



PREMIER OF TASMANIA

21 December 2023

Ms Robyn Kruk AO
Chair, COVID-19 Response Inquiry
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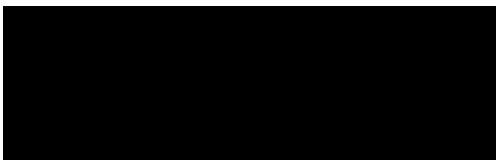
Dear Ms Kruk,

The Tasmanian Government welcomes the opportunity to provide a submission to the Independent Panel conducting the COVID-19 Response Inquiry.

Our short submission is attached for the Independent Panel's consideration. This submission has been guided by the Terms of Reference provided by the Panel and sets out what worked well, challenges and suggestions for improvement in the following two areas: governance through National Cabinet and roles and responsibilities. If required, further information on any of the points raised in the submission can be provided by my Department.

Thank you again for the opportunity to provide a submission. The Tasmanian Government looks forward to further engagement with this Inquiry as it progresses.

Yours sincerely

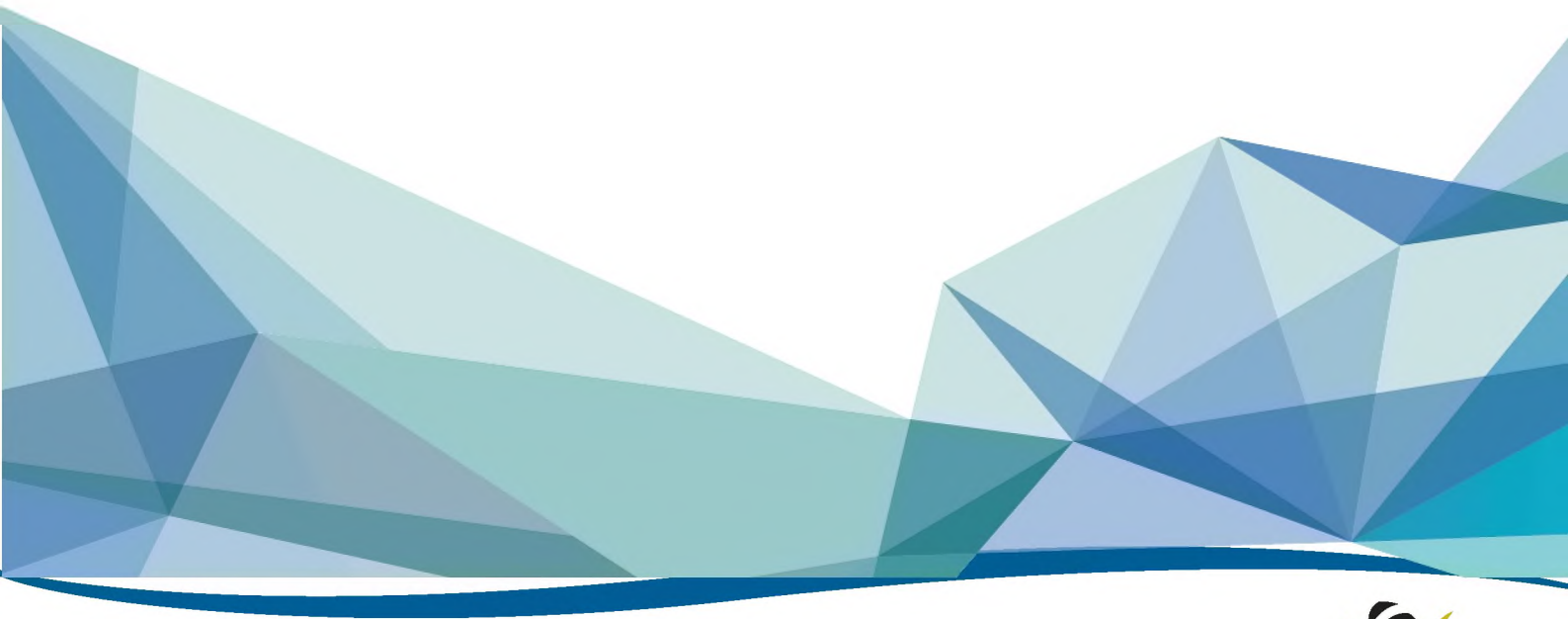


Jeremy Rockliff MP
Premier

Tasmanian Government submission

COVID-19 Response Inquiry

December 2023



The Tasmanian Government welcomes the opportunity to make a submission to the independent COVID-19 Response Inquiry. We recognise the value in identifying lessons learned from the COVID-19 response to ensure Australia is in the best possible position in the event of future pandemics or other emergencies.

This submission considers both health and non-health responses to the COVID-19 pandemic. Reflecting on the intersections of the Tasmanian Government's role with that of the Commonwealth, this submission covers two key areas: governance through National Cabinet and roles and responsibilities of the Commonwealth, state and territory governments. This submission includes suggestions for improvements in both areas.

Introduction

Tasmania's experience of COVID-19 was different to that of other Australian jurisdictions. Following an outbreak in the State's North-West in April 2020, the Tasmanian Government deployed a range of border controls, public health and social measures (PHSM), testing, tracing, isolation and quarantine (TTIQ) measures and, as vaccines became available, vaccination. Together, the measures helped to minimise the entry of COVID-19 cases to Tasmania, minimise COVID-19 transmission in Tasmania and ensure continuity of health and other service delivery.

From June 2020 to mid-December 2021, there was no community transmission of COVID-19 in Tasmania – a near unique experience worldwide. Substantial control strategies were maintained until the population was sufficiently vaccinated. Following the cessation of border controls and quarantine requirements for travellers in mid-December 2021, community transmission of COVID-19 quickly occurred. PHSM, TTIQ and vaccination requirements were progressively modified as the State moved towards managing COVID-19 like other common respiratory pathogens.

Governance through National Cabinet

Given the whole-of-government implications of the COVID-19 pandemic, establishing National Cabinet as the key decision-making body guiding Australia's response was appropriate. Many aspects of governance through National Cabinet were highly effective, however states and territories did experience some challenges with the system and there are improvements which could be made.

What worked well

National Cabinet responded well to the COVID-19 pandemic by supporting:

- A streamlined operating model that facilitated a command-and-control response to COVID-19 through direct discussion, debate and cooperation between First Ministers. This was in direct contrast to the complex and slow bureaucratic processes that characterised the former Council of Australian Governments (COAG).

- Opportunities for First Ministers to receive direct advice from experts such as the Australian Health Principal Protection Committee and the Productivity Commission. This enabled them to make informed decisions quickly without advice being filtered through government departments and other bodies.
- Principles-based, consensus decision-making which allowed states and territories to tailor implementation of agreed plans such as the National Plan to Transition Australia's COVID-19 Response to account for local risk considerations.

Challenges

Challenges experienced with the National Cabinet system included:

- In the initial phases of the pandemic, due to the frequency of National Cabinet meetings, the receipt of agendas and papers close to meeting times was understandable. However, as the frequency of meetings reduced, there was not a proportionate change to when agendas and papers were received. This meant there was not much time for states and territories to consider the papers and prepare advice.
- Early in the COVID response, National Cabinet was rightfully focused on issues that impacted the nation and the agenda was set by the Commonwealth. As the pandemic progressed, there was a need for the issues and decision to reflect the diversity of challenges and circumstances being faced across the nation. This is challenging to achieve through the National Cabinet process.
- National Cabinet decisions were sometimes difficult for states and territories to implement due to jurisdictional differences. For example, the decision that all states and territories would accept repatriation flights was challenging for Tasmania given the State's limited customs and border control presence. Planning for the one flight Tasmania did accept was time-consuming and resource intensive.
- Initially the classification of all National Cabinet papers at 'Secret' level created challenges for sharing the information with State Servants who did not have the required security clearance to access them. A review of the appropriate security classification for papers before release would have facilitated easier information sharing.
- Communication between National Cabinet and Ministerial Fora was often challenging given the rapid rate of change and fast turn-around of decisions. Further consideration needs to be given to supporting communication between National Cabinet and relevant Ministers and senior officials tasked with implementing decisions.

Suggestions for improvement

Simple changes to National Cabinet processes and conventions would ensure National Cabinet is well-placed to drive outcomes for all Australians and respond in the event of a future pandemic. Some suggestions are:

- Clearly establishing agreed policy and principles ahead of a future pandemic or other emergency outlining National Cabinet's role and how this changes across different

phases of the event. This may be akin to state and territory emergency management arrangements which establish clear roles for the different bodies and individuals involved in emergency management. The policy and principles should include a clear articulation of:

- Pathways for expert advice to National Cabinet and how this differs from arrangements outside of an emergency; and
- Clear processes for the circulation of expert advice to support robust decision-making.
 - It is likely that meetings would need to occur at short notice and with last minute papers early in an event, before then reverting to a more regular schedule with papers distributed in time for policy consideration and stakeholder consultation by state and territory governments.
- An accepted process for setting the agenda and lead agenda items for National Cabinet meetings, including process for ensuring that discussions reflect the diversity of circumstances being faced across jurisdictions.
 - National Cabinet should continue the recent recognition of CAF as an effective forum for states and territories to raise issues and bring items to the attention of National Cabinet.
- Ensuring National Cabinet papers are released at the appropriate classification level.
- A clear, transparently documented process to support the appropriate and timely flow of National Cabinet information to relevant Ministers and senior officials to enable them to consider all relevant information and advice and make decisions accordingly.
 - In a pandemic scenario, appropriate and timely flow of information to Health Ministers and Chief Executives is particularly important.

Roles and responsibilities

As the COVID-19 pandemic evolved, it revealed several sectors where the roles and responsibilities of the Commonwealth, state and territory governments were not clearly defined. There were some examples of the Commonwealth, states and territories successfully navigating this ambiguity, but in a few cases it led to issues. In some scenarios, these issues could have been mitigated by the Commonwealth playing a more active role; in others, allowing states and territories to lead may have resulted in better outcomes.

What worked well

- In many sectors where Commonwealth and state and territory government responsibilities intersected, the Commonwealth Government established working groups which facilitated information sharing and allowed states and territories to learn from each other's experiences. For example, Tasmania benefited from attending

meetings of education officials as we prepared for the return to school in February 2022 following the opening of the State's borders on 15 December 2021.

- Where there were Commonwealth Government delivery issues, the Tasmanian Government was often able to step up. This included the supply of PPE and facilitation of vaccination services for staff at Residential Aged Care Facilities, which helped to avoid delays in delivering critical vaccinations..
- The ability for the Tasmanian Government to enlist the help of the Australian Defence Force in areas of identified State need such as quarantine program assistance and management of the North-West COVID-19 outbreak was greatly beneficial.

Challenges

Areas where states and territories could have led

- In the unprecedented pandemic conditions, the Commonwealth Government may at times have acted in areas where allowing states and territories to lead could have resulted in better outcomes.
- For example, the Commonwealth Government managed the supply, distribution and oversight of the COVID-19 vaccine program, while vaccination is usually a state and territory responsibility. Issues with this approach included:
 - The Commonwealth Government's ability to secure early and sufficient supply of vaccines.
 - Communication with states and territories about expected vaccine supply, especially during the early stages of the rollout, could have been clearer.
 - Inconsistencies in implementation of Australian Technical Advisory Group on Immunisation (ATAGI) eligibility advice and associated public communications between from state and territory governments and the Commonwealth on eligibility criteria for vaccines. This was a result of the complexity of ATAGI's early specifications of priority groups for vaccination, which required the Tasmanian Government to undertake significant work to further define eligibility criteria and identify the population groups to enable implementation, in circumstances of limited supply.
 - The timing of Commonwealth Government advice on ATAGI deliberations and decision points, particularly regarding the risks associated with the AstraZeneca vaccine and the importance of boosters, did not always create opportunities to coordinate public messaging. It is possible this contributed to vaccine hesitancy.
 - There was not always recognition of, and planning for, jurisdictional differences which would impact the vaccine roll-out. For example, Tasmania's dispersed population significantly impacted the ability of the primary care sector to lead the vaccine roll-out. Ultimately, this meant the State Government delivered most of the State's vaccine roll-out in 2021.

Areas for greater Commonwealth action

- There were several areas where the Commonwealth could have played a more active role.
- For example, in aged care, the Tasmanian Government provided critical supplies of personal protective equipment (PPE), infection prevention and control training and coordination of in-reach vaccination services for aged care facility staff and residents. The absence of a Department of Health and Aged Care (DHAC) office in Tasmania, together with a lack of pre-positioned National Medical Stockpile stocks, contributed to this situation.
- Advice to foreign workers and international students to return home did not account for the personal circumstances, financial barriers and/or the collapse of global air travel which prohibited many from doing so. As foreign workers and international students in Australia could not access economic support measures such as JobKeeper and JobSeeker, many were left with limited income or support. The Tasmanian Government did provide support to these groups, providing emergency assistance grants; emergency relief services through partner organisations; assistance to return to their country of citizenship; and employer assistance payments.
- The Commonwealth Government could have played a stronger coordination role in some sectors to help avoid inconsistencies across jurisdictions. For example:
 - the issue of quarantine for repatriated travellers and seasonal workers could have been coordinated by the Commonwealth Government. In Tasmania, this was managed via a bilateral agreement with Victoria. Under this agreement, Victoria received Tasmania's share of repatriated travellers in return for Tasmania receiving and quarantining seasonal workers destined for Victoria. Customs and border control requirements for seasonal workers were met at the first point of entry in other states before the workers travelled on to Tasmania.
 - the procurement of PPE. The Commonwealth could have played a stronger coordination role in relation to PPE supply chain risks and issues, as the managers of the National Medical Stockpile and state and territory stockpiles all faced the same challenges. Without this coordination, each jurisdiction had to manage these risks and issues to secure its own supply.
- Finally, the Commonwealth could have played a stronger role in coordinating efforts to define essential workers. Without coordination, each state and territory developed its own definition which created challenges for workers moving between jurisdictions. The Commonwealth did try to step in to harmonise the definition but it was too late in the piece for this to be effective.

Suggestions for improvement

- It would be beneficial for the Commonwealth, states and territories to agree on clear roles and responsibilities in key areas before another pandemic or crisis. This would avoid some of the issues which resulted from ambiguity around roles and responsibilities during the COVID-19 pandemic.

- Areas of state and territory expertise and responsibility should be recognised to ensure the best possible outcomes for all Australians.
- While there were many areas where states and territories needed the policy space to act unilaterally, there were many others where the Commonwealth could have stepped into a coordination role sooner and this would have minimised unnecessary inconsistency across jurisdictions.

Conclusion

The Tasmanian Government is grateful for the opportunity to make a submission to the COVID-19 Response Inquiry. We believe there are a range of lessons which can be learnt from the COVID-19 pandemic response and improvements which could be made in the event of future pandemics or other emergencies requiring coordinated national responses. The Tasmanian Government encourages the Independent Panel to consider the suggestions made in this submission and welcomes further engagement with the Inquiry as it progresses.



Department of Premier and Cabinet

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