

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

Returned

Bill returned from the Council with amendments.

As to Consideration in Detail

On motion by **Mr F.M. Logan (Minister for Emergency Services)**, resolved —

That the Council's amendments be considered in detail forthwith.

Council's Amendments — Consideration in Detail

The following amendments made by the Council now considered —

No 1

Clause 4, page 3, line 7 — To delete “18” and substitute —
15

No 2

Clause 5, page 3, line 12 — To delete “18” and substitute —
15

No 3

Clause 7, page 4, line 10 — To delete “October” and substitute —
July

No 4

Clause 9, page 5, line 10 — To delete “October” and substitute —
July

Mr F.M. LOGAN: The government will obviously accept these amendments, given the fact that we have only three more days of the sitting in this term. We have to accept these amendments from the Legislative Council. I want to put on the record the government's view about what has been done in the upper house to amend a very important piece of legislation to protect the community and the safety and health of the people of Western Australia.

I remind members in the house that the bill that was brought into and passed by the Legislative Assembly sought to extend the provisions in both section 318(1A) of the Criminal Code and section 72A of the Emergency Management Act that were brought in specifically to deal with issues arising from the COVID pandemic, which is the scourge of the world. The amendment to the Criminal Code related to the behaviour of members of the general public who either assault or threaten to assault frontline officers. A number of examples were given in the upper house of charges that have already been brought in Western Australia under that provision of the Criminal Code because of the behaviour of some people in Western Australia.

The other part of the omnibus bill deals with section 72A, which contains all the building blocks to help keep Western Australia safe—the provisions for the border and the provisions for the State Emergency Coordinator to direct people to isolate and for the Department of Health to direct that people be tested. All those provisions are contained in section 72A. Obviously, the directions provided for in those provisions go beyond what is normal for the general public in the democracy of Western Australia. However, we are facing a global pandemic. A pandemic is one of the 26 threats to Western Australia covered by the Emergency Management Act. A pandemic initiates the actions under the Emergency Management Act and, in this case, a state of emergency.

To ensure that frontline officers and all the structures in place under the State Emergency Coordinator—that is, the Commissioner of Police—could continue to do their work to protect Western Australians under sections 318(1A) and 72A after 4 April next year, a bill to provide for a six-month extension to the sunset clause was brought into this house and it was voted on and approved. I said at the time that the State Disaster Council; the State Emergency Coordinator, who is the Commissioner of Police; the Chief Health Officer, and all the people underneath the State Emergency Coordinator were supportive of the six-month extension because it would give them some breathing space to deal with a continuation of the threat of COVID-19 to Western Australia. Everyone agreed with it. The State Disaster Council and cabinet agreed with it. We brought that bill into this house. I remind members that the member for Churchlands agreed with it and I will quote from *Hansard* of Wednesday, 4 November 2020.

Mr D.R. MICHAEL: I would like to hear further from the minister.

Mr F.M. LOGAN: The member for Churchlands said —

I say at the outset that the Liberal Party opposition supports the Minister for Emergency Services' request to extend the provisions in the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2020 because it must trust that the rationale and reasons given for the extension are warranted.

That was great. The member for Churchlands, one of the only sensible people in this house, had a briefing, understood what was put to him by members of my office and others, and accepted the provisions that were put before this house. Unfortunately, when it came time to vote on the amendment moved by the member for Moore to reduce the six-month extension to three months, the opposition decided to vote the other way.

I thought we had an agreement that the six-month extension was going to be supported. Clearly, between the time the member for Churchlands made his comments and the member for Moore moved his amendment and brought it to a vote, the Liberal Party decided to change its view. Nevertheless, in this house, the amendment moved by the member for Moore was defeated.

It went to the Legislative Council and a similar debate was held in the Legislative Council. We had contributions from Hon Nick Goiran, Hon Colin de Grussa and Hon Tjorn Sibma in support of an amendment that was virtually identical to the amendment put before this house by the member for Moore and, unfortunately, it was carried. As I said in this house when we defeated the amendment put up by the member for Moore, it is exactly as the member for Churchlands said, which is that we must listen to those people who are on the front line dealing with this pandemic: that is, the State Emergency Coordinator, the Chief Health Officer and others who know best. It is their legal obligation to look after us during a state of emergency. But Hon Nick Goiran, a suburban lawyer; Hon Colin de Grussa, a farmer; Hon Tjorn Sibma, a political hack; and the member for Moore, an ex-farmer, know better than all the people involved in the State Disaster Council, all the emergency service workers, the Commissioner of Police, the Commissioner for Fire and Emergency Services and the Chief Health Officer. They said, "We'll tell you what the extension should be. We'll tell you because we know better than you. I know you wanted six months, but as far as we're concerned, because we're so bright, we're going to give you three months." That is what they have done to us. It is a disgrace. Remember, we are in the middle of a global pandemic! This is not political fun and games. Members can see what happens when there is political interference in a state of emergency or a pandemic. It creates a situation like the United Kingdom or the United States. Yesterday, 200 000 people got COVID! Why? It is because of political interference and political leaders who think they know better than all the emergency service workers and all the medical advisers. That is what we would end up with.

I said this before when issues like bushfires came up and people tried to play games with the issues around bushfires, whether it is the opening or the closing of the highway to the eastern states. I said it then: "Don't politicise emergency services!" People get hurt when that is done. Things go wrong—badly wrong! Here we are again, in the COVID-19 global pandemic. The frontline officers just want that six-month extension to give them some breathing space, but no, we have smart people in politics who know better than them, and they have decided to cut it back to three months. We cannot do anything but accept this. We have to accept it, but, unfortunately, it will be a very black mark on the opposition. I move —

That amendment 1 made by the Council be agreed to.

Mr R.S. LOVE: Thank you, minister, for those typically over-the-top remarks.

This amendment does not leave Western Australia unprotected. This amendment provides for a three-month period after the next election for a new incoming government and, thank goodness, a new minister who will sit in this chamber and propose to the chamber the next extension, if it is needed. The chamber, along with the other place, will be able to examine it just as quickly as we have here and come to a conclusion of whether the extension is necessary. At no time will this leave Western Australia exposed in any way. Western Australia will be covered until the next government is able to make its own decisions. It is the job of Parliament to review legislation and to keep an eye on the freedoms of Western Australia as well as to protect Western Australians. That is what we are doing. We are protecting Western Australians from overreach by people like the minister. Thank goodness for the other chamber of Parliament.

Mr F.M. Logan interjected.

The DEPUTY SPEAKER: Minister and member for Moore, can you bring the tone down a little bit. We do not need yelling across the chamber from either the minister or the member for Moore. Please continue your debate with a different tone.

Mr R.S. LOVE: Thank you for your words, Madam Deputy Speaker. I will continue with my remarks.

At no time will Western Australia be left unprotected because of these amendments. There will be plenty of time for the new minister and the new government to come forward to the Parliament and bring a bill very similar to this one, and explain to people that it is needed. The new members of Parliament will take a vote and make their own decision. We do not need to make those decisions for them. We need to leave them to make those decisions. They will have three months in which to make that decision. Good on the members of the other place who dug into the matter. My understanding from my reading of *Hansard* is that there was not any health advice that directly supported six months.

In spite of what the minister is saying, there was no such advice. On the basis of that, all parties except the government voted to limit the extension to three months, which was considered appropriate. It is doing its job as the house of review. We are doing our job as members of opposition parties in this place to ensure that the government has the tools it needs to keep Western Australians safe, but it only has those tools for the time necessary to keep Western Australians safe.

Mr F.M. Logan: In your view!

Mr R.S. LOVE: It is my view as a parliamentarian. I might not be a health spokesperson or a policeman, but I am a member of Parliament. I know that it will not take more than three months for this simple bill to be brought forward and be reconsidered in plenty of time, if it is needed, in the following year. This will not leave Western Australians unprotected. The minister is trying to raise emotional claptrap over a simple matter of timing. Three months after the next election is plenty of time. It is three months for the government to bring forward a bill that should take no more than a few hours to get through the Parliament.

Mr F.M. Logan: A few hours? It took a week to get out of this house.

Mr R.S. LOVE: It did not take a week! The government did not bring it into the house until Wednesday.

Mr F.M. Logan interjected.

Mr R.S. LOVE: That is not true. The government did not bring it to the house with plenty of time. It did not give my party a sufficient opportunity before it brought it to the house to examine it.

Mr F.M. Logan interjected.

The DEPUTY SPEAKER: Minister.

Mr F.M. Logan interjected.

Mr R.S. LOVE: You did nothing!

Several members interjected.

Point of Order

Dr D.J. HONEY: Point of order.

The DEPUTY SPEAKER: Members! Minister, you are on a razor's edge at the moment. We do not need either of you yelling at each other and interjecting. The member for Moore has the call. Does the member for Cottesloe have a point of order he would like to raise?

Dr D.J. HONEY: No. It was exactly that, Madam Chair. The speaker was not able to proceed unimpeded by the minister.

Debate Resumed

Mr F.M. Logan interjected.

The DEPUTY SPEAKER: Minister, I have issued warnings. I will start to call people.

Mr R.S. LOVE: I notice that there is a member of the press watching this. I want the people of Western Australia to understand that this does not leave them exposed to any health threat. No evidence was provided in the other place about this extension of three months being any more or less dangerous than an extension of six months. There is plenty of time for this to be re-examined in the new Parliament. I am not a policeman or a doctor; I do not pretend to be. I am a member of Parliament and I know how long it takes to get simple legislation through the Parliament. It does not take weeks or months. It does not take more than a few hours if the government does it properly and informs the parties properly. If the government did its job properly, this would have been done on Tuesday.

Mr F.M. Logan interjected.

The DEPUTY SPEAKER: Minister, I call you for the first time.

Question put and passed; the Council's amendment agreed to.

Mr F.M. LOGAN — by leave: I move —

That amendments 2 to 4 made by the Council be agreed to.

I hope that the member for Moore's views about getting bills through this house is as positive as he thinks it could be. Just remember this: in a new Parliament, all the provisions that we have in place at the moment for dealing with COVID bills will have to be dealt with again. I do not know whether the opposition in the next term of Parliament will agree with that, whoever it will be. It might turn around and say, "Well, as far as we are concerned, COVID has gone away, so we're not going to agree to have these bills go through the house as quickly as possible." The member assumes that everything will continue as normal. I hope that he is right, but we do not know that. The process that we currently have in place to deal with COVID bills, with agreement from the opposition, will have to be reinstated.

That all has to be agreed to. I do not know whether it will be agreed to, but the member has assumed that it will be. We also do not know when Parliament will return. The member has assumed that Parliament will return straightaway, but that is up to the next government.

Mr R.S. Love interjected.

Mr F.M. LOGAN: It will be up to the next government. The member is just —

Ms R. Saffioti: The existing government might not let go, Trump-style.

Mr F.M. LOGAN: That is right. I am sure it will, Minister for Transport. However, many assumptions were built into the member for Moore's view that the further extension required on the two components of the omnibus bill would just naturally go through within a few days. Well, it did not go through this place or the upper house in a day or so—or hours, as the member said, which was just not true. I hope it does pass through here that quickly, member for Moore. Unfortunately, we will be stuck with the COVID-19 pandemic next year. I give the member an example from today. Today, 215 international passengers arrived from overseas and we now have three new COVID cases. I have pointed out that every single day, all the people who arrive with COVID are from overseas. They are returning international travellers from Western Australia, who have been dealt with through the structure that we have put in place for people who have contracted COVID—by isolation in hotels. That will continue next year and the thousands and thousands of people who will be returning will continue to return during the election period and beyond. I hope that the member for Moore may well be right and that the government in a new Parliament can deal with an extension to those protective powers and rights under section 72A of the Emergency Management Act to direct. God help the member if those powers expire, because, as I pointed out to the house, if the provisions under section 72A of the Emergency Management Act are not extended and they drop away, that is it; there will be no more powers to allow our frontline services to deal with COVID. That is the risk that the member has taken. I have raised this matter in the house before. The member's party initiated the change, so let us see what happens. Let us see if the member is right. If he is wrong, he will be in it over his neck.

Question put and passed; the Council's amendments agreed to.

The Council acquainted accordingly.