

**COVID-19 RESPONSE LEGISLATION AMENDMENT
(EXTENSION OF EXPIRING PROVISIONS) BILL 2021**

Second Reading

Resumed from 5 May.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [3.03 pm]: Today, we are speaking on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2021. At the outset, I would like to say that the opposition will not be opposing this bill; we will be giving it our support. There will be some discussion on some aspects of it and I expect that there will be some debate about some of the implications of the government's handling of the COVID-19 pandemic as it relates to the measures that will be outlined today.

This legislation has been before the house twice before: firstly, when it was initially put in place in April last year and, secondly, when a further six-month extension was granted for provisions in both the Criminal Code Amendment (COVID-19 Response) Act 2020 and the Emergency Management Amendment (COVID-19 Response) Act 2020. In November, the government initially sought an extension of 12 months; however, a motion was moved in this house to limit that extension to six months because it would more closely tie the timing of further consideration of an extension of these powers to the political process. In other words, just after the election, there would be time for a new government to consider whether the provisions needed to continue and that period needed to be no greater than was necessary to allow for that consideration. I think we hit the extension of time pretty well spot on, because the government has ample time to bring in these provisions. There has been no need to change the standing orders; a simple suspension of standing orders and a declaration that this bill is an urgent matter have been enough to ensure that the bill will progress. I cannot guarantee the bill's progress through the other place—we can never do that—but the government will have a majority in that house, so if there are any delays, the government can blame its own members for that.

As we know, the bill seeks to amend the Emergency Management Amendment (COVID-19 Response) Act 2020. It will extend the current sunset date of 4 July 2021 that applies to section 72A of the Emergency Management Act 2005 so that the powers under that provision are available for a further six months. We know that the power provided for under section 72A enables hazard management officers and authorised officers to effectively manage the response to an emergency. It enables them to direct persons or classes of persons to take any action an officer considers reasonably necessary to prevent, control or abate risks associated with the emergency. It also provides for information-gathering powers that have been necessary to allow for contract tracing and information gathering through such measures as the SafeWA app and paper-based registers that keep the community safe and ensure that there is good knowledge about where people have been. Having that information enables contact tracers to quickly get on top of any situation that may develop if there is an outbreak of the disease.

The bill will also amend the Criminal Code Amendment (COVID-19 Response) Act 2020 to ensure that high penalties continue to apply. I am talking about situations in which there might be an assault or threat of an assault or even perhaps incidental contact whereby a person gives a false understanding to someone else that they are infected with COVID-19 that causes that person distress.

These measures are extraordinarily important at the moment, but we also know that this bill will extend powers that limit the expected normal rights and privileges of people in a free society. We should not in any way take for granted the extension of these measures. It is important that they are continually reviewed so that people's freedoms are protected, because, apart from feeling safe, our community cherishes its freedom and the ability for people to move wherever and whenever they need to.

Over the past 12 months, some extraordinary situations have developed in our state, situations we would never have believed would have been the case 18 months ago. Around Easter last year, the regions went into lockdown. That was a tremendously difficult time for many people in the various regions, be it the metropolitan region—Perth and Peel—the wheatbelt, the midwest or other districts. Areas of the Kimberley were in lockdown for some considerable time because of fears of an outbreak in the Aboriginal communities in the area. We know that those powers were extraordinarily important, but it was a shock to members of the community when they could not drive from Yanchep to Lancelin without having to give an explanation to someone about why they were going there or without having a reasonable excuse under the provisions of a direction that had been signed by the Commissioner of Police. There was very strict enforcement of these measures. At times, the Army helped the police on roadblocks. Community members in my electorate who go to the city for their shopping, schooling, employment, recreation or medical care had to justify the journeys they were taking. In some cases, the police would put traffic control measures not at the actual borders of the regions but at a point that was more manageable, with road safety dictating that they could do that. For instance, Tonkin Highway ends in my electorate, but it would be completely impractical to stop traffic along Tonkin Highway. Instead, roadblocks and traffic control measures were put in place beyond the

Extract from *Hansard*

[ASSEMBLY — Tuesday, 11 May 2021]

p403c-425a

Mr Shane Love; Mr David Templeman; Mr Reece Whitby; Mr Vincent Catania; Dr David Honey; Mr Peter Rundle; Acting Speaker; Ms Libby Mettam

end of the highway, which meant that the Shire of Chittering was virtually cut in half, with residents of one section able to travel into the metropolitan area and those of the northern section not able to. People going from one part of the shire to another, who were under no obligation under the directions and were not subject to any restrictions under them, were subjected to rigorous interrogation. I think quite erroneous decisions were made sometimes by officers who were not always well equipped to understand the geography of the area they were placed in. I was questioned at one of these roadblocks by a police sergeant who had not read the directions notice and did not know who was exempt and could travel through the traffic control measure. The sergeant said to me, “You think that just because you are a member of Parliament, you are above the law.” I asked this gentleman whether he had a copy of the directions notice and he replied that he did not. I then asked whether he had read the directions notice and he said no. I said, “I do not know what else to say to you.” Luckily, the Clerk had given all members a letter to say that we were able to travel from the metropolitan area—from the Parliament—to our electorate offices. I dug around in my glove box and eventually found this letter. I had tossed the letter in there because I never thought someone would really think a member of Parliament should not be able to go from one part of his electorate to another. With that letter I convinced the officer that I should be able to travel through the roadblock. Many officers had quite different interpretations of the directions, which caused a lot of confusion at the roadblocks. People who genuinely had to get to Perth to undergo medical treatments were sometimes turned back.

My office was flooded with inquiries. In that initial period, it was very good that the police gave me a number so that I could text the gentleman who was in charge of the whole operation, and I was generally able to get through a lot of the issues that we faced. As time went on, the ability of our office to directly communicate with people on the ground who were making these key decisions was curtailed, and we ended up being directed to a website and unable to provide the support that our community members needed. That was a very distressing time for a lot of people. As I say, people were really running out of food in some areas because there was no shop in their local area. People in the coastal areas of the Gingin shire were expected to drive to Northam to go to a shop, even though they were about a 20-minute drive from Yanchep and that was where they would normally do their shopping. The local IGA shops in the area were not being resupplied; some were getting 10 per cent of their orders sent. There was a real food shortage. Just before the control measures were first put in place, we saw the spectacle of busloads of shoppers arriving in places like Moora, Jurien Bay and Northam and stripping shelves bare and taking the product back to Perth.

Mr R.R. Whitby: Taking toilet paper, I guess!

Mr R.S. LOVE: Yes; you cannot trust Perth people!

This was happening a lot. These are just some of the experiences that people have had throughout this time.

That is not to say that other people have not found this to be an inconvenient time. We have seen people forced to go into hotel quarantine. I will not go into all the problems of the hotel quarantine system, but when it was first mooted, I spoke in this place about the strain it might place on a person’s mental health. Essentially, people were being put into almost airless rooms for two weeks, with very little contact with the outside world. The rooms would perhaps have a microwave oven and some food would be delivered, sometimes of good quality, but, I am told, sometimes of not so good quality. A lot of people found that two-week period to be very debilitating. Distressing circumstances were related to me, such as family emergencies. One constituent’s girlfriend had been killed in a motor car accident, but he was unable to leave hotel quarantine to be with the family. That was very distressing for people like him.

These are extraordinary powers that have been granted to the authorities here in Western Australia. We should never take them for granted. We should always understand that we need to be diligent in the way we conduct ourselves when we use these powers and in the way the government manages this whole COVID-19 situation.

Just going back to hotel quarantine, I want to tease out a little how confusing this whole situation has sometimes been, especially for members of the opposition as we tried to get information. We actually do not get a lot of information from the government. Briefings are fairly controlled; not a lot of information comes out of them. However, community members expect me to have all the answers when they come to me to find a way through situations, such as whether they can travel somewhere, get a worker to come to their farm or pick their kids up from boarding school on the weekend because there is about to be an outbreak. As local members, we are expected to give advice on all those things, but we cannot because we do not get the necessary information.

It is a confusing landscape. It is even confusing for the Minister for Health at times. I listened to question time last week. I have here a copy of *Hansard*, and I have asked the clerks whether it is appropriate to quote from it. Apparently, it is, because it is no longer a draft, so this is the actual record of what was said. I want to highlight some of the problems that we see and why we think it is important that we do not just grant the government *carte blanche* to have a wide and open-ended head of power and for it not to be accountable, because the government does make mistakes. We know that the government makes mistakes. Just before the last lockdown, there was

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p403c-425a

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a press conference at 2.30 pm. I was driving somewhere in my electorate and debating whether I would go to Jurien Bay, because I was at a midway point, or head down to Perth, grab some gear and come back the next day. When the press conference came on, I thought, “No, I’m not going to Perth”, so I changed tack and headed west to the coast. That was the occasion when the Premier, the Commissioner of Police and others were giving instructions about what was going to happen during the last lockdown. They told people that the lockdown would apply from midnight that night. Because no directions were prepared, they could not direct people not to travel out of the Perth area immediately. I doubt very much that it would have taken nearly 10 hours to get the direction notices prepared, because it is not the first time we have had such a lockdown. In terms of regional travel, one would have thought there would be a known process, and there would have been a way of determining what should happen next. Instead of that, a 10-hour window was left open and it was said that as long as people were out for the Anzac Day weekend by 12 o’clock, they would be able to go. Later, we heard that that was because there was no time for the police to set up traffic control measures, but I think most Western Australians are keen to do the right thing. I would say that most Western Australians would obey an indication that this was an expectation, rather than an actual roadblock or traffic control measure being necessary to stop people from heading out of the city. All major exits out of the city—the freeways, Tonkin Highway and the like—have big signs that can be programmed in a matter of minutes, and I have seen them flash and say “No travel to Kalbarri”, “No travel because of bushfires”, “Be careful of smoke”, or “Double demerits apply”. The one on Tonkin Highway seems to frequently say, “Beware of loose stones”, but that is another story. An indication could have easily been put in place that the expectation was that people should not travel.

As I said, I was in Jurien Bay on the Saturday and people—obviously not locals—were all over the place not wearing masks, not taking any sort of social distancing measures and spreading freely throughout the community. That was not just in that town but in every town in my electorate. I believe that as far inland as Toodyay and Goomalling had reams of people coming into them. Towns not just on the coast but further inland were being inundated with people from Perth as well who were not taking any sort of measures. If there had been a serious outbreak in Perth, it would have been potentially spread right throughout not only the south west, but also the wheatbelt, the midwest and probably even the great southern. There was a huge amount of traffic. That was because there did not seem to be a set process of how to instigate this lockdown, even though it had been over 12 months since the first one. In 12 months, a seamless process had not been put in place. It worries me that there does not seem to be learning about what is going on and an ability to be more predictable in the response. I know this is an unpredictable situation and an unpredictable disease, but if the government is going to lock down the city in a situation as happened in April—it is not that much different from the last time that it locked it down—a much more seamless approach could have been taken for the lockdown measures.

I go back to last week’s question time in here regarding the Quarantine Advisory Panel situation. We know that the Quarantine Advisory Panel was being formed and that it would be important in providing good advice to the government about equality, assurance and improvement of processes around not only the hotel quarantine situation, but also what would be good measures for the entire quarantine situation and whether there should be other methods of quarantine such as home quarantine, which in some circumstances might be more acceptable et cetera. On Wednesday, the Leader of the Opposition, the member for Central Wheatbelt, asked the Minister for Health in a supplementary question —

When did the government start doing the work to investigate other potential hotels to be used? When did the government commission and start that work?

The Minister for Health replied —

As the member would be aware, we have a quarantine advisory panel, which at all times has been undertaking an ongoing quality assurance and improvement process. That panel keeps us advised and apprised of any developments about how we can improve what we are doing.

That is pretty clear, is it not? The minister has been talking to the Quarantine Advisory Panel. There was a great in-depth discussion, and it has been integral in providing advice to the minister. Later that same day, the member for Vasse asked the Premier —

I refer to recommendation 1 of Professor Weeramanthri’s interim advice from 4 February, calling for the establishment of a Quarantine Advisory Panel tasked with asking the difficult strategic questions and identifying program gaps and risks. Given that the Premier received that advice more than 90 days ago, I ask him to outline to the house answers to the following questions.

- (1) Who is on the advisory panel?
- (2) How many times have they met and reported?
- (3) What difficult strategic issues and program gaps has the panel identified, and what actions have been taken as a result?

The Premier replied —

(1)–(3) Just for the information of new members, ordinarily when a question like this is asked, a bit of notice is given ...

There was a bit of a lecture to the member for Vasse—how dare she ask that question! I will skip over a bit of the other stuff. He said —

Member for Vasse, the Quarantine Advisory Panel was established. My understanding is that Professor Weeramanthri is the chair. The panel is examining a range of issues, but in particular it is looking at whether other locations or facilities can be used for quarantining purposes.

Not only the Minister for Health, but also the Premier has been consulting with the Quarantine Advisory Panel and getting valuable advice about locations and facilities. I do not know whom the Minister for Health and Premier has actually been talking to, because on Thursday, the good member for Vasse, noting that this time some notice was given for the question, so she learnt from the Premier’s lecture from the day before, asked the Premier —

I refer to recommendation 1 of Professor Weeramanthri’s interim advice ... calling for the establishment of the Quarantine Advisory Panel. Who is on the advisory panel? How many times has it met and reported? What alternative models for hotel quarantine has the QAP identified? What are the gaps, risks and strategic issues identified? And will the Premier immediately table the report and the advice?

The Premier replied —

The Department of Health, the Western Australia Police Force and the Department of the Premier and Cabinet are still working to determine the scope and composition of the Quarantine Advisory Panel.

Who had the minister and Premier been talking to? What was the august body that the Premier had been getting this advice from, Premier and Minister for Health? It seems quite staggering to me that they both claim to have been dealing with the Quarantine Advisory Panel, when it did not actually exist, even though we know it had been called for many, many days before. The member for Vasse then asked in a supplementary question —

Are there any other documents that the Premier and the State Emergency Committee have received from the Quarantine Advisory Panel?

Of course, there were howls of laughter aimed at her because there is no panel. I think she knew that. The Speaker even interjected at that point and said, “I do not think it has been established.” The Premier went on to say —

As I said, I anticipate it will be established very shortly. At that point in time, I assume we will get some documents.

I hope he does. It will make interesting reading; perhaps it will be backdated advice from all those times he has talked to it leading up to the situation we are currently in.

I spoke earlier about the curtailment of freedoms that Western Australians are going through from time to time in their daily lives, and on a continual basis if they wish to travel. We know that people are forced to go into home quarantine when they have travelled interstate and may even have to go into hotel quarantine. We know that businesses have struggled to get workers and that workers have at times struggled to get to their place of employment, especially if that has meant crossing a border. People have been unable to travel to see loved ones or go on holidays. From time to time, people have been forced to work from home and have spent a lot of time on Zoom. Other people have been unable to go to the gym, or have had their enjoyment curtailed by being unable to go to the football or to just get out and about and enjoy the company of friends and relations. For most people, that is an inconvenience; it is a restriction on their ability to go shopping or to the gym, the pub, the footy, a concert or whatever event they were hoping to attend. It is an inconvenience, but it is not a costly inconvenience.

When a lockdown is called, as a member of this place, I still get my pay cheque every fortnight. Other members get theirs every month, but I choose to get mine every fortnight. I know that a lot of other people who work in government or essential industries, such as some of the mining industries et cetera, have been able to keep going. Even though they have had to go through some difficult rosters and changes in arrangements, they have been able to carry on financially. Those people have not had to bear a huge burden throughout this time. Because of that, their experience of this pandemic has been one of inconvenience and annoyance, but also of gratitude for the way they have been kept safe and that they have not had to suffer the sort of situations that we have seen in other countries. But for some in our community, it has been more than an inconvenience. For those people, it has had a real cost on their livelihoods and business. In some cases, it may have even cost them their business—they may no longer have that business. It has had a cost for people whose profession it is to put on events, for instance, such as we see in many regional centres. Sometimes, concerts are privately organised by a professional event organiser, and they have had to cancel their event because a COVID outbreak has led to a direction being given that restricts those events.

Owners of gyms have been denied the ability to not only exercise, but also make a living to pay their bills and rent. Owners of shops are in an ongoing situation. In some circumstances, the pandemic and the response to it not only affected their trade when there is a lockdown, but also in some ways led to different spending patterns. It may have a long-term effect on those businesses. Owners of hotels and larger establishments may find it is just not profitable to open when they are restricted to only 20 people in a venue that is meant to house 300. These situations are not only an inconvenience, but also a real cost to people, and they are bearing a burden that has not been compensated. Other sectors of the community have been given compensation. Some people who were laid off were given JobSeeker or JobKeeper payments and a bit of that flowed through to some of those businesses earlier on, but in no way has that satisfactorily or completely addressed their losses. Of course, those programs have largely come to an end, and restrictions now have a very real and direct impost on businesses when they occur. When we go into lockdown on a Friday night, many businesses will have already geared up for the weekend. They will have all their food prepped and staff ready; they might have a band booked and all sorts of things organised. Those businesses lose not only their turnover but also all their product, and the workers lose their wages for the night.

This situation is affecting people right across the state. A lockdown that affects people in the Perth and Peel area will also affect people outside that area. If people cannot travel to holiday towns, there is a cost for those towns. That is sometimes what people want, and that was certainly the situation at Easter last year, when people called for travel to be curtailed to what are normally holiday locations. That would have had a real cost for all those businesses, but there was a community expectation that those towns needed to be kept safe. That is fine, but nobody is making up for the cost to businesses that are impacted by these measures.

That brings me to this point: we, in opposition, wonder whether this situation and this bill could be improved if the government were to look at providing some meaningful compensation to businesses that are directly impacted by these directions. It might interest some members to know that there is already a level of compensation available under the Emergency Management Act 2005 for persons in certain situations who are affected by the operation of a power in a state of emergency. That has never been contemplated in the past. I suggest that the government look at how long the powers under section 72A(2) of the Emergency Management Act will remain in place. The power under that section will disappear in six months' time unless it is renewed. It is strictly tied to the current COVID emergency and is not an ongoing provision. If compensation were to be tied to the operation of this section of the act, it would apply only during the pandemic period; it would not become a general right for compensation that would endure in all circumstances under the Emergency Management Act.

I do not think it was ever contemplated that these measures would be in place for months at a time. I think that section of the act was meant to cover situations like bushfires, floods or cyclones—some short, sharp type of emergency. We recently saw tropical cyclone Seroja. That is actually a long-lived natural disaster in the sense that it is now weeks after the event and there is still a lot of work to be done. As natural disasters go, that was a big one. But the COVID situation is a whole different kettle of fish; it has been going on for months and months and probably will go on for years. Businesses are calling out for assistance because they are suffering real losses through no fault of their own; they are bearing the economic cost of the decisions of this government and the emergency management authorities when they make directions. The directions are necessary to keep us safe—I am not quibbling about that—but when these powers are used, a town or a region is directed into lockdown and some businesses are forced to shut. Some businesses are affected more than others. Gyms may be told to shut, but hairdressers may be allowed to remain open. I hesitate to use the word “unfair” in this situation, because I think it is unfair only in the sense that natural circumstances have led to this. It is unfortunate that it happens. I do not think anyone is deliberately trying to target them economically, but they are, if you like, damaged due to this exercise of power. The exercise of that power should be done only ever carefully, in a measured way, to ensure the least disruption necessary to those businesses. But when there is disruption, it is my view that the disruption should be properly compensated. Section 72A(2) of the Emergency Management Act outlines general powers, and states —

For the purposes of emergency management during an emergency situation or state of emergency, a hazard management officer or authorised officer may take, or direct a person or a class of person to take, any action that the officer considers is reasonably necessary to prevent, control or abate risks associated with the emergency.

That section is used only in consideration of the COVID situation. It is tied to the sunset provision of the Emergency Management Act; it will not apply forever.

I will move a reasoned amendment to the motion for the government to consider. I will not die in a ditch over this. I will not hold up the progression of this COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill; I am seeking to improve the government's bill, not to stop it, so the minister should not get up and say that I am against the government looking after the health of the community or the opposition is trying to hold up this measure. This bill will pass today; the government has the numbers in the house. We can only talk for so long anyway, so the bill will progress.

Mr Shane Love; Mr David Templeman; Mr Reece Whitby; Mr Vincent Catania; Dr David Honey; Mr Peter Rundle; Acting Speaker; Ms Libby Mettam

I am moving this amendment to clearly outline to the government what I believe should be done so the businesses of the state can be protected into the future. This is not an attack on what the government is doing; it is not a criticism of the state emergency authorities, the Chief Health Officer, the Commissioner of Police or anyone else. It is recognition that a section of our community is bearing a burden greater than others are bearing when we talk about the financial cost of the COVID-19 response. It is a financial cost that is directly tied to directions made under the Emergency Management Act. The provision I am seeking to introduce through this amendment will apply only while section 72A is in place. When the sunset provision kicks in, it will disappear and that head of power for compensation will disappear also from the Emergency Management Act.

Amendment to Motion

Mr R.S. LOVE: I move —

To delete “now” and insert after “time” —

after the government agrees to introduce provisions to ensure that section 78(1) of the Emergency Management Act 2005 applies to any order under section 72A(2) to “direct a person or a class of person to take, any action that the officer considers is reasonably necessary to prevent, control or abate risks associated with the emergency” where that direction entails “the owner or occupier or the person apparently in charge of any place of business, worship or entertainment in the emergency area to close that place to the public for the period specified in the direction”, as specified under section 75(1)(i)

I have a bit of time left, so I want to again put on the record that this is not about trying to hold up the bill. I expect that as the government has not considered this amendment thoroughly, it will probably knock it out, given its numbers in this house, and that the bill will progress pretty much as we expected. However, I think it is important that we put on the record that I believe there is a method the government could use to adequately compensate members of the community who are directly affected by its decisions that force businesses to shut down or to be, if you like, restricted in some way.

All the words that I have used in the amendment are in the Emergency Management Act. We know section 72A applies only because it is set to be sunsetted whenever the Parliament’s authority under it runs out. In any case, it can occur only in a declared state of emergency.

We know that a head of power is contained within the act for compensation to be paid in certain circumstances. I acknowledge that heads of power do not cover these circumstances at the moment, otherwise I would not have moved this amendment. Certainly, that power is contained in the act. We can see under section 78(1) that an entitlement to compensation applies in some circumstances. I will read section 78(1) so people can understand what I am saying; it states —

Subject to this Division, a person who suffers loss or damage because of the exercise, or purported exercise, of a power under section 46, 47, 48, 69 or 75(1)(f) is entitled to be paid just and reasonable compensation for the loss or damage.

Basically, all I am suggesting is that we include section 72A of the Emergency Management Act in the section of the act that provides for just compensation. It is not difficult to do. It would, I think, be an important measure to ensure that all Western Australians bear equally the cost of the COVID response and all Western Australians contribute towards the wellbeing of especially our small businesses.

I have real concerns about some of the entertainment events and larger events that occur in my electorate. Events such as the Dowerin field day are hugely significant. If it were shut down, there would be huge costs to a range of people, and a whole year’s work by the organisers would go up in smoke. Professional people organise that event. Many, many people rely on the event for finance for their club or community group et cetera. Many other people rely on the event to sell their wares to the community. That is just one example of events; I am sure plenty of others exist.

At the moment, we are seeing a disproportionate burden on people in businesses that are directly affected by lockdowns. The lockdowns do not badly affect people who can do their office work at home, such as people who work as accountants or who work for government or parliamentarians. The people who are badly affected are those who have no-one to pay their wages when their doors are not open. No-one will keep the little shopkeeper going when they cannot open their door and ply their trade. No-one will pay the cost of the rent for the gymnasium when no customers are allowed to enter that premise. These people are real Western Australians; they are the backbone of our community. I think it would be hugely important and beneficial for the whole state to get behind these people and support them when their circumstances are badly affected by decisions that, although well-meaning, are made by people who want to keep us safe and whose job it is to rely on advice that is all about the best way to curtail the disease or control people’s traffic and people’s movements.

Mr Shane Love; Mr David Templeman; Mr Reece Whitby; Mr Vincent Catania; Dr David Honey; Mr Peter Rundle; Acting Speaker; Ms Libby Mettam

In my view, the government is not tasked enough with considering the consequences to the economy of some of those measures. I think this would directly lay in front of it that there is a real cost for a certain section that is not being compensated adequately. I know that some measures have been put in place with a few dollars here and there, but it does not make up for the tens of thousands of small businesses that have been affected by the types of directions that we have seen in the past.

I urge the government to consider my amendment. I think it is a very worthy amendment. I am not going to die in a ditch over this amendment. If the government does not support it, we will still support the actual bill. We know that the bill is necessary, but I think there is also room for the government to spend a bit of time thinking about what it would be like to be one of those small businesses. I ask members to take themselves away from the comfortable world where we live. We have to do a job application every four years. Some of us make it through, some of us do not. But then every fortnight, every month, the pay cheque comes in. If someone is lucky enough to be made a minister of the Crown, like the two august gentlemen on the other side, it is an even bigger pay cheque. It is a very healthy one. The effect on us is not the effect on people in the small business community, and we should try to put ourselves in their shoes. For all the good intentions of the Chief Health Officer and the Commissioner of Police, they still get paid. They are not losing their income when these measures happen. I am in no way criticising them, but their life experience is not the lived experience of these small business people. I urge all members to consider a decent compensation measure for the small business community, which so badly suffers whenever we have these disruptions.

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [3.51 pm]: I have a meeting I need to go to, but I think this is an important amendment to the second reading of the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2021. I know that the minister responsible for the legislation will make further comment, but I want to comment on the amendment. I acknowledge the amendment is well intended, but I think the member has made some assumptions in his comments, one of which being that there is not empathy and an understanding of the significant impact that the decisions made by government in its COVID-19 response have on individual business men and women and families in a range of sectors. I disagree with the member's comment about members of Parliament not being in tune with it. I think many members of this place have been speaking with small business people and people in their communities who absolutely have been affected by the impacts of decisions that have had to be made in the safety interests of all Western Australians, and those members are very, very well aware that those decisions have been very difficult. The Premier has on numerous occasions in this place, in public media and in his huge number of media press conferences—when we were in the middle of the COVID-19 challenge, he was fronting the media every day—acknowledged the impacts of decisions, whether they be lockdown decisions or restrictions placed upon businesses and upon the citizens of WA. I am afraid I disagree with the member that members of this place of all political persuasions do not understand those impacts, as he might surmise. For many, many businesses and families, the impacts are deep and they are real. I think the general public understands that none of these decisions, whether to announce a lockdown or a period when severe restrictions are imposed, is taken lightly.

I previously sat on the State Disaster Council. The information that guides the State Disaster Council and, ultimately, the Premier as the leader of the government, to make decisions, is very carefully analysed. It is presented by the Minister for Emergency Services, who essentially has, under his legislative powers, the capacity to impose the restrictions that are arrived at. Those decisions, as I said, are not taken lightly. I refer to what I remember as the very dark days of the COVID experience, almost a year ago to the day, when we had a State Disaster Council meeting nearly every second day to analyse the information that came in from the Department of Health, the Commissioner of Police, the Fire and Emergency Services Commissioner and, of course, the Chief Health Officer. That advice was based upon the very best information available and included analysis from overseas. The very strong leadership of the Premier, senior public servants, the ministers involved and the Chief Health Officer set a course for Western Australia that has become, essentially, the envy of many other jurisdictions around the world and, indeed, in Australia.

We made decisions that were very difficult, but they were based upon a premise that the Premier was absolutely robustly focused on, and that was about keeping the people of Western Australia safe and ensuring that everything possible to ensure that our economy was able to continue to function was done. The Western Australian public overwhelmingly understood that and, indeed, as the Premier and others have said consistently, the people of Western Australia responded remarkably well. I remember that in the early days, people were asked to stay at home unless they had four reasons to venture out. They did it. More recently, people were asked to wear masks. They have. People were asked to recognise the need to support the businesses, many of them small businesses, that have been impacted. In my community, as only one example, they have. Many people recognised that they needed to bunker down when called upon to bunker down, and to be very mindful that people were affected. They have done that in abundance and remarkably well.

Mr Shane Love; Mr David Templeman; Mr Reece Whitby; Mr Vincent Catania; Dr David Honey; Mr Peter Rundle; Acting Speaker; Ms Libby Mettam

I think the member has missed that it has also been recognised all the way through the pandemic that the public servants and ministers responsible for various portfolio areas have continued to have ongoing dialogue and conversations with sectors to address a number of the issues that the member has highlighted. In my previous portfolio area of local government, about which the member criticised me today, I was involved with numerous webinars organised through the Western Australian Local Government Association, which included presentations from the Commissioner of Police, the emergency services commissioner, other ministers and WALGA. There was something like 17 or 18 webinars, sometimes one every week, to connect with local governments throughout Western Australia. A number of them were, at various times, subject to regional restrictions. The dialogue has continued in all portfolio areas, including my area of culture and the arts, and that of course segues into events and festivals. The work of the department, and Mr Rob Didcoe in particular, has been remarkable. If the member talks to the sector that he has mentioned, he will find that the work of public servants such as Mr Didcoe and others in that team at the department has been exceptional. They are constantly on the phone and in contact with people about the impacts, whether it be from lockdowns or the square metre rule restrictions. The dialogue has been continuous because we recognise that there have been, and continue to be, significant impacts.

The member's amendment is interesting. Had this been a genuine attempt, he would have circulated it. He knew that the debate was coming on, so he could have circulated it, but he chose not to, which is fine. I know that he said that he is not going to die in a ditch over it, but his presumption that there is not strong empathy and understanding is, I think, ill founded.

I want to highlight a couple of issues about some of the regional boundary restrictions, particularly those that were put in place early last year when the decision was made based upon the consistent premise of the Premier to protect Western Australians, as the safety of Western Australians is of primary concern. When the decision was made in the early part of last year to effectively have regional boundary constraints, some local government areas were specifically ring locked, if you like, on the premise of health and wellbeing and safety. We know that those constraints, particularly in the north west of the state, were focused on ensuring that some of our most vulnerable communities, such as our Indigenous communities, were protected. Indeed, the movement of people in and out of some of those communities is still being carefully controlled, because there is a recognition of the importance of protecting those communities. What did that do? It protected them. Again, I remind the house that these decisions, difficult as they were, have put us in the position that we are in now—one of the safest places, if not the safest place, on the planet, unlike many other places in the world. That is not chest beating or being spectacular; it is the reality. I believe that the broader population of Western Australia understands why those decisions were made and that they have worked well. That is not to say that we are not facing an ongoing issue. There are people in the industries that I, as Minister for Tourism; Culture and the Arts, am responsible for. If there are any industries that have been impacted the most, it is the industries that I represent as Minister for Tourism; Culture and the Arts. Wherever big numbers of people are required to gather, they have been at high risk.

Of course, international tourists are no longer coming here, so those in the tourism industry—there are many—who have predominantly relied on international tourism to support their business have been impacted, as have those who have relied predominantly on the patronage of interstate visitors. We know that in regional Western Australia there has been a two-speed experience in many respects, because some tourism businesses in Western Australia are doing very well. Accommodation and hospitality businesses are doing very well. The double-edged sword for hospitality businesses is that many have found it very difficult to find staff for their restaurants and cafes, and we recognise that. Tourism WA, along with the Australian Hotels Association and others, is working on solutions to that problem, which was caused because people took up the Premier's urging to wander out yonder. That campaign has been outstandingly successful.

Mr V.A. Catania: Because there's nowhere else to go.

Mr D.A. TEMPLEMAN: But it has been outstandingly successful, member. He was one of those members who got highly excited and did not want anyone to come to their region at one stage. The former member for Dawesville and the federal member down our way originally wanted the Peel region to be separated. They had no concept of the logistics of doing that. Although I will always claim to be a regional member, I also saw the logic of ensuring that Perth and Peel were treated as one entity in the context of protecting the people who live in the metropolitan and Peel regions. I can remember the former member for Dawesville jumping up and down and saying that we should close all the roads into Mandurah and the Peel region. Again, he was looking for cheap political points. A number of businesspeople in Mandurah rang me and said that they could not believe this guy and the other Liberal in the area who were espousing these things when they had no understanding of the fact that a number of the businesses in Mandurah rely on Perth-based patronage.

The government was very clear about safety being the first priority and it listened to the expert information and advice from the Chief Health Officer and the health authorities, but it also listened to the commissioners. I have to say that they have done an outstanding job. This state has the best Commissioner of Police and the best Fire and

Mr Shane Love; Mr David Templeman; Mr Reece Whitby; Mr Vincent Catania; Dr David Honey; Mr Peter Rundle; Acting Speaker; Ms Libby Mettam

Emergency Services Commissioner. When called upon to respond, they have risen to that call remarkably well, and we are better off for it.

In the area of culture and the arts, which covers theatres, festivals and those sorts of events, the advice that has been given has changed over the period because of the changing nature of the health advice. Initially, of course, we were working within the parameter of the four square metre rule, which was then changed to the two square metre rule. In seated venues, we increased the capacity from 50 per cent to 60 per cent and then to 75 per cent. In more recent times, some of our major sporting places have had 100 per cent attendance. But that does change, and we saw that only recently with the football at Perth Stadium. It will always be based upon the sound advice of the health authorities.

As recently as last week, the Premier highlighted that consideration for support will continue, including business support, as we recognise that we need to continue to explore ways to support some of the businesses that the member has highlighted. We have not turned our backs on those concerns; they are constantly being considered. There has been a range of measures. In my area of culture and arts, there are a number of programs, one of which is called Getting the Show back on the Road. Getting the Show back on the Road looked at shared risk and at putting in a floor when a show becomes unviable because it has dipped below its bottom line, if you like, of profit and loss. Again, those initiatives came about because we kept talking to the industry. The events industry has been particularly impacted. When there is a larger festival event of between 2 000 and 10 000 people, there are implications involved in providing support so that those events can continue.

The former Minister for Tourism and the Premier have already highlighted that Western Australia continues to this day to hold a range of events, despite the uncertainty that still exists. Events are continuing. Why? It is because Western Australians have demonstrated that they want to continue to patronise them. They have also demonstrated that they are prepared to wear masks at seated events. They are willing to still go out because they want to do these things; these are important things for them to do, so we have invested, and will continue to invest, in regional festivals, regional tourism events and in getting touring musical events out into the regions. We will continue to invest in all those things because we recognise that they are an important part of the social fabric of the community, whether in the metropolitan area or in regional WA.

Although we will not be supporting the amendment the member has moved, I want to reassure the house and the member that there is a whole range of ongoing discussions, dialogue, programs, projects, funding and initiatives that are focused on assisting, wherever possible, many of the businesses that have been impacted. This challenges all of us to be able to pivot, if you like, when we find ourselves in a situation in which there might need to be a snap shutdown, as we have seen in the recent past.

I know the Minister for Emergency Services, who has responsibility for the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2021, might wish to make some comment.

Reasoned Amendment — Statement by Deputy Speaker

THE DEPUTY SPEAKER (Mr S.J. Price) [4.12 pm]: Before the minister speaks, I have something I need to read out—a technical term! Members, as a point of clarification, during the second reading debate on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2021, the question before the chair was that the bill be now read a second time. The member for Moore has proposed a reasoned amendment to this question in accordance with standing order 170 to delete “now” and insert after “time” —

after the government agrees to introduce provisions to ensure that section 78(1) of the Emergency Management Act 2005 applies to any order under section 72A(2) to “direct a person or a class of person to take, any action that the officer considers is reasonably necessary to prevent, control or abate risks associated with the emergency”, where that direction entails “the owner or occupier or the person apparently in charge of any place of business, worship or entertainment in the emergency area to close that place to the public for the period specified in the direction”, as specified under section 75(1)(i)

Therefore, the question now before the chair is that the word to be deleted be deleted.

Debate Resumed

MR R.R. WHITBY (Baldvis — Minister for Emergency Services) [4.13 pm]: I appreciate that. I rise to comment on this amendment, but I also look forward to rising later to conclude debate on the second reading and to respond to members in the chamber and the issues they raise in relation to this bill.

As the Minister for Small Business, I entirely empathise and sympathise with the mover of this amendment in wanting to assist businesses that have been impacted by COVID-19. We all know of such businesses, and I am in daily contact with businesses that have been impacted by COVID-19. In fact, in recent days, I have been hard at work, along with my office and other ministers, working out ways we can assist businesses that have been impacted.

Mr Shane Love; Mr David Templeman; Mr Reece Whitby; Mr Vincent Catania; Dr David Honey; Mr Peter Rundle; Acting Speaker; Ms Libby Mettam

In spite of the member's good and desirable intent, this amendment is not the way to proceed with a compensation arrangement. Attaching it to section 78(1) is haphazard and imprecise. These are compensation provisions that are not intended for general compensation. They apply in circumstances in which an officer has to take control or destroy property in the course of managing a COVID-19 emergency. It is a very specific part of the Emergency Management Act and is not intended to be a general compensation vehicle for businesses that have been impacted. Attaching the member's amendment to this bill would be very difficult, would not deliver the outcomes the member is after, and might in fact present a whole range of other difficulties.

Mr R.S. Love interjected.

Mr R.R. WHITBY: I do not think it is a matter of the wording; the issue is attaching that provision to this bill in the way that the member has proposed. One of the unintended outcomes could be that it is not about compensation for businesses under section 78(1). We could have international travellers arrive in Western Australia and be told that they cannot enter or that they are required to follow directions; they might be able to seek compensation for the inconvenience to their travel plans. Likewise, if they are put into hotel quarantine, they might be able to use this mechanism to seek compensation for any costs involved.

Mr R.S. Love: If I could, minister, the wording is quite specific—"the owner or occupier or the person apparently in charge of any place of business, worship or entertainment in the emergency area". It wouldn't apply to an overseas traveller.

Mr R.R. WHITBY: Yet it is based on section 78(1), which is not intended for general compensation and is basically about applying to circumstances in which people managing the COVID-19 response have to take control and destroy property, so it is actually not —

Mr R.S. Love: It's a reasoned amendment, not a clause.

Mr R.R. WHITBY: I understand. As I said, I understand the member's motivation, but the government cannot support this amendment today. The other thing I need to remind the member is that there has already been an enormous amount done to benefit small business right across Western Australia, including medium-range and large businesses as well. About \$1.2 billion has been spent to stimulate economic activity and to benefit business. An amount of \$2 000 was recently announced for the COVID-19 lockdown grant. We have increased payroll tax thresholds. There were \$17 500 grants to businesses, utility waivers, the \$500 business electricity credit and a range of other specific arrangements that my colleague the Minister for Tourism recently outlined. There is also an issue about timing. The member said that this would be attached to the sunset clause, with reasonable intent, but I note that none of the arrangements we have announced to compensate or to provide grant assistance to business is attached to a sunset clause. That, again, throws issues into the mix.

The bill is very clear, specific and concise. It essentially deals with two simple issues that are of the same beast. It is about extending the sunset clause from 4 July to January next year, which will provide agencies and individuals dealing with COVID-19 the means and powers to do so, and to make directions. It also gives officers protection under the Criminal Code against acts of violence or threats that they may encounter when carrying out their duties to protect the community. This is specific legislation. I know the member spoke about the issue of timing and that the opposition was prepared to grant another six months. In fact, the proposal by the government in its last term was for an extension of six months; it was the opposition that wanted to shorten it to three months. This is why we are here, not long after the election. We would have been here in October if we had got the six months' extension as we tried to in the previous term of government.

Mr R.S. Love: For clarity, it was six months from the time the discussion took place.

Mr R.R. WHITBY: We can have that debate, but here we are soon after an election and the opening of Parliament, and the clock is ticking on a deadline of 4 July. The Deputy Leader of the Opposition would appreciate that it is crucial that we are able to extend the state of emergency. I cannot tell the member when it will no longer be required—I do not think that he or anyone else on the opposition bench could make that call either—but we need underlying legislation in place so that the government can continue to extend the state of emergency for 14 days at a time to provide the government the mechanisms and the ability to respond in a way that keeps the state safe.

The Deputy Leader of the Opposition referred to those businesses that have been impacted by lockdowns. We all have them in our communities—I certainly do. I want to relay one social media message to me from a small business owner in my electorate. When this was posted towards the end of last year—or it might have been during the February lockdown—I thought I was getting some criticism online because it was posted during a lockdown. In it, they said, "Thanks very much. You've just cost me a whole lot of cash." I thought, "Here we go!" Then in the next line they said, "But thank you because I know you've saved my business. I'll be able to open my doors a lot sooner."

I think some people in the business community recognise that these are painful times and that there is a burden to bear but that the very best that we, as a government, can do is respond in the way in which we have been responding to the COVID-19 pandemic for more than a year—that is, using the provisions of this legislation, which we are seeking to extend for another six months, to manage and respond to the COVID risks as they arise. It is inconvenient and costly for businesses, but it is necessary, because the alternative is far worse. The alternative is prolonged lockdowns with massive economic costs to the community—business owners and employees—to say nothing of the potential for death and tragedy throughout the community if we do not respond correctly to stop this virus getting away.

I am glad that the opposition accepts that these provisions need to be extended. I appreciate the sentiment of providing compensation and assistance to business. I assure the Deputy Leader of the Opposition that that compensation and assistance and those grants are part of an ongoing process. We saw it during the recent Anzac Day lockdown; we saw it during cyclone Seroja. We have seen it all the way along. This government responds to the needs of small business and all businesses by helping and assisting them.

I want to touch on one other issue. Let us be honest, as much as lockdowns are impacting on small businesses and other businesses, businesses are also benefiting and doing very well at this time. I am sure that we all know those businesses. A number of business owners in my electorate have told me that they are doing better now and employing more people than they did pre-COVID. There have been all sorts of different reactions and responses to this emergency. I am not going to take away from the suffering that has gone on in many, many businesses and in many, many small business families. Our hearts go out to them. We sympathise with them. We have given and continue to give assistance—I am sure that will continue—but it is not always the same story wherever we look. We know that people are not going to Bali or elsewhere in the world but are staying home and turning to tradesmen to do renovations. They are investing in their own lifestyles. They are going to cafes and having breakfast. They are holidaying at home and touring in regional areas. I am sure that businesses in the regions that the Deputy Leader of the Opposition represents are getting extra business from time to time because of that impact.

We know that there are different stories out there. I am not saying that it has not had a negative impact on many small businesses. It is my job to be concerned about the welfare of small business owners and to support them in every way that I can. But I come back to one central theme: we can, and do, arrange grants and assistance from time to time as required. We are always looking for ways to assist small business. We have invested in massive infrastructure projects, which helps the economy and small businesses. However, the very best thing that we can do is ensure that we have the tools to protect ourselves under this legislation, which is basic, concise and to the point—a very simple extension of the emergency period beyond 4 July. That gives us the power to make sure that we can deal with the COVID pandemic, as we have for more than a year now, and that whenever there is a risk of an outbreak, we can deal with it so that we can get the doors of businesses opened quickly. That is the best thing we can do for all businesses.

MR V.A. CATANIA (North West Central) [4.24 pm]: I also support the amendment moved by the Deputy Leader of the Opposition. Firstly, can I put on the record for the new members who are here that the opposition over the past 12 to 14 months has supported the government at every turn when it has come to legislation to protect Western Australia. The opposition over the past 14 months has supported and assisted the legislation that has gone through both houses of state Parliament to ensure that the government can do what it needs to do. I just wanted to put that on the record first.

Secondly, when it comes to this new term of government and this legislation, the government has absolute control. The government is saying to the opposition that it needs to get this legislation through. We totally understand that, like we have understood that over the past 14 months. We totally understand that the government needs to get this legislation through and we have given the government a guarantee that it will get through. But I want to ensure that I have this on the record: the government has absolute control. If it wants to get its legislation through, it can guillotine debate at any point. What I will not accept is any criticism of the band of six over here, when there are 53 members over there who are able to hold up legislation. We will not hold it up. I just wanted to make that quite clear and to get that on the record: we are not able to hold up any legislation in this house or in the other place. As I said, the opposition has always supported the government.

We appreciate the point and intent of the amendment moved by the member for Moore. It is about trying to provide some certainty for small businesses in particular and for events, places of worship and so forth. It is all about providing certainty. We have had three lockdowns in this state since the COVID-19 pandemic started. During the last two, which were due to errors in hotel quarantine run by the state government, the issue has been that there has always been a reaction to a lockdown that it may become common over time. Like I said, we have seen it happen three times—twice because of inadequacies in hotel quarantine. We have seen security staff who have had more than one job—it looks as though they are continuing to still have more than one job—and who have not been fully

Extract from Hansard

[ASSEMBLY — Tuesday, 11 May 2021]

p403c-425a

Mr Shane Love; Mr David Templeman; Mr Reece Whitby; Mr Vincent Catania; Dr David Honey; Mr Peter Rundle; Acting Speaker; Ms Libby Mettam

vaccinated. All this shows that there has been a lackadaisical approach. In reading the reports that have come through, I suppose that is the issue. If there is an outbreak, the government should be prepared to do X, Y and Z. As the member for Moore said, we know that a lockdown in the Perth and Peel region means that the roads going to regional WA need to be closed and roadblocks put in place straightaway. If there is an outbreak from hotel quarantine on a long weekend, there should be a plan that details that the government will do X, Y and Z and that the police will go to the major highways to prevent tens of thousands of people from leaving the Perth and Peel region for regional areas.

The point is that a lot of this stuff is avoidable. There should be a plan to ensure that the police get those roadblocks put in place before the Premier goes out and has a press conference. Let us get our messaging right and not say at midnight that people cannot go anywhere. If people need to travel, they need to travel. The government is sending mixed messages. If the government were concerned about the safety of people, it would ensure that it put these policies and procedures in place now so if there is a lockdown in the future, tens of thousands of people who may have COVID-19 are not allowed to leave a particular area. We are having a debate about the government ensuring that the safety of Western Australians is paramount and that it is doing everything it can to protect them from a COVID outbreak like we have seen around the world. If the government believes that, it would not have played the blame game with the federal government about responsibility for quarantining. Instead, it would have looked at the proposal in the media about building purpose-built quarantine facilities, I think in the member for Dawesville's electorate. The government should have taken that proposal seriously, because that is probably the only option to ensure that we do not have further lockdowns in the future. The question the member for Moore has raised is that given we know how important it is to have a plan, does the government have a plan in place to ensure that roadblocks are in place or that its messaging is correct before it makes an announcement?

I note that the cost of a lockdown is hundreds of millions of dollars. As members of this chamber have said, the impact on small businesses is huge. Lockdowns have a massive impact on tourism businesses. They do not just affect people in the area being locked down such as Perth and Peel, but also people who want to go to the Kimberley, the Pilbara, the north west or the south west. Businesses in those regions get impacted as well, with things such as booking systems. We saw the amount of work the travel agents had to do to fix up bookings for travel around the world when COVID struck. They were not making any money, but they were looking at everyone's bookings and trying to get refunds. The same thing happens every time there is a lockdown here in the Perth and Peel regions. There is a cost to small businesses, particularly tourism and hospitality businesses. They spend their time trying to refund people who cannot travel to those regional towns or hotels because of a lockdown. It is a massive exercise in cost and time, not to mention the cost of preparing food for a big weekend of trade or for an event for which people had geared up. The government is happy to say the things it is doing, but if we look, we see that the government has had to be pushed all the way through. The government has not said it has to lockdown. The Premier's rhetoric was, "We should feel lucky because businesses are booming. We are fantastic. We can't afford to fix everything." I think they were his words. The pressure that mounted weeks after the lockdown meant that the government suddenly cobbled together a \$2 000 package, when it still has not even paid businesses the \$500 for power from the last lockdown. There was this announcement for \$2 000 with no criteria attached to it. It really shows that the government does not have a plan. It only has an ad hoc plan that has been developed on the run. The point the member for Moore was making is that the government does not need to plan on the run; it can develop a plan now.

The opposition supports the legislation, but we are trying to make sure that we can improve it, so that if we do go into lockdown again because of a mistake in hotel quarantine, those businesses get compensation of \$2 000 or \$500—whatever it is. It will provide the certainty that businesses need so there is not a fight, and the Australian Hotels Association does not have to say it needs compensation and the Tourism Council WA or business organisations such as the Chamber of Commerce and Industry of Western Australia do not have to say they need help. This government seems to react to negative publicity in the media; that is when we get some action.

Perhaps this is not the right amendment to make, but what is? I think we all agree that this is just about providing certainty. Let us put that in the legislation in some way. Perhaps the minister has the resources to amend his own bill to provide that certainty to our small business sector.

I also want to bring up the role that the government plays in the effect of lockdowns on small businesses, particularly in Perth and Peel. Were all government employees told to work from home if they were able? Perhaps the minister can confirm whether this was the case. Is that correct?

Mr R.R. Whitby: When that was the application for the general workforce, it also applied to the public sector during certain specific periods.

Mr V.A. CATANIA: During the lockdown? When did that directive, if you like, end? When the Premier made the announcement on the Friday, he said that if people could work from home, they should. When was the public sector told to come back? The point I am trying to get to is whether public sector employees were told not to return to work if they could work from home for a period of time, maybe a week. The point I am trying to make is that

Extract from Hansard

[ASSEMBLY — Tuesday, 11 May 2021]

p403c-425a

Mr Shane Love; Mr David Templeman; Mr Reece Whitby; Mr Vincent Catania; Dr David Honey; Mr Peter Rundle; Acting Speaker; Ms Libby Mettam

the effect on small businesses of not having people in government departments working in their offices is huge. The government is enabling that hurt to small business by not getting the public sector employees back to work in their offices as quickly as possible. As the minister knows, the large contingents of public servants in the CBD and other areas make sure that cafes, restaurants or pubs operate, providing the cash flow they need. They have set up their businesses in those places noting that there is a large public sector contingent there. Perhaps the minister can outline what the directive was to public servants of his department or departments in general, and how long it took for them to go back to work, because not having public servants go back to work maybe a week after a lockdown has an effect. Also, locking down Peel and Perth has an effect on the whole of regional WA.

Missing from this legislation is a plan—a plan that everyone knows to follow when we go into lockdown. Yes, COVID-19 is evolving, but the plans for knowing what to do when we have to lock down are pretty simple. Missing in the legislation is the ability for everyone to be fully aware of what has to occur when there is a lockdown and what the compensation is. Why I question the government's sincerity in supporting small business, particularly the tourism businesses, that have been impacted by lockdowns is that the Premier talks about the economy. Yes, the economy of Western Australia is going well. We are in a boom time, probably bigger than the boom back in 2007, 2008 and 2009. The iron ore price is the highest it has ever been. The commodities sector, the resources sector, is booming. All those industries that have spin-offs from the resources sector are booming. Yes, they are booming, but small businesses like cafes, restaurants, pubs or tourism businesses often do not have the capacity to suddenly turn off and on. To down tools costs food, and they have to tell their employees that there are no longer any hours that weekend because of the lockdown. Businesses that have to refund money and go through that exercise are not the same as the bigger companies that are driving the economy of Western Australia because—I cannot remember who said it today—iron ore prices and the iron ore industry are basically driving our economy. That is why we have these huge surpluses. We are going through a boom.

The Minister for Tourism spoke about the Wander Out Yonder campaign. Everyone knows that Western Australians have nowhere else to go. It is fantastic that people are travelling out to regional WA, but towns such as Exmouth and, prior to the cyclone, Kalbarri are experiencing an influx of tourists. Exmouth has a population of only 2 500 people, which is suddenly going up to 20 000 or 25 000 people a day. That puts huge stress on businesses that still cannot get people to work, because there is no-one to employ. There is increased pressure on water, power, telecommunications, accommodation and cleaners—the whole works—roads, national parks, beaches and the environment, but we have seen no investment. We are not able to keep pace with the influx of tourists because Western Australians have nowhere else to go. When the borders open up, Australians have nowhere to go, so they go to these iconic tourism destinations. We have seen no investment in the housing that is needed for people who could be employed by small businesses, which would help take the pressure off them. Ministers have not been able to take advantage of this situation and assist those businesses by providing certainty to regional communities, Perth and Peel, because it seems as though this government is a one-trick pony when it comes to COVID. That is the concern.

We have an opportunity here to amend the legislation to provide certainty to our businesses and say that if there is a lockdown, they can get a compensation package, rather than the government working it out two weeks later and announcing some funds without any criteria. That is what has been happening. The government is being pushed by the media, the opposition and industry to come up with a compensation fund. The Premier said it is not going to happen because we cannot afford it and it cannot do it. We are in a boom time. The government is swimming in that much money. Businesses and tourism operators need help. They need certainty, and the government is in a position to give them that. Perhaps the amendment is not in the right area, but I am sure that with all the resources the government has, it can come up with its own amendment during consideration in detail to ensure that we provide certainty to our small businesses, owner-occupiers and other industries that desperately need assurance from the state government that it is looking after them in their time of need. As I said, do not mistake our whole economy as being the resources sector, because that sector is very different from the small business sector, which cannot simply turn the tap on and off. We need certainty of support for our businesses, certainty for lockdowns and a proper plan to be put in place.

Division

Amendment (deletion of word) put and a division taken, the Acting Speaker (Ms K.E. Giddens) casting her vote with the noes, with the following result —

Ayes (6)

Mr V.A. Catania
Ms M.J. Davies

Dr D.J. Honey
Mr R.S. Love

Ms L. Mettam
Mr P.J. Rundle (*Teller*)

Extract from Hansard
[ASSEMBLY — Tuesday, 11 May 2021]
p403c-425a

Mr Shane Love; Mr David Templeman; Mr Reece Whitby; Mr Vincent Catania; Dr David Honey; Mr Peter Rundle; Acting Speaker; Ms Libby Mettam

Noes (44)

Mr S.N. Aubrey	Ms J.L. Hanns	Mr Y. Mubarakai	Ms J.J. Shaw
Mr G. Baker	Mr M. Hughes	Ms L.A. Munday	Ms R.S. Stephens
Dr A.D. Buti	Mr W.J. Johnston	Mrs L.M. O'Malley	Mrs J.M.C. Stojkovski
Mr J.N. Carey	Mr H.T. Jones	Mr P. Papalia	Dr K. Stratton
Ms C.M. Collins	Mr D.J. Kelly	Mr S.J. Price	Mr C.J. Tallentire
Mr R.H. Cook	Ms E.J. Kelsbie	Mr D.T. Punch	Mr D.A. Templeman
Ms L. Dalton	Dr J. Krishnan	Mr J.R. Quigley	Mr P.C. Tinley
Ms D.G. D'Anna	Ms S.F. McGurk	Ms M.M. Quirk	Ms C.M. Tonkin
Mr M.J. Folkard	Mr D.R. Michael	Ms R. Saffioti	Mr R.R. Whitby
Ms K.E. Giddens	Mr K.J.J. Michel	Ms A. Sanderson	Ms S.E. Winton
Ms M.J. Hammat	Mr S.A. Millman	Mr D.A.E. Scaife	Ms E.L. Hamilton (<i>Teller</i>)

Amendment thus negatived.

Second Reading Resumed

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [4.50 pm]: I rise to make a brief contribution to this debate to add to the excellent contribution by the member for Moore. I want to touch on a couple of key themes in response to this proposed legislation. As was indicated by our lead speaker on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2021, I support the bill, and I will not be making any amendments, either.

I want to talk about a couple of issues in the bill. Some of this has been touched on by other speakers. The first is on the issue of how quarantine is handled. This bill will enable the powers under the Emergency Management Act 2005. Section 72A of that act, “General powers during emergency situation or state of emergency”, states —

For the purposes of emergency management during an emergency situation or state of emergency, a hazard management officer or authorised officer may take, or direct a person or a class of person to take, any action that the officer considers is reasonably necessary to prevent, control or abate risks associated with the emergency.

Of course, that is a power that allows, for example, the direction of people into hotel quarantine, the direction of a person to wear a mask in particular circumstances or any other direction enabled by that power.

I want to particularly focus on the issue of hotel quarantine. As I think I have said in this place already this year on a couple of separate occasions, I certainly recognise and we recognise the good job that has been done by the government in keeping the people of Western Australia safe, and the people of Western Australia have rewarded the government electorally very handsomely for that. We have certainly supported those efforts. As was mentioned by the member for North West Central, we have supported the government throughout this process. New members may not realise, but those members who were here in the last Parliament will know that this was a very urgent and evolving situation, and there was a requirement for the very rapid passage of urgent legislation to deal with it. In every case, we not only enabled that legislation but made sure that the legislation was passed strictly in accordance with the requirements that the Leader of the House requested. We have never tried to delay or hold this up.

Mr D.A. Templeman interjected.

Dr D.J. HONEY: We may have asked questions and queries, which is the right thing for the opposition to do. I am not alleging that the Leader of the House said that, but I think it is important to recognise that we have been in lock step with the government, supporting and making sure that these appropriate pieces of legislation get through the Parliament.

The reason I want to focus on the issue of quarantine is that when we look in the press at the moment, we see a lot of discussions with the government and concerns from the state government about quarantine. We have had, I think, nine people infected in hotel quarantine, or at least nine cases of people being infected by people in hotel quarantine, such as security workers working in the hotels. Quite recently, we have seen community spread from quarantine hotels because of the failures and breakdowns in that system. I think there is an opportunity here—I say this in a truly bipartisan spirit—for the government to take a greater and stronger lead in this area. The government has had the difficult task of establishing a hotel quarantine system. When this whole issue started 14 months ago, no-one knew all the answers. People had a sense, medical experts were providing advice and there was some information from overseas—clearly, a lot of jurisdictions overseas still have not managed to get this right—but the government, our medical experts and, of course, national cabinet, which was guiding this process, worked cooperatively together. State governments, including this state government, wanted to take control of hotel quarantine because they wanted to have control over this process in their jurisdiction. The state government was keen to take control of that process.

However, in the last 14 months, a number of issues have evolved. One is knowledge. There is an excellent report. Newer members and other members may have heard reference to the interim advice. It is a report titled *Review of*

Western Australia's hotel quarantine arrangements: Interim advice #1 by Professor Tarun Weeramanthri. I would recommend this report to all people who write reports for government. It is a superbly brief report. It reminds me of Mark Twain's apparent statement when he was writing to someone and said, "I'm sorry my letter is so long; I didn't have time to write a short one." I think that this report is a well-considered, short report. In that report, Professor Weeramanthri makes very clear that the issue of aerosol transmission over long distances and for long duration in environments is a well-known vector for the transmission of COVID-19. Therefore, we have had these issues with the hotels. Subsequently, the Glossop report has reviewed that and gone through and identified deficiencies in three hotels. The state government has reacted to that and has now taken those three hotels out of the system. We have seen subsequent transmission in a hotel that was considered to be at medium risk of aerosol transmission, so, clearly, there are issues.

In the spirit of bipartisanship, the thing that I would ask the government to do is to very seriously consider taking control of establishing purpose-built quarantine facilities. I think that would be a major step forward for the state of Western Australia. I just completed a trip. Last Thursday, I went up to Kununurra and then drove with a colleague from Kununurra down through Halls Creek and across to Fitzroy Crossing and Broome. In each of those centres, the communities were suffering enormously from the shortage of workers in their area. We all want Western Australians and people who live in Western Australia—our children, friends, neighbours and colleagues—to have jobs, but those regional communities have a very heavy reliance on seasonal workers, both in normal businesses, such as hospitality businesses and the like, and in the fruit picking and other seasonal agricultural activities. That is a critical need for the state. The reality is that our quarantine process as it is simply does not enable enough of those workers to come into the state in the required numbers.

There is a tremendous opportunity here, and I think the reference has already been made this afternoon, but this is not beyond anyone to think about. Because we know that there is physical transmission from objects and from person to person, as well as aerosol transmission, we need accommodation that does not share air with other buildings and that allows for reasonable physical separation, where people can be isolated within a particular building. It was reported by the ABC and *The West Australian* that there is a third-party proposal to establish an appropriate quarantine facility. I think the state government has the ideal opportunity and all the expertise and knowledge required to build a facility like this. Western Australia, for want of a better title, probably could be called the donga capital of the world. I suspect that there is no place in the world that is as efficient and cost effective as Western Australia is at establishing high-quality accommodation using transportable buildings. In this case, that sort of accommodation is perfect for a quarantine facility.

Western Australia has plenty of land. There is plenty of land in the metropolitan area and plenty of land at the airport, for example, although I appreciate that is commonwealth land. There is plenty of state government land close to the airport and close to hospitals that can perform this function. This COVID crisis will be with us for another couple of years, and I think the state government has the perfect opportunity to work with the commonwealth, to take control of this and to make sure it is established. I have seen finger-pointing by the Premier at Canberra saying that it needs to do X and Y. We are now seeing a further reduction in our quarantine capacity in response to concerns about infection in those facilities. There is a solution to this—that is, to have purpose-built facilities. I think that is an opportunity for the government. As I say, I am not seeking to score any point against the government; I am doing everything I can to encourage the government to take up this opportunity because Western Australia is suffering due to its inability to get people home—not just people returning home for humanitarian or family reasons, but, importantly, to bring key workers into our economy. Our hospitals depend critically on health workers—doctors, nurses and other health workers—coming from overseas. This is contributing to our health crisis because it is becoming extremely hard for the government to open up new beds because it does not have qualified staff. Some loud warning bells are ringing in this area. If we look at accumulated leave in the public sector amongst health workers, we can see that it is increasing at an exponential rate. That is because health workers cannot take leave because so many are tied up in the hospital system, which is under strain. The state government should take this bull by the horns and work to set up purpose-built quarantine facilities that can handle larger numbers of people and bring them into the state. I am not talking about opening the borders; I am talking about using the great knowledge we have in government and among our medical experts to safely bring people in and at a higher rate to assist the economy of Western Australia. Outside mining, large parts of our economy are still doing it quite tough.

The other area I would like to touch on briefly is that of assistance to business. I know this was covered in detail during debate on the amendment to the second reading. I did not contribute to that because I did not want to hold up the bill any further but I wanted to cover it in this substantive part of my speech. If we look at business, we can bear in mind that the Emergency Management Act was written with a view to critical emergencies, not chronic emergencies. I think that is a fundamental opportunity. It is obviously not within the scope of this COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill; I fully appreciate its intent, but, again, I think the government has an opportunity to perhaps reflect and come back to this Parliament at some stage with substantive amendments that deal with a chronic emergency such as this rather than an acute emergency. This Emergency Management Act was written with a view to covering, for example, a bushfire that goes through,

an earthquake or a flood. It covers a single event that causes particular damage and harm. This bill will enable the relevant government or shires to take action they need to take to deal with that. It recognises that that may impinge on the rights and freedoms of citizens during that emergency period. That has certainly been the case here. Parts of our industry have not been affected at all by COVID. The government has very sensibly done an enormous amount of work with mining companies to make sure that that important driver of our economy is not impacted by COVID, and the mining industry has done fantastic work. It was way ahead of the curve on this. It had well-developed emergency response plans and sprang into action very quickly to do what needed to be done to make sure those industries could operate safely, and the government acted swiftly to work with them to enable that.

Earlier in debate, the Leader of the House and the Minister for Emergency Services both outlined that assistance had been given to certain businesses, but some businesses are really, really struggling because of this crisis. As I said, some regional accommodation and places like that are doing okay, but event organisers are suffering enormous damage. Typically, event organisers are just mum-and-dad businesses; they are not big firms, and they are really struggling. Gymnasiums, yoga studios, spin cycle studios and the like are really suffering due to lockdowns. They tend to have the longest lockdowns of all businesses. The other issue is that they do not lose business just on the day. Customers of those sorts of businesses tend to keep coming back on a regular basis, but when they are constantly interrupted, they lose customers for good or it takes them months and months to get back customers. I am sure if the minister talked to gymnasiums and like businesses, he would find that they are hurting enormously.

The effects on restaurants and the like had not occurred to me. Due to a shutdown, especially over the weekend, many restaurants not only have to throw out all their food, but also have to take on extra staff to do preparation before the weekend. They pay for additional labour, so when they lose the business over the weekend, they not only lose the food and its value, but also they pay wages and get no return from them.

Point of Order

Mr P.J. RUNDLE: There seems to be a bit of a meeting going on over there. I am having trouble concentrating with the background noise.

The ACTING SPEAKER (Mr D.A.E. Scaife): There is no point of order.

Debate Resumed

Dr D.J. HONEY: Those businesses suffer. It has been put to me by a number of small businesses that small businesses write the cheque that underwrites these shutdowns. Mining has not suffered from this—nor have we, schoolteachers, people who are paid wages or others—but small businesses do. Small businesses employ 40 per cent of the work force in our economy. They are the single largest employer in our economy. Things that affect small business are very, very important to this state. Before the COVID crisis, we saw major issues with small business, so I encourage the minister, as I have said—Acting Speaker, I am finding it difficult with the amount of noise over there.

The ACTING SPEAKER: I ask members to keep the noise down while the member for Cottesloe is on his feet.

Ms J.J. Shaw: We all know how he likes the sound of his own voice.

Dr D.J. HONEY: Can I say that I think it is a poor reflection on those very experienced members of Parliament that they would do this.

I encourage the minister to take a more codified approach to compensation for small business. I understand there have been packages, but if we look at the programs that have been rolled out, we will find that they are quite small in value and some of them are highly targeted and have benefited very few businesses in the state. I think there is capacity to look at a more substantial way to recognise small businesses in the context, as I said, of the Emergency Management Act never being intended to manage a crisis like this that has gone on for more than 14 months. I think everyone in this place recognises that it will probably go on for another 18 months to two years—maybe even more. As I said, this is not an acute incident; it is a chronic incident. I think the Emergency Management Act has to be reviewed. I understand the complexities of compensation and that the government has to be careful about not being too black and white in the way it does it. But I do not think compensation has been adequate for particular businesses that have been very badly affected by COVID lockdowns. I think it is within the wit of the government to examine that and to look at a longer term response to the way this bill could be amended. Otherwise, I fully support the bill as presented.

MS L. METTAM (Vasse — Deputy Leader of the Liberal Party) [5.09 pm]: I would also like to contribute to the debate on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2021. At the outset, I support the comments of colleagues in the opposition—I can no longer say “on this side of the chamber”—in support of this bill. Like other bills that relate to COVID legislation, the opposition has been very supportive and continues to operate cooperatively on this important piece of legislation. This bill will extend the power of the provisions until 4 January next year. These are extraordinary powers, including special penalties for people who spit or cough on police after claiming that they have COVID-19. This is obviously an extraordinary period that we have been experiencing for about 14 months in Western Australia.

Extract from Hansard

[ASSEMBLY — Tuesday, 11 May 2021]

p403c-425a

Mr Shane Love; Mr David Templeman; Mr Reece Whitby; Mr Vincent Catania; Dr David Honey; Mr Peter Rundle; Acting Speaker; Ms Libby Mettam

It is fair to say that not only has the government been well acknowledged for its response to COVID-19, but also the public has certainly done an outstanding job in undertaking the heavy lifting in the management of COVID in this state. I will touch upon it a little bit more later, but in particular our small businesses have in effect underwritten the real financial cost, at least, of managing the COVID-19 crisis. For many of us in this place, it has not had an impact on our incomes, but small businesses have had to adjust to the restrictions. Some have lost significant business and some people have lost their jobs.

From the outset, I would like to touch on the challenges in hotel quarantine. The government's management of hotel quarantine and its lacklustre approach to recommendations and lessons learnt from other states has cost the state significantly, particularly in relation to our small businesses that have had to shut their doors. I understand that the most recent lockdown came at a cost, according to the Chamber of Commerce and Industry of Western Australia, of about \$170 million. The lockdown at the beginning of February was also costly. It raises the question about the government's lacklustre approach to addressing the real issues in hotel quarantine. The answer cannot just be to blame the federal government. The answer must be to learn from the lessons of other states and potentially invest in alternative quarantine avenues if it is not effective or feasible for the government to continue to manage hotel quarantine. I back the comments made by the Leader of the Liberal Party earlier about progressing some alternative avenues, as flagged by the quarantine assessment panel as one of the objectives and recommended or suggested by Tarun Weeramanthri in the interim report.

This government has dragged its feet in relation to hotel quarantine. Just today, WAtoday published an article on this matter titled "Pulling back the curtain on WA's 'festering' hotel quarantine conditions, ex-guard fears more virus leaks". It states —

The state's hotel quarantine system has been plagued by five virus transmissions to security guards ...

There is a reference to comments made by one ex-hotel quarantine security guard. I quote —

... he felt disgusted at the lack of sanitation. In one extraordinary revelation the guard said a guest was simply forgotten and stayed in the hotel for three months.

He likened the conditions of hotel quarantine to a "festering Petri dish". The article also states —

Out of the 2360 issues logged by quarantine hotel guards from April last year until January, one-fifth were guests not being compliant with quarantine regulations by opening their doors or coming out of their room.

It continues —

He said the state of staff eating areas and toilets was "horrendous", with food and takeaway wrappers all over the floor ...

It outlines many of the concerns that he had experienced working as a hotel security guard. It refers to one time that he had "cling wrap taped to my head with holes for my eyes and nose and mouth" in protest after asking for a mask for four days. He has since left that position with significant concerns, which he has raised with WAtoday. This is obviously very concerning. These issues are not new. We are aware that the government has dragged its feet on a number of issues with hotel quarantine, such as hotel quarantine workers undertaking a second job. That was certainly one of the issues that were exposed when we had the lockdown in late January and into February when there was a COVID-19 outbreak.

The Liberal opposition had called for the banning of second jobs at the beginning of February when concerns were raised in response to the outbreak and then the lockdown. We raised the matter on 2 February and it was pleasing that it was finally introduced by the McGowan Labor government on 15 February. It should be pointed out that this policy was implemented by the Victorian government several months earlier, in November the year before. Given that the government is managing hotel quarantine and that it is an area of responsibility under the government's control, and given what we know about COVID-19 and the significant impacts that it can have—firstly, from a public health point of view and, secondly, when the government responds by initiating such costly lockdowns—it is important that the government does all it can do within its power to ensure that there are no further outbreaks. These concerns about hotel workers undertaking second jobs were raised. Given what we have learnt from other states, it should be a bit of a no-brainer that someone working in a quarantine hotel by day and then as an Uber driver by night raises some obvious concerns.

There are also obvious concerns about the lacklustre response that we have seen with the quarantine vaccination program for hotel quarantine workers. We also raised this issue and although the government has finally introduced a mandatory vaccination for hotel quarantine workers, including security guards, it was concerning that as of Friday, only 70 per cent of hotel quarantine security guards had been vaccinated. That was ahead of the deadline, if you like, of 10 May. The government was very slow to act on this policy, which we had called for for several weeks before it was introduced, but it is worth pointing out that this policy had been implemented in New South Wales for all hotel quarantine staff by March this year. It was certainly implemented in New South Wales with the level

Mr Shane Love; Mr David Templeman; Mr Reece Whitby; Mr Vincent Catania; Dr David Honey; Mr Peter Rundle; Acting Speaker; Ms Libby Mettam

of urgency that it deserves. We know the obvious benefits of COVID-19 vaccinations. We also know that those who have been vaccinated are significantly less likely to pass on COVID-19. It is a no-brainer that every effort must be made to ensure that those who are willing to work in such positions on the frontline are vaccinated.

I would like to touch on one of the recommendations contained in the *Review of Western Australia's hotel quarantine arrangements: Interim advice #2: Governance and related issues*. A lot of advice has been provided in response to COVID-19 outbreaks in hotel quarantine, including the outbreak in late January this year. Some reports were commissioned by government into ventilation issues and concerns about outbreaks in hotel quarantine. A number of reports were produced; the first was in early February this year. The report I refer to appeared on 11 March; the chair of the committee was Professor Tarun Weeramanthri. The report recommends the creation of a quarantine advisory panel. Recommendation 1 states —

This is a crucial part of enhanced governance and sustainability of the —
Hotel quarantine —

arrangements in the medium–long term ... Membership should be drawn from at least the following agencies: WA Health, WA Police Force ... Its scope would cover the whole end-to-end quarantine process, and encompass important social, community and mental health aspects of quarantine.

That is a very worthy recommendation, I would have thought, and certainly one that deserves the attention of government. It is also certainly something about which any opposition should ask questions, given that we have in WA already recently experienced lockdowns that have incurred significant costs and distress to the state, and obviously some public health risks as well. That is the role of an opposition—to ask questions on behalf of the public. The recommendation by the author of this independent report for the creation of a quarantine advisory panel is certainly a worthy one and one that the opposition supports.

What is concerning is the response we received from the government on this matter. When the Leader of the Opposition asked questions of the Minister for Health about the panel, the minister said —

As the member would be aware, we have a quarantine advisory panel, which at all times has been undertaking an ongoing quality assurance and improvement process. That panel keeps us advised and apprised of any developments about how we can improve what we are doing.

I then asked the Premier a question in relation to this panel on the same day, last Wednesday. After lecturing me and telling new members of the house how not to ask questions, the Premier stated that the Quarantine Advisory Panel was established. He stated that it was his understanding that Professor Weeramanthri was the chair and he suggested that in future I put such questions on notice.

The following day I did just that, only to learn that the answer the Premier provided the day before was actually incorrect, or at least very different from the answer he provided the following day, and that was —

Mr R.R. Whitby interjected.

Ms L. METTAM: He stated —

Member for Vasse, the Quarantine Advisory Panel was established. My understanding is that Professor Weeramanthri ...

That was in relation to the chair of the panel. In relation to whether the panel had been established, he stated that it had been established. He said it was established. That was made very clear. The Minister for Health made the same comment on that day. The following day we heard something different. The Premier stated —

The Department of Health, the Western Australia Police Force and the Department of the Premier and Cabinet are still working to determine the scope and composition of the Quarantine Advisory Panel ... I will clarify something I mentioned yesterday. Yesterday, I said that my understanding was that Professor Tarun Weeramanthri was the chair.

Today we asked the question again and the Premier stated that the government was still in the process of creating that panel. My concern is not so much that we have had a range of different answers; my concern is about the responses we get when we ask questions. Quite obviously there is public interest in this. The lack of consistency in its responses highlights and raises concerns about how seriously this government is taking this issue.

[Member's time extended.]

Ms L. METTAM: Given the government's failings in hotel quarantine so far and given that this is one of the key recommendations from Tarun Weeramanthri, I would have thought this would be a real focus for the government, but clearly we are seeing something different. I could put that on a par with the lacklustre response we got to the first lockdown in early February. The government tried to bury the report on the ventilation issues in hotel quarantine. That lack of action led to the lockdown of Perth and Peel and saw three hotels set for closure for hotel quarantine

Extract from Hansard

[ASSEMBLY — Tuesday, 11 May 2021]

p403c-425a

Mr Shane Love; Mr David Templeman; Mr Reece Whitby; Mr Vincent Catania; Dr David Honey; Mr Peter Rundle; Acting Speaker; Ms Libby Mettam

purposes. Quite obviously, it was a damning report that was ignored by government, once again to the cost of the state and particularly our small businesses, which had to respond in a very short time to the obvious public health threat of the most recent COVID-19 outbreak.

I would like to also touch on how the government responds to COVID-19 outbreaks and, in particular, its response to the Perth and Peel lockdown. With regard to the Friday, 23 April weekend lockdown, although the government was very much aware of how it would plan the lockdown for Perth, there was very little consideration given to the implications for our regional areas. As the member for Vasse, who represents a popular region encompassing Busselton, Dunsborough, Yallingup, Cowaramup and part of the Margaret River area, I saw that weekend the government backtracking on health advice. It had not considered the implications of shutting down an area for the Anzac Day long weekend, or at any other time. It had not considered the implications such advice would have for the people of that region, particularly given that the health advice stated that people from Perth and Peel would have to wear masks, but would not have to abide by stay-at-home orders.

That basically meant quite a significant influx of visitors from the city, many of whom were out and about wearing masks. It also raised some concern among local residents, particularly for those whose immunity is challenged for whatever reason, and many small businesses that were under pressure because they did not know how to manage the situation. I spoke to one restaurant owner who was managing a wedding that weekend. They said that the wedding guests from the Perth and Peel region were not wearing masks and that that meant all their staff had to make sure they were at least equipped with masks. It created a lot of concern. Unfortunately, many businesses also shut their doors that weekend because they felt pressured and concerned about the advice. They felt an obligation to take on responsibility from a public health perspective.

On the Saturday of that weekend, the Minister for Health flagged in a media conference that people who were visiting the regions from Perth should follow the stay-at-home orders. This had not been reflected in the earlier health advice and the health advice was then backdated and adjusted that evening. That created a significant amount of concern and raised questions about why the situation had not been thought through. I understand that the Commissioner of Police was concerned that there would be an influx of visitors from Perth, all rushing to head to the regions before the six o'clock cut-off. Throughout the COVID-19 pandemic, the public of Western Australia has been overwhelmingly obedient and supportive of the government's directions. There is an opportunity now to make the guidelines clearer because that opportunity was certainly lost during that particular lockdown experience. The police commissioner and the government have flagged that there may be future lockdowns, so I urge the government to consider what the second order or other consequences will be for regions outside the metropolitan area.

Earlier I touched on the fact that the financial cost of the COVID-19 lockdowns has been carried overwhelmingly by our small business owners. In response to significant outrage from some small businesses, the government came up with a payment of \$2 000 for small businesses affected by the lockdown. Also, on 4 February, an announcement was made that a \$500 voucher would be made available for Synergy and Horizon Power customers. The government has since worked out that that \$500 bonus will not benefit small businesses that do not have a direct relationship with either Synergy or Horizon Power. I understand that those who missed out on that \$500 bonus will not be able to take advantage of such a credit until mid-June this year.

Although the government has been very clear when locking down the state, it has given very little thought to how it will support our small businesses. It has no clear plan in place to ensure that our small businesses will have the certainty and surety that they require. Overwhelmingly, our small businesses have worn the cost of the lockdowns here in Western Australia. They have borne the brunt of the restrictions. The Premier has been overwhelmingly popular and has obviously reaped the rewards of his management of the COVID-19 pandemic—we need only look around this chamber to see that. But greater consideration needs to be given to our small businesses. When the government takes a blunt approach and shuts down the whole state, or the metropolitan and Peel regions, in response to an COVID outbreak, it needs to consider not only what restrictions mean for people in other areas who are concerned about the implications of the health advice, but also what compensation will be made available to help small businesses, given that they have overwhelmingly carried a significant burden as a result of the government's response.

As I stated at the outset, the opposition has overwhelmingly supported the government's COVID-19 legislation that has needed to be passed. It is very clear that the McGowan government, and in particular the Premier, must play their part. It should not be so difficult to get information on the reports into hotel quarantine. The media had to ask many questions about the very first report into hotel ventilation issues, and it is concerning that the report took so long. There are also revelations that there was an outbreak because a hotel quarantine worker at the Duxton Hotel had COVID-19, which raises a whole raft of other concerns.

Given that the Western Australian public has overwhelmingly done the heavy lifting during the COVID-19 pandemic, it is important that the government be transparent about not only the recommendations and undertakings of reports

Mr Shane Love; Mr David Templeman; Mr Reece Whitby; Mr Vincent Catania; Dr David Honey; Mr Peter Rundle; Acting Speaker; Ms Libby Mettam

into how to improve our hotel quarantine system, but also any plans it has for our small businesses if there are future lockdowns. We do not want to see the blame game in relation to hotel quarantine; we know the system is not working. What we seek is that when investigations are undertaken and reports are written by experts, we see the recommendations are actioned, as opposed to seeing the Premier blame the Prime Minister and the federal government. It is fair to ask questions. We on this side of the house are seeking transparency from the government and its leadership on the obvious issues in the hotel quarantine system. We are also seeking certainty for our small businesses going forward, given that they have already worn the heavy cost of the management of the COVID-19 pandemic. I will leave my comments there.

MR R.R. WHITBY (Baldivis — Minister for Emergency Services) [5.38 pm] — in reply: I want to pass on my appreciation to everyone who has made a contribution to the second reading debate on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2021 this afternoon. I note that, without exception, everyone who stood up to speak said that they were going to support the legislation and that they saw the necessary need to extend its provisions. I very much appreciate the goodwill across the chamber and the fact that the opposition will support the bill.

I want to observe some of the commentary that has been made this afternoon. The member for Moore began the debate and spoke about how these matters relate to an extraordinarily important time. I saw that as recognition of the fact that we are facing extraordinary times and these are extraordinary measures that would not be required normally, but are needed when a global pandemic threatens our economy and, worse still, our very lives.

The member for Moore spoke about his concern about this legislation being a limitation on people's rights and that it was important to review it, and I agree. This legislation has been set up to last for a certain period and to deliberately have a sunset clause so that the provisions die at that date. At the moment, that date is 4 July, which I believe is uncomfortably close, and today we are extending that sunset clause, those provisions, out a further six months to 4 January 2022. Then towards the end of this year, we can give due consideration to what the COVID situation looks like in Western Australia and whether we feel it necessary to extend these provisions yet further, whether it be another three months, six months or year. I believe that at that time we will be much better informed about how we need to react. Given the rollout of the vaccine, I have a sense that we will be in a very similar position. I hope that Western Australia continues its very proud and enviable record in response to the COVID pandemic, which has been to keep the economy going, keep transmission to an absolute minimum and have only a very small number of deaths—which have been tragic, but a tiny proportion of the population—and continues the very careful and intelligent management of the COVID response we have seen from the McGowan government.

The member for Moore spoke about the lockdown in the regions and how there were issues with regional travel and difficulties in getting from one place to another. He had issues with a police officer or an Army person at a roadblock. I understand that. It was inconvenient, that is for sure. As Western Australians, we are not used to having our freedoms restricted. We get in the car to go to Bunbury, Albany, Geraldton or up north and we expect to be able to do it, so this is very unusual. But I believe the vast majority of Western Australians accepted the need for those requirements at the time. Indeed, I remember very vocal voices from the Nationals WA, and perhaps the Liberal Party, calling for these areas to be protected and cut off from Perth and calling for certain regional centres to have roadblocks to stop the movement of people out of Perth into those areas.

Dr D.J. Honey: We are still calling for that in Cottesloe!

Mr R.R. WHITBY: Are they? Okay. We might be able to arrange something, member. I hear the member might want to issue passports!

This was an inconvenience to people, but I also recall the stories from members of my community, naval officers, who were sent out to roadblocks in the middle of the bush. They were there from midnight to 8.00 am, and it was a real event. Being in the middle of nowhere as the sun came up in regional Western Australia is something they will always remember. They can recall the connection and the civility between local people. They were inconvenienced, but they got to know the people on the roadblocks. The officers tell great stories of having local people bring up scones, food and coffees for them. I think Western Australians took the inconvenience in their stride and turned it into a positive. We all have stories in our electorates of the positive civility that grew through a “being in it together” approach to COVID. As the government, we asked people to come together and be cooperative, and that was the response. It was a moment in time. We took time out, we got to know our neighbours and we got to help our neighbours. The kids took time out and engaged in things like drawing rainbows, getting to meet the neighbours and that sort of assistance. It was a very special thing. The driveway service for Anzac Day last year, and again this year for many people, was very touching and moving, and we were engaged in the community. We demonstrated the real value and power of community in Western Australia. It is often these shared challenges that bring out the best in people, and I thought we saw that.

The member for Moore also spoke about hotel quarantine, and this was an issue raised repeatedly. It is basically the tool in the shed for Western Australia to respond to this. We have been very good in protecting our community. The only place we will find COVID, the virus, is in a plane coming into the state, and that has to be dealt with. It is a necessary tool. It has been extraordinarily successful. There is literally a tiny handful of examples of a COVID case getting out through hotel quarantine and coming into Western Australia, and yet we have had well over 40 000 travellers, 40 000 people, arrive in this state and go through the quarantine system. That is extraordinary, and we have to recognise the amazing result that it is. We have to be grateful to the very hardworking security people, staff, police, bus drivers and everyone who has played a part in that incredible achievement that has played such an important role in protecting our state. It is very easy to pick up on this or that incident among 40 000-plus cases. It is very easy to point out things that go wrong, but so much has gone right and consistently goes right. We should be very proud in Western Australia that we have managed to achieve this.

A comment was made—I am not sure whether it was by the member for Moore, but certainly by subsequent speakers—that suggested that the answer, the silver bullet, was to create a purpose-built quarantine facility at great expense to taxpayers. I do not have an exact costing of one of these facilities, but I think we can confidently predict it would be in the order of hundreds of millions of dollars. The government is being asked by the opposition to commit hundreds of millions of dollars of taxpayers' money to build a purpose-built facility, whether it is at the airport, which was one suggestion, or somewhere else, and then hope and believe that we can build something that deals with a virus that not even scientists understand. We know this virus, with its various strains, is particularly contagious. We have had examples in our hotels already of it seeming to have gone around corners. We cannot still account for how some transmissions happened, yet we are being asked by the opposition to spend hundreds of millions of dollars on a specific purpose-built facility, and there is no guarantee whatsoever that we might not get the same result in that facility as we are currently getting in our hotel quarantine system, which I think is among the best in the world. I just make a comment about that. I will return to the hotel quarantine issue.

We should also remember that this COVID emergency has put an extraordinary strain on the government. It is very easy to criticise the Premier, the health minister and the senior agency representatives in health, various other agencies of government and community groups—everyone involved. It is very easy to criticise and second-guess, but I know the amazing workload that our leaders, our ministers and our agency heads have engaged in. It is literally a daily grind. There is no weekend off; there is very little time off. It is a grind. It is daily meetings. It is hour after hour. It is dealing with new issue after new issue, and it has been a tough, hard slog. That is the job of people who are elected to be in those roles, and they copped it on the chin, we all do, but it is easy to criticise when we do not realise the effort that goes into dealing with this issue behind the scenes. As I said, it is very easy to find holes. There is no perfect solution to this issue. We are still learning, scientists are still learning, but we are also dealing with human reaction and response. We are being asked to come up with a simple answer to every incident. The opposition is saying that we have to have more clarity, it has to be simple, we have to know all the rules straightaway and we have to respond immediately and have all the answers. Every issue with this virus is different. The scenarios are different—the people with it, the strain, where they might be, where they might have gone, where they live, how many others they share a house with, whether they love fast food or whether they are superspreaders or not. There are so many variations. We are never going to have an off-the-shelf solution that deals with the variations of life and human behaviour on one hand, and what we do not know about this virus and the various strains on the other. It is a very difficult issue. The member for North West Central talked about specific plans, which, again, I have answered. He wanted to know the key details. He wanted us to get it right every time and have a simple answer. As I said before, every response has to be bespoke to the circumstances; there is no easy solution.

The member for Cottesloe is again one of the people who spoke about supporting the bill. I was grateful to hear the member for Cottesloe say that he recognises the very good job the government has been doing. I think it is great and to be encouraged when people across the chamber are there to criticise and question, but when they throw us the occasional bouquet, we will catch it; thank you very much. He also said that the opposition are in lockstep with the government on its approach to COVID. We are grateful for that. There might be a few who might question that from time to time, particularly in the previous term regarding High Court actions and support for Clive—what is his surname?

Mr D.T. Punch: Palmer.

Mr R.R. WHITBY: Clive Palmer! Sorry; how could I forget that name? I was going to say Clive James. Both are comedians, but one is a bit more dangerous than the other.

There has been that bipartisan approach. The member mentioned again the fact that—this is interesting in terms of hotel quarantining—this virus is borne on aerosol and minute droplets in the air and we need to create a facility or place where physical transmission is blocked out, but people also do not share the air. I think someone else mentioned that the air cannot be moving. That is very true. That is why it is incredibly difficult, because people who go into hotels like to get fresh air, but we know that we cannot open windows because it creates a drift of particles

Extract from Hansard

[ASSEMBLY — Tuesday, 11 May 2021]

p403c-425a

Mr Shane Love; Mr David Templeman; Mr Reece Whitby; Mr Vincent Catania; Dr David Honey; Mr Peter Rundle; Acting Speaker; Ms Libby Mettam

throughout the interior of the building. The member spoke about the donga solution and that we could look at placing dongas on land at the airport. Again, I come back to the early comments. We could do this and it could cost hundreds of millions of dollars and it might not even be as good as the quarantine hotels we have now. We simply do not know. I do not know that there is any reason why we would believe that it could be any better.

Dr D.J. Honey: It's worth investigating, I think. It has been suggested.

Mr R.R. WHITBY: Yes, but short of actually constructing them and sending people to stay there, I am not sure how we would test that, particularly when we have a system, as I have described, which has had so few issues, yet safely conducted so many through this process.

The member mentioned some sort of codified compensation that should be highly targeted to small businesses. That was a theme also repeated by the member for Vasse. Again, the member for Vasse said she supported the bills and that the bills would have the support of the opposition, and that is something I am very grateful for. She mentioned that these are extraordinary powers, and indeed they are. This is for an extraordinary response and an extraordinary period. She acknowledged that the response to COVID-19 by the government had been impressive and that the government's response deserved recognition. But she also said that the public of Western Australia deserves recognition for its response, which is something we can both agree on, and the role of small businesses, too. I told the story earlier here today how small businesses in my electorate have actually pitched in with the community effort. They have responded, they have shut down and they have sometimes changed the way they operate their businesses. They became takeaway businesses when they were sit-down cafes, they have introduced new products and, in a number of cases, they have emerged stronger and better businesses. They increased takings and increased employment. It has been a mixed story for many small businesses. Again, I understand the pressure that all small businesses face, but I repeat, and I do not plan to do that now, the incredible support that has been made available and the effort that has gone into delivering that support. It is very easy to say that we should immediately roll out compensation or grants to businesses that have suffered an impact, but we owe it to the taxpayer and recipients to make sure it is done properly, that we work out who is actually in need, who has been impacted, how much is a reasonable amount and what mechanism we can use to get that money out efficiently and quickly. We are working out delivery methods and what is appropriate to do all the time. I hope there is not another lockdown, but if there is, we will be contemplating a similar response depending on the circumstances. It is something we always think about. There has been enormous support for small businesses and there will continue to be.

The member for Vasse spoke about hotel quarantining in Western Australia compared with the situation in other states, and she talked about learning the lessons from other states. One lesson that I can never forget from another state was the lesson of the *Ruby Princess*, which was the single biggest spreader event of the pandemic in Australia. It saw hundreds of infected passengers get off a ship in Sydney Harbour and walk through the streets of our biggest major city. That resulted in and was connected to deaths across Australia. That was an incredible lesson to learn and it instructed, I am sure, our Premier's response when he was faced with other cruise ship threats off our own coast. It seems a long time ago now, but this is untried territory. This is ships filled with passengers whose ships' captains were trying to berth and disgorge all their passengers and crew, and the Premier held firm to protect Western Australia. There were some transfers of people who needed hospital attention, but the lesson of the *Ruby Princess*, I believe, was the single biggest lesson of this more-than-a-year pandemic. I am still scratching my head how that could happen in a state and how the Premier of that state could be heralded as someone who saved Australia, because that superspreader event was unprecedented.

The member for Vasse also commented about an article on the WA today website about issues of hotel quarantining in Perth. I have not read the article in its entirety; I looked through it. I note that in one comment from the quoted source, a security guard, I believe, he was angrily condemning the fact that the windows could not be opened at this particular hotel. Here we have a story attacking Western Australia's response to hotel quarantining saying that one of the issues, one of the problems, and one of the bases of that attack was the fact that the hotel window could not be opened. We just heard from the member sitting opposite and other members on the opposition that we cannot have air moving in hotel quarantine. I would question some of the stuff that gets reported about our response. We are doing the best job we can, but we are not going to let people open hotel room windows and have particles in the air spread out through floors of COVID-19 quarantine areas. That struck me as quite ridiculous, yet that is a source the opposition quoted in the debate today.

This legislation is incredibly important. It is about continuing our response. We have a proud record in Western Australia in this government. We do not get everything right; that is a human condition. It is very hard to deal with this virus for the reasons that I have spoken about, but we endeavour to do as best we can. This legislation is about allowing us to have the powers to do the job, to do the contact tracing, to make the directions in the hotels, to protect Western Australians' health and also give power and protection to those people we charge to do it, so that they will not be spat upon, threatened or abused when they are protecting our lives and livelihoods. I think, Acting Speaker, you are being told that it is time for me to wind up, am I not right?

The ACTING SPEAKER (Mr D.A.E. Scaife): Very close to it, minister.

Mr R.R. WHITBY: How long have I got?

The ACTING SPEAKER: Seconds.

Mr R.R. WHITBY: I will do a dance or sing a song.

I look forward to the support of the opposition today. I am not sure whether we are going into consideration in detail —

Ms M.M. Quirk: Minister, can I ask you a question?

Mr R.R. WHITBY: Yes.

Ms M.M. Quirk: The proposition by both the members for Cottesloe and Vasse was unchallenged—that somehow the state should be assuming the constitutional responsibility for quarantine. Is that in fact the case?

The ACTING SPEAKER: Minister, given the time I will vacate the chair until the ringing of the bells.

Sitting suspended from 6.00 to 7.00 pm

Mr R.R. WHITBY: I have concluded my response, Madam Speaker.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MR R.R. WHITBY (Baldivis — Minister for Emergency Services) [7.02 pm]: I move —

That the bill be now read a third time.

I take this opportunity to thank all members who made a contribution this afternoon and this evening. This is important legislation. It provides the tools for our COVID response teams to make directions and keep the community safe, and it also protects those frontline workers from abuse, threats or danger. This bill will allow the sunset clauses to be extended a further six months from the current date of expiry of 4 July to 4 January next year. There will now be ample time over the rest of this year to consider our journey beyond 4 January next year. Hopefully, with the cooperation that we have seen this afternoon in the chamber between the government and the opposition, we can continue working together to deal with the COVID threat and we can face a future in which we get on top of this scourge and this threat to our community. Again, I thank all members for their contributions, including the Minister for Tourism for his inspired contribution.

Mr D.A. Templeman: Thank you. I do try!

The SPEAKER: You are very trying!

Mr R.R. WHITBY: I also thank all members of the opposition—the Liberals and the Nationals WA—who made a contribution, so thank you.

Question put and passed.

Bill read a third time and transmitted to the Council.