



Dan Vs Democracy

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When Victorian Premier Daniel Andrews says that it is ‘foreseeable’ that a state of emergency could last beyond another 12 months, Australians would not be out of place in wondering if that means until or beyond the next state election due in November 2022. Australians would also not be out of place in wondering what expectations Mr Andrews is trying to manage when he says ‘I hope we are wrong in predicting this [the virus] will still need rules in 12 months. Hopefully we have got a vaccine by then.’

Perhaps Brett Sutton, Victoria’s Chief Health Officer, will declare voting in person a public health risk, and only electronic or postal voting would be allowed. Or perhaps only those who wear a mask, have a contact tracing application on their phone, or who have received a vaccine if it should be available by then will be given permission to vote in person.

These are heady thoughts, but these are heady times and our freedoms, our democracy and our very way of life are too important for us not to start contemplating them. Similar issues confront the American electorate ahead of November’s presidential election, with Democrats’ pushing for



postal voting and Republicans preferring the more democratic in person voting due to concerns over the validity of postal ballots.

Of course, Mr Andrews can only use the absence of a vaccine as an excuse for a near-perpetual state of emergency because Scott Morrison has all but confirmed normality won't return until a vaccine is here. And Mr Andrews knows that the federal government will simply pick up the tab for the economic and humanitarian destruction wrought by the brutal lockdown measures through, for example, extending JobKeeper or JobSeeker payments.

A state of emergency was first declared under Victoria's *Public Health and Wellbeing Act 2008* on 16 March and can be extended by four-week increments up to a six-month limit. This means that the state of emergency must end at 11:59pm on 13 September. Mr Andrews wants to circumvent this constraint on his power either by introducing amendments to the Act or through a different legislative mechanism. The *Age* is reporting that 'A third, radical solution would be for the government to invoke an extraordinary power it already has to suspend the six-month limit without the approval of parliament.' This could potentially mean that the state of disaster powers, which were declared on 2 August, could be used to override the six-month limit on the state of emergency powers.

But Victorians and Australians would do well to remember just what these emergency declarations have achieved. Nearly all agree that a state of emergency was valid and necessary back in March. Governments did not know what they were dealing with and the consequences of getting it wrong in terms of an overwhelmed and underprepared hospital system were disastrous. But it quickly became obvious to many by mid-April that the virus needed to be contained without jeopardising the economy. Alas, we were ignored and instead, the trust and confidence that Australians placed in their premiers has been egregiously abused. And nowhere more so than in Victoria.

Mr Andrews covered up the Covid cluster which emanated from the Cedar Meats abattoir – a company which also happened to be a donor to the Labor party. Then came the hotel quarantine fiasco, responsible for more than 99 per cent of cases genomically tested in Victoria and therefore responsible for the stage-4 lockdown restrictions Victorians are suffering under. There were also the obnoxious double standards whereby Black Lives Matter protesters were exempt from Covid restrictions.

The lockdowns were petty and excessive, with activities like surfing alone in the ocean vigorously stamped out. Worse, they were ineffective. Victoria has had the strictest lockdowns in the nation, but the worst results in terms of rising case numbers and deaths. Victorians have lost their jobs, livelihoods and freedoms and are now living in a state of perpetual anxiety and panic disproportionate to the public health risk. Mr Andrews' latest power grab means they are at risk of losing their democratic rights, too.

Mr Andrews claims the state of emergency declaration is the 'legal instrument that allows rules about face masks, about Covid-safe work plans in workplaces large and small, [and] density limits in pubs and cafes and restaurants.' This is simply false. Such requirements, if considered



necessary, can be made via Acts of Parliament, rather than through emergency declarations. But that would mean Mr Andrews would have to face the scrutiny of the Victorian public via the lower house – the people’s house – sitting as normal again, which is something he wishes to avoid at all costs.

This is no longer about epidemiology or public health. This is Daniel Andrews versus democracy.

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