

Date: 3.3.22

Submission

To the Committee Secretary,

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

**RE: Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2022**

I write to the committee to clearly state my opposition to all parts of the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2022.

Queenslanders have been living under a 'State of Emergency' for over 2 years and I am opposed to any further extensions of emergency powers. These powers have resulted in infringements on human dignity, human rights and fundamental freedoms of Queenslanders. If this amendment bill is passed, Queenslanders will be living under a State of Emergency for nearly 3 years without appropriate justification.

Article 3 of the Universal Declaration of Human Rights states "Human dignity, human rights and fundamental freedoms are to be fully respected (and the) interests and welfare of the individual should have priority over the sole interest of science or society".

It must be noted that the actions of the State Government in responding to the Covid-19 emergency over the past 2 years would be considered illegal without the declaration of a State of Emergency, the expansion of existing powers and the continued extension of emergency powers. This underpins the scale of the government's actions under the Act, which justifies the need for appropriate oversight and more strict time limits on allowable extensions. The original Public Health Act 2005 allowed a maximum allowable extension of only 7 days at a time and asking Queenslanders to again approve an extension of emergency powers (especially by the maximum allowable limit of 6 months) must be extensively justified by empirical evidence and sound health advice, made available to public scrutiny, including a detailed risk-benefit analysis of the continuation of such powers.

The maximum allowable extension of emergency powers may have been necessary during the peak of the pandemic, however the conditions under which the original 'Covid-19 Emergency' was declared have substantially changed. The original Covid-19 variant presented a much greater mortality risk and risk of severe outcomes compared to the Omicron variant (BA.1). Furthermore, Queensland's Covid-19 ICU admissions and hospitalisations are decreasing and Queensland has recently opened its domestic borders, is accepting international travelers, is relaxing mask mandates and capacity limits and reviewing public health restrictions. Extending the expiring provisions by the maximum allowable amount under these conditions is scientifically unjustified and would be a violation of Article 3 of the Universal Declaration of Human Rights.

Furthermore, the definition of 'Covid-19 emergency' as declared by the Health Minister under section 315 of Public Health Act 2005 needs to be reviewed and more appropriately defined as to not allow abuse of emergency powers. The language "an event or a serious of events that has contributed to or may contribute to serious adverse effects on the health of persons in Queensland" could be attributed to a multitude of diseases, health risks and other emergencies, but has

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historically only been invoked in absolutely severe and essential circumstances, which arguably the current Covid-19 situation in Queensland does not meet.

The original Public Health Act 2005 allowed a maximum allowable extension of only 7 days at a time, which has since been grossly extended without appropriate justification. Human rights and freedoms are expected to be impacted during a State of Emergency, but the extended use of the Public Health Act 2005 for the past 2 years is unprecedented and unreasonably impacting the unalienable rights of Queenslanders. Australia did not extend the State of Emergency for this long during the 1918 Influenza pandemic, despite the mortality and public health risk. Even the dictatorial Roman Empire could not declare a "State of Emergency" for longer than 6 months (even during war time) due to the implications on the rights and freedoms of citizens. Australia is a democracy and the use of this legislation has allowed the State Government to bypass the usual democratic process without just cause. Any further extensions of emergency powers must be heavily scrutinised.

The Health Minister must declare an end to the public health emergency as soon as he/she is satisfied it is no longer necessary to exercise powers under section 324 Public Health Act 2005, but the Health Minister has not clarified what specific conditions/parameters would satisfy this declaration. This is despite the drastic improvement of the health risks presented by the original 'Covid-19 emergency' and despite countries around the world starting to treat Covid-19 as an endemic disease like 'the flu'.

I ask that the committee request and review in detail the scientific literature and supporting evidence the Health Minister is relying on to justify a 6 month extension of the expiring provisions and what specific conditions in Queensland would satisfy a declaration of the end of the 'Covid-19 emergency' as defined by the Public Health Act 2005. The public release of this information is vital for government transparency, government oversight and to safeguard against potential abuse of the Public Health Act 2005.

Additional Notes:

Kind regards

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Signature .....