

**EMERGENCY MANAGEMENT AMENDMENT  
(TEMPORARY COVID-19 PROVISIONS) BILL 2022**

*Second Reading*

Resumed from an earlier stage of the sitting.

**MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition)** [2.59 pm]: I rise to speak on the Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022 and thank the Deputy Leader of the Opposition for his comments and assessment in his second reading contribution. We will have more questions during consideration in detail. I do not intend to spend significant time on the second reading, but it is important to put some context around the legislation that we have been asked to debate today, having been given since only 6.00 last night the opportunity to lay eyes on the legislation and the briefing materials that were provided by the government. I reiterate our concern with the way this legislation has been brought to the Parliament and the disregard for parliamentary process that has become a hallmark of this government on such serious matters. It is too cute by half for the Premier and the Deputy Premier and others who are responding to our concerns to say that this legislation is delivering what we have been asking for, because, quite frankly, it does not. The opposition has been on the record for some time calling for the end of a state of emergency in Western Australia. Clearly, the period when we required legislation and powers through the Commissioner of Police and the State Emergency Coordinator passed some time ago. Repeated offers have been made by the shadow Minister for Emergency Services and the opposition for a bipartisan approach to amend the Public Health Act 2016 to allow us to transition from that peak of emergency management into a more appropriate way of dealing with not only the challenges that still exist while COVID-19 is in our community, but also any future pandemic that we may need to address as a state. What we have instead is a temporary amendment to the Emergency Management Act 2005. It does not provide a framework for the ongoing management of future pandemics and devolves decision-making to a public servant, albeit a senior public servant, without any oversight from the government, the executive or this Parliament. What we have ended up with is almost more draconian than what we had during the peak of the pandemic.

**Mr M.J. Folkard** interjected.

**Ms M.J. DAVIES:** I am speaking and I am not taking interjections.

When we were asked by the media and others —

Several members interjected.

**The DEPUTY SPEAKER:** Members!

**Mr M.J. Folkard** interjected.

**The DEPUTY SPEAKER:** Order, member for Burns Beach!

**Ms M.J. DAVIES:** Deputy Speaker, I am not taking interjections. Given that there has been such callous disregard for the processes of this Parliament by government, I would think that some respect for the opposition with the small time we have to deal with this legislation could be afforded by those who will not stand, I am quite certain. I do not want their interjections and I do not appreciate them. Thank you.

The questions that have been asked of us as an opposition about why we oppose this legislation when we have called for the end of the state of emergency are well considered. However, the fact is that when we saw the detail of the legislation last night, it became apparent that this is not bringing the state of emergency to an end.

**Mr T. Healy** interjected.

**Ms M.J. DAVIES:** I thought I was pretty clear.

The opposition concedes that we have been living under a state of emergency for 900 days, or thereabouts. In those very early days a raft of measures were brought in. Despite everyone on the government side saying that we opposed them, we came to this place with very short notice and assisted in considering and passing legislation that gave powers and enabled the government to respond to what was a very challenging and concerning time in the globe's history, and in Western Australia's history. I will stand by the fact that our opposition, diminished in numbers as it is, came to this place and at the peak of the COVID-19 pandemic assisted in passing legislation to ensure that there were powers that could be afforded to the chief of police.

Several members interjected.

*Point of Order*

**Mr P.J. RUNDLE:** The Leader of the Opposition has made it clear. However, there seems to be a continual stream of interjections coming.

**The DEPUTY SPEAKER:** Thank you. I will not uphold that point of order; however, members, the Leader of the Opposition has made it very clear that she is not seeking nor taking interjections. In line with addressing this as quickly as possible, if anyone starts to interject, I will start calling people. Carry on, Leader of the Opposition.

*Debate Resumed*

**Ms M.J. DAVIES:** Thank you, Deputy Speaker.

The opposition did assist at the beginning of the pandemic. However, over the past five years this government has brought legislation to this place, outside of COVID legislation, at very short notice, and rammed it through this Parliament, contemptuous of the processes that this institution is responsible for. Regardless of what members think about the opposition, there is an institution of Parliament and there is a responsibility for the opposition to provide some scrutiny. We have been afforded very little time to do that. In the small time that we have been given, we have been able to determine that what the government is saying is not what is being delivered by this legislation. There will be no end to the state of emergency. In fact, some parts of this amendment are very concerning.

The opposition will go through the legislation clause by clause, but I am disappointed that four weeks after the government and the Premier indicated that legislation would be brought to the house to transition from a state of emergency, we have ended up with an amendment to the Emergency Management Act with no concessions from the government that the Public Health Act would be the most appropriate vehicle to respond to a public health issue now that we are out of the immediacy of the emergency, and thereby give the Chief Health Officer, the most senior health public official in the state, the responsibility for managing a health issue instead of giving those powers to the Commissioner of Police, regardless of his experience and standing in the community, under the Emergency Management Act. At the same time, there is no oversight or ability to overturn any of the decisions for the powers that have been afforded the police commissioner in the role of State Emergency Coordinator by the government of the day, the executive of the day, the Premier of the day or this Parliament. The Deputy Leader of the Opposition pointed out that other mechanisms had been contemplated in other states by which the Parliament has the opportunity to oversee and understand some of those decisions, but this government has elected not to go down that path. We have the powers that the Premier in his own words described as draconian when they were introduced being extended not just to where they sit right now under the current emergency powers in January, but for another two years. It is curious to me that the government and the Parliament have been dealt out of any oversight or intervention and that the significant powers that exist within the Emergency Management Act have been bestowed on the police commissioner. They are the concerns the opposition has.

In our view, the Chief Health Officer would be best placed to deal with the public health response that is required now and into the future. Given that there are some significant powers in the Public Health Act, if it is not fit for purpose, there has been an offer from the opposition to work hand in glove with the government to create or amend through the Parliament that act to make sure that we do not have just a two-year temporary response, but fit-for-purpose legislation that will allow us to deal with any future pandemic as well as those issues that remain for COVID-19. It is disappointing that that has been ignored and that at the end of four weeks all we have is a state of emergency continuing under another title.

It was interesting that the Deputy Premier in question time today said that the Emergency Management Act was no longer appropriate. I do not have *Hansard* and I was not fast enough to write it down, and I am happy for the Deputy Premier to clarify his comments during question time, but it was clear to me that he made the statement that the Emergency Management Act was no longer appropriate for the time we were moving into because we were transitioning out of the peak of the emergency, yet we are amending the Emergency Management Act. We are still using those powers. We are still relying on the police commissioner as the emergency management coordinator. It does not make any sense. It will not achieve an end to the state of emergency. Frankly, it is lazy legislation. Amending the Public Health Act would have set us up so that we could manage pandemics in the future. There is plenty of literature around the world that contains evidence to suggest that the number of pandemics will increase and that they will have an ongoing impact on the globe. The bill does not provide a legislative framework to deal with future pandemics. It is temporary legislation and will not give the Parliament or the executive government oversight over the decision-maker who is to be appointed and not elected. They are all red flags and we have raised concerns about this.

I have spoken about the process and the way in which this legislation has been introduced. I was very disappointed to hear the Minister for Transport's contribution to the debate on the urgency motion. The government is aware that the opposition has responsibilities that sit outside this legislation and that given our numbers, we are stretched. I have been a member of this Parliament since 2008. I take my role as a parliamentarian seriously.

A member interjected.

**The DEPUTY SPEAKER:** Member for Southern River, you are not in your seat. Please refrain from making any comments.

**Ms M.J. DAVIES:** I take my role as a parliamentarian, as my colleagues do, seriously. The fact is we are dealing with a significant piece of legislation without any compelling reason for it to be brought on urgently. The government is using its numbers to ram it through this house. The shadow Minister for Emergency Services last night had a list of questions as long as his arm, but he could not get through them. For the minister's office to very generously offer him a second briefing this morning just hours before we were due to debate it in this house, after we have not had a chance to go through it in detail, is farcical. There is no other word for it.

But we can say that on our assessment, the bill will not end the state of emergency. It is not what the opposition has been asking for. That is our rationale for not supporting the bill—but it will make no difference because the government will do what it likes with its numbers regardless. That is what it has done for the last year and a half. It is arrogant and contemptuous of process. Even if I step outside this legislation, we can see that the order of bills that were to be debated this week has changed on multiple occasions. We had to reschedule and change the people due to be in the house while we were dealing with this legislation. We do not intend to debate an MPI today because we want to contribute to this legislation. We have given up that opportunity. We did not have an opportunity to do it yesterday because of the condolence motion and it was not appropriate. We are trying to be accommodating, but I have to say that the way that the house is being managed is somewhat chaotic and it makes it more challenging for the opposition to juggle multiple roles and duties. That is disappointing. It is obviously deliberate and unnecessary. It is unnecessary because legislation impacts on the lives and livelihoods of people in our community.

I will now sit down and allow others to make their contribution to the second reading debate. I look forward to the minister's response during consideration in detail, as much of it as we will get through. Given that this bill has been declared urgent, I am interested to know whether there is a desire for it to go to the Legislative Council immediately so that it can debate the bill at the earliest opportunity. That would mean the bill would need to pass this house and be forwarded to the other place before 6.00 pm. Given that this house will debate private members' business at four o'clock, I do not understand how we will be able to do that. Again, I fail to understand why this bill has been declared urgent, how that is going to work and why the bill needs to go through this house today. Unless we ask the Legislative Council to extend its hours, it will not get there before that house rises for the day. I am certain that by the time the other place rises for the day, we will have not got through consideration in detail, if not the second reading stage, before private members' business. The whole thing, once again, has been shambolic and very unnecessary, particularly for such serious legislation.

**MR P.J. RUNDLE (Roe)** [3.14 pm]: I rise to make a short contribution on the Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022. I feel as though I have had to stand up here on quite a few occasions not to talk about a bill, but to talk about the process that this government undertakes. The Leader of the Opposition outlined it very well: a sense of arrogance has crept into this government over the past 12 to 18 months. It is quite concerning that the scenario seems to be that the government basically does whatever it likes. It brings in legislation whenever it likes and gives us a day or a couple of days' notice. It has the numbers, so it is not a problem. It wants us to leave it to them so that it can ride roughshod not only over the opposition but the public of Western Australia. That is what upsets me. The public of Western Australia are barely even getting a chance to understand the bill because we are not given that opportunity.

Provisions were brought in during the state of emergency that at times were necessary. The number one priority is that we should be given an opportunity to have a briefing. The same situation arose again late on Monday night. I recall that is when we were notified by the leader of opposition business by brief text that said: "It appears there is going to be an emergency management amendment bill coming through the ranks. We might get some sort of briefing tomorrow but it has to be dealt with this week." My question is: why does it have to be dealt with this week when we have got a three or four-week break before the Legislative Council will be able to deal with it? That is the first thing I find upsetting.

We have not been given an opportunity to look through the various clauses of the bill or to take our time to try to get an understanding of it. What also was quite surprising was that the Deputy Premier today said that it is the same in other states, and there is no problem; it is all fit for purpose. I do not think it is. It is quite different from legislation in other states. Victoria has the most unpopular Premier in Australia who has more sensible provisions in handling the matter through its public health act. As I said, some of the things that Premier has done have been quite amazing, but, despite all that, this issue is being handled better in Victoria than in Western Australia.

As I look through some of the scenarios relating to this bill, the other thing I want to talk about, as the Leader of the Opposition pointed out, is that pretty well at all times during the initial stages of the pandemic there was vision of Italy and other places in Europe with doctors seeing their patients dying in corridors. I fully understood the need to introduce urgent emergency legislation then. Governments around the world were not sure how they were going to handle the pandemic. As the Leader of the Opposition pointed out, we supported that situation right from the start. We obviously wanted to know what the provisions were. We wanted to know how the State Disaster Council was going to work and how the Chief Health Officer was going to have oversight of things. I will make one comment. When I look back at the television footage of what happened in the other states, every day their chief health officer

would come out along with the Premier and, generally, the Commissioner of Police. All those states wheeled out their chief health officer, police commissioner, Premier and health minister. All we seemed to get was the health minister and, sometimes, the Premier, but the Chief Health Officer, who was supposedly making the decisions, was on the backburner. The people of Western Australia did not have the ability to get a real understanding of some of the reasons behind the decisions, whether on mask wearing or the intrastate borders, which used the development commission borders. Some of those scenarios made it very difficult for people, but, in general, people did the right thing and followed the guidelines. It looks like we are through the worst of it, hopefully. What I am getting to is that this bill appears to be a continuation of the state of emergency.

The other thing that really worries me about the bill is that it appears that one public servant will now have all those abilities, whereas before we had the oversight of the Premier, who no doubt would talk to cabinet every Monday morning about what was going on. We also had oversight of the decision-making by the Public Sector Commissioner, the police commissioner and the various members of the State Disaster Council. That is probably my biggest concern today—that we have a scenario in which everything will be loaded onto the State Emergency Coordinator. I assume that the State Emergency Coordinator will be the police commissioner.

This bill will do nothing more than continue the state of emergency by another name. That is why we are calling for a public health response. The opposition remains concerned about the conduct of the government in just seeking to ram significant legislative amendments through the houses of Parliament without justification, notice or, once again, giving us the ability to talk to our stakeholders, the Department of Fire and Emergency Services or the police commissioner. We do not know how this bill will affect the aged-care sector or the health sector because we have not had time to consult with our stakeholders. As the Leader of the Opposition said, it is 900 days since the state of emergency was declared and we are no closer to having fit-for-purpose pandemic response legislation; rather, we are getting just another temporary measure that will flow into being another state of emergency by another name. That is probably the most disappointing thing, from my perspective.

As I said, the Chief Health Officer is the most senior public health official in the state. He is best placed to lead the public health response now and into the future. Similar to what happened with the press conferences at Dumas House or on the steps of Parliament, the Chief Health Officer is nowhere to be seen. The Premier used to leave him out as he wanted to take the lead—“Here I am. I’m the Premier. I’m in charge.” Okay, we understood that; we saw how things flowed on to the 2021 state election. We are now seeing another scenario in which the Chief Health Officer is being left out. I do not think that is acceptable. That is one of the things we have picked up in the short time we have had to look at this legislation.

The Premier admitted in question time yesterday that the government was keen to remove the nomenclature referring to the state of emergency. He actually referred to that yesterday. He talked about the draconian responses. The opposition feels that it is its duty to check this out.

There are a couple of other things I want to briefly go on with before the Leader of the Liberal Party speaks about some of his concerns. I have heard him speak publicly about his concerns about the scenarios that have played out. Some of the key questions for us are: How many directions are currently in force under the Emergency Management Act and how many will be identified through this legislation? Is it the government’s intention that each of the five existing directions will transition to directions issued pursuant to a COVID-19 declaration? I guess another question is: when does the government intend to transition from an EM act state of emergency to an EM act COVID-19 declaration? What we really have with this bill is the continuation of the state of emergency. When will we go back to something that is a little more suitable to the scenario that is now playing out, which is certainly a relief to the citizens of WA? I know that mask wearing is still very important in aged care and hospitals, but I think we are gradually transitioning back to something that is a little more normal and with which the citizens of WA are a little more comfortable. People did the right thing and wore masks at Optus Stadium, on public transport or in rideshare and taxi services and so forth.

A question for the Minister for Emergency Services, whom I suspect will be answering a lot of questions as the day goes on, is: why does the Minister for Emergency Services no longer want to exercise ministerial direction and decision-making in determining the need for the ongoing exercise of powers, even if it is on a three-monthly basis? As I pointed out earlier, we had good oversight by the State Disaster Council. We had a situation in which the Chief Health Officer made some sort of directions behind the scenes—we did not really see him in public too often—but we had the knowledge that the State Disaster Council was meeting on a regular basis and was confirming those decisions. Now, the decisions will be made by the State Emergency Coordinator and will depend on how he or she feels at the time. Will there be any oversight of that decision-making? Not from what we can see.

Another question is: why has the government not contemplated the impact of future pandemic events, preferring to limit the bill to a temporary COVID-19 response? Another question from my perspective concerns proposed section 77M, which provides for powers to control and use property: is there any requirement to compensate for loss or damage arising from the use of this power? That was one of the questions the opposition raised in the

briefing. Certain powers seem to flow from this legislation and opposition members are certainly keen to investigate to the best of our abilities, given the very short time we have had since that briefing. I know the Leader of the Liberal Party is anxious to get up and talk about some of his issues.

The government's approach is inconsistent. The only thing that is consistent is this government's arrogance in continuing to ram legislation through this place because it has the numbers. We all understand that, but there is a parliamentary process and the opposition should have the opportunity not only to look at legislation, but also to talk to the stakeholders and get an understanding of how they feel about it. More than anything, I am upset at the way this government is riding roughshod over the people of Western Australia.

**DR D.J. HONEY (Cottesloe — Leader of the Liberal Party)** [3.32 pm]: As has been indicated by our lead speaker on the Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022, I oppose the bill. I will go into some detail to explain why. But first I will cover a little English literature. I know that the minister representing the Minister for Emergency Services, being a former journalist, has a keen interest in language and I am sure he would have read George Orwell's dystopian novel *Nineteen Eighty-Four*. That novel opens with a statement, which should seem out of the ordinary. For those keen English literature students, I am quoting this first part from an online source CliffsNotes.com, which reads —

George Orwell's well-known dystopian novel, *Nineteen Eighty-four*, opens with the following statement that should seem out of the ordinary:

It was a bright cold day in April and the clocks were striking thirteen.

The thirteenth stroke here doesn't refer to military time but to an old saying. References to a thirteenth stroke of the clock indicate that some event or discovery calls into question everything previously believed. Put any other way, the thirteenth stroke of the clock calls into question not only the credibility of itself but of the previous twelve.

But notice in this opening line it isn't just one clock malfunctioning, but *the* clocks. Presumably all of them. In this world, the clocks striking thirteen is not an aberration, but a normal way of life.

In this way, Orwell subtly alerts the reader that statements of truth in this fictional society should be called into question.

The clocks are now striking 13 in Western Australia as in George Orwell's famous book *Nineteen Eighty-Four* about authoritarianism. This is because the Premier wants Western Australians to believe the state of emergency is coming to an end, but the opposite is happening and it is still continuing under the public radar. Democracies are rarely crippled in one fell swoop; they are degraded gradually by actions justified as temporal necessities that combine to impinge on the democratic rights of citizens.

I want to make it clear, as the Premier outlined in this place yesterday, that we believe the state of emergency should end. I want to make that clear: we believe the state of emergency should end. However, we do not need this bill to achieve that outcome. I want to cover first why the government considers this bill urgent. Why is the government dealing with this bill in this manner? We have seen this on a number of occasions. There have been 17 occasions that the government has used COVID emergency provisions as a reason for putting bills through this place in short order. At the start of the COVID pandemic, that was a reasonable thing to do. It was a pandemic; no-one knew where it was going to go. There were horror stories from overseas and it was apparent the government had to take dramatic action early. This opposition supported the government on every single occasion. If the minister likes, I will go through the bills and the time that it took to deal with those bills in this place, but on every occasion, all the emergency bills that the government wanted to put through were dealt with in this place and the other place in precisely the time that the government required because we appreciated this was an urgent and unusual situation. We are not now in an urgent and unusual situation. We are in a relatively normal situation. The COVID pandemic is continuing, but there has not been one justification from the minister representing the Minister for Emergency Services or the Leader of the House to justify why this bill is being dealt with in this manner. This is a complex bill. Although it might be a relatively short bill, it is a bill that refers to other bills. In the time that we have had, it is almost physically impossible for us to even follow those references through and evaluate them. This is a bill that, in the Premier's own words, contains draconian powers. These are serious powers—the most serious powers that a government can have; in fact, as this bill continues, it allows people to be directed, to be detained at properties and it allows police officers to seize property and to seize premises and occupy premises. Those are all of the things that are allowed to be carried on in this bill.

Yesterday we had a briefing at 6.00 pm and, effectively, at midday today, we started to debate this. Members of this chamber were still carrying out business at eight o'clock last night. A significant number of important questions could not be answered at the briefing and we received that information only today, when none of us were in a position to go through and read that. We received the PowerPoint slides only this morning whilst we were preparing speeches to reply to the government on this bill. We have had no meaningful opportunity to consult with anyone. We have

had no opportunity to consult with the Law Society of Western Australia, which may have concerns about this bill. We have had no opportunity to consult with local government, the Western Australian Local Government Association or with other departments that are affected by this bill, yet the government expects us to come in here and debate that bill. It is an arrogant abuse of Parliament. The Premier is not even here. I have heard some muttering from the other side saying the Premier is doing something important. This is a critically important bill. If the Premier were treating this opposition and this Parliament with respect, he would have delayed this bill until he could be here. There is no reason why he could not have done that.

The existing state of emergency continues into the early part of the new year. This matter could be dealt with any time up to and including November this year. It does not need to be rammed through today. This may be a convenience to the government but it is an improper way to deal with such an important matter and to give the opposition so little time to prepare and interrogate this important piece of legislation.

The Premier, the minister representing the Minister for Emergency Services and others have made a number of statements that this bill is important to end the state of emergency. Other speakers on this side have made very clear that this bill does not end the state of emergency. That could be done simply by declaring that the state of emergency is over and allowing existing laws to deal with any remaining issues associated with COVID. This bill is simply renaming the state of emergency. That is where the Orwell quote comes in. It is doublethink. It is newspeak. It is saying one thing when in fact the other thing is true. This bill continues the state of emergency for the next two years. It does not end it. What does that mean?

If the Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022 passes, the State Emergency Coordinator will be able, of his own volition, to decide that a COVID emergency should be declared for a three-month period; and, if that happens, he can carry out and be responsible for the most extreme actions—all actions that are available under what will become the previous arrangements—up to state border closures. He will not be able to close the state borders, but he will be able to do everything else. How can anyone in this state in the next two years have any certainty that their plans can be carried out without interruption? They will not have any certainty. Will someone plan a major concert or event knowing that at any time, the State Emergency Coordinator can, of his own volition, in his own mind, form the belief, once he has sought advice from the Chief Health Officer—not a direction, only advice, which he is perfectly at liberty to ignore—that those actions need to be taken, then they will be taken? As has been made clear here, there will be no possibility of any review or intervention by the minister, the executive of government or Parliament itself—none. There will be no guarantee for people planning a wedding or tourists planning a trip to the state and wanting to travel to regional areas. If this bill passes, there will be no guarantee that they will be able to go ahead. If the bill passes, it will not end the state of emergency; the government will have simply renamed it and, at any time, there can be major lockdowns. Intrastate state travel will be able to be banned. Community events will be able to be banned. Gatherings of people of a certain number will be able to be banned for the next two years. That is what will happen if this bill is allowed to pass. As I will point out, it is a completely unnecessary bill.

I want to know why the government is doing this. Why is this bill a necessity for the government? The Public Health Act 2016 can deal with any remaining issues. I have heard mention of, for example, mask mandates in places that house vulnerable people, such as aged-care facilities. I can tell members in this place—I am sure they all know—that when I visited my godmother at Springhaven Lodge in Kojonup before the COVID crisis, I could not enter that facility unless I had had the flu injection. If they required me to wear a mask, I would not be able to enter without a mask. It required visitors to meet the people living in that establishment outside singly—by themselves—and not in group areas. They did all that without any need for regulations, so any contention that an aged-care facility or a hospital requires COVID rules to protect vulnerable people using masks is simply wrong and is a false assertion.

I want to go through the Public Health Act. Why is the opposition saying that the Public Health Act is the appropriate vehicle to manage ongoing COVID concerns and issues? I refer to the Public Health Act, part 12, division 3, “Public health emergencies”. Section 167 is headed, “Minister may make public health state of emergency declaration”. Sections 167(1) and 167(2) empower the Minister for Health to declare a state of emergency over the whole or part of the state. The minister must consider advice from the Chief Health Officer after the Chief Health Officer has consulted the State Emergency Coordinator and be satisfied that a public health emergency has occurred, is occurring or is imminent and that extraordinary measures are required to prevent or minimise loss of life or prejudice to the safety or harm of people. That sounds pretty comprehensive, does it not? The term I note in each sentence is “the minister”—someone who is accountable to this place.

Section 167(3) states that a public health state of emergency declaration must include details of the health emergency that is the basis for the declaration, the time and date, whether it applies to the whole state or specific areas, and it may limit certain powers that may be exercised during the declaration.

Section 168 refers to the duration of a public health state of emergency declaration and states that if it not extended, it remains in force for six days and can be extended by the Chief Health Officer.

Section 169 empowers the minister to amend the state of emergency declaration.

Section 170 deals with an extension of a public health state of emergency declaration. Each extension cannot exceed 14 days, which is the current situation under the state of emergency. It is no different and there is no limit on how many times an extension can be declared. If it is necessary, the Chief Health Officer can use this declaration to deal with any issues that arise and deal with them instantly. Once the minister has declared this, it is dealt with and other things can carry on. The Chief Health Officer is empowered to authorise various authorised officers to exercise emergency powers during the declaration.

Section 179 deals with powers to obtain identifying particulars and section 180 deals with powers relating to movement and evacuation. An emergency officer may direct or prohibit the movement of persons and so on, direct the evacuation and removal of people and so on, close any road or access route or area, and that includes, clearly, remote communities or those that are vulnerable. We do not need a state of emergency to do that, which has already been stated in this place today. An emergency officer may also direct the closure of any road, access route or area of water leading into an emergency area.

Section 181 provides a power to use vehicles. Under this act, there is the power to appropriate vehicles and premises. The power to control or use premises or property is included in the Public Health Act. For emergency management purposes, an emergency officer may take control of, or make use of, any premises or property and the premise or property may be in or outside the declaration area. An officer may enter if necessary, break into and search any premises, open containers and other things, seize anything, direct property owners or occupants to provide reasonable assistance and so on. If an emergency officer takes control of a property, they must give written notice after seven days.

Section 183 is “Powers in relation to drugs and vaccines”, which is not included in the new powers, but it is important because it relates to taking control of any drugs that may be useful. They can exercise powers to enter properties and so on to do that and they can direct the manufacturer, importer, distributor or anyone in possession not to sell and so on. There are quarantine procedures. I do not have time to go through all of the act. I encourage members and the minister representing the Minister for Emergency Services to read part 12 of the Public Health Act. It has all the powers the government needs to manage what remains of the COVID crisis.

[Member’s time extended.]

**Dr D.J. HONEY:** We do not need this special piece of legislation to have the required controls. Everything I have heard from members on the other side of the house can be done under the Public Health Act, which we have said for some time. We do not know why the government is doing this.

We heard the member for Moore talk about the approach taken by the Victorian government. What really concerns me in all of this, and it has concerned me in this COVID crisis for some time, is whether this is about political advantage for the Premier. We know that many leading figures in the business community are deeply concerned about the impact that an extended state of emergency has on a range of areas.

Several members interjected.

**Dr D.J. HONEY:** I am not taking any interjections, Deputy Speaker.

**Mr D.A. Templeman** interjected.

**The DEPUTY SPEAKER:** Leader of the House! Carry on, Leader of the Liberal Party.

**Dr D.J. HONEY:** Thank you very much, Deputy Speaker.

Is it about political advantage? We saw that COVID was the pre-eminent factor deciding the last state election. We know that from our own polling. I have said it before in this place and I say it again: the Labor Party was on track to lose a significant number of seats at the start of January 2020.

**Mr D.J. Kelly:** Rubbish. Lose government? In your dreams! Wishful thinking.

**Dr D.J. HONEY:** It was not on track to lose government but to lose a significant number of seats, member. It was going to retain government. By July 2020, after the COVID pandemic had struck and the Premier had taken his tough-on-COVID stance, we were likely to win no seats in Parliament. That was the impact of COVID and the political impact of the Premier’s approach to COVID. We saw this gamed as the crisis went on. In the first part of the pandemic, we agreed that there was an appropriate response to this.

**Mr D.J. Kelly** interjected.

**Dr D.J. HONEY:** I am not taking interjections. I do not have time, member. I would love to talk to the member about it.

In the federal election, we saw the state Labor Party take control of the campaign. The major plank of that campaign was, again, COVID and the way the Labor state government had handled COVID. We know that COVID has been a potent political weapon for the Labor Party, and it has used it to within an inch of its life. Are we seeing that again?

Several members interjected.

**Dr D.J. HONEY:** Is that why the Labor Party wants to continue the state of emergency in another name?

**Ms C.M. Rowe** interjected.

**Dr D.J. HONEY:** Member, I am not taking interjections.

For the next two years, taking us to October 2024 and into the next election campaign, we will have COVID on the political agenda so that the Labor Party can rerun its 2021 election campaign. I hope that is not true.

Several members interjected.

**Dr D.J. HONEY:** I am not taking interjections. Thank you very much.

**Ms C.M. Rowe** interjected.

**The DEPUTY SPEAKER:** Member for Belmont, I call you to order for the first time.

**Dr D.J. HONEY:** This two-year period will take us to October 2024, well inside the next election campaign period.

I am raising this because I am struggling to understand any reason that this bill is before the house at this time. Whether the government has done it properly—or as it has done in this case, improperly—it is hard to understand why this bill is before the house. This government has had plenty of time to find an acceptable alternative to this bill. For a start, there have been over 900 days since the first state of emergency declaration. This government has had plenty of time to consider what it needs to do as this crisis tails off. What we hear is, “No, an amount of urgent work has had to be done”, because the government suddenly has a desperate need to get rid of the state of emergency. The existing provisions extend to 4 January 2023. The last renewal of the Emergency Management Act amendments goes through until January, and the government simply has to repeat its two-weekly reaffirmation of the state of emergency.

As we have offered on a number of occasions, we could have had a fit-for-purpose bill. I have just taken members through a very brief summary of the Public Health Act. The Public Health Act has enormous powers to deal with all the concerns that I have heard members opposite raise about dealing with COVID as we go forward. The government could have put up fit-for-purpose minor amendments to that act in this place. We would certainly be supporting those amendments in this place, instead of opposing this bill.

The government could have had an independent review. We have asked for this for some time. What went right? Things went right politically for the government, but not everything was done right. Many things were done right, and we have congratulated the government for the COVID pandemic outcome, but many things were not done right. Many things were not done in a timely manner. Other state governments have carried out reviews. They have completed the reviews, and they have the learnings. Where are the learnings from this government? Is this government so arrogant that it thinks it is perfect in everything it has done? It could have done a review, and that would have fed into a more temperate approach to this bill.

Is it that the government just likes to have those extreme powers available? Powers will continue—sorry, they will—but more particularly, pandemics will continue. We know one thing: this is not a one-off. Lots of evidence suggests that pandemics are increasing in frequency globally. The government had a golden opportunity to modify part 12 of the Public Health Act so that in future we would have a simple mechanism and not need special bills rushed through Parliament or special acts of Parliament. We could deal with a pandemic under the act. In no other time do we know what a global pandemic means for our country. The SARS global pandemic largely bypassed Western Australia. We should have had that, so that we could respond quickly and so that we can respond quickly in the future.

The powers in this bill are draconian. As I have already indicated, the powers in the Public Health Act are also quite draconian. Outside of shutting the state borders, the Public Health Act contains most of the powers of this bill. As I pointed out before, that part of the act is triggered by the Minister for Health in consultation with the Chief Health Officer, who has to refer to others. In this case, we have a power that will be vested in a public servant without any review by the minister or this place. I do not know how Labor members can look at this and not see it as a major concern. This is not a criticism of the public servant, but when such serious powers are available, they should be subject to scrutiny and review. These are extreme powers. I do not have time to go through all the powers individually, but, as I pointed out, under this bill—as it is being presented to Parliament—venues can be shut down, events can be cancelled, and people can be compelled to do anything. All those powers are quite remarkable. A fundamental concern for anyone in this Parliament who cares about our democratic processes, checks and balances should be the delegation of all that control to a public servant. We have no concerns about that particular public servant, but we have fundamental concerns about these powers being delegated to someone who is not answerable



to a minister or to this place. If these were minor powers, such as applying a minor fine or issuing a licence of some sort, it would be a reasonable delegation of power. We know that happens. These are substantial and draconian powers that will involve directions to people, and there will be no oversight—none from the minister, none from the executive of government and none from Parliament.

The State Emergency Coordinator will not be required whatsoever to explain any decision. The only requirement is the publication of the Chief Health Officer's advice, which the State Emergency Coordinator can choose to ignore. The State Emergency Coordinator will have to provide no explanation for what he is doing; he will simply need to form an idea in his own mind. We are talking about decisions based on not only health issues, but also economic and psychological issues. I am fascinated to understand how the government thinks it appropriate to vest that power purely in the State Emergency Coordinator with no requirement to consult with or report to anyone on how decisions are made. That is not a proper or democratic process at all.

I want to make it very clear that I like the police a lot. In my early career, I worked alongside the police as a forensic scientist for six and a half years. I like the police a lot, but I do not want the police or the police commissioner running the state. I want the Parliament to run the state. I want ministers to run their major portfolios because they are answerable, ultimately, to the people of Western Australia. I like the police handling emergencies. If there is a terrorist attack, I want to see the police managing it. They will do that fantastically. They do a topnotch job of investigating crimes. They do a superb job of protecting the public from crime. I do not want the Premier or ministers rushing or blundering around at a crime site, but I want the executive of government, the Premier and ministers, to manage complex issues.

Debate interrupted, pursuant to standing orders.

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