

Bernard S. Jansen
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

1 March 2022

Committee Secretary
Community Support and Services Committee
Parliament House
George Street
Brisbane QLD 4000

email: cssc@parliament.qld.gov.au

Dear Committee,

***Submission on the Public Health and Other Legislation (Extension of Expiring Provisions)
Amendment Bill 2022***

I write to express my strong disapproval of the above-mentioned bill ("the Bill") on the following grounds:

1. It is another step in a **continuing cycle of extensions of emergency powers**, that in the context of the original definition of a *Public Health Emergency*, is ridiculous.
2. There remain **no grounds for a public health emergency**.
3. The emergency powers continue to cause **violations of human rights**, with terrible consequences.

On these bases, ***I beg the committee to make the strongest possible recommendations against this bill.***

Continuing Cycle of Extensions of Emergency Powers

Please consider this brief history of how rapidly the concept of the duration of a *Public Health Emergency* in Queensland, comprised of quotations from the explanatory notes for SL 2021 No. 169 (Public Health (Further Extension of Declared Public Health Emergency – COVID-19) Regulation (No. 4) 2021):

"On 29 January 2020, a public health emergency was declared under section 319 of the Public Health Act due to the outbreak of COVID-19 within China, its pandemic potential due to cases spreading to other countries and the public health implications within Queensland resulting from recently arrived travellers from the epicentre of the outbreak."

"Prior to 7 February 2020, under sections 322 and 323 of the Public Health Act, a declared public health emergency ended seven days after the day it is declared, unless extended by a regulation."

“On 7 February 2020, the Public Health (Declared Public Health Emergencies) Amendment Act 2020 amended the Public Health Act to allow a declared public health emergency to be extended by regulation for periods of up to 90 days. However, this amendment was subject to a sunset clause that took effect one year from assent of the Amendment Act. On 7 February 2021, the extension period reverted to a period of up to seven days.”

“However, on 8 March 2021, the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Act 2021 reinstated the amendments that provide the Governor in Council with powers to extend the declared public health emergency for up to 90 days. On 9 September 2021, the Public Health and Other Legislation (Further Extension of Expiring Provisions) Amendment Act 2021 extended the effect of this provision until 30 April 2022.”

“The declared public health emergency has been extended by regulation multiple times as set out in schedule 1 of the Regulation.”

In fact, here are the regulations that have extended the *Public Health Emergency* “multiple times”:

Regulation	Date
Public Health (Further Extension of Declared Public Health Emergency—Coronavirus (2019-nCoV)) Regulation 2020	6 February 2020
Public Health (Further Extension of Declared Public Health Emergency—Coronavirus (2019-nCoV)) Regulation (No. 2) 2020	18 February 2020
Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation (No. 3) 2020	18 May 2020
Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation (No. 4) 2020	13 August 2020
Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation (No. 5) 2020	2 October 2020
Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation (No. 6) 2020	17 December 2020
Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation 2021	25 March 2021
Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation (No. 2) 2021	29 June 2021
Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation (No. 3) 2021	23 September 2021

The original definition of a *Public Health Emergency* in the *Public Health Act 2005* allowed for a duration of seven days. Furthermore, that Act obliged the minister to end the emergency even within those seven days, if the Minister was “satisfied it is no longer necessary to exercise powers” under Chapter 8 of the Act (s. 324 (1)).

A duration of a week certainly fits within the boundaries of common sense, and the infamous “pub test”, of how long an “emergency” can last. But two years and seven months of “emergency”, with some powers extending a further two years? That, is ridiculous.

I hope that I have demonstrated that the Bill represents simply another step in an indefinite cycle of extensions of emergency powers. It causes a reasonable person to wonder whether the Minister will ever be satisfied that it is no longer necessary to exercise these powers.

No Grounds for a Public Health Emergency

For various reasons, including our high vaccination rates and the demonstrably lower pathogenicity of the Omicron variant, COVID is spreading throughout Queensland with only the mildest adverse effects on human health, relative to other health concerns. Our hospitals have not been overwhelmed.

There are simply no serious adverse effects on human health that need to be prevented or minimised. In my opinion, this obliges the Minister for Health and Ambulance Services to end the *Public Health Emergency* immediately, given her obligations under s. 324 (1) of the *Public Health Act 2005*. It certainly provides no reasonable grounds for the Bill that is before you now.

Violations of Human Rights

It is important that Queenslanders be allowed to manage their own health risks with respect to COVID-19, and that our freedoms – currently curtailed by the various Chief Health Officer public health directions – be restored. Most importantly, this includes the removal of all vaccine mandates, which are a continuing flagrant breach of the right of Queenslanders’ to not be “subjected to medical [...] treatment without [their] full, free and informed consent”, as provided for in the s. 17 (c) of the *Human rights Act 2019*.

Many Queenslanders have made a decision that they do not want to receive a COVID-19 vaccine. I suggest that this represents about 7% of Queenslanders, as the first dose vaccination rate is 92.8% at the time of writing. Given the levels of coercion that have been applied via the mandates, one can assume these people hold their positions with some determination. Some of these have lost their jobs, and the ability to operate their own small business, and are struggling to support their families. All of them are now members of an unvaccinated underclass of people who don’t have equal rights of movement or participation in society.

Others, despite their strong personal objections to receiving the vaccine, have capitulated, in order to be able to continue to provide for their families. The mandates have pitted their consciences against their duty to work and provide for their families.

The Bill that you are considering would extend these human rights impacts until October at the very least, and for a further two years if the transitional regulation-making powers under Part 9 of the original *Emergency Response Act 2020* can be used to extend vaccine mandates even longer.

Please note that I am *not* against COVID vaccinations – I write as someone who has gratefully received three Pfizer COVID vaccination doses, and who has recently suffered from the disease. I support the vaccine, but even more than that, I support a restoration of fundamental civil liberties to Queenslanders: including *full, free and informed consent*.

Thank you for your consideration of my submission.

Sincerely,



Bernard S. Jansen