



DAVID MORRIS MP
Member for Mornington

State of Emergency – No Extension Required

Posted on 19 February 2021

Mr MORRIS (Mornington) (10:55): I rise to oppose the effectively open-ended extension of the state of emergency that is proposed by this bill.

A dictionary definition of an emergency is, 'serious, unexpected and often dangerous; a situation requiring immediate action'. A state of emergency is an extreme measure. It is intended for extreme circumstances.

That is why the maximum period is, under normal circumstances, six months. It is a state of emergency, a dangerous situation and one where immediate action is required.

The member for Ivanhoe was just talking about the genesis of the principal act, and yes, it is entirely sensible to include these sorts of provisions in legislation. You cannot prepare for what you do not know.

Whether it is a disaster in the context of this act, a medical emergency, a pandemic, events of this nature do not give much warning, if any, and that is exactly what the state of emergency is designed to handle, the immediate event.

That is why the act requires that any declaration of a state of emergency is broadcast when it is declared. That is why gazettal is required. That is why the maximum period of a declaration is four weeks before an extension is needed.

That is why the minister is required to report to Parliament both on the state of emergency and on the minister's actions under the state of emergency 'as soon as practicable', in the words of the act—not at the conclusion of the event, not when it suits the minister—as soon as practicable. Why? Because it is an emergency and the Parliament needs to know.

You cannot use such draconian and arbitrary controls and powers as are contained in this legislation to govern in a democracy, but that is what has occurred. That is what has been going on for the last 12 months.

Now the government wants another nine months. What happens when we get to November? Will there still be this wicked virus? Will we need another three months? Will we need another six months? Will we need another—oh, I do not know, perhaps six weeks from the election we can bring the state of emergency off. Given the track record of the Premier, that would not surprise me in the slightest.

It is now almost 12 months since the first declaration. Victorians have endured a full year, or

almost a full year, in which their democratic rights have been sidelined. Initially there may have been justification for the government's actions, but further frivolous extensions cannot be justified.

Yes, this is a serious situation. No-one underrates it. It requires management; it requires vigilance on the part of the government and on the part of the community, but no-one can argue that this is now an unexpected situation.

In fact you only need to look at the Premier's own language: 'COVID normal'—normal, not COVID emergency, COVID normal.

No-one on this side of the house is saying that nothing has changed since February 2020. No-one is saying we do not need to take precautions. No-one is saying we do not need special measures to facilitate whatever those precautions may be. But they do need to be based on science. They do need to be based on medical advice, but they also need to be based on the reality that is COVID normal.

There can be no justification for keeping in place an emergency regime that allows people to be confined to their homes and that prevents people from going about their business provided they do so in a COVID-safe fashion. You do not need a state of emergency simply because the government cannot get its act together.

It is a matter of record that right from the start of this pandemic, the opposition indicated our willingness to work with the government, to work together to put in place the necessary measures, to work together to fight the virus, to work together to keep the Victorian community safe. Is it equally a matter of record that not only has the government refused to observe the normal courtesies—and no surprise there—they will not enter into any dialogue whatsoever.

Bipartisanship is exactly that: it takes both sides, not one side dictating the terms and the other side meekly rolling over. But that is what the government would have us do.

For this Premier, it is his way or the highway. The Premier would rather keep the control that comes with a state of emergency; keep the population off balance, never knowing when they will be confined to their homes, never knowing when next their businesses will be shut down, never knowing when they may be prevented from seeing their parents or seeing their grandkids.

Why?

The government does not want a solution. They are happy to have the problem because it gives them an excuse to keep these autocratic controls in place.

Now, I think we can all be very proud of the way the Victorian people have responded over the past 12 months. They endured the first lockdown with good grace. They trusted the advice, and not only did they trust the medical advice, they trusted the government's advice as well.

They endured the second lockdown in a similar stoic fashion. They were resigned to what had to be done. They understood the cause of the breakout—they understood it was the failure of the government to build a hotel quarantine system that kept its clients safe and kept the rest of Victoria safe—but they did what needed to be done to get on top of the situation.

Those two lockdowns did exactly what they were intended to do—they bought the government time. They bought the government time and opportunity to fix the hotel quarantine system, to get into place an effective and timely contact-tracing system, but that did not happen.

All we have to show for those two lockdowns is an inquiry that found no-one was prepared to take responsibility and that the hotel quarantine system had failed. We did not need to know that; we knew that. We also now know that the contact-tracing system we have in place is not fit to fight the Spanish flu, let alone COVID-19.

The government has failed Victoria and now they want to extend the state of emergency so they can do it all again.

Now, I am genuinely concerned because the most recent lockdown, when it came, was a very different experience to the first two. It was clear that many people have lost confidence in the system. It was clear that many people simply ignored the directions, whether it was crowds on beaches, large gatherings in public parks or lots of cars on the road—nothing like the silence that we saw with the first two.

Many, many people simply ignored the directions and went about their business as usual because they could see that the Premier had panicked; they could see that the government had panicked. They knew that this was a kneejerk reaction to the latest failure of hotel quarantine—and when is it going to happen again? They knew that this was just the latest failure of the so-called gold standard contact-tracing system that we now know is a complete dud.

I think we are at a difficult point because confidence in the public health system remains intact but it has taken a hit. It has been compromised.

It is critical that confidence in the system is maintained because you cannot manage events like this through enforcement. There are far too many people and far too few police to try that tactic.

We depend as a society on the overwhelming majority of people doing the right thing, but they will only do the right thing when the measures that are imposed on them are reasonable, necessary and transparent. And if they begin to believe that the controls are intrusive and unnecessary, the whole house of cards collapses, and in the event of another outbreak that would be catastrophic.

The government cannot continue to rely on these arbitrary and draconian controls when clearly we are past the phase of emergency. We have entered COVID normal.

We are prepared as an opposition to support reasonable measures to ensure that the virus is managed, that the community is protected, but we are not prepared to support the ongoing suspension of Victoria's democratic rights that a continuation of the state of emergency would allow.