

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

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Stephen Dawson (Minister for Emergency Services)**, read a first time.

*Second Reading*

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [9.45 pm]: I move —

That the bill be now read a second time.

The bill before the house today seeks to amend the Emergency Management Act 2005 and other acts to provide a temporary legislative framework for the ongoing management of COVID-19 after current state of emergency declarations end.

Western Australia has earned an enviable reputation for its strong management of COVID-19. While other countries and states dealt with the toll of widespread outbreaks through 2020 and 2021, we successfully suppressed and eliminated community transmission of the virus for almost two years, while maintaining our strong economy. As noted in the 2022–23 state budget, Western Australia’s domestic economy has grown by 7.2 per cent since the start of the pandemic—the strongest of all the states.

Although some Australian states endured long lockdowns and harsh restrictions, and lived through the devastating impacts of the Delta variant, WA spent only 12 days in lockdown outside the first few months of the pandemic. To avoid the conditions impacting other states and enjoy our open, largely COVID-19-free lifestyle, thousands of people moved to Western Australia. Our borders were closed while other states battled major Omicron outbreaks at the start of the year, providing the opportunity for Western Australians to better protect themselves with a third dose of a COVID-19 vaccination. We then opened the borders in March, with the highest third-dose vaccination coverage in the country. This added level of protection, coupled with sensible public health and social measures, meant that we were able to avoid the full extent of Western Australians losing their lives that we might otherwise have witnessed.

Since our first Omicron peak, we have gradually stepped down public health and social measures and testing and isolation protocols based on health advice. Baseline measures, such as isolation for positive cases and masks in certain settings, remain in place to protect vulnerable cohorts. We have moved towards living with COVID-19 and emphasising personal responsibility for doing the right thing—practising hand hygiene, staying home if we are sick and wearing masks as required. We achieved our soft landing and, on behalf of the Western Australian government, I would like to thank each and every Western Australian for their efforts to keep us safe. The last two and a half years have been challenging, and I acknowledge the sacrifices that many Western Australians have needed to make for the benefit of our community.

Although we have entered a new phase, the pandemic is by no means over. The recent Omicron wave presented new challenges throughout winter, particularly due to the emergence of new sub-variants. Our experience of effectively managing the previous waves has prepared us to minimise the impact of the new sub-variants. COVID-19 is continuously evolving and we must remain prepared. Therefore, at a minimum, there is a need to maintain some baseline public health and social measures and testing and isolation requirements, primarily to protect the vulnerable population and minimise hospitalisations. In addition, we need to be prepared for the possibility that severe or vaccine-resistant variants may emerge and require a prompt escalation in response.

Our strong response to COVID-19 has been enabled by our emergency management frameworks under the Emergency Management Act and the Public Health Act. However, as we move into this new phase of living with COVID-19, it is important that our legislative frameworks also evolve as needed. The amendments before the house propose a temporary, fit-for-purpose legal framework for the ongoing management of COVID-19 for two years, outside of a state of emergency. Under the new framework, the State Emergency Coordinator can make a COVID-19 declaration for up to three months at a time when a specific threshold is met, and the declaration must be revoked when it is no longer necessary. The Chief Health Officer must be consulted in making, extending and revoking the declaration. When a COVID-19 declaration is in place, the State Emergency Coordinator and authorised COVID-19 officers can exercise a range of COVID-19 powers to manage the pandemic. The COVID-19 powers include those that have been regularly relied on to manage COVID-19 to date, and will allow directions to be made and actions to be taken to prevent, control or abate the risks associated with COVID-19.

Certain powers that are available only in a state of emergency will not be available under the COVID-19 declaration, including the ability to close the interstate border. However, if there is an escalation in infections and there was a need for a significant and coordinated response and extraordinary measures to control the spread of COVID-19, such as implementation of a controlled interstate border, a state of emergency for COVID-19 may also be declared.

The bill will amend section 72A of the Emergency Management Act to restrict it so that it may be relied on only if a state of emergency declaration is in force in relation to COVID-19. Section 72A will no longer expire on 4 January 2023 and will be available during the same two-year period that the temporary COVID-19 provisions are in place for.

The amendments also specify that the State Emergency Coordinator may take into account social and economic considerations, as well as public health considerations, when making, amending or revoking directions. These considerations are important and appropriate in a prolonged pandemic with potential for widespread community impacts. The bill retains existing requirements to publish declarations and directions, while also introducing a requirement for the publication of health advice related to a COVID-19 declaration. The bill will also make consequential amendments to other legislation to account for the COVID-19 declaration and COVID-19 powers.

Our approach in bringing in this bill is consistent with the actions of a number of other states and territories that have introduced legislative amendments to enable their ongoing COVID-19 response outside of emergency declarations. The amendments before the house are for the temporary management of COVID-19 and will expire after two years. COVID-19 has been a significant test of Western Australia's emergency management frameworks, with state of emergency provisions being used for the first time. The pandemic has highlighted that existing frameworks were not designed for prolonged events of this magnitude. After the states of emergency end, work can commence to examine the suitability of relevant legislation and incorporate lessons learnt from the past two years to futureproof arrangements on a long-term basis for COVID-19 and other pandemics that may arise.

The bill retains the arrangements that have contributed to our success in managing the pandemic to date, while incorporating elements that are fit for purpose and appropriate for the medium term. The new framework is sensible and necessary in continuing to protect the community from the ongoing impacts and challenges presented by COVID-19.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and I table the explanatory memorandum.

[See paper [1703](#).]

Debate adjourned, pursuant to standing orders.

*House adjourned at 9.52 pm*

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