

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

ANSWERS TO ADDITIONAL QUESTIONS

Department of the Premier and Cabinet

Hon Nick Goiran MLC asked:

1) I refer to page 64, Budget Paper 2, Volume 1 amounts allocated to COVID-19 response, and I ask:

a) How much is spent on managing the State Emergency Management Committee (SEMC)?

- No amounts were allocated to State Emergency Management Committee in the WA COVID-19 Response.

b) How often does this Committee meet?

- SEMC meet five times per year.
- SEMC have prescribed functions under the *Emergency Management Act 2005*.
- SEMC did not convene for COVID-19 specific items.

c) Are members paid per meeting?

- No

d) If yes to c) how much?

- Not applicable

e) How many directions have been made since March 2020?

Question to be referred to SSO for response.

f) Which six directions currently rely upon the emergency powers available following a state of emergency declaration under the Emergency Management Act 2005?

Question to be referred to SSO for response.

g) Are you aware that the Australian Human Rights Commissioner has concerns about the long-term use of state of emergency laws;

- The COVID-19 pandemic is one of the largest pandemics in recorded history. The state of emergency declarations and the use of emergency powers have proven essential in managing the spread of COVID-19 in Western Australia.
- The emergency management response to the COVID-19 is under continual assessment. Both emergency declarations must be extended in writing every 14 days.
- The Minister for Health and Minister for Emergency Services must be satisfied of relevant points under Part 12, Division 3 of the *Public Health Act 2016* and Part 5, Division 1 of the *Emergency Management Act 2005* to extend emergency declarations. Decisions to extend these declarations are informed by consultation with the Chief Health Officer and the State Emergency Coordinator respectively.
- If these declarations had not been extended, Directions that have been made for the purposes of managing the emergency would cease to be available. This includes Directions requiring isolation for positive cases, protocols for close contacts, and public health and safety measures such as masks in high risk settings.

h) What justifies the ongoing use of these emergency measures?

- Based on the advice of the Chief Health Officer, baseline measures are in place to protect vulnerable cohorts from severe disease and manage the impact of COVID-19 transmission. This includes Directions requiring isolation for positive cases, protocols for close contacts, and public health and safety measures such as masks in high risk settings.
- The State of Emergency declarations and use of emergency powers continue to enable the WA Government to effectively manage the ongoing impact of the COVID-19 pandemic.
- Furthermore, COVID-19 remains a pandemic as declared by the World Health Organisation. The emergence of new variants and their impact on the broader society warrants caution.

i) What is needed for these measures to be removed?

- The emergency management response to COVID-19 is under continual assessment and this includes review of the emergency declarations and the use of emergency powers.
- Decisions to extend both the State of Emergency and Public Health State of Emergency occur every 14 days. Before extending these declarations, the Minister for Emergency Services and the Minister for Health consult and consider advice to appropriately inform the decision and will satisfy themselves of other necessary pre-conditions for extension to be met.
- The emergency declarations will only be in place for as long as required to protect the health, welfare and economy of WA. The declarations will be revoked at the appropriate time, when supported by health advice.

j) Are you aware that Victoria's new legal framework, which replaced its state of emergency in December last year, requires leaders to table their reasoning for any pandemic restrictions in Parliament?

- Yes, the Government is aware of Victoria's legal framework as well as those adopted in all other State and Territories.

k) Are there any plans to adopt something similar in WA?

- In Western Australia, the *Emergency Management Act 2005* and the *Public Health Act 2016* enable the emergency declarations and the use of emergency powers required to manage the ongoing impact of the COVID-19 pandemic.
- Despite not being required to be published under legislation, advice from the Chief Health Officer relevant to COVID-19 measures is published on the WA.gov.au website. As well as publishing, relevant information is repurposed and clearly communicated across the WA.gov.au website for the wider community to understand.

Minister's initials

