

To open states borders on perilous

The Deputy Premier wants to free businesses from lockdown. Here's the economic case to hold tight.



Rosalind Dixon and Richard Holden



The past week has seen numerous stories of the harsh effects of border closures on NSW residents living near the border with Victoria and Queensland. Residents are reportedly spending significant time on gaining the permits they need to go about their daily lives. Even worse, some are being denied the ability to access key medical services – or as a number of poignant cases have revealed – to spend time with loved ones undergoing treatment. In light of this, some, including Deputy Premier John Barilaro, have called for a relaxation in the current border restrictions along the border between NSW, Queensland and Victoria. Barilaro – in wrapping up a “border tour” yesterday – said: “Seven weeks ago we made tough decisions out of Sydney and tough decisions in protecting the millions of people of NSW when the cases in Victoria, one, couldn’t be traced and, two, were escalating at a rate beyond what anyone had seen even in the first phase of the crisis in March and April. ... [now] some of the numbers across the border are getting better. “The risk profile is reducing and, therefore, there is an argument for a reset today to move forward.” Barilaro is right about the progress that has been made. And he is right that the government he is part of “made tough decisions and with that, unfortunately, it impacts on communities”. But suggesting we reopen the NSW

border right now is, as poker players say, “calling the pot too early”. Prematurely relaxing restrictions risks undermining the very significant progress we have made in suppressing the virus. Let us not forget that only a few weeks ago, with case numbers rising, there was the very real possibility of NSW going back into lockdown. The border closures have been a key part of getting the current case numbers down to the mid-single digits. But the fight against COVID-19 is not over yet in NSW. Allowing more people to travel freely into Queensland from NSW thus risks further damaging lives and livelihoods there. The same is true, on an even greater scale, for movement from Victoria into NSW. The impact of the current virus count and necessary government response to that, in Victoria, is already costing NSW hundreds of millions of dollars. But that number would rise exponentially if more cases spread from

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Victoria to NSW and NSW were forced to go back into category three or four lockdown. The answer to the current border issue is not to lift current border restrictions but to fine-tune them to work better for residents of border communities. Everyone must be able to access decent medical care and – and this means the NSW government should foot the bill for quarantine stays by residents undergoing treatment in Queensland, or else pay to transfer those patients to Sydney. And on the Queensland side, it means the health department must find ways to ensure that, with adequate testing and personal protective equipment, parents can visit children

receiving medical treatment immediately, not after a mandatory two-week quarantine. Similarly, farmers and small business owners on the border suffering as a result of border closures should be looked after by the federal government – via appropriate “business keeper” payments, or deductions on their annual tax returns, designed to recognise the additional time and cost associated with complying with border restrictions. The answer to overly broad but sensible restrictions is almost always to narrow them rather than abolish them. And that is even true for restrictions aimed at protecting public health and the economy during a pandemic. There are no shortcuts to returning to a world of both free movement and economic growth: both require aggressive suppression of COVID-19, unless and until a vaccine is widely deployed. The fantasy that businesses can just bounce back, when restrictions are lifted, ignores the overwhelming evidence from overseas – that it is the virus, not lockdowns or border closures, that kills business and consumer confidence, and with it economic growth. Protecting people and the economy therefore requires keeping restrictions in place for as long as is necessary to meaningfully suppress or eliminate the virus – not to get halfway there. This can have harsh consequences, especially for those living in border communities. But our response to that must be to ensure that those who need it, and only those people, can gain appropriate exemptions or compensation – not to lift the bans helping maintain the physical and economic health of the entire NSW and Queensland communities. Rosalind Dixon is a professor of law and director of the Gilbert + Tobin Centre of Public Law. Richard Holden is a professor of economics at UNSW Sydney.

Let the virus run? Easier said than done



Patrick Charles

Some journalists and politicians have been saying we just need to let the virus run and only worry about protecting the elderly or vulnerable. Given that would mean a lot more community infections – limited, it is hoped, to those at lower risk of death or severe infection – let’s look at what it would take to try to protect those who need protecting. Residents of aged care facilities have been hit particularly hard, so we would have to focus a lot of energy on preventing COVID-19 from getting into their facilities. Anyone working there could bring it in while at the asymptomatic or pre-symptomatic phase of the infection, so they would need to avoid public places such as supermarkets, parties, restaurants, bars or cinemas. And if they have children who are back at school, they would have to avoid all contact with them, too. Perhaps it would be necessary for them to live on-site at the aged care facility. Possibly a bit too much to ask, even for these amazingly dedicated workers. Who else would this apply to? Pretty much all healthcare workers would be exposed to vulnerable people at work. They would also have to avoid contact with their own school-aged children or do home schooling and leave them alone if they are single parents or if both parents must work. We have about 300,000 nurses, 25,000 physios and 88,000 doctors in Australia. Add all the social workers, occupational therapists, speech therapists, hospital cleaners, clerical staff and volunteers. The vast majority of healthcare workers who look after the vulnerable would have to stop having any type of social life. Many are already exhausted, a situation made worse by having many colleagues on enforced leave after being infected or exposed at work. If we enforced extreme social isolation on them, so many might quit that we’d struggle to staff a functioning healthcare system. Now consider all the people vulnerable to COVID-19 with chronic obstructive pulmonary disease (about 5 per cent of the population), asthma (11 per cent), and diabetes mellitus (about 5 per cent). Or with heart problems, cancers, kidney failure, or weakened immune systems. And the roughly one in five of the population over the age of 70. All – and anyone in regular contact with them – would need to isolate from the rest of society. So, it’s very easy to say, but to make it happen? Impossible. Associate Professor Patrick Charles is a Melbourne-based infectious diseases physician.

I’ll see my dying mum, but I’m a lucky one

I write this in my final day of hotel quarantine in Sydney. The trip back was endlessly delayed and horribly expensive. And the past weeks were a bit of a chore. But it’s been made infinitely easier by the efficiency and politeness of everyone involved – from the immigration official at the airport to the nurse who called each day to check I was OK to the young army guy who just came to the door to place an “all-clear” band around my wrist. Hotel quarantine, at least in NSW, is now a well-oiled machine and it shows off Australian officialdom at its very best: straight-talking and friendly behind the mask – just as long as you’re doing the right thing. This time tomorrow I’ll be on my way down the South Coast. I work in London but have come back to see my dying mother, probably for the last time. My story is not especially interesting. There are many more out there and I’m home, so now one of the lucky ones.

Anne Gallagher



I think about people who don’t have the money, or the persistence, or the luck that finally got me on board that almost-empty plane. I think about those who’ve been stuck overseas because they listened to the government back in March when the message was: “stay put if you can”. I think about Australians whose parents are living out their last days, or whose kids back home need them, or who no longer have a job or a place to live. I think about young people like my niece, who contracted coronavirus in Britain in March, got terribly ill, was laid off from her gap-year job and has been unable to find another, and whose visa is expiring in the next few days. These are Australians and they have a legal right to come home. The government knows this simple fact very well but is hiding the

truth behind sloppy talk and obfuscation. My case here is simple and, I believe, irrefutable. The current policy limiting international arrivals of Australian citizens and residents is illegal, unfair and completely unnecessary. It reflects badly on our government and on its capacity to respond rationally and compassionately under pressure. We all deserve better. I’ve been an international lawyer for more than 30 years and there are a handful of rules that everyone in my profession can recite without thinking. These include a provision that dates back to the Universal Declaration of Human Rights in 1948 and has since become part of international treaty law: “everyone has the right to return to his country.” This rule does not prevent the government from placing returnees in quarantine detention. It does not prevent the government from recouping the costs of quarantine from returnees. But it does render illegal any action by the Australian

government that has the intention or effect of preventing its people from returning home. Limiting the number of international arrivals – a policy that has had directly resulted in Australian citizens and permanent residents not being able to return – is unlawful. For once, it really is that simple. After a few awful wobbles, our hotel quarantine system may now be the tightest in the world. And, as I’ve experienced first-hand, it is functioning efficiently and humanely. Balance that against the fact that the number of people who want or need to return home is tiny. It is unfair and un-Australian for us to accept a situation where only the rich, the well-connected, the lucky get to come home. We can do better. We can bring them all back in safety and dignity. It’s the law. But it’s also the right thing to do. Dr Anne Gallagher is director-general of the Commonwealth Foundation, in London, and president of the International Catholic Migration Commission.