

Rationale for Parliamentary Committee Inquiry into COVID-19 Response & Recovery

May 2020

Role and functions of the proposed Joint House Parliamentary Committee:

1. Ensure focused and rigorous scrutiny of COVID-19-related regulatory decisions undertaken as efficiently and effectively as possible.
2. Collate, document and analyse in a timely manner Tasmania's governance record of this unprecedented and pivotal moment in history. A comprehensive but non-partisan generated, governance record will provide an invaluable point of reference for any imminent or future COVID-19 related outbreaks, or unrelated but similarly catastrophic events.
3. To make recommendations based on its inquiry into the above, as well as how to best fortify and make more resilient a post-pandemic Tasmania's social, cultural, environmental and economic fabric into the future, so as to better prepare for and withstand any future potentially catastrophic event.
4. Provide a transition evaluation mechanism by which collated experiences and initiatives from across all sectors of the community can help inform Tasmania's recovery plan, especially the exploration of alternatives to any austerity-based response and the cutting of community services.
5. Provide a platform for all Tasmanians to 'debrief' and share, their experiences, challenges and opportunities identified, now and moving forward. Including those on the frontline and undertaking essential roles, this will facilitate the comprehensive identification of key lessons to be learned immediately and for future consideration. This compilation of collective experience during this historic period will be a significant resource for both our ongoing recovery plan, and for posterity.

We will not have the excuse of 'unprecedented' next time.

"These are extraordinary times that require extraordinary power and therefore extraordinary scrutiny. We have to make sure that all the decisions that are made in this time are evidence based and have the appropriate level of transparency, scrutiny and input. Now more than ever we need evidence-based decisions... I very much hope that when this committee is established it is seen as not a burden by the government but rather an opportunity to send decisions, to send ideas, to send proposals to the committee for constructive feedback."

ACT Parliament, Mr Alistair Coe Leader of Liberal Opposition, 2 April 2020.

Timing is of the essence:

- As the pandemic's first wave subsides now is an appropriate and constructive time to maximise immediacy of experience for individuals and stakeholders, as well as informing the recovery of a post-pandemic Tasmania.
- We need to capture in a timely manner key government, industry and others' actions, experiences and reactions while they are still fresh in people's minds, and the current context is understood.¹
- As the state emerges from the initial crisis mode of the pandemic, experts are warning to expect degrees of grief and trauma to be experienced across the community. As witnessed following other seismic shocks, the formal open, focused and rigorous parliamentary inquiry process may assist in the necessary healing process.
- The establishment of a committee before the parliament takes its winter recess, is also a logical and efficient time to prioritise the inquiry's commencement, while minimising disruption to parliament's legislative priorities.
- The potential winter commencement coincides with the current expected expiration of both Tasmania's public health emergency (declared on 17 March and due to end on 9 June 2020), and the state of emergency (declared on 19 March and due to end on 11 June 2020).

"I think we can be 100 per cent confident that, without making any criticism of anyone, in relation to some of the things we think now are the best way of dealing with the situation, in a couple of months time it will become obvious that there were some other options or there were some unintended side effects." **ACT Parliament, Ms Caroline Le Couteur, Greens, 2 April 2020.**

"It is more important than ever to have some sort of independent oversight of what are some of the most significant decisions that this parliament will ever make. As has been said countless times, we are in unprecedented times and the government is making enormous and significant decisions that need independent review and oversight." **Queensland Parliament, Mr Tim Mander LNP Deputy Leader of the Opposition, 22 April 2020.**

¹ The significance of timely 'capture of experience' for posterity is recognised in joint media statement (9 May 2020) by Ministers Rockliff and Archer calling for Tasmanians to support TMAG's [COVID-19 Stories Project](#).

Why a Parliamentary Committee?:

- Crucially, despite the limited recall of the Tasmanian Parliament, restrictions remain. Currently the Parliament is limited to considering government business only, with other normal scrutiny provisions, such as private members time in the Lower House, enabling independents and opposition representatives to raise and debate other matters on behalf of the community are in indefinite abeyance.

During the second half of the year, the standard parliamentary sitting day will be, rightfully so, consumed with prioritising the state budget.

"The government supports the establishment of this select committee and thanks the whips for the collegiate manner in which this motion has been drafted." ACT Parliament, Ms Tara Cheyne ALP & government Whip, 2 April 2020.

- On the surface the current Joint House Subordinate Legislation Committee would appear to be a potential vehicle to inquire into the state's COVID-19 response and recovery. However, as raised in the Parliament and directly with the Premier, this Committee does not have the powers necessary to scrutinise COVID-19 related directives, issued as part of the government's response to the pandemic. Hence it cannot provide the scope, rigour or community inclusion required.
- A joint house inquiry provides a more accurate reflection of our diverse community, than a single Chamber inquiry can, while also helping to address any concerns or perceptions of one party agenda dominating.
- Both Houses can, and should, share in the responsibility and workload of undertaking this vital work for both the immediate community as well as posterity.
- It will assist in restoring public confidence in Tasmania's governance and oversight mechanisms following the lockdown-related interruptions to established parliamentary processes. Tasmania has fallen 'behind' other interstate parliaments when it comes to rigorous scrutiny and oversight of COVID-19 related activities.
- Democratically, Parliamentary Committees are an essential feedback loop between the Executive, Parliament and electorate, and one which operates within established transparency, and accountability principles and mechanisms.
- It will complement other panels, such as the Premier's non-parliamentary Advisory Council, due to a Committee's more flexible time frame allowing for a rigorous examination, plus enabling interested individuals and stakeholders across all sectors to make representations documenting the immediate, short and long-term impacts of COVID-19 on their lives and livelihoods, on an equitable footing.
- A community inclusive platform also helps to depoliticizing the review and recovery process, and open up the discussion on how best to renew and rebuild a resilient post-pandemic Tasmania in the immediate, short and long term future. Potentially fostering a sense of community ownership of any proposed rebuild plan, and social cohesion moving forward.
- In 2000 the (currently non-reconvened) Joint House Working Arrangement of the Parliament Committee submitted [Report No. 7](#) which identified that additional to ensuring "... the accountability of the Government to the Parliament", Committees have a crucial role to:
 - provide a means for active public input into the Parliamentary process, and formulation of public policy, **ensure all views on any issue have the opportunity to be publicly aired.**

The proposed parliamentary committee inquiry into Tasmania's COVID-19 Response and Recovery would fulfil these identified parliamentary responsibilities, while ensuring we identify all lessons to be learned from the enormous range of challenges the COVID-19 pandemic has, and continues to, present.

"We welcome the scrutiny. We do believe there is a need for scrutiny. We understand and appreciate that, in these extraordinary times, the government has been required to make very significant decisions, and, as one of the senators mentioned earlier, there is no manual on how to deal with this crisis in the best possible way. We're making judgements every single day to the best of our ability, but it is appropriate that those judgements that we make are scrutinised and challenged to help us make even better decisions as we go along. So it is very important to have in place a committee of the type that is being proposed by Senator Gallagher to do this job."

Senator Mathias Cormann (Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate), 8 April 2020.

"We understand that governments of all tiers are having to make necessary decisions in response to this crisis. The first duty of any government is to keep its people safe. There is a responsibility to ensure that, wherever possible, the burdens and financial responsibility sacrifices, are distributed equally and fairly. The law of unintended consequences hold that when attempting to solve one problem, we should be wary of the unintended consequences or unwanted outcomes. In other words, when solving one problem, we do not want to create another. There is a danger, no matter how well intentioned we are bringing legislation into this Chamber, that changes sometimes makes things worse and unintended consequences flow." NT Parliament, Mrs Lia Finocchiaro, Country Liberal Opposition Leader) 24 April 2020.