

**COVID-19 RESPONSE LEGISLATION AMENDMENT
(EXTENSION OF EXPIRING PROVISIONS) BILL 2020**

Introduction and First Reading

Bill introduced, on motion by **Mr F.M. Logan (Minister for Emergency Services)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR F.M. LOGAN (Cockburn — Minister for Emergency Services) [12.47 pm]: I move —

That the bill be now read a second time.

In March this year, during extremely challenging times, urgent amendments were passed by this house to strengthen the state's capacity to respond to the COVID-19 pandemic and safeguard the health and safety of the Western Australian community. The amendments included those made by the Emergency Management Amendment (COVID-19 Response) Act 2020 and the Criminal Code Amendment (COVID-19 Response) Act 2020. I will refer to these collectively as the COVID-19 response amendment acts.

These amendments have been vital to the state's management of COVID-19. The amendments strengthened our legislative framework to respond to and deal with the unprecedented challenges of the COVID-19 emergency. The amendments have supported our emergency and frontline workers, who have been doing an incredible job on the front line of the health crisis to keep our community safe. The COVID-19 response amendment acts introduced extraordinary measures to respond to the pandemic hazard. These amendments appropriately included sunset provisions to ensure that those measures were limited to the pandemic hazard. The amendments introduced by the COVID-19 response amendment acts will cease operation on 4 April 2021. COVID-19 is still a threat to the community. This bill will extend the operation of the operative provisions of the COVID-19 response amendment acts by a further six months to 4 October 2021.

Before I turn to the detail of the bill, I will outline specific provisions that are subject to the sunset clauses and explain why it is important that the operation of each is extended to ensure that the state can continue to respond appropriately to COVID-19.

The Emergency Management Amendment (COVID-19 Response) Act 2020, among other things, introduced new section 72A into the Emergency Management Act 2005. This provides a catch-all power that enables a hazard management officer or authorised officer to effectively manage the response to the emergency. It includes being able to direct a person or a class of persons to take any action the officer considers to be reasonably necessary to prevent, control or abate risks associated with the emergency. Section 72A also contains important information-gathering powers. Several directions have been made in reliance, or partial reliance, on this section. Those directions include, but are not limited to, the current versions of the Closure and Restriction (Limit the Spread) Directions, the Quarantine (Closing the Border) Directions, the Presentation for Testing Directions, the Isolation (Diagnosed) Directions, and the Remote Aboriginal Communities Directions.

Pursuant to section 2(c) and section 10 of the Emergency Management Amendment (COVID-19 Response) Act 2020, section 72A will be deleted from the Emergency Management Act 2005 on 4 April 2021. The intent of the sunset clause is to ensure that section 72A powers are applied only in the circumstances of an appropriate emergency response to the COVID-19 pandemic. On the sunset date, any existing directions that rely solely on section 72A will no longer be valid as there are no transitional provisions to continue the operation of those directions. Further, section 72A will not be able to be relied upon for making new directions. It is vital to ensure that these provisions endure in the act for a further six months. Continuation of the state of emergency will continue to be based on expert advice from the State Emergency Coordinator and the deliberations of the State Disaster Council. However, it is essential that every tool that has served our state so well to this point remains available to keep us safe in these difficult and uncertain times.

The arrival of ships carrying crew infected with COVID-19 has continued to be one of the greatest risks to our way of life in Western Australia. The powers under section 72A have been vital to effectively direct the isolation and testing of crew members on affected ships, and we must have the capability to continue to make such directions as and when ships arrive on our shores. Across Australia, some states and territories continue to grapple with community outbreaks of COVID-19 and we have witnessed the devastating impact on those communities. At the same time, Australians who are located overseas are returning home. Many are returning from countries that are severely impacted by the pandemic. We support the return of Australians and others to Western Australia for family, health, work and other purposes. It is important, however, based on the current health advice and Western Australia's susceptibility to a COVID-19 outbreak, that we cautiously manage the opening of our borders and ensure that appropriate strategies are in place. This is vital as we transition from a hard border to a controlled border on 14 November.

Extract from Hansard

[ASSEMBLY — Wednesday, 4 November 2020]

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The continuation of these provisions does not mean that the hard border will be reinstated in the future or presuppose any particular course of action. The government's decisions will continue to be based on the best available health advice. However, the directions relating to contact tracing and quarantine that rely on section 72A will be integral in the short to medium term in any plausible scenario. It will ensure that our emergency management personnel will have the powers to continue to help us overcome this deadly pandemic and to maintain a responsible and flexible framework that has served the state so well up to this point.

The powers under section 72A have supported the closed borders and the issuing of directed presentation for health testing, isolation and hotel quarantining. They have been and continue to be critical to this strategy. Section 72A has also supported the government's implementation of social distancing measures that has been appropriate to the health advice. It has supported the gradual easing of restrictions for social venues—such as theatres, concert halls and cinemas—to reopen. It has been used to facilitate Western Australia hosting the Australian Football League at Optus Stadium. As we move forward, and in the event of the state of emergency continuing, I anticipate that section 72A will continue to be relied upon to facilitate community-based events in a COVID-safe manner.

I now turn to the Criminal Code Amendment (COVID-19 Response) Act 2020. That act amended the Criminal Code to increase the maximum penalties for the offences of serious assault and threats committed in the context of COVID-19. The increased penalties sought to reflect the seriousness of assaults against public officers such as frontline workers, particularly in the context of the pandemic. The amendments to the offences under sections 318 and 338B of the code were made in response to several distressing reports of people across the country and internationally claiming that they had COVID-19 and deliberately coughing or spitting on innocent people who were just trying to do their jobs. This was particularly occurring, or at the risk of occurring, in the context of frontline essential staff who work tirelessly around the clock at great personal risk to themselves and others to keep our community safe and to stop the spread of this disease. The increased penalties reflect the seriousness of this conduct and will send a clear message that the government and, indeed, the Western Australian community at large does not and will not accept it. The increased penalties have not been widely used; however, that may indicate that they are having an appropriate deterrent effect. Regardless of their uptake, it is important that they continue to be available to reflect the seriousness of the conduct.

The Criminal Code Amendment (COVID-19 Response) Act 2020 has a sunset date of 12 months after the day on which the act received royal assent. It came into operation on 4 April 2020 and will, therefore, cease operation on 4 April 2021 when the increased maximum penalties for the offences committed in the context of the COVID-19 pandemic will be deleted.

As we continue to live with COVID-19 and expect so much of our frontline essential staff, it is critical to ensure that people who assault or threaten them with COVID-19 can be dealt with appropriately. The bill before us today will extend the operation of the respective sunset clauses under the COVID-19 response amendment acts for a further six months, with a new effective sunset date of 4 October 2021. It will ensure that the powers under section 72A of the Emergency Management Act 2005 will be available should the state of emergency in respect of the COVID-19 pandemic continue and will ensure that higher penalties continue to apply to serious assaults and threats against public officers that are committed in the context of COVID-19.

As legislators, there is a need to address the sunset clauses now, because the current date of 4 April 2021 follows the next state election and the dissolution of Parliament. If the state of emergency in response to the COVID-19 pandemic continues beyond the state election, it is unlikely that Parliament will have resumed in enough time after the election to enable the passage of this important legislation prior to the sunset date. Any gap in these laws in response to the COVID-19 pandemic will potentially present an unacceptable risk to the health, safety and financial security of Western Australians.

I commend the bill to the house.

MR S.K. L'ESTRANGE (Churchlands) [12.58 pm]: I say at the outset that the Liberal Party opposition supports the Minister for Emergency Services' request to extend the provisions in the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2020 because it must trust that the rationale and reasons given for the extension are warranted. However, the minister should understand that there has been some conjecture among opposition ranks on why the extension needs to be for six months and does not simply take us—whoever comes back after the next election—to the 2021 winter recess, therefore, giving the government ample opportunity to address the newly formed Parliament of Western Australia after the March election on the reasons to extend it any further. Notwithstanding the fact some people in this place may question the duration of the extension, the Liberal Party will be supporting the bill.

The Premier and his government has had unrivalled popularity throughout Australia during this COVID-19 pandemic.

Mr D.J. Kelly: Throughout Australia?

Mr S.K. L'ESTRANGE: It has been unrivalled throughout Australia. I do not think any other Premier has hit the popularity numbers that Premier McGowan of the McGowan Labor government has. A lot of people have put that down to his personal management of the COVID-19 response. I beg to differ. We know, and most Australians would too if they got the opportunity to learn this, that from an economic perspective a huge amount of heavy lifting to prop up Western Australians during the difficult phase of COVID-19 was the federal government's fiscal rescue packages JobKeeper and JobSeeker, plus those infrastructure grants that the federal Liberal government made sure flowed to this state.

We also know that one of the reasons for Western Australia being so well supported throughout this pandemic has been due to our natural pandemic advantage. That natural advantage, of course, is that Western Australia has two land entry points—the main one is at Eucla, down there on the Nullarbor, and the other is at Kununurra's Checkpoint Charlie on Victoria Highway to the north. There are two main land points. Anybody who tries to get into Western Australia in between those two areas, good luck to them, because it is a pretty harsh desert environment out there with not enough of a population to sustain anyone. In and of itself, Perth is one of the most isolated capital cities in the world. We know that. The next closest major city to Perth is Adelaide, which is some 2 100 kilometres away. All the government needs to do is maintain those two overland checkpoints and maintain our ports and airports from international travel and then we have a safe and secure environment.

Mr D.J. Kelly: You make it sound easy, member.

Mr S.K. L'ESTRANGE: Member for Bassendean, no, I do not make it sound easy; I am just highlighting the natural pandemic advantages that Perth and Western Australia has had to its advantage during the pandemic. Luck is not made, minister. We have been gifted with excellent professionals. We have relied on the outstanding work of the Western Australia Police Force, Australian Defence Force personnel and our frontline health professionals to keep us safe during this pandemic. No, not luck at all, minister—hard work from hardworking Western Australians.

Even with all of that hard work from them, it came down to the policies of this government; the hard border policy, for example. During the height of the early stages of the pandemic, from March until July, Western Australians were very comfortable with the hard border stance. Many still are. In reality, how hard was that border stance? We know from information that has come to us over time that there have been quarantine exemptions at various times throughout the pandemic given to various groups for various reasons. Some of these groups include senior government officials; commonwealth parliamentarians; the Premier of Western Australia and his staff; industry specialists; infrastructure maintenance people; maritime crews; rig platform crews; health emergency, judicial and military personnel; and international and domestic flight crews. I am sure there are more. The fact that we have enabled all of those people in those various categories at different times to enter Western Australia through Perth, without quarantine, and yet we have not had a COVID-19 outbreak in that time, is fantastic. But is it luck or is it design?

Mr D.J. Kelly: Did you say we have allowed those people to come in without quarantining?

Mr S.K. L'ESTRANGE: Correct.

Mr D.J. Kelly: Without quarantining?

Mr S.K. L'ESTRANGE: Correct; that is what I said. At different times throughout the pandemic, the government has provided exemptions from quarantine to people under those categories. That is a fact. That is the information I have been given.

Notwithstanding the interjection from the Minister for Water, we have not had a COVID-19 second-wave outbreak. Some could argue we never really had a first wave; we just had pockets of outbreaks that needed to be controlled. It was controlled pretty quickly, due to our excellent health professionals, and things were calmed down. One could say it was as much luck as it was design, and that is fine. Western Australians are comfortable with where we are today.

The legislation we are dealing with today will extend the state's emergency powers. We have been under a state of emergency since 15 March. It is coming up to eight months since we have been under a state of emergency. In that time, as I said, we have had tremendous work and dedication from our frontline health staff, police and ADF personnel, and from people working, for example, in the COVID-19 state emergency coordination centre. Public servants and contracted staff were brought in to help the Commissioner of Police, who is also the State Emergency Coordinator, to run the state's response to the COVID-19 pandemic. Excellent work is being done there. With all of their efforts, we have been kept safe. But I think the McGowan Labor government has got away with it. I will tell members why. While we have been very lucky to be supported by all of those hardworking people, the McGowan Labor government has actually let this state down. The state might not know it at this stage, but it has actually let us down. The reason that it has let us down—the general public may not know the reason yet; I hope they do not get to find it out, by the way—is that unlike states such as New South Wales, this state Labor government has left us vulnerable. We are now hearing reports from various sectors of the Western Australian community that Western Australia is not ready for a COVID-19 outbreak. That is concerning. Labor government ministers and government members

of Parliament have had almost eight months to prepare this state for the softening of the borders and the reopening of travel. The government has had almost eight months to prepare this state for that, while the pandemic still exists. What has the government achieved? The government has not prepared us for an outbreak. It has left us unprepared, while there is no vaccine for COVID and it is softening the borders and reopening travel. States such as New South Wales are prepared. The NSW Premier has her state prepared so that if there is an outbreak, they know what to do. They know how to contain it, they know how to keep the borders open, and they know how to make sure their economy can keep moving forward. Premier McGowan and the Labor government have not left us prepared at all.

This is evidenced by information from the national president of the Australian Medical Association, Omar Khorshid, who said that Western Australia was the most complacent state in the country and, due to its relatively normal way of life, was gambling with the virus returning. That was from the national president of the Australian Medical Association. Omar Khorshid warned that WA needed to be better prepared for the long-term fight against coronavirus. He said that WA had one of the lowest COVID-19 testing rates per capita in Australia.

I note that the World Health Organization said —

The vast majority of people in most countries remain susceptible to this virus ... less than 10% of the population had been infected with COVID-19.

We are still learning about immunity to COVID-19 ... we don't know how strong or lasting that immune response is, or how it differs for different people.

As we all know, there is a lot of uncertainty about when a vaccine will be available and how it will work. It is unreasonable to base any decisions about state or international borders on the upcoming availability of a vaccine. Governments need to put in place strong and safe plans to allow societies such as ours in Western Australia to learn to live safely with the virus. Has the McGowan Labor government prepared us to live safely with the virus? No, it has not. The reason it has not is that its whole approach to date has been to go for zero transmission, lock everything down and hope the virus does not arrive. How is the government's preparedness for contact tracing looking right now? It has had almost eight months to prepare. Where is it sitting on contract tracing? Let us take a look.

The ACTING SPEAKER: Member, I think you mean “contact”, not “contract”.

Mr S.K. L'ESTRANGE: Sorry, contact tracing. Thank you very much, Madam Acting Speaker; I appreciate your support.

Let us look at a WAtoday article by an excellent reporter, Nathan Hondros—one of the only reporters genuinely holding the government to account, by the way. The government gets a bit of a touch-up by some of the others but Hondros is right onto the government with the headline, “No decision on contact tracing contract as WA's pandemic readiness questioned”. That is where I was getting a bit muddled, Madam Acting Speaker. The issue relates to a contact tracing contract. How has the government dealt with that? It has had eight months. We would have thought that the minute it locked down this state, the first thing it would have done was prepare itself for opening it up again.

Mr V.A. Catania: Smoke and mirrors.

Mr S.K. L'ESTRANGE: That is correct—smoke and mirrors. As I said, the article is headed “No decision on contact tracing contract as WA's pandemic readiness questioned”. Let us see what Hondros had to say. In a WAtoday article dated 29 October 2020, last week —

Mr D.J. Kelly: When was the last time you met with Nathan?

The ACTING SPEAKER: Minister!

Mr S.K. L'ESTRANGE: I have not met with him for quite a while.

Mr D.J. Kelly: A day, a week?

The ACTING SPEAKER: Minister!

Mr S.K. L'ESTRANGE: It has probably been months. The article states —

A contract to expand WA's ability to contact trace COVID-19 cases has still not been finalised, despite the health department saying it needs to be in place by January.

At the beginning of September, the government called for expressions of interest for companies to develop a new system capable of hosting 1000 contact tracers and examining 10,000 active cases and their estimated 50,000 close contacts.

I do not know what the government has been doing in cabinet for the past seven months, but it decided at the eleventh hour—at the same time it was going to lift the borders—to look at a contract for contact tracing. That is sheer incompetence and the WA public does not know it because the government has a big smoke and mirrors campaign going on constantly out there. It has got away with murder because there have not been any COVID-19

outbreaks under its watch. Now we have reporters saying, “Look at this, WA.” The people of WA need to look at it because the government is going into an election —

Mr D.J. Kelly: You’ve exposed us!

The ACTING SPEAKER: Minister!

Mr S.K. L’ESTRANGE: The minister has been exposed for not having a contract in place to trace COVID-19 contacts. The government does not have a contract. Hondros referred to the Australian Medical Association WA president, Andrew Miller, reporting that he —

... questioned the state’s preparedness in the event of an outbreak, and ahead of a decision expected this week to keep the state’s strict border restrictions in place.

Dr Miller was quoted in the article as saying —

“But [they] haven’t proven anything when it comes to finding and testing and tracing and isolating people at all, and the target is to find all contacts within 24 hours and then find their contacts as well.

He is saying that the government is not ready, it cannot do it, and it does not even know how it is going to do it. It goes on to say —

“On all these things, we need to be saying to them, ‘You’ve had plenty of time, —

This is Miller to the government —

you’ve had plenty of latitude, you now need to start proving to us that you actually know what you’re doing’. It seems like way too much spin over the preparation, basically.

It is not just this side of the chamber that thinks the government has been out there spinning yarns; the head of the AMA in WA also thinks so.

Mr D.J. Kelly: You should be doorknocking, member.

Mr S.K. L’ESTRANGE: Yes, as I am probably making the minister feel uncomfortable being in this place right now because of his incompetence. So, yes, he would like me out there doorknocking.

The ACTING SPEAKER (Ms M.M. Quirk): I call the minister to order for the first time.

Mr S.K. L’ESTRANGE: The minister would like me to be out there doorknocking, but he would not like me to be doorknocking in Bassendean because I would be telling people that the minister has been asleep at the wheel. He is a member of cabinet who has not woken up to the fact that the government is unprepared for a COVID-19 outbreak. Yes, there is no doubt that he would like me to be out there doorknocking, but I am sure that the people of Western Australia are quite grateful that I am here to hold the member for Bassendean, the Minister for Water, accountable for his lack of effort and lack of competence in managing COVID-19.

I move on. The Hondros article continues —

The system that should be in place by January would be required to deliver quicker contact tracing to prevent the spread of infection, according to Department of Health documents.

That is the government’s own department —

In a written statement, the department did not answer questions about whether the system would be in place by the January deadline, but said the “procurement process is ongoing”.

“The ‘COVID contact tracing solution’ tender is to seek broad options for a solution in the longer term and will not diminish WA’s ability to conduct contact tracing and outbreak management in the short term ...

What is the government’s plan? It is creating a piece of legislation to extend its powers, but it does not have a plan to deal with the real issue, which is keeping Western Australians safe if there is an outbreak of COVID-19. The article continues —

Dr Miller said preparing the public was an important part of the contact tracing system.

The government has not prepared the public. It continues —

He said WA should have pandemic drills, where “everybody’s got to act like there’s an outbreak and you all just go through the motions”.

The government has not done that. It has not prepared this state for a COVID-19 outbreak. The same article also states —

Health Minister Roger Cook said: “Once again, Andrew Miller is wrong.”

That is the government's attitude. The president of the AMA of Western Australia, a highly regarded professional doctor in Western Australia, has a view on how the government should be dealing with contact tracing. What does the Minister for Health say? He said, "Once again, Andrew Miller is wrong." That is the government's attitude—ignore the experts, ignore the advice; just keep pushing out the spin and hope for the best. It is gambling with the people of Western Australia once again. The article goes on to say —

WA Health has a robust contact tracing operation in place and ready to go," ...

That is what Minister Roger Cook is reported as having said in this article. That is interesting. We also read in the same article that the contract was put out for tender.

Dr D.J. Honey: You're looking for people.

Mr S.K. L'ESTRANGE: Yes, the government is looking for people to do it. I do not know what that is about. Clearly, it is unacceptable.

What about the McGowan Labor government's complacency in and around COVID-19? Monash University's BehaviourWorks Australia research unit reported in August 2020 that the proportion of Western Australians who said they were always practising physical distancing in public fell from 61 per cent in April to 38 per cent in early July. Let us be honest, members: when you go out into different communities around Western Australia, how much social distancing are you seeing right now? What did we see splashed over social media and in the mainstream media yesterday on Melbourne Cup day at Ascot? What did we see, members?

Mr W.R. Marmion: I don't want to say.

Mr S.K. L'ESTRANGE: The member does not want to say. We saw people having fun. There is nothing wrong with that. But there was no social distancing going on. Unlike Premier McGowan, we were all in this place while people were out at Ascot yesterday. We were working hard on behalf of the people of Western Australia. When I walked past a TV screen in Parliament House yesterday, I saw Premier McGowan mingling with patrons at Ascot. While we were in here, the Premier was out at Ascot. I hope that the Premier of Western Australia made note of the fact that not a lot of social distancing was going on out there.

Mr V.A. Catania: How's it going in here?

Mr S.K. L'ESTRANGE: That is a very good point, member. I also note, as mentioned by the member for North West Central, that this Parliament, under this government, has decided to go back to no social distancing in the chamber. That is interesting. There is no social distancing in the chamber from members of Parliament who come from all parts of Western Australia to represent the people of all parts of Western Australia.

Mr J.R. Quigley: Do you want it?

Mr S.K. L'ESTRANGE: I am just making observations, Attorney General.

Mr J.R. Quigley: But do you want it?

Mr S.K. L'ESTRANGE: The Attorney General is uncomfortable. It has taken me a while to wake him up but he is now uncomfortable.

Several members interjected.

The ACTING SPEAKER: Members!

Mr S.K. L'ESTRANGE: They are starting to listen and understand that although government members say they are going to soften the borders and, at the same time, extend powers to punish people for a breach of a COVID-19 requirement, government members are not practising social distancing themselves. The psychology of government members is not prepared on this—three government ministers are sitting in the chamber right now. They are not prepared. The psychology of cabinet is not prepared. We have seen from reports that the government does not have a contract in place for contact tracing to occur should an outbreak of COVID-19 happen in Western Australia right now. That is the situation. The Monash University BehaviourWorks Australia research unit also said that, over the same period, those who said they were always washing their hands for 20 seconds fell from 45 per cent to 37 per cent. Through the extension of section 72A under this legislation, how will the government manage social distancing given these trends? We know that it is simply not managing it. At some point, will the government decide to start fining people? The government does not have a media strategy to refocus people on how to socially distance, including the importance of the 1.5-metre rule. Do members remember all that at the start? Where has it gone? The government is softening its approach to the border and opening up to travel. I have no doubt that Western Australians want that, otherwise the government would not be doing it because it is the only government that we know that operates based on its own internal polling. It has obviously done the polling and decided it is necessary for its political survival, but it is doing so while it is not prepared. The people out there trust the government because we have not had an outbreak so far. They think: "We have not had a problem, so this mob must be doing a good job." It is really left to the whistleblowers in our society to say, "Actually, they're not prepared. They're leaving us vulnerable."

I want to talk about border management. Restrictions are in place but, after 14 November, they will be lifted. Is that correct? That is the situation, is it not? Is it on 14 November that things are relaxing?

Mr D.J. Kelly: No.

Mr S.K. L'ESTRANGE: Can the minister tell us what is not happening? What is happening on 14 November?

The ACTING SPEAKER (Ms M.M. Quirk): Member, this is not the time to ask questions. It is disorderly to do so at the moment. You can ask a rhetorical question, which you have done, but maybe you can proceed.

Mr S.K. L'ESTRANGE: Thank you for the guidance, Acting Speaker. The interjection I received from the Minister for Water was, "No." That is interesting. He does not seem to be across what his own government is doing. As we understand it, Western Australians, under the restrictions, need to be socially distancing. We understand that there will be some restrictions for remote Aboriginal communities. We understand that the two-square-metre rule will be modified. We understand that local businesses and venues are expected to update and maintain their COVID safety plans. If they are the requirements, why have we ignored them in this chamber? There are no answers—crickets.

What about the economic impact of COVID? It has been pretty tough. Nearly two out of five Western Australian businesses, or 38 per cent, believe the state's economic conditions will deteriorate over the next 12 months. Members might ask what that has to do with this bill, and I will tell them. The government's mismanagement of COVID-19 will sink those businesses because, if we have another lockdown, they will be in dire danger. The government has not prepared a contact tracing regime for communities to enable businesses to stay open. Its plan so far has been to shut everything down. Maybe that is why nearly two out of five WA businesses believe the state's economic conditions will deteriorate under this government's watch. Maybe they realise we are really at risk with this mob. We know that border restrictions have also created a big problem for businesses that rely on skilled and specialist staff from interstate. Softening the borders will help business but what will be the government's *modus operandi* if there is an outbreak and the proper contact tracing regime is not in place? It will be to put up the hard border again and those businesses will suffer. The government has a stop-go reaction, not a plan to manage. That is the problem. It is not showing leadership on the issue. It is not preparing the state for an outbreak. It is all about, "Go; don't go. Let's hope for the best."

One of the other really concerning aspects of how the government has managed COVID-19 to date, which again does not really get seen by the general public out there, is the conflict between the Minister for Health and the Premier. We know there is conflict because we have seen it. On 15 October, Minister Cook said it was time for the Western Australian government to consider relaxing the state's controversial hard border restrictions. Later that day, the Premier tabled advice in Parliament from Dr Robertson that said the border controls were considered appropriate and proportionate at that time. How does the Deputy Premier say one thing in the morning and the Premier say another thing in the afternoon? Surely the expert health advice received by the health minister, who is the Deputy Premier, is the same advice that the Premier is getting. I would think it surely would be the same advice. But, according to their behaviour, that is not the case. Who are we to believe? Are we to believe the Minister for Health and Deputy Premier, or the Premier? Why is there a difference? These questions do not get explored rigorously enough in the dialogue out in the community. People think, "We're okay because you guys are telling us we're okay."

Let us have a look at what happened quite recently. Two crew members were allowed to disembark the *Al Messilah* livestock ship in Fremantle before a COVID-19 outbreak was revealed. This was reported on Tuesday, 20 October—not too long ago—in an ABC news article by Eliza Laschon. I quote —

The WA Premier has conceded he has known since the weekend that two Australians were allowed to disembark a livestock ship at Fremantle before a COVID-19 outbreak was detected on board.

Members might wonder how that happened. It is seven months down the track from when we went into a state of emergency. The Premier's office found out about an outbreak but did not communicate it to anybody. A reporter found out and hit him with the hard question and he replied, "Yes, we knew about that." How prepared are Premier McGowan and his Labor government ministers for a COVID-19 outbreak?

There we go; the Minister for Water is yawning. He is having a bit of a nod-off over there. It seems to me as though an awful lot is being left to chance. The people of Western Australia are going to be in a very difficult position if the government continues to leave it all to chance.

What else do we know about this mob's management of this situation? We know that many families in Western Australia, notwithstanding what the extension of this bill will do, have been through enormous hardship with their loved ones not being able to return home to their houses. For some of them, their house in Western Australia is their actual residential address. I have one example in my electorate of a grandmother who got her Good to Go PASS and was assured that she had permission to go to Melbourne to be with her daughter while the daughter had her third child. She was going there to look after her daughter's other two infants and to support the household, but she did not want to leave Perth because her husband back here in my electorate was ill. She just wanted to go over for two weeks

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Hon Fran Logan; Mr Sean L'Estrange; Mr Shane Love; Mr Vincent Catania

to help her daughter who was having a caesarean and was going to be in hospital for a bit. She wanted to help out and look after the kids, and then get on a plane to get back home to look after her husband. Guess what I found out? She could not get home; she was not allowed to come home. This was after she had been told in the process that she would have permission to come home. I then wrote to the authorities on her behalf and asked them to look at this. There was umming and ahing for a while, and then eventually she was able to come home, but for a while she was stranded in a foreign city, supporting her daughter, while her husband over here required her support. It was not like she was some foreign national trying to queue jump immigration and come into the state. This was a grandmother who just wanted to get back home.

There are many, many of those stories. All members will have those stories in their own electorates. There is no doubt that the Western Australia police and everybody involved in these processes have been doing their best—no doubt. If there is one thing that I understand about processes, having been in the military and whatever, it is that they must be consistently refined to improve the mistakes and errors to make them more robust, effective and efficient, and adjusted over time to changing circumstances. That is a given. Do not get me wrong; I am not blaming the police for this system, but I am holding the government to account for how it is managing the whole program, because it drives the program. During this state of emergency, let us not forget who has been the chair of the State Disaster Council. It is the Premier of Western Australia. Who has been the deputy chair of the State Disaster Council? It is the Minister for Emergency Services. They are at the top, so they set the tone for how this is all managed. If they get that wrong, it means that the poor people at the coalface who are doing the hard work are not properly supported. That is what I worry about.

The ACTING SPEAKER: Member, can you just stop for a minute? Member for Carine, can you stick your head out the door and tell the member for Warren–Blackwood that we can hear his telephone conversation in here. Thank you.

A member interjected.

The ACTING SPEAKER: I would not mind if it was interesting, member.

Mr S.K. L'ESTRANGE: An example was reported in *WAtoday* on 20 October by Lauren Pilat and Aja Styles. The headline is “‘Hakea or hotel’: Perth man with severe claustrophobia in hotel quarantine arrested”. It states —

Western Australia’s heavy-handed approach to hotel quarantine has been called into question by returning travellers after one man suffered an anxiety attack due to his severe claustrophobia, while another said he’s been treated “like a criminal in my own country”.

A man whose doctor advised the state government of his severe claustrophobia before he arrived in Perth for mandatory quarantine spent a night in a police lockup before being offered the choice of Hakea Prison or the InterContinental Hotel.

I am not sure that that is how the people of Western Australia hope to be treated by this government. Would members agree with that? They would not like that, but the government is extending these extraordinary powers without putting in place proper contact tracing. We trust that this government will do the right thing by the people of Western Australia, but, as I say, a lot of people out there—whistleblowers and reporters—are very concerned about the government’s capacity and ability to manage this situation.

There are some issues around the management of the Good to Go PASS. As I said, there are many electorate stories. Another one that comes to mind involved an email that came to my office. I will not mention the name of the person who sent it, but the opening words of the email state —

Rejection number 11 has come through this afternoon.

I have a new, young electorate officer. The other day she said to me, “Do you know what? I can’t see the difference between rejections 1 to 11 and the approval. Nothing has actually changed. So much money is being spent and there are so many processes in this rejection process. Wouldn’t it be cheaper just to have criteria that you either meet or don’t meet after the first rejection. Then, on the second application, the person knows the criteria that they’re supposed to meet and they don’t end up getting these 11 rejection letters.” I said that that was a really smart idea. I cannot imagine how difficult it must be for the people at the front line who deal with these applications when they do not have clear guidance or proper directions from the Premier, who sits as the chair on the State Disaster Council. It must be incredibly difficult and frustrating for those people to make those decisions on behalf of the Premier. The email from my constituent states that what has become increasingly clear is that being denied access has resulted in a catastrophic deterioration in this person’s mental health. Being away from home or close proximity to her family has always been challenging for this person. When she decided to finish her job in Adelaide, in normal circumstances she would have returned to Perth. However, the COVID-19 restrictions were put in place and she had to stay in Adelaide. She has only just been coping with managing her time, but she now needs to come home. The email goes on to say that due to this deterioration in her mental health, she is now seeking to come home immediately and will remain in Western Australia with her family for the foreseeable future. This email was written to me by a mum

and dad to say that their daughter needs to come back to her family home. Let us not forget, members, that earlier in my speech I outlined all those categories of people who at different times have received an exemption from quarantine. One would think that if a person is suffering from a mental illness or distress and they have a family that is prepared to quarantine them and even pay for it, that person would fall into an exempt category. If the government is not prepared to provide that person with an exemption based on health advice, it should at least make it a priority to get that person back to Western Australia and into a quarantine situation. I would have thought that that would have been logical. As I say, if I am getting these emails in my electorate, other members are getting these emails in their electorates. They are not uncommon. That is the situation we are dealing with.

As I said at the outset, the government has determined that there is a need for us to extend the sunset date of this legislation. We support the government's direction to do that, but the opportunity to do so means that I, on behalf of the opposition, have been able to outline to the government that it has been put on notice. The government has been put on notice for how it is going to manage an outbreak of COVID-19, given that it has changed its position on borders and that the people of Western Australia are trusting it. The government is on notice. It needs to lift its game. It needs to put in place a contract for COVID-19 contact tracing, it needs to put in place a good communications plan to let people know the importance of social distancing, and it needs to practise what it preaches. For the government to put us back into the chamber with no social distancing measures, when on 14 November it will be telling everybody that they have to socially distance themselves, is interesting in and of itself. The minister and the McGowan Labor government have a responsibility to do the right thing by the people of Western Australia. I implore them to do so.

MR R.S. LOVE (Moore — Deputy Leader of the Nationals WA) [1.40 pm]: I rise on behalf of the Nationals WA to respond to the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2020, which was introduced into the house today by the Minister for Emergency Services. I understand that this bill has been designated a COVID bill and that it will progress through the house under the COVID temporary order so that it can be dealt with expeditiously. We support the progress of the bill under that temporary standing order and we have indicated that support to the government. Having said that, we will raise some points and we may seek to make some changes to the bill.

We in the Nationals understand the need for extraordinary powers to deal with what is a very extraordinary state of emergency that has swept the world following the first reports of a strange virus in Wuhan around about the new year. We thought the virus was isolated to a distant part of the world, but we slowly saw it spread throughout the world, encompassing and ravaging much of Europe, Asia and the Americas. Western Australia has been fortunate because of its relative isolation; and thanks to the good work done by emergency services personnel, the Western Australia Police Force and the like, we have managed to escape the worst effects of this pandemic thus far. We understand that in order for that to have happened, the government had to put in place some extraordinary powers. In March and April when we were having these discussions, Parliament did indeed bring forward some particularly strong changes to legislation, including the changes brought in by the Emergency Management Amendment (COVID-19 Response) Bill 2020. Under that bill, the changes were of such a nature that the Minister for Emergency Services indicated that the extraordinary powers should be held for only a short time. I refer to the clauses of the bill that relate to the Emergency Management Amendment (COVID-19 Response) Act, but members can infer that the same qualifications and discussions extend to the changes to the Criminal Code that were introduced by the Minister for Police around the same time. In March, when the minister introduced the emergency amendment bill, he said —

Given the extraordinary range of powers that this particular amendment provides to the State Emergency Coordinator and authorised officers, it is appropriate that it is limited to only the pandemic hazard that our community currently faces. Therefore, a safety net of a sunset clause of 12 months to ensure that this broad power does not endure in the act has been attached to this amendment and to the broader power to direct for the purposes of this emergency.

One of the key components of the bill before us today is the extension of those powers beyond the 12 months that were envisaged at that time. We understand that an election is coming up and that under the timing of the original legislation, the powers will expire in early April. The election will take place mid-March, and it is therefore difficult to imagine that Parliament would be able to expeditiously deal with an extension of those powers given that very short time frame. This was outlined to us in a briefing that was held yesterday afternoon. It was organised through the Minister for Emergency Services' office and was attended remotely via Zoom by staff from the Attorney General's office. The principal reason and need for this extension is the timing of the state election. We are still four months out from the expiration. Therefore, if an election were not due, I doubt that we would be dealing with this matter at the moment; rather, we might have had to deal with it further down the track. But because Parliament is not scheduled to sit after November, there is no opportunity to extend the provisions of the sunset clause that is so contained in the bill, and the government needs to somewhat extend those powers. We must always remember, though, that these are extraordinary powers. This is not the situation of normal government. We should not accept this as business as usual. This is an extraordinary situation and these are an extraordinary set of

powers. To extend them to October next year, which, I believe is the plan, seems to be an extraordinarily lengthy period. That is a six-month extension of the planned expiration of the powers. If the rationale is indeed to enable the next Parliament and government to carefully assess the situation and make considered judgements about the use of these extraordinary powers, it would seem to me that they would not need six months to do that. The Western Australian community would expect the new Parliament to take stock of the situation. Indeed, the new government—perhaps it might be a government that the Nationals are a part of—may want to assess the powers and the way they are applied. The next government and Parliament will not need six months to do that. In fact, in order for the Western Australian community to feel assured, I imagine that a shorter extension time of perhaps three months would be sufficient time for the incoming government and the new Parliament to look at the situation and decide whether the powers should be extended and for how long.

I note that just a short time ago, just before the minister read this bill into the house, a media statement was released. I will take the liberty of reading the comments in the media release that are attributed to the Premier, who said —

With the state election to occur in March, this extension provides much-needed certainty. This new bill will extend those powers by another six months to October 4, 2021 providing the legislative safeguards that have proven to keep us safe and in control of the pandemic

Clearly this situation has been brought about by the upcoming election and the need to cover the time when there will be no Parliament and therefore no opportunity to extend the existing powers under the Criminal Code and the Emergency Management Amendment (COVID-19 Response) Act 2020. We accept that. We are not opposed to that. We understand the need for that, but we live in a liberal democracy in which people expect a civil society, not a society that under the ordinary course of events is run as a police state. In order to ensure that we do not accept a situation of that type of management being the norm, it is important that we regularly reassess the situation and review the need for the powers and the way those powers are being managed. It would seem to me that a very clear point of time to do that is after the election of a new government and the election and formation of a new Parliament. The Parliament, in the first part of its ordinary course of business, could look very carefully at those powers, how they are being used and the appropriateness of that use and determine for itself what should happen. As I said at the outset, we are four months away from the point of expiration. I do not believe that we would be looking at an extension if an election were not due to be held. This is clearly about the election. It is clearly about that time gap. We would like to provide certainty to the community. We support the need for the extension, but in order to give a very strong signal that people are entitled to the proper checks and balances that parliamentary democracy brings and that their freedoms are important to us, we need to enable a review of that situation as quickly as possible after the election. Three months is an ample time for the new government and the new ministry to be formed. We will not have the same Minister for Emergency Services next year; we know that minister is resigning. No matter which party is elected, there will be a new minister, who will presumably do a fine job. The new minister will want to look at the appropriateness of these settings. They will then be able to make a considered judgement about how long they need these powers. I do not believe that we should accept this as being situation normal.

Taking on board some of the comments made by the opposition spokesperson, the member for Churchlands, I think we need to look at how these powers are being used—that could be part of the review by the new Parliament. People who apply for an exemption need certainty. This process might not be necessary in the future, but that sort of matter should be quite predictable. There should be a precedent, so that people understand what is accepted and what is not accepted. There should be a proper review process and not a process that involves an application going back to the same group that rejected it the first time, and then, after two or three attempts, the person comes out with a different answer. That is not appropriate. That is not a good way to administer the state. I understand the need for this process in an emergency. I understand the need to make sure that the state is kept safe, but we could now be entering a very long period in which the pandemic continues to rage around the world. We have to ask ourselves whether we are going to accept a situation that does not involve the normal judicial review and administrative processes that we have come to accept as being proper in our liberal democracy, and whether we will live basically under a state of emergency and a state of continual police directions, which might be appropriate in the short-term but certainly cannot continue forever. A review needs to happen periodically. It needs to be absolutely clear that the next Parliament is charged with the task of reviewing the situation and of the next minister and the next Premier coming up with their own plans. There is no need for an extension of six months for that to happen. The Nationals WA certainly will not be opposing the bill. We will seek to amend the bill, but at the outset I say that we will not be opposing it in its entirety.

MR V.A. CATANIA (North West Central) [1.53 pm]: I rise to support the contributions by the members for Moore and Churchlands to the debate on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2020. If we extend these extraordinary powers for six months, we will ensure that there is no scrutiny of the government. This side of the house has supported the COVID-19 legislation that has been put before us, but what is surprising and what the punters out there do not realise is that there has been no scrutiny of that legislation by the Parliament of Western Australia. We have not been able to make sure that the legislation is open and transparent, because the government criticises this side of the house if we ask a question.

The federal government has a rolling Senate inquiry into its response to the COVID-19 pandemic. Why do we not have the same here? Why do we not have a review by a joint house committee that is made up of all political parties, to make sure that the government is open and transparent? As the member for Moore said, it is all about the election on 13 March 2021. It is about stopping scrutiny. It is about making sure that the opposition cannot question the government or raise issues. That is the role of an opposition. We can have good, effective government when an opposition can question how the government is moving forward, so why do we not form such a committee? It has now been eight months. As the member for Churchlands said, good practices and procedures that are in place in other states are not in place here. Perhaps a committee could look at what is happening in New South Wales and Victoria. The closure of the borders has given Western Australia a great opportunity to be prepared. We could have moved towards having an app on our phones so that tracking and tracing could occur if need be when we go to a pub or cafe. We all know that tracking and tracing is vital in the fight against COVID-19. It is farcical for any political leader to think that COVID-19 will suddenly disappear. We need to be smart. We need to ensure that we can live with this situation, potentially for a very long time. In living with it, we have to be smart. We have to have the right procedures and protocols in place to ensure that we are kept safe.

I commend the Premier for the work that has been done, but the real test of leadership will come when we need to be prepared to live with it. The border is about to open on 14 November and we still have not been conducting testing at our sewage treatment plants and we still do not have a tracking and tracing app, as is in place in New South Wales. There is still confusion about the G2G PASS. In estimates last week or the week before—I cannot remember; time flies—we questioned the police minister about how many people had been given a G2G PASS to come into Western Australia, from the time the G2G PASS was created in April to the end of October; however, that information could not be provided. The opposition represents the people of Western Australia in Parliament, but we have not been able to get an answer to a simple question about how many people have come into the state. It amazes me. The Premier says that it is up to the police to decide and there is a process in place. That is fair enough. But when he stands up and says that he will not let Clive Palmer into this state—I actually support him on this one—does that mean the Premier is picking and choosing who can come in? That is the issue. It is not about Clive Palmer being an enemy of the state, even though he is; it is about making sure that the G2G PASS process is open and transparent. Is there a cap on the number of people coming into Western Australia? The government has hidden the answer with smoke and mirrors.

We need to ensure openness and transparency, and that we have good government and good governance. That is why the opposition needs to be able to question the government and to represent Western Australia by making sure that we have good, effective, open and transparent government. When the Premier came to office in 2017, he said that there would be rolled-gold open and transparent government. We have seen nothing of that. The government now wants these measures to continue to October next year with no scrutiny. It is outrageous! Even committees cannot find a way to question government departments because there is no openness and transparency about COVID-19. What we are seeing now is a continuation to October next year. If the government believes in the legislation that it has put in place this year to ensure that we are COVID ready and we are safe, it should stand by that legislation. If more legislation needs to be brought in, why is it not bringing it in? Why is it extending these powers, which allows for no scrutiny over the way in which the government and Parliament operate? People expect us, as an opposition, to ask questions and to provide certainty and assurance that there is rolled-gold transparency. That is what this bill will not do. This is all about the election in March.

Debate interrupted, pursuant to standing orders.

[Continued on page 7392.]