

**From:** [REDACTED]  
**To:** [Community Support and Services Committee](#)  
**Subject:** Enough is Enough We Say NO MORE EMERGENCY POWERS  
**Date:** Monday, 28 February 2022 4:34:15 PM

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I am writing in relation to the ongoing “public health emergency” declarations by the Queensland government. As a Veteran and Queenslander I object to further extensions of Emergency Powers.

This letter is not meant to be a full analysis of the complex legal issues that arise through the myriad of “laws” and “regulations that have been passed by questionable parliaments over the last 30 or so years in Queensland.

Rather, it is to give the general public an overview of the laws that the government is relying on to declare the pandemic and to allow the public to make up their own minds and to demand accountability from their “elected” representatives.

Before I dive into the Act, I want the public to note the following dates:

1. On 30th January, 2020, the WHO’s Emergency Committee held its second meeting about the outbreak of COVID19. The Committee agreed that the outbreak now meets the criteria to be declared as Public Health Emergency of International Concern and issued Temporary Recommendations.

On 2nd February, 2020 the WHO reported the number of “cases”. It was negligible. 14,411.

2. On 29th January, Steven Miles declared a public health emergency under s319 of the Act and on the same date Jeannette Young banned HCQ under s362B of the Act.

3. The WHO didn’t declare an official pandemic until 11th March, 2020.  
Interesting timeline of events. What did they know and who told them?

I also note that a very extensive, complex and well drafted Public Health (Declared Public Emergencies) Amendment Bill was introduced to Parliament around the same time and came into force in April. Anybody who knows anything about drafting of legislation knows it takes considerable time and effort and just doesn’t “appear” in a few weeks. It was also very comprehensive and covers a LOT of things that have nothing to do with the virus. I will get into that in another letter, but I do not consider that giving the local councils unfettered power to raise property rates in emergency legislation is even closely connected to a public health emergency.

Date of Proclamation of the Act

Section 2 of the Act states:

This Act commences on a day to be fixed by proclamation.

Proclamation is to be notified in the Government Gazette and there should be certificate of proclamation but all I can find is that the date of assent by the Governor which was on the 2 November 2005.

This is NOT the same as proclamation.

Then when I look at the Gazette for 11 November, 2005 this is what I find.

A Bill for an Act to protect and promote the health of the Queensland public, and for other

purposes Short title: Public Health Act 2005 – Act No. 48 of 2005 Commencement: This Act commences on a day to be fixed by proclamation.

The website says it received the assent by the Governor on 2 November, 2005. <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2005-048/lh>

It seems circular doesn't it? However, for the purposes of this discussion I will assume that the Act has been validly introduced. If it hasn't been all hell should break loose. I ask for the certificate of proclamation.

This is the law on proclamation – section

15B <https://www.legislation.qld.gov.au/view/whole/html/inforce/current/act-1954-003>

The simple question to ask is what is the date of proclamation and why wasn't it published in the Gazette? Why did the Governor purportedly give assent despite that not being provided for in the Act BEFORE the date of the publication in the Gazette of the 11 November, 2005.

Relevant provisions of the Act.

The purposes of the Act are clear in section 6.

“The object of this Act is to protect and promote the health of the Queensland public”.

Section 7 of the Act then goes on to specify how the “object” of the Act is to be achieved.

(a) preventing, controlling and reducing risks to public health; and

(b) providing for the identification of, and response to, notifiable conditions; and

(c) imposing obligations on persons and particular health care facilities involved in the provision of declared health services to minimise infection risks; and

(d) providing for persons who have a major disturbance in mental capacity to be transported to a treatment or care place; and

(e) protecting children who have been harmed or are at risk of harm when the children present at health service facilities; and

(f) restricting the performance of cosmetic procedures on children; and

(g) collecting and managing particular health information, and

(h) establishing mechanisms for health information held by a health agency to be accessed for appropriate research; and

(i) inquiring into serious public health matters; and

(j) responding to public health emergencies; and

(i) providing for compliance with this Act to be monitored and enforced.

I am not a fan of the “modern” approach to statutory interpretation so I will interpret the “objects” clause as it is written. The government is limited to these objects not what it wants the Act to say to justify its abuse of power.

Section 11 of the Act then goes on to define the meaning of “public health risk”.

(1) Public health risk means—

(a) an animal, structure, substance or other thing that—

(i) is, or is likely to become, a breeding ground or source of food for designated pests; or

(ii) harbours, or is likely to become something that harbours, designated pests; or

(b) any of the following that is, or is likely to be, hazardous to human health, or that contributes to, or is likely to contribute to, disease in humans or the transmission of an infectious condition to humans—

(i) a designated pest;

(ii) drinking water supplied by a drinking water service provider;

(iii) recycled water produced or supplied under a recycled water scheme within the meaning of the Water Supply (Safety and Reliability) Act 2008;

(iv) water, other than water mentioned in subparagraph (ii) or (iii);

(v) waste;  
 (vi) a dead or living animal, structure, substance or other thing that has been, or is likely to have been, exposed to an infectious condition;  
 (vii) a dispersal or release of a pesticide, herbicide, solvent or other chemical at a place other than a workplace;  
 (viii) a dispersal or release of a by-product of manufacturing, construction, repair, alteration, cleaning or demolition work at a place other than a workplace;  
 (ix) lead used, or being used, in a way that contravenes section 58 or 59;  
 (x) paint used, or being used, in a way that contravenes the standard mentioned in section 60; (xi) any other activity, animal, substance or other thing prescribed under a regulation.  
 (2) The Minister must not recommend to the Governor in Council the making of a regulation under subsection (1)(b)(xi) unless the Minister is satisfied the activity, animal, substance or other thing—

(a) is, or is likely to be, hazardous to human health; or  
 (b) contributes, or is likely to contribute, to disease in humans or to the transmission of an infectious condition to humans.

(3) In this section— animal does not include a human.  
 disease includes a non-infectious condition.

waste includes an accumulation or deposit of a substance or a thing.

water includes drinking water, water used for recreational purposes, recycled water, waste water and sewage.

workplace has the meaning given in the Work Health and Safety Act 2011

I have been looking for the Regulation issued under s11(1)(xi) but I cannot locate it. To recommend to the Governor in Council that such a Regulation should be issued to have extended and ongoing emergency powers to combat a contagious disease from a bat in a wet market should be backed up with substantial evidence, which should be made available to the public.

As far as I am aware, there is still NO evidence that the “virus” came from the wet market in China nor from a bat. In fact, there is more than enough evidence to conclude that the virus was made in a lab in Wuhan with collaboration from various countries including Australia. It is quite obvious to me that you needed the wet market story to fit the Public Health Act.

This Act is specifically limited to transmission of zoonotic diseases like mosquitoes and water borne diseases. Humans are specifically excluded. Humans are not an activity or a “thing”. It may also explain why they look for the virus in “waste” because that is covered by this Act.

It is my view that the government is acting ultra vires and the Public Health Act is NOT applicable.

The only legislation that can be properly invoked is the Commonwealth Bio Security Act and it comes with VERY specific limitations on Bio-Security Orders.

### Public Health Orders

Section 21 then set out the requirements for Public Health Orders to be issued. My interpretation is that they must be targeted to individual premises and/or individuals and entities and not to the public as a whole. The orders must be served specifically.

(3) A public health order must—

(a) be in writing; and

(b) state a period within which the person to whom it is given must comply with the order.  
 (4) The period stated under subsection (3)(b) must be reasonable having regard to the risk to public health from the public health risk.

Section 23 then goes on to describe how Public Health Orders must be given. Once again, my interpretation is that they must be targeted to a “person”. I will not set out the whole provision here but will provide the link to the Act for the public to read themselves.

<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2005-048>

Notifiable Conditions and Secrecy

Chapter 3 Division 3 (section 76 to 88) imposes confidentiality obligations in relation to Notifiable Conditions as well as gives secrecy protections to the State and the Notifier. The government has also removed the right of the public to obtain this information and seek judicial review. Why is this? Do you have something to hide?

(1) Information in the register—

(a) can not be accessed under any order, whether of a judicial or administrative nature, other than an order for the purpose of this Act; and

(b) is not admissible in any proceeding, other than a proceeding under this Act.

Contact Tracing

Section 99 of Division 2 also sets out the requirements for contact tracing. Once again it is specific and not a state wide data collection power as the Qld government is demanding. The bottom line is personal information can ONLY be collected if there is a reasonable suspicion that the “person” has a notifiable condition.

I guess that explains the everyone has the virus and they are ALL asymptomatic spreaders propaganda.

Detention Orders Issued by Chief Executive

S113 of the Act allows the Chief Executive to issue Detention Orders.

Who is the Chief Executive (the definitions section admits that the Chief Executive is that of a corporate entity) and WHY does a Chief Executive have seemingly unfettered power over people, especially children, which also utilises mental health services.

This is JUST SINISTER.

Orders by Magistrates over Notifiable Conditions

Part 5 from s125 onwards is well and truly worth a read. It is so wide and so open to abuse that I am completely staggered people think this is okay.

So, COVID and all its mathematical variants is so contagious, but someone can be arrested and must appear in the Magistrates Court – OK THEN.

S125 also allows the Magistrate to make “behavioural orders” and detention orders in relation to Controlled Notifiable Conditions.

This looks like abuse of the judicial system to me to round up people you don’t like. Oh wait, could that be the purpose?

S146 – Obstructing Persons exercising Powers

Of course, the catch all to allow anybody who tries to stop this abuse of power from being “fined” by the corporation of course.

So, I presume this letter is obstructing unfettered powers. In fact, anyone who tries to call out this fascism technically is obstructing powers.

## Delegated Legislation

The Qld government has used the “state of emergency” to use its power to delegate legislation and powers to the CHO. Delegated legislation does not need to go through the formal legislative process, which is why it is favoured in emergency responses. The specific content of the delegated legislation is usually determined by members of the executive branch to whom authority is delegated (which in this case is the faceless bureaucrats of Qld Health).

However, delegated legislation MUST normally be published and tabled before Parliament. There is a procedure for disallowance which has the same effect as repeal. See ss47,49 and 50 of the Statutory Instruments Act. It is concerning that the use of delegated legislation during this “pandemic” has not followed the core features of the legislative process. There is an unprecedented VOLUME of legislation that has been produced and pushed through without any legislative oversight and it changes so frequently (and is not published) so nobody can keep up with it. The other issue concerns the absence of regulator parliamentary procedures to provide oversight of these new laws. The parliament is also using ‘Henry VIII’ clauses to override the normal process of parliament.

“A Henry VIII clause is a clause of an Act of Parliament which enables the Act to be expressly or impliedly amended by subordinate legislation or Executive action.”  
In other words, they are doing whatever they like without any accountability. Executive Action is being utilised without ANY checks and balances, mainly through the CHO.

The Public Health Act has been amended several times the past years by the Public Health and other Legislation (Public Health Emergency) Amendment Act 2020 Qld which conferred extensive powers on the CHO to issue directions under the new s362B. These include the power to give directions restricting free movement of people, restricting contact between person and any other direction that the CHO considers necessary to protect public health (in other words a carte blanche to do whatever the real decision maker wants to do).

The unfettered abuse by the Qld government of delegated legislation to implement their “new normal” is a **SERIOUS THREAT TO THE RULE OF LAW AND MUST BE RESISTED.**

## Conclusion

In summary, it is my view that the Qld Parliament and its Executive Branch is potentially acting ultra vires and is abusing power. This may constitute a crime under s92 and s92A of the Criminal Code of Queensland.

## Abuse of office

### 92 Abuse of office

(1) Any person who, being employed in the public service, does or directs to be done, in abuse of the authority of the person’s office, any arbitrary act prejudicial to the rights of another is guilty of a misdemeanour, and is liable to imprisonment for 2 years.

(2) If the act is done or directed to be done for purposes of gain, the person is liable to imprisonment for 3 years.

### Misconduct in relation to public office

#### 92A Misconduct in relation to public office

(1) A public officer who, with intent to dishonestly gain a benefit for the officer or another

person or to dishonestly cause a detriment to another person—

(a) deals with information gained because of office; or

(b) performs or fails to perform a function of office; or

(c) without limiting paragraphs (a) and (b), does an act or makes an omission in abuse of the authority of office;

is guilty of a crime.

It's time to tell the "public servants" involved in this charade, that it's obvious what they are up to and demand that THEY CEASE AND DESIST.

THIS IS A NOTICE TO THE ADDRESSEES OF THIS LETTER TO IMMEDIATELY CEASE AND DESIST IN YOUR UNLAWFUL ACTS.

All Public Health Orders issued by the CHO are invalid, have not passed parliamentary scrutiny and as they are not published as legislation, but instead are published on a corporate webpage of Qld Health do NOT have the effect of law. They are unlawful and have no lawful effect.

Petition to Stop Extension of Emergency Powers in QLD:

CURRENT CHO HEALTH DIRECTIVES EXPIRES 26th March 2022 ...So QLD Government wants to extend Emergency Powers that are supposed to end 30th April 2022 and extend then to 31st Oct 2022...

<https://www.change.org/STOP-EXTENSIONofQLD-EMERGENCYPOWERS>



I am alarmed at the news of the discussion being had regarding extension once again of the Emergency Powers Bill which end on 30th April 2022. The previous extension was tabled in parliament on June 16 by the Minister for Health, Yvette D'Ath, to have that extension extended until April 2022.



As a sovereign man/woman living in Queensland, I am fully opposed to this bill, and I urge that all Ministers of all Political Parties and Persuasion in our Queensland Parliament to finally bring a halt to any further extension of these unlawful measures. Come April 2022 it will be over 2 years and the People of Queensland say Enough is Enough.

The Public Health and Other Legislation (Further Extension of Expiring Provisions) Amendment Bill 2021 extended a range of emergency

measures that increased the government's overreaching power over people's lives, including the extraordinary powers of the Chief Health Officer, Dr Jeannette Young and New Chief Health Officer Dr John Gerrard.



So far, the Health Minister's powers (whether justified or not) under PHO have contributed to loss of small business, (each business owner has a debt to pay, and possibly bankrupt or lost family homes, and have understandable mental health stresses), the QR code system is everywhere without agreement or debate (many people object to this forcing of new and permanent tech, and having to surrender privacy), forcing of mask wearing (deprivation of oxygen and increased CO2 levels, make healthy people sicker), closure of church services (essential for mental health), no singing (which is excellent for mental and physical health). Debate or second opinion on these subjects has been silenced and censored.

Queenslanders want an End to Emergency Powers come 30th April 2022



<https://chng.it/S6WVRbVrTT>



Regards  
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Veteran/Mother/Nurse/Business Owner (former)

