⁰ *Ibid.*, 2.

³⁷¹ *BBC* 17 August 2021, <https://www.bbc.com/news/world-asia-58241619>

³⁷² Ari Joffe, 'COVID-19: Rethinking the Lockdown Groupthink', *Frontiers in Public Health*, 26 February 2021, 2, <https://www.frontiersin.org/articles/10.3389/fpubh.2021.625778/full>

public health strategy was that of the Imperial College London COVID-19 Response Team, on 16 March 2020. They held that [lockdown] needs to be in force for the majority (>2/3 of the time) of the 2 years of the simulation, without which there would be 510,000 deaths in Great Britain and 2.2 million deaths in the United States by mid-April [2020], surpassing ICU demand by 30 times. On 26 March 2020 they extended this to the global impact of the pandemic, and estimated that without lockdowns there would be “7 billion infections and 40 million deaths globally this year” [2020].³⁷³

The fear-driven, modelling-based lockdown doctrine spread to approximately 80 percent of OECD countries within just 2 weeks in March 2020.³⁷⁴ The unchallenged assumption was that “there were ... no alternatives to extreme measures implemented on entire populations with little consideration of cost and consequences” (externalities).³⁷⁵ The Imperial College work informed Victoria’s approach to COVID-19 measures and is cited in a Doherty Institute research paper of 7 April 2020. The Doherty paper asserted, “Case isolation and contact quarantine ... are insufficient to constrain presentations within feasible levels of expansion of health sector capacity. Overlaid social restrictions must be applied over the course of the epidemic to ensure systems do not become overwhelmed, and that essential health sector functions, including care of COVID-19 patients, can be maintained”.³⁷⁶

The ABC said that the Doherty Institute, “which has been critical in the Government’s coronavirus decision-making process”, had released modelling that “helped inform the Federal Government’s early measures ... against the disease”. It said the Institute had “put some ‘very scary numbers’ to the Government early on”, including a ‘worst-case scenario’ that looked at “what would happen if 23 million Australians became infected with COVID-19. It found that would have resulted in more than 35,000 intensive care beds being needed each day”.³⁷⁷ The Commonwealth Deputy Chief Medical Officer said at the time, “We are getting the best modellers in Australia who are linked with the international community to look at a variety of scenarios”.³⁷⁸ The modellers did not disappoint.

In March 2020 modellers raised the spectre of up to 1.6 million people in NSW hit by the first wave of a state-wide outbreak, with up to 80,000 people likely to require intensive care simultaneously. Health workers in NSW were told to prepare for 8,000 deaths over the duration of the epidemic, with the first wave lasting from 12 to 22 weeks.³⁷⁹ A similar horror story was revealed for Victoria.

³⁷³ Imperial College report, quoted in Ari Joffe, ‘COVID-19: Rethinking the Lockdown Groupthink’, *Frontiers in Public Health*, 26 February 2021, 2, <https://www.frontiersin.org/articles/10.3389/fpubh.2021.625778/full>

³⁷⁴ Ari Joffe, ‘COVID-19: Rethinking the Lockdown Groupthink’, *Frontiers in Public Health*, 26 February 2021, 2, <https://www.frontiersin.org/articles/10.3389/fpubh.2021.625778/full>

³⁷⁵ *Ibid.*, 2.

³⁷⁶ Rob Moss et al., pre-print paper, ‘Modelling the impact of COVID-19 in Australia to inform transmission reducing measures and health system preparedness’, Doherty Institute, 7 April 2020, ‘Findings’ https://www.doherty.edu.au/uploads/content_doc/McVernon_Modelling_COVID-19_2.pdf

³⁷⁷ ABC News, 7 April 2020, ‘Coronavirus data modelling has Australia in good position’, <https://www.abc.net.au/news/2020-04-07/coronavirus-government-covid19-modelling-experts-on-response/12128950>

³⁷⁸ *Guardian*, 11 March 2020, <https://www.theguardian.com/world/2020/mar/11/health-minister-says-australia-cannot-predict-how-many-will-die-from-coronavirus>

³⁷⁹ *Guardian*, 12 March 2020, ‘Hospital staff in NSW told to prepare for 8,000 coronavirus deaths’, <https://www.theguardian.com/world/2020/mar/12/hospital-staff-in-nsw-told-to-prepare-for-8000-coronavirus-deaths>

On 23 April 2020 the DOH said that “modelling undertaken by Monash University and the Doherty Institute ... finds that if no physical distancing restrictions were in place, Victoria would have seen up to 58,000 new coronavirus (COVID-19) cases every day at the peak of the pandemic”, and that “if a BAU approach had been adopted, 10,000 intensive care beds would have been required, [and] 9,200 people would have been presenting to hospital every day with as many as 36,000 people dying”.³⁸⁰

Thank heaven for lockdown options! But we now know, and knew by the end of 2020 at the latest, that lockdowns did not stop COVID-19 in Australia, nor anywhere else in the world.³⁸¹ Researchers were quite unable to show what control measures worked better than others, and simply held that “without a vaccine or effective treatment, stopping transmission [is] the only defence”.³⁸² Lockdown had become the automatic default option for what no-one would admit was an impossible objective.

Already by May 2020 American economist Ryan McMaken had observed that “coerced economic ‘shutdowns’ - enforced with fines, arrests, and revoked business licenses - are not the natural outgrowth of a pandemic. They are the result of policy decisions taken by politicians.... In short, politicians, bureaucrats, and their supporters have insisted [that] a single policy goal—ending the spread of a disease—be allowed to destroy all other values and considerations in society”.³⁸³ The ‘at all costs’ approach echoes the Vietnam War’s “we had to destroy the town in order to save it”.³⁸⁴

A *Lancet* article also in May 2020 concluded that “hard lockdown does not protect old and frail people living in care homes - a population [it] was designed to protect. Neither does it decrease mortality.... COVID-19 is spreading like wildfire in all countries, but ... it almost always spreads from younger people with no or weak symptoms to other people who will also have mild symptoms. This is the real pandemic, but it goes on beneath the surface.... Measures to flatten the curve might have an effect, but a lockdown only pushes the severe cases into the future - it will not prevent them”.³⁸⁵

By September 2020 it emerged that a massive error underpinned the April data that had been used to put Australia into lockdown. The data for the estimated number of hospitalisations was shown as the number who would need intensive care. This for example resulted in NSW having an estimated 12,000 needing intensive care rather than the 3000 it was meant to indicate. James Cook University discovered the mistake in June and notified the Doherty Institute, but nothing changed in the public health response.³⁸⁶ It is hard to express the frustration felt in September 2020 when the news broke,

³⁸⁰ DOH Key Messages, Coronavirus (COVID-19), 23 April 2020 at 7:30 am, p. 3, ‘Victorian Modelling’.

³⁸¹ See e.g., John Gibson, ‘Government mandated lockdowns do not reduce Covid-19 deaths: implications for evaluating the stringent New Zealand response’, *New Zealand Economic Papers*, 56.1 (2022), <https://www.tandfonline.com/doi/full/10.1080/00779954.2020.1844786>

³⁸² *Nature*, 27 April 2020, ‘Whose coronavirus strategy worked best? Scientists hunt most effective policies’, <https://www.nature.com/articles/d41586-020-01248-1>

³⁸³ Ryan McMaken, *Mises Wire*, 20 May 2020, ‘Do Lockdowns Work? Mounting Evidence Says No’, <https://mises.org/wire/do-lockdowns-work-mounting-evidence-says-no>

³⁸⁴ *This day in quotes*, re. Vietnam War, 1968, <http://www.thisdayinquotes.com/2010/02/it-became-necessary-to-destroy-town-to.html>

³⁸⁵ Johan Giesecke, ‘The invisible pandemic’, *Lancet*, 395 (5 May 2020), 10238, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7200128/>

³⁸⁶ *News.com.au*, 10 September 2020, ‘Mistake in COVID modelling that informed lockdown’, <https://www.news.com.au/world/coronavirus/australia/coronavirus-australia-mistake-in-covid-modelling-that-informed-lockdown/news-story/ed597d740d845649de9e7b31c123bee7>

while living under stage 3 and 4 restrictions, knowing that businesses were going bankrupt left right and centre based on faulty modelling and that no-one in DOT, DOH or government would listen.

In a September 2021 paper the Doherty Institute observed that “In reality, the national COVID-19 epidemic has been and will continue to be a ‘fire’ fought on multiple fronts.³⁸⁷ This was self-evident, but lockdowns should not have been any part of the states’ or Commonwealth toolbox. As it said, “It can no longer be assumed that even stringent lockdown measures will achieve local extinction”.³⁸⁸

As was then clear, “assuming that the aim of COVID-19 measures is to drastically reduce the spread of the virus, or what has come to be known as flattening the curve, then what is needed is for people to follow the requisite procedures that will lead to the desired outcomes (i.e., self-isolating when infected, careful attention to personal hygiene, [physical] distancing, and so on.³⁸⁹ Tools include wearing masks in confined spaces (especially medical centres and on public transport) and when nursing the elderly and vulnerable to stop or limit spreading by infected persons,³⁹⁰ encouragement of both outdoor and of physically distanced indoor exercise, healthy eating and weight control.³⁹¹

Importantly, these are all measures that “can in principle be achieved freely as well as through enforcement”,³⁹² yet were all countermanded by lockdown proponents in the CHO’s office and the health bureaucracy who at various times directed Victorians by law to stay at home, away from workplaces, out of parks and gyms, and away even from members of their own family or household when outdoor exercise was limited to strictly two such persons under Victorian health directions.

Despite two years of practice, the expert models are at best approximations and often seem little more than guesses. Public transport operators were advised in a DOT Operational Readiness forum on 22 March 2022 that Burnett modelling “just to hand” indicated Victoria was expecting 15,000 COVID-19 cases per day by mid-April, with cases expected to peak at 20-25,000 cases per day around the start to middle of May.³⁹³ As the graph below shows, cases did not exceed 12,000 at any point in April, with most days under 10,000; and did not exceed 15,000 on any day in May, with most days under 12,000. Consistently the models have not had anything like accurate parameters at any point.

Below: Chart as at 5 May 2022, <https://www.coronavirus.vic.gov.au/victorian-coronavirus-covid-19-data>

³⁸⁷ Doherty Institute, *Doherty Modelling Interim Report to National Cabinet, 17 September 2021, 2.*

³⁸⁸ *Ibid.*, 16.

³⁸⁹ Steven Kraaijeveld, ‘COVID-19: Against a Lockdown Approach’, *Asian Bioethics Review*, 13.2 (June 2021), 196 with note 4, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7687977/>

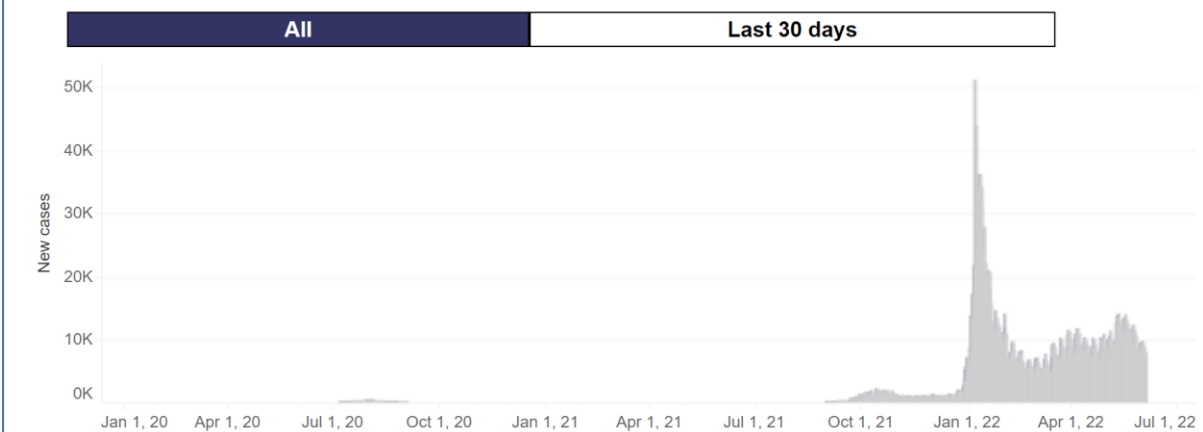
³⁹⁰ Tony Blakely et al., ‘Maximizing the probability that the 6-week lock-down in Victoria delivers a COVID-19 free Australia’, *Medical Journal of Australia*, 17 July 2020, 6 (Box 1, point 5), “the wearing of masks reduces the chance of infected people spreading the virus”, <https://www.mja.com.au/system/files/2020-07/Blakely%20mja20.01292%20-%2017%20July%202020.pdf>

³⁹¹ Sima Zach et al., ‘Physical activity, resilience, emotions, moods, and weight control, during the COVID-19 global crisis’, *Israel Journal of Health Policy Research*, 2 September 2021, <https://ijhpr.biomedcentral.com/articles/10.1186/s13584-021-00473-x>

³⁹² Steven Kraaijeveld, ‘COVID-19: Against a Lockdown Approach’, *Asian Bioethics Review*, 13.2 (June 2021), 196, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7687977/>

³⁹³ DOT, PDF presentation, ‘COVID-19 Operational Readiness Monthly Forum’, Tuesday 22 March 2022, 2.

Daily new cases in Victoria



As a recent journal article noted, forecasting for COVID-19 failed. As its authors emphasised, “When major decisions (e.g., draconian lockdowns) are based on forecasts, the harms (in terms of health, economy, and society at large) and the asymmetry of risks need to be approached in a holistic fashion, considering the totality of the evidence”.³⁹⁴ This certainly was not done in Victoria.

7.3 Lessons from projections about Intensive Care Unit (ICU) capacity

In January 2020, the Chief Medical Officer of Australia requested experts from the Doherty Institute and the University of Melbourne “to advise on emerging evidence and to pull together modelling ... to inform [COVID-19] transmission-reducing measures and health system preparedness. The early modelling informed overall response strategy and the stringent international border measures”.³⁹⁵ The decisions that resulted from this work would devastate the economy for the next two years.

The report of the modelling estimated that a worst-case scenario would create a daily peak demand of 35,000 ICU beds. It noted that the modelling baseline was not realistic but a theoretical, uncontrolled pandemic, with each infected person spreading the virus to 2.5 others, and with no health system or community action to slow the spread.³⁹⁶ This alarming modelling, no matter that it was qualified, became the basis of planning despite control measures being already activated.

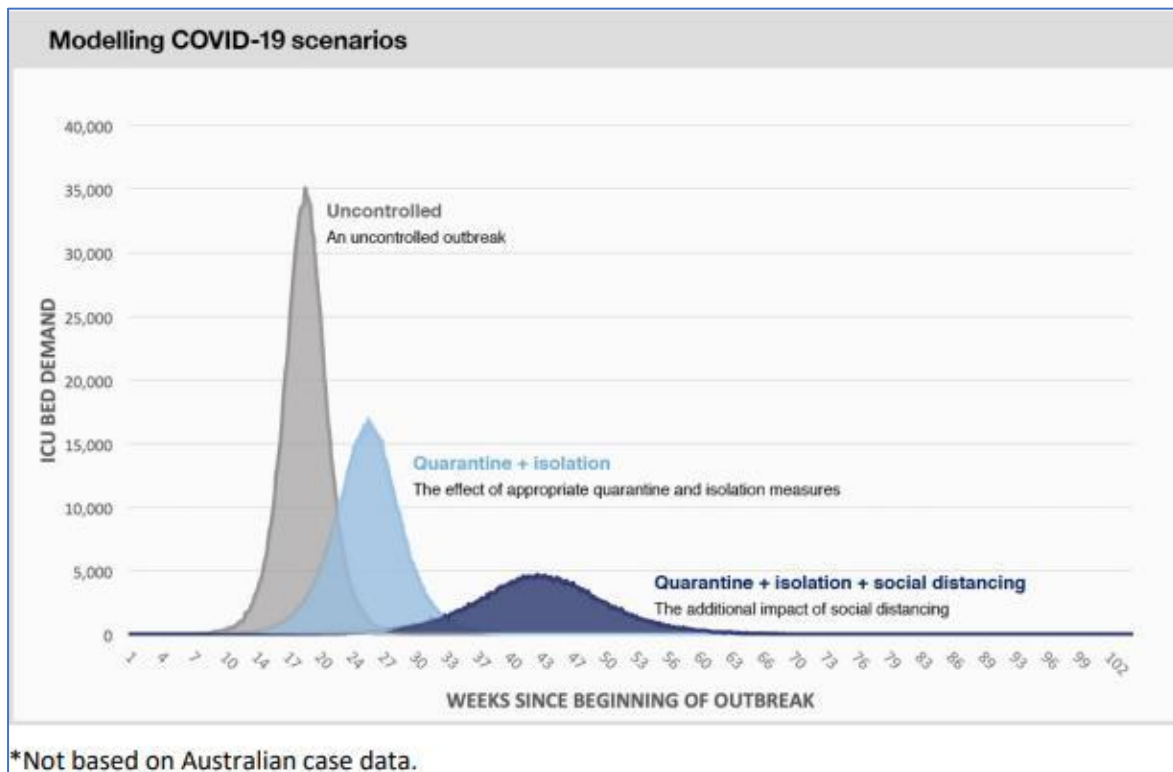
A PowerPoint presentation accompanying the report reveals that the modelled measures to flatten the curve shown in the graph below, which was widely reproduced in the media, were not based on Australian data. The graph was part of the Institute’s “early work to be published on health system

³⁹⁴ John Ioannidis et al., ‘Forecasting for COVID-19 has failed’, *International Journal of Forecasting*, 38.2 (April-June 2022), <https://www.sciencedirect.com/science/article/pii/S0169207020301199?via%3Dihub>

³⁹⁵ Doherty Institute, <https://www.doherty.edu.au/news-events/news/modelling-the-potential-impact-of-covid-19-in-australia>

³⁹⁶ Australian Government, *IMPACT OF COVID-19. Theoretical modelling of how the health system can respond*, Summary Report, published 7 April 2020, 1, <https://www.health.gov.au/resources/publications/impact-of-covid-19-in-australia-ensuring-the-health-system-can-respond>

capacity modelling with a focus on ICU capacity”.³⁹⁷ The report said that given controls then in place, “the modelling finds our ICUs will cope if we continue to have effective social distancing, increase our health system capacity, and isolate people with the virus and their close contacts”.³⁹⁸



The report did not mention wholesale lockdowns. Where did the push for lockdowns come from? It appears to have resulted from subsequent University of Melbourne and Doherty Institute advocacy. On 22 March 22, Melbourne University epidemiologist Tony Blakely published early modelling that illustrated four scenarios and would be used to explain and justify a need for urgent lockdowns.³⁹⁹

To the Doherty Institute, which provided early modelling to the Commonwealth government, “It was also clear from the outset that individual behaviour change and social restrictions would be needed to augment this response, particularly if transmission became established”.⁴⁰⁰ Why was this so?

In short, it came from panic about the country’s ability to accommodate projected ICU numbers. An August 2020 review noted that Melbourne University’s “best-case scenario (with ‘extreme’ social distancing in place) had suggested a peak of 100,000 infections a day, while the worst-case scenario

³⁹⁷ Australian Government, *IMPACT OF COVID-19. Theoretical modelling of how the health system can respond*, PPT, published 7 April 2020, <https://www.health.gov.au/sites/default/files/documents/2020/04/impact-of-covid-19-in-australia-ensuring-the-health-system-can-respond-presentation.pdf>

³⁹⁸ *Ibid.*, 3.

³⁹⁹ Tony Blakely, *Conversation*, 22 March 2020, <https://theconversation.com/coronavirus-modelling-shows-the-government-is-getting-the-balance-right-if-our-aim-is-to-flatten-the-curve-134040>

⁴⁰⁰ Doherty Institute, <https://www.doherty.edu.au/news-events/news/modelling-the-potential-impact-of-covid-19-in-australia>

estimated more than 500,000 daily infections. [In] Australia’s August peak, the infection rate hit 700 per day (albeit only in Victoria). It appears Blakely’s March modelling was off by more than 99%” .⁴⁰¹

Key elements in the epidemiological model used by Blakely et al., and also by the other key models used in Australia, were imported from disastrously flawed March 2020 modelling developed by a team at London’s Imperial College,⁴⁰² whose work had triggered lockdown responses globally.⁴⁰³

Even before the end of March 2020 it was clear that “before hurrying into panicked policy decisions, U.K. policy-makers should have been aware [with minimal effort that the] Imperial College team had a history of defective modelling [with] a track record that makes astrology look respectable” .⁴⁰⁴

Another analyst similarly noted in mid-2021, “Assessed looking backward from the one-year mark, [the Imperial College] modelling exercises performed disastrously. They not only failed to accurately forecast the course of the pandemic in the US and UK—they also failed to anticipate COVID-19’s course in almost every country in the world, irrespective of the policy responses taken.”⁴⁰⁵

Based on modelling, panic about ICU capacity kicked in. Governments announced that they were preparing to triple Australia’s ICU capacity from 2,400 beds to 7,000. PPE was allocated from the national stockpile, and more supplies, including ventilators, were ordered from overseas.⁴⁰⁶ But this did not mean ICU beds were created. The Chief Medical Officer later said it meant being prepared to increase ICU bed numbers if required, rather than an intention to increase capacity to 7,000 beds.⁴⁰⁷

On 26 March 2020, news erupted of plans to turn Melbourne’s Convention Centre into “a massive makeshift intensive care hospital [and] a temporary morgue to store what is feared could be a large number of bodies of victims of the pandemic. Victoria’s government is bracing for up to 2000 intensive care admissions at the peak of the pandemic, expected in late May or early June [2020]” .⁴⁰⁸

⁴⁰¹ Adam Schwab, 'We all suffer from bias, right?', *Crikey*, 10 August 2020, <https://www.crikey.com.au/2020/08/10/covid-19-we-all-suffer-from-bias-right-doctors-scientists-travel-execs/>

⁴⁰² Martin Lalley, 'A cost–benefit analysis of COVID-19 lockdowns in Australia', *Monash Bioethics Review*, 28 January 2022, 3, <https://link.springer.com/content/pdf/10.1007/s40592-021-00148-y.pdf>

⁴⁰³ *Nature*, 2 April 2020, 'Special report: The simulations driving the world’s response to COVID-19', <https://www.nature.com/articles/d41586-020-01003-6>

⁴⁰⁴ *National Review*, 30 March 2022, 'Imperial College’s Fear Machine', <https://www.nationalreview.com/2022/03/imperial-colleges-fear-machine/>

⁴⁰⁵ Phillip Magness, 'Imperial College Predicted Catastrophe in Every Country on Earth. Then the Models Failed', *Independent Institute*, 28 June 2021, <https://www.independent.org/news/article.asp?id=13634>

⁴⁰⁶ Senate Select Committee on COVID-19: *Australian Government’s response to the COVID-19 pandemic*, 23 April 2020, 17, <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%5C%3A%5C%22committees%5C%2Fcommsen%5C%2F75585d2b-2ea4-429c-bc62-d82fe6ee120d%5C%2F0000%5C%22>

⁴⁰⁷ Grattan Institute, 'Coming out of COVID lockdown: the next steps for Australian health care', June 2020, 27 and n.114, <https://grattan.edu.au/report/coming-out-of-covid/>

⁴⁰⁸ *Sydney Morning Herald*, 26 March 2020, "'Jeff’s Shed" earmarked for giant COVID-19 hospital and morgue', <https://www.smh.com.au/national/jeff-s-shed-earmarked-for-giant-covid-19-hospital-and-morgue-20200326-p54eab.html>

On 1 April 2020 Premier Andrews fanned the flames: “I don't rule out [the] Convention Centre, ... the Exhibition Buildings, [the] conversion of a big space into what would be one of the biggest intensive care units in our country, perhaps anywhere in the world”. On 20 September 2020 he spectacularly recanted: “The notion we are going to have 4000 beds ... at ... a warehouse somewhere, turn the Exhibition Building into an ICU unit [with] a nurse at the foot of those beds ... like, no”.⁴⁰⁹

On 1 April 2020, Victoria had announced it would spend \$1.3 billion to lift its capacity from 450 to 4,000 fully equipped and staffed ICU beds.⁴¹⁰ A year later it claimed to have brought 1600 new ICU and critical care beds online, roughly tripling the state's capacity. Yet while a new ICU unit was built at Casey Hospital, much of the additional capacity was found by upgrading other beds to be able to cater for critically-ill patients.⁴¹¹ As at 23 September 2021 Victoria had 437 ICU beds.⁴¹² On 28 September 2021 Steph Ryan MP pointed out that “the 4000 intensive care beds [were not] delivered and no one has explained what has happened to the \$1.3 billion earmarked to deliver them”.⁴¹³

In June 2020 the Grattan Institute observed that “The main purpose of flattening the curve is to avoid overwhelming a health system.... There are limits to a health system's capacity: the number of beds and ICUs, the size of the workforce, and supplies of PPE, ventilators, and medications. While purchasing more resources is fairly easy (provided there are reliable supply chains), rapidly increasing the workforce – particularly highly trained health professionals for ICUs – is harder”.⁴¹⁴ Was the training announced by both Victoria and the Commonwealth in April 2020 ever delivered?

The key lesson in all this is that both the Imperial College and the Melbourne COVID-19 modelling experts got it wrong enough in early 2020 to scuttle Australia's economy and send it into a multi-trillion dollar debt from March onwards, accompanied by the wholesale destruction of businesses in

⁴⁰⁹ Quotations uploaded by Steph Ryan MP, 28 September 2021, ‘Promised intensive care beds vanish’, https://www.stephryan.com.au/promised_intensive_care_beds_vanish

⁴¹⁰ Premier's statement, 1 April 2020, on Victoria ordering \$1.2 billion worth of equipment and consumables and investing over \$65 million for capital works and workforce training to secure record capacity for the intensive care system, <https://www.premier.vic.gov.au/huge-expansion-our-health-system-fight-coronavirus>

⁴¹¹ *Age*, 17 July 2021, ‘Victoria tripled ICU capacity’, <https://www.theage.com.au/national/victoria/as-world-watched-new-york-and-milan-victoria-tripled-icu-capacity-to-avoid-covid-nightmare-20210717-p58akm.html>

⁴¹² *Coronavirus (COVID-19) Common Operating Picture*, 23 September 2021, <https://www.health.gov.au/sites/default/files/documents/2021/09/coronavirus-covid-19-common-operating-picture-23-september-2021.pdf>

⁴¹³ Steph Ryan MP, 28 September 2021, ‘Promised intensive care beds vanish’, https://www.stephryan.com.au/promised_intensive_care_beds_vanish

⁴¹⁴ Grattan Institute, ‘Coming out of COVID lockdown: the next steps for Australian health care’, June 2020, 18, <https://grattan.edu.au/report/coming-out-of-covid/>

all states.⁴¹⁵ By June 2020 the experts knew the modelling was flawed, but said nothing.⁴¹⁶ Worse, by September 2020 it was also known that “modelling used by the state government to justify its strict lockdown regime [did] not take into account improvements in the state’s public health response”.⁴¹⁷ One must ask why Chief Health Officers did not weigh the effect of existing measures into account when abetting the spending of billions and advocating the tightest mass lockdowns in recent history.

In mid-March 2022 NSW Premier Brad Hazzard rejected calls from health officials to reimpose a raft of restrictions as the Omicron sub-variant swept across the state. He said, “As Health Minister I am not at all keen to be heading back the path that has exhausted everybody with all the restrictions. All that would be a last resort from my perspective”.⁴¹⁸ Australian research on the economic and social impacts of lockdowns is well overdue, and a few issues are noted in the next section of this report.

7.4 The social cost of lockdowns

It became abundantly clear throughout the pandemic that health officials had no conception of how businesses operate or of the time and financial cost of their imposed compliance requirements, let alone of the direct financial losses including business bankruptcies that resulted from their policies.

As noted, restrictions and lockdowns had had a devastating impact on the bus charter and tour sector by mid-2020, and it worsened as the year went on.⁴¹⁹ By September 2020 the Australian Retailers Association was vociferous that the lockdown in progress was threatening the survival of the state’s retail sector.⁴²⁰ In October 2020 Small Business Australia said that more than 200,000 of Victoria’s 600,000 small businesses had either closed permanently or were on the verge of closing.⁴²¹

⁴¹⁵ *ABC News*, 28 March 2022, “Since the start of the pandemic, the Federal Government has racked up about \$300 billion of extra debt, trying to stimulate the economy”, <https://www.abc.net.au/news/2022-03-28/australia-budget-debt/100891520>; to which add state debts. In Victoria alone, “the centrepiece of Treasurer Tim Pallas’s eighth [2022] budget is a pandemic repair plan forecast to cost \$12 billion over the next four years” (which does not count what has already been spent over the past two years), *ABC News*, 3 May 2022, <https://www.abc.net.au/news/2022-05-03/victorian-budget-2022-spends-big-on-health-system/101030750#:~:text=To%20pay%20for%20the%20spending,the%20end%20of%20last%20year>.

⁴¹⁶ *News.com.au*, 10 September 2020, ‘Mistake in COVID modelling that informed lockdown’, <https://www.news.com.au/world/coronavirus/australia/coronavirus-australia-mistake-in-covid-modelling-that-informed-lockdown/news-story/ed597d740d845649de9e7b31c123bee7>

⁴¹⁷ *Age*, 9 September 2020, 1, ‘Cracks show in road map models’.

⁴¹⁸ *Daily Mail Australia*, 14 March 2022, ‘How health zealots want to bring back mandatory masks, ban singing and dancing – and FORCE millions of Australians to work from home... but Brad Hazzard is having none of it’, <https://www.dailymail.co.uk/news/article-10604247/Covid-19-Australia-NSW-restriction-recommendations-shot-Brad-Hazzard.html>

⁴¹⁹ See Part 5.6 of this report.

⁴²⁰ Australian Retailers Association, *News.com.au*, 9 Sept 2020, <https://www.news.com.au/finance/business/retail/victorian-lockdown-is-threatening-the-survival-of-the-states-retail-sector-australian-retailers-association/news-story/e550dfb5520f5f008fab614411da091f>

⁴²¹ *Sky News*, 10 October 2020, ‘One-third of Victoria’s small businesses closed or ‘on the verge’ of closing’, <https://www.skynews.com.au/business/finance/onethird-of-victorias-small-businesses-closed-or-on-the-verge-of-closing/video/9fab93a34765af5d6d2519425846e68>

By June 2020 mental health hotlines in Australia were reporting a 25-to-50 per cent increase in the number of calls compared to the same time in 2019.⁴²² By mid-2021 it was clear that Victorians' mental health had suffered badly and that the restrictions put in place to 'protect the community's physical health' had "pushed an already struggling mental health care system to breaking point".⁴²³

A November-December 2021 survey by the NSW Mental Health Commission found that one in eight experienced a new mental health condition, the most common being anxiety and depression. People aged 18 to 29 were the most likely to experience a new mental health issue. 61 per cent said their mental health was negatively impacted by COVID-19 in 2021, up from 55 per cent in 2020, and wait times for mental health specialist services had stretched to more than six months in parts of NSW.⁴²⁴

Research found that younger children have been the most affected by COVID-19 lockdowns, with the educational progress and social development of four- and five-year-olds suffering severely.⁴²⁵ Further, more than 76,000 calls to Kids Helpline from children desperately seeking mental health support during the pandemic went unanswered as services were overwhelmed with demand.⁴²⁶

A pre-pandemic study of psychological literature showed the main factors associated with suicidal outcomes were being single and living alone, social isolation, loneliness, alienation, and [lack of] belongingness. The majority of these studies were performed on adolescents and/or young adults. Both the objective condition (e.g., living alone) and the subjective feeling of being alone were strongly associated with suicidal outcomes. These associations were transculturally consistent.⁴²⁷

Pet abandonment is another indicator of social maladjustment. Some 19 per cent of pet dogs in Australia were procured during the pandemic, but restrictions forbade people from getting their dogs outside enough.⁴²⁸ The 'pandemic puppies' have been returned in record numbers. Previously, around 50 dogs a month were handed into RSPCA Victoria. That number increased to 150 dogs per

⁴²² Grattan Institute, 'Coming out of COVID lockdown: the next steps for Australian health care', June 2020, 15, <https://grattan.edu.au/report/coming-out-of-covid/>

⁴²³ *Age*, 8 June 2021, <https://www.theage.com.au/national/victoria/victorians-are-suffering-and-need-mental-health-support-20210607-p57yqs.html>

⁴²⁴ *Sydney Morning Herald*, 15 May 2022, 'Lockdown toll', <https://www.smh.com.au/national/nsw/lockdown-toll-one-in-eight-have-new-mental-health-condition-20220513-p5al4v.html>

⁴²⁵ *Guardian*, 18 May 2022, <https://www.theguardian.com/education/2022/may/18/younger-children-most-affected-by-covid-lockdowns-new-research-finds>

⁴²⁶ *Herald-Sun*, 29 April 2022, 'Experts reveal spike in self-harm among teens during the pandemic', <https://www.heraldsun.com.au/news/victoria/experts-reveal-spike-in-selfharm-among-teens-during-pandemic/news-story/Fd29ad6d2712fcf6b607be0e15e32b6ed>

⁴²⁷ Raffaella Calati et al., 'Suicidal thoughts and behaviors and social isolation: A narrative review of the literature', *Journal of Affective Disorders*, 245 (15 February 2019), 653-667, <https://www.sciencedirect.com/science/article/abs/pii/S016503271831694X>

⁴²⁸ For example, the *Stay at Home Directions (Metropolitan Melbourne)*, 3 June 2021, specify in clause 7 (1)(m), "A person who ordinarily resides in Metropolitan Melbourne may leave the premises if the person has a pet at their premises and it is necessary to take the pet outdoors to urinate or defecate, if it is not reasonably practicable for the pet to do so at the person's premises. Note: if a person takes their pet outdoors, the distance travelled and the time taken should be no more than is absolutely necessary."

month since Christmas 2021, and there was also a drop in the number of people going to reclaim lost dogs that were handed in. Dog charities report this is something they have never seen before.⁴²⁹

Widespread negative physical health impacts were another predictable outcome of lockdowns.⁴³⁰

Under the state-wide *Stay at Home Directions* of 30 March 2020, a person could only leave their home for exercise with people who resided at the same premises or with one other person only.

Perhaps the worst policy decision by health authorities was closing playgrounds, skate parks and outdoor gyms as early as 31 March 2020,⁴³¹ typically spaces where people go for fresh air and sun.

The restriction mentality famously resulted in a young man being fined for ‘unnecessary travel’ for trying to take his bicycle by car from suburban Bonbeach to a mountain bike trail in Red Hill, for a solo ride in April 2020. The fine was withdrawn after it drew appropriately bad national publicity.⁴³²

As virus cases increased, the health experts’ solution was to keep people indoors and out of social circulation, regardless of physical distancing ability. From 2 August 2020, exercise was limited “for a minimum of six weeks” to a maximum time of one hour per day within five kilometres of home, and the group size for exercise was limited to a maximum of two people whether a co-habitant or not.⁴³³

In those periods when different restrictions applied in Metropolitan Melbourne to Regional Victoria, our regional members would constantly say how glad they were that they could come and go freely.

Unsurprisingly, the exercise restrictions over lengthy periods of lockdown had a dramatic impact on Victorians’ physical health, particularly in metropolitan Melbourne which was subjected to longer and harsher restrictions than regional Victoria. Less than a year after lockdowns commenced, muscle loss, weight gain, weakened heart and lung activity, weakened posture and sleeping problems, and resulting brain function slowing were all clinically observable but, as with mental health, “physical symptoms after months of seclusion often aren’t obvious until they become harmful or extreme”.⁴³⁴

BAV saw one partner of a cross-border operator stuck over the Victoria-NSW border and unable to return to her own home to Victoria, as she was in NSW when a hard border closed. Another BAV

⁴²⁹ *News.com.au*, 27 March 2022, ‘Uptick in ‘pandemic puppies’ being surrendered to shelters’, <https://www.news.com.au/lifestyle/home/pets/uptick-in-pandemic-puppies-being-surrendered-to-shelters/news-story/889893b1afb026e52ba0a0482cf8fb19>

⁴³⁰ Bu Feifei et al., ‘Longitudinal changes in physical activity during and after the first national lockdown due to the COVID-19 pandemic in England’, *Nature, Scientific Reports*, 11 (2021), 11723, <https://www.nature.com/articles/s41598-021-97065-1.pdf>

⁴³¹ Premier’s statement, 30 March 2020, <https://www.premier.vic.gov.au/atement-premier>

⁴³² *Age*, 7 April 2020, reported that ‘Mr Riordan was fined \$1652 for “unnecessary travel”. The infringement notice stated it was owing to “travelling from Bonbeach to Red Hill to bike ride”, despite exercise being one of four permitted reasons to leave home in Victoria’, <https://www.theage.com.au/national/victoria/police-fine-man-1652-for-driving-to-a-bike-trail-then-withdraw-it-20200407-p54h4e.html>; *SBS Sport*, 9 April 2020, <https://www.sbs.com.au/sport/article/mountain-bikers-1600-fine-highlights-uncertainty-around-coronavirus-restrictions-in-australia/3uuke75cl>

⁴³³ DOH, ‘Premier’s Statement on changes to Melbourne’s restrictions’, Sunday 2 August 2020, <https://www.dhhs.vic.gov.au/updates/coronavirus-covid-19/premiers-statement-changes-melbournes-restrictions-2-august-2020>

⁴³⁴ *7 News*, 5 February 2021, ‘How the Victoria coronavirus lockdown has changed your body’, <https://7news.com.au/lifestyle/health-wellbeing/how-the-victoria-coronavirus-lockdown-has-changed-your-body-c-1346510>

member has his depot a few kilometres into in South Australia, and could not go to work in his own business from his home in Victoria during another hard border closure. Yet at the same time the residents of those same cross-border communities could drive or walk around on their own side of the border as often as they liked. There was no virus (or logic) at the border during these times.⁴³⁵

These issues and indicators are not something that can be fixed by throwing money at psychologists, who have been as impacted as the rest of the population and do not handle stress or anxiety much better.⁴³⁶ In fact, they are just as likely to have been drawn to the mental health profession as a result of seeking answers to their own issues as for any other reason, and on average have higher rates of depression, alcoholism and substance abuse, and suicide, than the general population.⁴³⁷

The institutions that have existed for centuries to provide emotional and spiritual comfort to those in distress – the churches, synagogues, mosques, and other places of worship – were among the first shut down under Stage 1 restrictions. Infamously, on 7 September 2020, Victorian police surrounded the exits to a Ripponlea synagogue gathering for Rosh Hashanah (Jewish New Year), one of Judaism's holiest days, and fined some 100 Orthodox Jews \$5,452 each for breaching COVID restrictions.⁴³⁸

On 18 September 2020, David Hodgett MP appealed to the Premier in Parliament to allow churches and faith-based organisations to open and celebrate mass within COVID Safe parameters. “They can manage good hygiene, wear face coverings, practise [physical] distancing, have people enter and exit in a safe, planned and organised way, provide sanitising, have a COVID safety plan, etc.”⁴³⁹ But no.

At the same time, in October 2020, the Commonwealth government found \$5.7 billion for mental health with a doubling of support under *Better Access* from 10 to 20 Medicare-funded psychological services.⁴⁴⁰ For its part, the 2020-21 Victorian Budget “provided \$152.5 million in output funding to

⁴³⁵ In other periods Victorian/NSW/SA border community residents could travel within (at one point) just 40 kilometres from the state border provided they did not travel further than the prescribed distance from the border even within their own state without a special permit. See e.g., *Wimmera Mail-Times*, 19 July 2020, ‘Late night announcement shrinks border corridor between Victoria and South Australia’, <https://www.mailtimes.com.au/story/7346270/have-your-say-border-bubble-shrinks-between-vic-and-sa/>

⁴³⁶ Korinne Northwood et al., ‘An assessment of psychological distress and professional burnout in mental health professionals in Australia during the COVID-19 pandemic’, *Australasian Psychiatry*, 29.6 (24 August 2021), <https://journals.sagepub.com/doi/10.1177/10398562211038906>

⁴³⁷ Robert Epstein and Tim Bower, ‘Why Shrinks Have Problems’, *Psychology Today*, 1 July 1997, ‘At least three out of four therapists have experienced major distress within the past three years ..., and nearly half admitted that in the weeks following a personal crisis they're unable to deliver quality care’, <https://www.psychologytoday.com/au/articles/199707/why-shrinks-have-problems>

⁴³⁸ *Guardian*, 8 September 2020, <https://www.theguardian.com/australia-news/2021/sep/07/victorian-police-monitoring-ultra-orthodox-synagogue-for-alleged-breach-of-covid-rules>

⁴³⁹ David Hodgett MP, Parliament of Victoria, *Adjournment Matters No 4521*, 18 September 2020, <https://www.parliament.vic.gov.au/questions-database/details/53/12772>

⁴⁴⁰ Commonwealth, 6 October 2020, ‘Budget 2020-21’, <https://www.health.gov.au/ministers/the-hon-greg-hunt-mp/media/budget-2020-21-record-health-and-aged-care-investment-under-australias-covid-19-pandemic-plan>

provide mental health and wellbeing services in direct response to the COVID-19 pandemic”.⁴⁴¹ One hopes the mental health experts were as COVIDSafe and useful as churches showed they can be.⁴⁴²

7.5 Lessons from the failure of contact tracing

Contact tracing attempts to track the spread of a virus so that positive cases can be isolated whether by enforced or self-quarantine until treated and cleared. In December 2020, a Parliamentary enquiry found that the system that had been in place when the virus arrived had been unfit for purpose due to reliance on manual processes that were unable to cope with the second wave in August 2020.⁴⁴³

The American company Salesforce’s case and contact management system that replaced it had been offered to the government in March 2020 but was not acquired until August 2020, too late for the explosion of cases from hotel quarantine.⁴⁴⁴ Nevertheless it was announced with great fanfare.

The new system was designed to encompass the entire contact tracing program, from positive results coming in, interviews, follow-up calls, and coordination of Operation Vestige (ADF personnel and DOH authorised officers making home visits to people who tested positive or were close contacts to ensure they were self-isolating), to case and contacts clearance, all within one system.⁴⁴⁵

Despite the hype, the Victorian contact tracing system was described by a Federal Minister in May 2021 as “hopelessly inadequate”, with the Services Victoria QR code app not being mandated as the sole app to be used for check-ins until 28 May 2021. Prior to that, Victoria had been using a mix of 16 third-party QR code systems as well as its own for check in at permitted businesses and events.⁴⁴⁶

The app was built on the theory that every person in the state would be technologically equipped and willing at all times to log their entrance to every place of business using a state-developed

⁴⁴¹ James Merlino, Minister for Mental Health, Public Accounts and Estimates Committee presentation, ‘2020-21 Budget Estimates’, slide 4.

⁴⁴² See e.g., St Margaret’s Anglican Church Eltham’s meticulously detailed COVIDSafe Plan, 7 October 2020, <http://www.stmargaretseltham.org.au/wp-content/uploads/2020/11/Policy-Procedures-for-COVIDSafe-environment-at-St-Margarets-Versions-7-071020.pdf>. For a religious critique of psychology as a therapeutic solution to life problems see *Psychological Seduction: The Failure of Modern Psychology* by Associate Professor of educational psychology William Kirk Kilpatrick (New York: Thomas Nelson), 1983.

⁴⁴³ ABC News, 14 December 2020, <https://www.abc.net.au/news/2020-12-14/victoria-coronavirus-contact-tracing-system-parliamentary-report/12980902>

⁴⁴⁴ Ibid.

⁴⁴⁵ Summarised from the Premier’s media release, ‘Local Response Units And Boosted Reporting For Safe Next Steps’, 8 September 2020, <https://www.premier.vic.gov.au/local-response-units-and-boosted-reporting-safe-next-steps>

⁴⁴⁶ *Sydney Morning Herald*, 27 May 2021, “‘Clear failure’: Victoria lags other states on single QR check-in system”, <https://www.smh.com.au/politics/federal/clear-failure-victoria-lags-other-states-on-single-qr-check-in-system-20210527-p57vqx.html>

phone app. This was always an unlikely scenario in Australia, and the state government’s approach was predictably coercive and penalty-driven.⁴⁴⁷ Businesses bore the burden of QR compliance.⁴⁴⁸

Penalties for failing to comply with DOH Directions ‘without a reasonable excuse’ were 120 penalty units for a natural person and 600 penalty units for a body corporate.⁴⁴⁹ These were eclipsed by the Pandemic Orders effective from 15 December 2021 with penalties ranging from \$909 to \$10,904 for individuals and from \$545 to \$13,631 for businesses. Higher penalties of up to \$54,522 now apply through the court system for breaching a Direction.⁴⁵⁰ The penal mentality grew slowly over time.⁴⁵¹

Despite relentless government messaging much of the public remained reluctant users, in part from genuine privacy concerns, complying only under compulsion to access still-open premises. It had been confirmed in June 2021 that police were able to access data from the Service Victoria app with a court-issued warrant, in a clear breach of public trust from the way the app had been promoted.⁴⁵²

Earlier reluctance to use the Commonwealth’s troubled COVIDSafe app should have indicated likely problems.⁴⁵³ Well short of half the population had downloaded it, and there were significant privacy and security concerns.⁴⁵⁴ By June 2021 the Federal Opposition was lambasting its cost of \$7.5M, with another \$100,000 per month to maintain.⁴⁵⁵ Faith in the value of contact tracing had overshadowed the fact of its impossibility in striving for the unachievable yet persistent vision of COVID Zero.⁴⁵⁶ Victorians will remember the extraordinary amount of fluff that was spun about ‘donut days’.⁴⁵⁷

⁴⁴⁷ EM Commissioner Andrew Crisp “recommended to the Premier that the Premier declare a State of Disaster” as early as 22 March 2020, COVID-19 Hotel Quarantine Inquiry, EM Commissioner Andrew Crisp Witness Statement, DOJ.600.002.0008, 14 August 2020, p. 15; *City Journal*, 30 August 2021, ‘No liberty? No problem’, https://www.city-journal.org/australias-crazy-covid-response?wallit_nosession=1

⁴⁴⁸ Premier Andrews, media statement, 13 May 2021, ‘New Fine For Businesses Flouting QR Code Requirements’, <https://www.premier.vic.gov.au/new-fine-businesses-flouting-qr-code-requirements>

⁴⁴⁹ From Stay Safe Directions (Victoria) (No. 30), 25 November 2021.

⁴⁵⁰ DOH, ‘Fines, enforcement and reporting’, <https://www.coronavirus.vic.gov.au/fines-enforcement-and-reporting>, accessed 12 May 2022.

⁴⁵¹ *Daily Mail Australia*, 13 June 2021, ‘Victoria’s “Covid Commander” tells people to “call out” strangers with the sniffles and demand they get tested’, <https://www.dailymail.co.uk/news/article-9681073/Victorias-Covid-Commander-Jeoen-Weimar-tells-public-call-people-sniffles.html>

⁴⁵² *InnovationAus.com*, 22 June 2021, <https://www.innovationaus.com/victoria-wont-prevent-police-accessing-qr-code-check-in-data/>; in contrast with DOH, 12 August 2021, “All data collected through the Victorian QR code system is encrypted and can only be used for contact tracing”, <https://www.vic.gov.au/new-qr-code-check-history-you-control-your-data>

⁴⁵³ Grattan Institute, June 2020, “evidence is emerging that the app has never really worked well”, *Coming out of COVID lockdown- the next steps for Australian health care*, 29.

⁴⁵⁴ Paul Garrett et al., ‘The acceptability and uptake of smartphone tracking for COVID-19 in Australia’, *PLOS ONE*, 21 January 2021, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0244827>

⁴⁵⁵ *The Conversation*, 21 June 2021, <https://theconversation.com/australia-has-all-but-abandoned-the-covidsafe-app-in-favour-of-qr-codes-so-make-sure-you-check-in-161880>

⁴⁵⁶ *NDTV*, 10 May 2022, ‘China’s Zero-Covid Strategy Unsustainable: WHO’, <https://www.ndtv.com/world-news/coronavirus-world-health-organization-says-chinas-zero-covid-strategy-unsustainable-2963735>

⁴⁵⁷ *Guardian*, 5 November 2020, <https://www.theguardian.com/lifeandstyle/2020/nov/05/how-doughnuts-became-australias-symbol-of-covid-hope>

Within a month of the Victorian app becoming mandatory it was under fire from tech experts who said the code was poorly designed and led to unnecessarily slow and frustrating user experiences.⁴⁵⁸ Updates in late 2021 did not resolve security issues, and developers warned that the digital vaccine certificates were “woefully insecure”,⁴⁵⁹ and that vaccination status could be faked in minutes.⁴⁶⁰

The Service Victoria app never lived up to its promise. As late as December 2021, people were complaining that the app was not recording their check-ins in places where monitored check-in had been a condition of entry to a venue, and that despite this they were not notified of their potential exposure at the venue when others who had attended in their same group had received an alert.⁴⁶¹

Victoria abandoned any public benefit from using QR check-ins at the start of October 2021 when it ceased reporting all outbreak sites so that concerned people could avoid them, publishing only the most high-risk venues.⁴⁶² It also ended its so-called “virus detective” teams (contact tracers) that even by April 2020 had grown from 57 to 1,000 people (“epidemiologists, public health clinicians, logistics, phone operators and data entry staff”), who were then busy “working around the clock” trying to track down casual contacts of known cases as the virus became more widespread in the community.⁴⁶³ In November 2021, DOH stopped publishing exposure sites,⁴⁶⁴ and QR utility ended. In February 2022 the Premier admitted “there is [now] no contact tracing”. It was all for nought.⁴⁶⁵

The reality always was that like the common cold, and with some factor of asymptomatic spreading, it was never going to be possible to track, isolate and quarantine an aerosol virus like COVID-19 without Australia being completely isolated from the rest of the world forever. Contact tracing makes sense for physical contact viruses like HIV and other directly contagious infectious diseases that were the speciality of those in charge of implementing Victoria’s initial response to COVID-19 in March 2020. But the inevitable failure of contact tracing for an aerosol virus was clear from day one.

By the start of 2022 the Victorian COVID-19 Response workforce comprised some 3,000 people, mostly contractors, and not necessarily counting the various Directors and Senior Executive Service managers who bloat the public sector pay bill. On 4 June 2022, the *Age* reported that the Response force was halved to 1,560 people in May and would drop to around 260 FTE by the end of June. No

⁴⁵⁸ *Age*, 18 June 2021, ‘Victoria’s QR codes’, <https://www.theage.com.au/national/victoria/victoria-s-qr-codes-badly-made-developers-say-20210617-p581r6.html>

⁴⁵⁹ *InnovationAus.com*, 13 October 2021, ‘Digital vaccine certificates “woefully insecure”’, <https://www.innovationaus.com/digital-vaccine-certificates-woefully-insecure/>

⁴⁶⁰ *Guardian*, 13 October 2021, <https://www.theguardian.com/australia-news/2021/oct/13/covid-vaccination-status-can-be-faked-in-minutes-in-service-victoria-app-developers-warn>

⁴⁶¹ *Pedestrian*, 9 December 2021, ‘Melb Folk Are Claiming That VIC Health Isn’t Sending Them Exposure Site Texts’, <https://www.pedestrian.tv/news/qr-check-in-not-working/>

⁴⁶² *ABC News*, 24 October 2021, <https://www.abc.net.au/news/2021-10-24/victoria-covid-exposure-sites-sunday-october-24/100563498>

⁴⁶³ Premier’s media release, 4 April 2020, ‘More Disease Detectives To Help Fight Coronavirus’, <https://www.premier.vic.gov.au/more-disease-detectives-help-fight-coronavirus>; *Age*, 4 October 2021, <https://www.theage.com.au/national/victoria/contact-tracing-scaled-back-as-vaccination-rate-rises-20211004-p58x2q.html>

⁴⁶⁴ *DataVic*, <https://discover.data.vic.gov.au/dataset/all-victorian-sars-cov-2-covid-19-current-exposure-sites>

⁴⁶⁵ *Age*, 13 February 2022, <https://www.theage.com.au/national/victoria/victorians-flout-qr-code-check-in-rule-as-state-records-7223-new-cases-18-deaths-20220213-p59vza.html>

doubt to the relief of industry the Department of Justice will also dispense with some 1,500 people contracted last year to enforce restrictions on construction sites and other industries. Interestingly, despite rising cases, the new \$580 million Mickelham quarantine facility will be cut from 50% to 25% capacity, and “a maximum of 250 beds will be available at the lightly used quarantine centre”.⁴⁶⁶

7.6 Summary of lessons learned

Victoria’s approach to COVID-19 pandemic management was, like the rest of Australia’s and much of the world’s, swept up in the adoption of the Imperial College London’s lockdown-centric modelling approach to aerosol virus control. While the failure of this approach was evident at latest by mid-2020, those elected to ensure the health and prosperity of society largely handed over their duty to data-obsessed health experts who instilled a climate of fear and panic in which a goal of COVID Zero was given primacy over and at the expense of all other approaches and social policy choices.⁴⁶⁷

The now infamous global catchcry, “two weeks to flatten the curve”, reflects the same amount of time it took for the lockdown dogma to infect the world’s health authorities in March 2020, as noted in part 7.2 of this report. Sweden did not lock down, and its recent inquiry into its handling of the pandemic, in which it opted against the lockdowns implemented by many countries and adopted a largely voluntary approach of promoting social distancing and good hygiene that resulted in among the lowest excess mortality rates in Europe, is an object lesson in rationality that Victoria lacked.⁴⁶⁸

To say this is not to indulge in a hypothetical comparison between the Swedish and Victorian (or Australian) experience. It is to underline, as did Ari Joffe,⁴⁶⁹ that from the first there were options in which wholesale lockdowns formed no part.⁴⁷⁰ Along with Sweden, Iceland, Finland and Latvia also

⁴⁶⁶ *Age*, 4 June 2022, cover; 1; 4; 5, ‘Pandemic workforce dismantled’.

⁴⁶⁷ *DOT COVID-19 Industry Update*, 14 June 2022, “Prior to the emergence of the Omicron variant [December 2021], the Department of Health’s approach was focussed on achieving zero cases in Victoria”.

⁴⁶⁸ *CBC News*, 25 February 2022, ‘Sweden’s no-lockdown COVID strategy was broadly correct, commission suggests’, <https://www.cbc.ca/news/world/sweden-report-coronavirus-1.6364154>

⁴⁶⁹ Ari Joffe, ‘COVID-19: Rethinking the Lockdown Groupthink’, *Frontiers in Public Health*, 26 February 2021, <https://www.frontiersin.org/articles/10.3389/fpubh.2021.625778/full>

⁴⁷⁰ While a school, an abattoir, or even part of a postcode might have been locked down and rigorous contact tracing performed in the first wave of Melbourne’s outbreak, known locations and cases were not effectively controlled and traced, and blanket postcode lockdowns locked down far more radius than was necessary; an admission that the contact tracing then in place, as was determined later, was unfit for purpose. *ABC News*, 9 July 2020, ‘Coronavirus cluster at Melbourne’s Al-Taqwa College grows to 113, but how it started remains a mystery’, <https://www.abc.net.au/news/2020-07-09/al-taqwa-college-coronavirus-covid19-cluster-melbourne-truganina/12437584>; *Guardian*, 8 May 2020, ‘Cedar Meats knew of two coronavirus cases for several days before telling meatworks staff they could stay home’, <https://www.theguardian.com/world/2020/may/08/cedar-meats-knew-of-two-covid-19-cases-for-several-days-before-telling-staff-they-could-stay-home>; *ABC News*, 30 June 2020, ‘How Victoria’s coronavirus lockdown across 10 Melbourne postcodes will work’, <https://www.abc.net.au/news/2020-06-30/victorias-coronavirus-outbreak-prompts-stay-at-home-order/12407518>; *BBC News*, 3 July 2020, ‘Coronavirus: Why has Melbourne’s outbreak worsened?’, <https://www.bbc.com/news/world-australia-53259356>. See also section 7.4 of this report. The PAEC *Inquiry into the Victorian Government’s response to the COVID-19 pandemic*, 2 February 2021, 33-34, reported that using the WHO health workforce estimate tool, at 20 June 2020, when the highest number of cases in two months was announced, the minimum recommended number of contact

took a successful mitigation approach (“case isolation, quarantining of members of their households, limiting large gatherings, physical distancing in public, national border controls, and restrictions targeted at only high-risk groups”), rejecting the Imperial College-led lockdown approach.⁴⁷¹

A mid-2021 cost-benefit analysis of the COVID-19 lockdowns in Australia showed that the lockdown strategy that devastated much of the bus industry along with the broader economy was always the entirely wrong policy choice. The evidence used to demonstrate this was drawn from the data available in March 2020, right at the start of the pandemic. Mitigation rather than lockdown was a valid option throughout. Based on the data, “even extreme risk-aversion does not fully explain the [Commonwealth and states’] decision to undertake lockdowns”, which were “not justified by the standard [cost-benefit] methodology”.⁴⁷² Data-obsessed crisis-mongers had crashed the nation.

As the Ai Group noted in February this year, “we are still many in terms of our state and territory approaches to COVID. Bringing the country into line with COVID rules should be the top priority of the [National Cabinet]. ... And for our businesses operating across state lines, the hodgepodge of COVID rules that remain ... create an unwelcome administrative burden and a distraction from their main priorities of growing their operations as they contribute to our post-COVID recovery.”⁴⁷³ There is a long road to recovery for those that survived, and BAV like other industry bodies is keen to assist.

tracers required would have been 84. The DOH contact tracing team had expanded to 1,891 staff in June 2020. It should have been able to cope, but the system was defective.

⁴⁷¹ Martin Lalley, ‘A cost–benefit analysis of COVID-19 lockdowns in Australia’, *Monash Bioethics Review*, 28 January 2022, 2-3, <https://link.springer.com/content/pdf/10.1007/s40592-021-00148-y.pdf>

⁴⁷² *Ibid.*, 22-23; 27.

⁴⁷³ *Ai Group*, 18 February 2022, <https://www.aigroup.com.au/news/media-centre/2022/its-time-to-reunite-australia-and-unify-our-covid-rules/>

PART 8 – RECOMMENDATIONS

While many actions might be recommended on the basis of this report, two are raised for immediate consideration, namely the current guidelines in respect of vaccination status for drivers to work, and an overhaul of VicRoads’ policies for the suspension of fees for parked-up commercial vehicles. A third general recommendation is advanced in respect of the national Plan for Pandemic Influenza.

Unvaccinated or “not up to date” bus and transport drivers should be able to work if asymptomatic

In mid-April 2022 the Victorian Transport Association asked that unvaccinated drivers be allowed to return to work. It said the Health Minister was maintaining the rule for transport against the CHO’s 7 April advice.⁴⁷⁴ It estimated some 10 percent of drivers had left the industry because of vaccination mandates, which is significant in an industry already facing driver shortages. It would also help ease supply chain disruptions that have led to delivery delays and chronic shortages at supermarkets and other retail stores.⁴⁷⁵ As Bill Gates said in a World Economic Forum panel in May 2022, “The idea of checking if people are vaccinated, if you have breakthrough infections, what's the point?”.⁴⁷⁶

As noted in this report, at least 2% of metropolitan bus drivers left the industry due to mandatory vaccination requirements, and anecdotally the figure is higher for full time and casual regional bus drivers, and for charter and tour services where the government is unable to estimate numbers. It is arguably time to allow bus and other drivers to make their own personal risk assessment as regards returning to work unvaccinated (or not “fully up to date” as the current expression is) as long as they are visually asymptomatic, and not to hold employers responsible for such decisions under OHS law.

A 2022 study of nearly 30,000 people across 42 countries, including the UK and US, has found that asymptomatic carriers are responsible for as little as 14 per cent of cases, and are 68 per cent less likely to pass the virus on than those who get sick.⁴⁷⁷ It does not help businesses or the state for skilled and trained workers to be blocked from working because they do not meet redundant vaccination rules.

⁴⁷⁴ Acting Chief Health Officer [Benjamin Cowie] Advice to Minister for Health, ‘Advice relating to the making of Pandemic Orders as required by section 165AL of the Public Health and Wellbeing Act 2008’, 7 April 2022, p.22, “it is in my view appropriate to ... transition general worker vaccination requirements at the earliest reasonable juncture to being at the discretion of industry and individual workplaces, understanding the occupational health and safety obligations in these specific settings”. On p. 24 Cowie noted that “High vaccination rates in the workplace may also minimise the impact of furloughing and its impacts on business continuity”, but the issue here is that most of the road transport industry is vaccinated. He continued, “Vaccination must also be seen in light of the legal occupational health and safety obligations that require employers to ‘provide and maintain a working environment that is safe and free of risks to health, so far as is reasonably practicable’ (WorkSafe Victoria, 2021)”. Given the current high vaccination rate it is arguable that the DOH’s advice is over-zealous.

⁴⁷⁵ Age, 22 April 2022, ‘Martin Foley asked to explain state’s vaccination decision for truck drivers’, <https://www.theage.com.au/politics/victoria/we-re-left-to-speculate-minister-asked-to-explain-vaccination-decision-20220421-p5af0c.html>

⁴⁷⁶ Bill Gates, World Economic Forum panel, video clip, 26 May 2022, <https://mobile.twitter.com/SydFizzard/status/1529682099195637761>

⁴⁷⁷ Diana Buitrago-Garcia et al., ‘Occurrence and transmission potential of asymptomatic and presymptomatic SARS-CoV-2 infections: Update of a living systematic review and meta-analysis’, *Plos Medicine*, 26 May 2022, <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1003987>

An urgent review of VicRoads' policies for the suspension of fees for parked-up commercial vehicles

As discussed in part 6.5.8 of this report, VicRoads has no procedure for suspending registration fees for parked-up commercial vehicles other than the convoluted and inflexible seasonal registration process used for agricultural vehicles. It should be possible for any commercial vehicle operator in any future pandemic, or indeed for any other reason such as an overseas absence, to suspend their vehicle registrations between specified dates by online application at a strictly nominal cost, with no extra charge for modifying the nominated end date either forward or backward. In effect it would be a suspension of registration without a pro-rata refund. The pro-rata amount could carry forward as a credit when operation was resumed and applied to the subsequent registration period. The return of number plates should not be contemplated unless the operator is cancelling their registration.

Some notes for a review of the Australian Health Management Plan for Pandemic Influenza (2019)

Section 2.10 of the AHMPPI notes that "The support documents in the AHMPPI are intended to be 'living' documents and will be regularly updated and refined to make sure they keep up with current ideas and evidence". As this report has shown, Australia and its states did not follow the reasonable course of actions charted by the AHMPPI in its Part 3, Attachment E, Menu of Actions.

This comprises "A list of the public health measures that could be implemented during a pandemic and the key factors relevant to determining suitability for implementation".⁴⁷⁸ Conspicuous by its absence is any suggestion of locking down states or the country wholesale. As this report has noted, the lockdown strategy was adopted by around 80 percent of OECD countries within two weeks of the Imperial College London's abysmally inaccurate pandemic modelling, disaster predictions, and stringent lockdown advocacy on 16 March 2020. The alternative and successful mitigation strategies employed by Sweden, Latvia, and some other countries were dismissed by ICL-inspired modellers in many countries, including Australia and of course, in the home of Australian modelling, Victoria.

The AHMPPI (2019) Attachment E, Social Distancing Strategies, held that proactive school closures (SD1), were not generally recommended, and reactive school closure (SD2) was not recommended unless the disease has high clinical severity or children are a group at risk of complications. It held that workplace closure (SD3) was not generally recommended as it is unlikely that a large enough percentage could participate to significantly affect the pandemic's impact (which it did not). It wiped out a large number of bus operators and numerous other businesses, and the inevitable rise of COVID-19 variants made the massive economic and social losses throughout 2020-21 pointless. Even cancellation of mass gatherings (SD5) was classed as not generally recommended by the AHMPPI.

The social, economic, physical and psychological harm of lockdowns has been unprecedented, and as noted in this report, recent cost-benefit analysis using standard methodology showed that there was no point including 2020 at which the wholesale lockdown strategy was justified.⁴⁷⁹ There has been so little work of this kind that when the AHMPPI is reviewed, it is imperative that a rational process takes that critique into account as a starting point for further research, and that the review does not turn into a glorification of modelling that proved so disastrous in its interpretation and application, but is almost ubiquitously praised by those currently in search of research grant funding.

⁴⁷⁸ AHMPPI (2019), 7.

⁴⁷⁹ Martin Lalley, 'A cost-benefit analysis of COVID-19 lockdowns in Australia', *Monash Bioethics Review*, 28 January 2022, <https://link.springer.com/content/pdf/10.1007/s40592-021-00148-y.pdf>

PART 9 – CONCLUSIONS

On 27 September 2020 the Premier declared, “Today, Melbourne’s rolling case average is 22.1. It’s a remarkable thing. An achievement that belongs to every single Victorian. Because with grit and with guts and with heart we are beating this thing. We are winning. Whether you call it the final quarter, the home stretch, or the last push, we’re nearly there”.⁴⁸⁰ The likelihood of variants told otherwise.

DOH Directions were claimed to be “reasonably necessary to eliminate or reduce the risk to public health - and reasonably necessary to protect public health”.⁴⁸¹ Clearly that was not always the case. Many unreasonable directions were given, including classifying large numbers of businesses as ‘non-essential’ despite their obvious ability to trade in a CovidSafe way had they been permitted to do so.

From at least 22 August 2021 to date, US Centre for Disease Control data consistently shows that for deaths with causes in addition to COVID-19, on average there were four additional conditions (called “comorbidities”) per death.⁴⁸² Those conditions all needed medical attention by health practitioners. Here, Victoria repeatedly suspended elective surgery that could potentially aid similar conditions.⁴⁸³

As one Victorian anaesthetist put it in a recent (2022) article, “Hospital and ICU beds are in short supply ... so I can understand restricting surgery if those resources are required, but there’s a whole sector of day surgery procedures, where most of the patients never even see the inside of a ward or a hospital bed. Why can’t those operations carry on?”.⁴⁸⁴ There is no ethical response available.

Those who protested restrictions by health authorities were routinely slammed as “anti-vaxxers” in the media. By September 2021, assertions that “far-right nationalists, anti-vaxxers, libertarians, and conspiracy theorists have come together over COVID” had become standard fare.⁴⁸⁵ The fact that protesters largely comprised vaccinated people whose businesses or work had collapsed,⁴⁸⁶ or who objected to the lockdown strategy,⁴⁸⁷ was absent from much of the news coverage which focussed

⁴⁸⁰ Premier Andrews, media statement, 27 September 2020, <https://www.premier.vic.gov.au/statement-from-the-premier-27-09-2020>

⁴⁸¹ See e.g., *Restricted Activity Directions (Regional Victoria)*, 3 June 2021, introductory Section 200 statement, <https://docplayer.net/212738729-Directions-from-acting-chief-health-officer-in-accordance-with-emergency-powers-arising-from-declared-state-of-emergency.html>

⁴⁸² CDC, ‘Comorbidities and other conditions’, Table 3, accessed 22 August 2021 and 8 June 2022, https://www.cdc.gov/nchs/nvss/vsrr/covid_weekly/index.htm#Comorbidities

⁴⁸³ Elective surgery was suspended in Victoria for significant periods at several times in 2020, 2021 and 2022.

⁴⁸⁴ *Guardian*, 21 January 2022, ‘Delaying elective surgery could spark ‘massive healthcare crisis’ in Victoria, experts warn’, <https://www.theguardian.com/australia-news/2022/jan/21/delaying-elective-surgery-could-spark-massive-healthcare-crisis-in-victoria-experts-warn>

⁴⁸⁵ *ABC News/Conversation*, 22 September 2021, ‘It’s almost like grooming: How anti-vaxxers, conspiracy theorists and the far-right came together over COVID’, <https://www.abc.net.au/news/2021-09-22/how-antivaxxers-conspiracy-theorists-far-right-melbourne-protest/100481874>

⁴⁸⁶ See e.g., various Melbourne protest interviews live-streamed by Rukshan Fernando (@RealRukshan), to which BAV was alerted in an email from the State Control Centre on 21 September 2021, “For a live feed please visit <https://www.facebook.com/therealrukshan/videos/572417687290324>”; *Age*, 24 September 2021 reporting CFMEU Melbourne protests, <https://www.theage.com.au/national/victoria/mayhem-and-sadness-in-a-week-melbourne-finally-snapped-20210924-p58uhr.html>

⁴⁸⁷ E.g., *NPR*, 24 July 2021, <https://www.npr.org/2021/07/24/1020158692/australia-covid-lockdown-protests-sydney-arrests-coronavirus>

on any incidents of violence. From October another round of protests occurred against the draft *Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021* now signed into law.⁴⁸⁸

Opposition to the narrative was not welcome. One bus operator's annual turnover fell from around \$4.2 million to \$300,000 by October 2020, with up to \$200,000 per month in costs, and he was then trying to sell 12 of his 22 coaches to keep his business alive. He let one of his unused coaches be painted with signage opposing the state's lockdowns. When it was parked at a lockdown protest, police inspected it for two hours, then issued a \$341 fine and an unroadworthy for minor defects.⁴⁸⁹

Perhaps the most telling statement about mental health during COVID-19 comes from the National Mental Health Commission's November 2020 *Mentally Healthy Workplaces During Covid-19: Small Business*, which stated that "COVID-19 is changing the way many people work and live. Feeling uncertain, overwhelmed, scared, sad, confused or angry is normal".⁴⁹⁰ This is the 'new normal' that the Commission imagined for Australians. But this is not 'normal'. It is an outcome of specific Federal and State government lockdown approaches that rejected the alternative mitigation approach.

A study commissioned by an American news outlet concluded that the consequences of COVID-19 lockdowns were over 10 times more deadly than the pandemic itself.⁴⁹¹ Have we learned from this? In a recent journal article, neurosurgeon Russell Blaylock contended that "The COVID-19 pandemic is one of the most manipulated infectious disease events in history, characterized by official lies in an unending stream led by government bureaucracies, medical associations, medical boards, the media, and international agencies".⁴⁹² Misplaced faith in academic expertise made this possible.⁴⁹³

In a 2018 Victorian pandemic planning exercise, a key reflection was that "The response at a State level will rely on the 'collective brain' available at the time. There will be formal roles, functions and processes, however, the response will be dynamic to adapt and address evolving challenges such as, executing orders (Health Sector in particular), rationing, social cohesion, etc.". ⁴⁹⁴ In practice, the global collective brain adopted the Imperial College's lockdown approach within two weeks in March 2020, and was unable to think outside that box even when the data was shown wrong within three months. Let us hope that any future 'scenarios' are judged by their quality, assumptions, and usage.

⁴⁸⁸ *New York Times*, 20 November 2021, <https://www.nytimes.com/2021/11/18/world/australia/covid-protests-australia.html>

⁴⁸⁹ The bus operator said, "the officers from Victoria Police's Heavy Vehicle Unit found a slight cut on a tyre, a very small fray in one seatbelt and an oil leak under the bus, which he said was dry on the road even though the bus hadn't been there for long". The bus and the defects are shown in the news article, *News.com.au*, 25 October 2020, <https://www.news.com.au/finance/work/at-work/antidan-andrews-bus-given-unroadworthy-defect-notice-at-melbourne-lockdown-protest/news-story/6f76a1d3bade80f549095b6cdb40e6fc>

⁴⁹⁰ National Mental Health Commission, *Mentally Healthy Workplaces During Covid-19: Small Business*, November 2020, 5, https://www.health.gov.au/sites/default/files/documents/2020/11/mentally-healthy-workplaces-during-covid-19-small-businesses_0.pdf

⁴⁹¹ *Revolver*, 31 August 2020, <https://www.revolver.news/2020/08/study-covid-19-lockdowns-deadlier-than-pandemic-itself/>

⁴⁹² Russell Blaylock, 22 April 2022, 'COVID Update: What is the truth?', *Surgical Neurology International* 13 (2022), 167, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9062939/pdf/SNI-13-167.pdf>

⁴⁹³ Ari Joffe, 'COVID-19: Rethinking the Lockdown Groupthink', *Frontiers in Public Health*, 26 February 2021, <https://www.frontiersin.org/articles/10.3389/fpubh.2021.625778/full>

⁴⁹⁴ EMV, 'Exercise Petunia, Scribe Notes', Reflections (slide 3), 11 October 2018.

APPENDICES

The following documents are appended for reference:

Appendix 1: BAV COVIDSafe Plan template, version 6.

This is the most recent version of our sample 12-page COVIDSafe Plan for bus operators, intended to assist operators to meet at least the minimum prescribed requirements of an approved COVIDSafe Plan as discussed in part 6.4 of this report. The first version was issued in August 2020. The front cover only is reproduced as indicative of resourcing provided to our bus operator members.

Appendix 2: BAV COVID-19 Control Measures guidance, version 6.

An explanatory guidance note was developed by BAV to accompany each version of its COVIDSafe Plan template. The 9-page note provides information and advice specific to bus operations about working in a COVID-safe way to help operators protect themselves and their drivers. The front cover only is reproduced as indicative of resourcing provided to our bus operator members.

Appendix 3: “Victoria’s restriction phases and the roadmap for reopening”.

This chronology is reproduced with minor modifications from Appendix 3 in DOT’s *Victorian Public Transport Patronage Report, December 2021 Edition: Transport Analysis and Modelling*. That chronology contains DOT notes for only two dates prior to 5/8/2020 (on 26/5/2020 and 1/6/2020), which was the date of commencement of Stage 3 Regional and Stage 4 Metro restrictions. Chronological notes for the other dates prior to 5/8/2020 have been inserted by BAV.

COVIDSafe Plan

COVIDSafe Plan v6

CSPv6 March 2022 - Appendix 1

Introduction

This Template COVIDSafe Plan (Plan) provides a summary of controls and actions to keep Victorian based bus drivers, operators, passengers and the community safe. It reflects the Victorian Pandemic Order regime.

The Plan starts at page 3 and includes the controls and actions in Attachment 1. It is an update of BAV's version 5 COVIDSafe Plan template, incorporating controls and actions from TSV's Template Sample COVIDSafe Plan where appropriate and practical. The numbering from the TSV document has been maintained in this Plan should you wish to incorporate something from that plan into this Plan. Please review and consider whether you are comfortable with what it includes or whether you need to make changes.

When an operator is performing tour and charter operations, you will need to additionally review and consider the controls and actions in Attachment 2 and whether you are comfortable with what it includes, and whether you need to make changes. The controls and actions you decide on in Attachment 2 will apply when you are performing tour and charter operations, and form part of the Plan.

Under the Pandemic (Workplace) Order where an employer owns, operates or controls only one vehicle, then it must have a COVIDSafe Plan for that vehicle. Members who operate only one bus and do not have a publicly accessible depot may find that some of the template Plan content that refers, for example, to depot signage, is not applicable to their operation and may mark such points as 'Not applicable'.

This Plan is to be read in conjunction with the BAV Guidance document 'Bus and Coach Control Measures v6'.

Purpose

The purpose of this Plan is to help operators identify the specific controls available that minimise risks associated with Coronavirus (COVID-19) relevant to operations, activities and work sites.

It is the responsibility of each bus operator to monitor public health notices and ensure any changes in requirements and public health advice are acted on, communicated and reflected in their Plan.

On-going compliance

Bus operators must review and update their Plan regularly, and revise as needed whenever restrictions or public health advice changes. It is an expectation that each bus operator has its own Plan that will need to be periodically reviewed for respective business operations and activities by a nominated responsible person in accordance with changing Government guidance and requirements, including public health orders.

A COVIDSafe task observation or audit of relevant COVIDSafe controls and activities may be undertaken by one of a number of relevant control agencies where appropriate, in line with best practice due diligence.

COVIDSafe Plan communication

This Plan will need to be provided in a format that can be understood and is accessible to workers from culturally and linguistically diverse (CALD) backgrounds, where necessary.

COVIDSafe Plan critical business information

Business name:



Health
and Human
Services

Appendix 2 – Control Measures

CORONAVIRUS (COVID-19) – BUS AND COACH SERVICES CONTROL MEASURES UPDATE – Version 6 - MARCH 2022

As you know, the Victorian bus industry includes small and large operators: school bus operators, private charter operators, tour operators and public transport operators. This is reflected in the BAV membership. Whilst this can sometimes make it challenging to ensure the information provided is appropriate and useful, all operators do in fact share some of the same duties – for example, the fundamental duty under the Bus Safety Act that operators provide safe bus services. There are also other sources of shared duties as well, including those relating to ensuring safe workplaces, including vehicles, under OH&S legislation.

That said, you are generally required to take action to mitigate any risks, *so far as is reasonably practicable*. In that sense, COVID-19 should be seen in the context as simply another risk that you need to manage in a way that you would do for any other risk.

To assist with managing that risk, we note that the sources of information about COVID-19 seem endless. This document will highlight some of the more important issues, provide you with some guidance about them, and refer you to some of the more useful sources of information and documents. You will note it covers some old ground, as well as some new ground.

This is general information for all our Victorian bus and coach operators. For those operators providing services to the state - DOT; DET; V/line, there has been and will no doubt always be detailed information coming from those sources. This is information that will need to be taken into consideration when you are determining what control measures to apply to your particular service/s.

General information

All enquiries about COVID-19 should be referred to the Coronavirus (COVID-19) pages of the Department of Health (DOH) website. This should be the source of information dealing with COVID-19 for all Victorians: <https://www.coronavirus.vic.gov.au/>

Any person concerned that they may have COVID-19 or have had contact with a COVID-19-infected person should contact a doctor (phone ahead first) or call the DOH Coronavirus (COVID-19) Hotline on 1800 675 398.

The most effective way to minimise the risk of COVID-19 is to follow the DOH website advice on good hygiene: <https://www.coronavirus.vic.gov.au/hygiene-physical-distancing>

Face coverings/masks are required in public transport and other specified settings across Victoria, unless specified exemptions apply – see <https://www.coronavirus.vic.gov.au/face-masks-when-wear-face-mask>

The requirement to wear a face covering specifies that face shields on their own, and scarves or bandannas, do not meet the face covering requirements. **A face covering must be a fitted face mask, covering the nose and mouth.**

More importantly, employers are under an obligation to take reasonable steps to ensure workers carry face coverings/masks at all times at the workplace, and wear one where required under the Pandemic (Workplace) Order, including in vehicles, unless specified exemptions apply.

Appendix 3 - Victoria's restriction phases and the roadmap for reopening*

Date from	Restrictions Stage	Change	Notes
1/01/2020	January 2020	0	[First case of COVID in Australia confirmed 25 January. By 27 January, 5 confirmed cases, all arrived from overseas. 30 January, PHEIC.]
1/02/2020	February 2020	1	[25 Feb, <i>Emergency Response Plan for Communicable Disease Incidents of National Significance: National Arrangements</i> activated]
1/03/2020	March 2020	2	[2 March, first local case of community transmission of COVID-19 reported in NSW, taking total number of cases in Australia to 33.]
16/03/2020		2	Non-essential gatherings of more than 500 people not permitted.
18/03/2020		2	Non-essential indoor gatherings of greater than 100 people (including staff) within a single enclosed or substantially enclosed area are not permitted. This does not apply to essential activities such as public transportation facilities (including buses and interchanges), medical facilities, offices, supermarkets, and other listed facilities. [Australia closed its national borders 9pm, 20 March.]
23/03/2020	Stage 1 Restrictions	3	Pubs, clubs, nightclubs, Crown Casino, gyms, indoor sporting venues, places of worship, cinemas, entertainment venues shut at 12pm.
26/03/2020	Stage 2 Restrictions	4	Additional limits on weddings and funeral numbers; beauty therapists, food courts in shopping centres, and play centres closed.
30/03/2020	Stage 3 Restrictions	5	Four reasons to leave home: food and supplies, medical care, exercise, and work or education. No more than two non-householders can gather. Playgrounds, skate parks and outdoor gyms close. Penalties - fines of \$1,652 for individuals and \$9,913 for businesses.
12/05/2020	Phase 1 easing	6	
26/05/2020	Back to school stage 1	7	Prep to Grade 2 and VCE students
1/06/2020	Phase 2 easing	8	
9/06/2020	Back to school stage 2	9	Remainder of student return on-site
22/06/2020	Phase 3 easing	10	
2/07/2020	Stage 3 for 10 postcodes	11	Further postcode restriction changes
4/07/2020	Stage 3 for 12 postcodes	12	
9/07/2020	Stage 3 for Melbourne LGAs and Mitchell Shire	13	
2/08/2020	Stage 4 Metropolitan Melbourne	14	Curfew 8pm-5am; shop for food and necessary supplies within 5 kilometres of home; exercise limit of 1 hour within 5km of home.
5/08/2020	Stage 3 Regional Victoria, Stage 4 Metro	15	Remote learning for all students, Permitted workplaces (from 6/8)
14/09/2020	First Step Metro, Second Step Regional.	16	First step Metropolitan Melbourne and Second step Regional Victoria. Expanded social interaction. Remote learning and permitted workplaces. Curfew reduced 1 hour; curfew now 9pm to 5 am. Third step Regional from 17/9: increased social and recreation.
28/09/2020	Second Step Metro	17	End of curfew. Expansion of permitted workplaces but classification continued.
5/10/2020	Return to onsite learning 1	18	Regional primary and special schools, and VCE students for assessments
12/10/2020	Return to onsite learning 2	19	Prep to Year 7 and VCE students
19/10/2020	Partial Third Step Metro	20	Metropolitan travel bubble increased from 5km to 25km. Outdoor gatherings up to 10 people from two households. Outdoor work.
26/10/2020	Return to onsite learning 3	21	All school students back to onsite learning
28/10/2020	Third Step Metro with some limits	22	End permitted workplaces, limited hospitality and retail, small social gatherings. 25km travel bubble retained, no travel to regional Victoria.
8/11/2020	Third Step Metro	23	End 25km travel bubble, intrastate travel, increased caps for hospitality, recreation, entertainment venues and food processing industries.
23/11/2020	Last Step	24	Increased caps for private and public gatherings, public events, hospitality, recreation, tourism, retail and entertainment. Higher education on site for summer courses. Interstate travel. Masks required indoors and in crowds.
30/11/2020	Return to work, stage 1	25	Up to 25% of workforce back on site for businesses working from home (excludes Victorian Public Service).
7/12/2020	CovidSafeSummer 1.0	26	Increased caps for gatherings: 30 visitors at home; 100 outdoors in public place. Two square meter rule for hospitality, beauty services, weddings, religious ceremonies. Masks required on PT, taxis, large retail, at work. Masks recommended indoors or in crowds.

31/12/2020	CovidSafeSummer 1.1	27	Visitors to home reduced to 15. Masks for all indoor spaces. Hard border closure from 2/1/2021 for all visitors and Victorians returning from interstate. Border permit system introduced from 11/1/2021.
18/01/2021	Return to work, stage 2	28	Up to 50% of workforce back on site for businesses working from home (25% for Victorian Public Service). Permit system to enter Victoria. Return to CovidSafe Summer rules of 7/12/20 (home visitor capped from 23/1/21).
13/02/2021	Lockdown 3.0 (Circuit Breaker)	29	4 reasons to leave home, 5km bubble, home based learning, masks mandatory indoors, hard border closure.
18/02/2021	CovidSafeSummer 1.2	30	Up to 50% of workforce back on site for businesses working from home, including VPS. Permit system to enter Victoria. Return to CovidSafe Summer rules with limit of 5 visitors to home per day, limit of 20 for private outdoor gatherings, masks mandatory indoors.
27/02/2021	CovidSafe Settings 1.0	31	All workplaces including VPS can return up to 75% of workforce on-site. Social gatherings up to 100 in outdoor public place or 30 at home. Permit system to enter Victoria. 75% cap on indoor venues. Masks mandatory on PT, taxis, large retail. No longer mandatory at school or work except health settings. Masks recommended elsewhere indoors or in crowds.
27/03/2021	CovidSafe Settings 1.1	32	All workplaces including VPS can return 100% of workforce on-site, subject to density limits. Social gatherings up to 200 in outdoor public place or 100 at home. Permit system to enter Victoria. Masks mandatory on PT, taxis. Masks recommended elsewhere indoors or in crowds where 1.5m social distancing cannot be maintained.
10/04/2021	CovidSafe Settings 1.2	33	Removal of density limits for workplaces and events under 1000 people. Workplace Covid Safe plans still required for workplace settings including 1.5m physical distancing. No changes to permit system or mask rules.
26/04/2021	CovidSafe Settings 1.3	34	Update to workplace COVIDSafe principles: 1.5m distancing, workplace bubbles and mask wearing no longer mandatory.
25/05/2021	CovidSafe Settings 1.4	35	From 6pm, caps on visitors to the home and gatherings. On the spot fines for not wearing a mask on public transport. Proposed increase to venue caps postponed.
28/05/2021	Lockdown 4.0	36	5 reasons to leave home; to get a Covid vaccine added. 5km bubble, work from home, home based learning, masks mandatory indoors and outdoors. No visitors to the home. Mandatory use of Services Victoria QR code service for record keeping.
4/06/2021	Lockdown 4.1	37	Restrictions easing in regional areas; can leave home for any reason and no travel bubble, increased caps for some activities. Regional students and metropolitan Year 11 and 12 return to on-site learning. In Metropolitan Melbourne, 10km bubble, some categories of work allowed to return on site, other circuit breaker restrictions retained.
11/06/2021	CovidSafe Settings 2.0	38	Schools return to on-site learning. Outdoor public gatherings of up to 10 allowed (20 in regional areas). 25km travel bubble. Masks indoors and outdoors when within 1.5m of others. Hospitality, beauty service, retail can reopen with density limits. Up to two visitors to home in regional areas.
18/06/2021	CovidSafe Settings 2.1	39	Restrictions easing in metropolitan and regional areas. No travel bubble. 2 visitors to home in metropolitan Melbourne and 5 in regional Victoria. Public gatherings of up to 20 (50 in regional areas). Masks indoors and mandatory QR check-in. Community sport can resume with density limits. Covid test required to visit alpine resort.
25/06/2021	CovidSafe Settings 2.2	40	Metropolitan and regional areas at same restriction levels. Onsite work can resume up to 75% capacity. Public gathering up to 50 people and up to 15 visitors to the home. Density limits for sport, retail, entertainment etc. Masks mandatory indoors.
16/07/2021	Lockdown 5.0	41	5 reasons to leave home; to get a Covid vaccine added. 5km bubble, work from home, home based learning, masks mandatory indoors and outdoors. No visitors to the home. Mandatory use of Services Victoria QR code service for record keeping.
28/07/2021	CovidSafe Settings 3.0	42	Schools return to on-site learning. Outdoor public gatherings of up to 10 allowed. Masks indoors and outdoors when within 1.5m of others. Hospitality, beauty service, retail can reopen with density limits. No visitors to home.
6/08/2021	Lockdown 6.0	43	5 reasons to leave home; to get a Covid vaccine added. 5km bubble, work from home, home based learning, masks mandatory indoors and outdoors. No visitors to the home. Mandatory use of Services Victoria QR code service for record keeping.
10/08/2021	Lockdown 6.1	44	Restrictions ease for regional Victoria to CovidSafe Settings 3.0. Unchanged for Greater Melbourne.
17/08/2021	Lockdown 6.2	45	Extended Greater Melbourne lockdown. 9pm to 5am curfew. Permits required for on-site work or education. Playgrounds, skateparks, outdoor exercise areas closed. Exercise with maximum 2 adults plus dependents. Day care closed for all but children with both parents authorised workers. From 3/9, playgrounds re-open for children under 12 accompanied by maximum one parent or carer. In-home

			childcare possible where both parents are authorised workers.
21/08/2021	Lockdown 6.3	46	Restrictions reinstated for regional Victoria from 1pm. There is no curfew for regional Victoria but other restriction settings are the same as for Greater Melbourne. From 3/9 playgrounds re-open, in-home childcare possible for authorised workers.
10/09/2021	Lockdown 6.4	47	Restrictions ease for regional Victoria, except for Greater Shepparton. No change for Greater Melbourne or Shepparton. Prep to grade 2 and year 12 return to on-site learning. Childcare centres reopen. Public gatherings of up to 10 people. Some easing of restrictions for hospitality, retail and ceremonies.
10/09/2021	Lockdown 6.4	47	Restrictions ease for regional Victoria, except for Greater Shepparton. No change for Greater Melbourne or Shepparton. Prep to grade 2 and year 12 return to on-site learning. Childcare centres reopen. Public gatherings of up to 10 people. Some easing of restrictions for hospitality, retail and ceremonies.
18/09/2021	Lockdown 6.5	48	70% of eligible Victorians have one dose of vaccination. 5km bubble expanded to 10km; 2 hours outdoor exercise increased to 4 hours outdoor exercise or socialisation; outdoor public gatherings of up to 5 fully vaccinated (2 if not) plus dependents, from two households. Outdoor fitness and skate parks re-open. Some regional LGAs returned to lockdown (Greater Geelong, Ballarat, Surf Coast, Mitchell), Shepparton as per other regional LGAs.
29/09/2021	Lockdown 6.6	49	80% of Victorians have had one dose of vaccination. 10km bubble extended to 15km. Outdoor physical recreation facilities and personal training for up to 5 fully vaccinated people. Staged return to on-site learning from 4/10.
22/10/2021	70% Vaccination (16+): Vaccine transition phase	50	Align with National Plan Phase B (70% of eligible population has had two doses). Lockdown ends in Victoria. Curfew ends and can leave home for any reason. Outdoor public gatherings of up to 15 fully vaccinated and up to 10 visitors to the home per day. Community sport, pubs, entertainment, ceremonies with caps. All students return to on-site learning at least part time. In regional Victoria, all students return to full time on-site learning and some higher gathering caps. National plan: International border caps and low level arrivals including repatriation, students and economic visa holders. Low level restrictions and track and trace. Lockdowns still possible.
29/10/2021	80% Vaccination (16+): Vaccine consolidation phase	51	Align with National Plan Phase C (80% of eligible population has had two doses). Same rules for all Victoria. Up to 10 visitors, including children, to the home and outdoor public gatherings of up to 30. Restaurants, cafes, ceremonies up to DQ4 indoors or 500 / DQ2 outdoors. Indoor community sport. Masks required inside. Can return to work on-site if fully vaccinated. Hairdressing, personal care, retail, childcare and schools open, full time on-site for all students. On-site adult education for fully vaccinated students. National Plan: Minimum restrictions. No domestic border restrictions for vaccinated residents. Inbound and outbound travel for vaccination Australians.
19/11/2021	90% Vaccination (12+): Final post-vaccination phase	52	Align with National Plan Phase D (90% of 12+ population has had two doses). All gathering limits, capacity limits and density limits no longer apply except in aged care and hospitals. Masks only required indoors in limited settings including retail, health and aged care, primary schools, public transport. On-site work for fully vaccinated. Retail, hospitality and ceremonies subject to vaccination requirements and COVIDSafe measures. Major events subject to vaccination requirements and approval of COVIDSafe plans.
12/01/2022	CovidSafe Settings 4.0	53	Masks required in all indoor settings including in the workplace. Indoor dancefloors closed at all hospitality, entertainment and function venues, except for weddings. Third dose vaccinations mandatory for high risk workforce. Seven day isolation period for covid positive individuals and close (household) contacts. It is strongly recommended to work from home if you can. Other post-vaccination phase conditions continue to apply.
18/02/2022	CovidSafe Settings 4.1	54	From 6pm on 17/2 density quotients removed at hospitality and entertainment venues and indoor dancefloors can re-open. QR code check-ins no longer required for retail, schools and many workplaces. Masks continue to be required in all indoor settings including in the workplace. Other existing conditions continue to apply.
26/2/2022	CovidSafe Settings 4.2	55	Masks only required indoors in Hospitals, Primary Schools, on Public Transport and for workers in hospitality, retail and at large events. Work and study from home recommendation is eased. Other existing conditions continue to apply.

* Table modified from DOT, *Victorian Public Transport Patronage Report, Dec 2021 Edition*, Appendix 3. Notes have been added by BAV for the period prior to 5 August 2020 which, except for 26/5/2020 and 1/6/2020, are blank in that report.

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