

**From:** [REDACTED]  
**To:** [Economics and Governance Committee](#)  
**Cc:** [senator.roberts@aph.gov.au](mailto:senator.roberts@aph.gov.au); [senator.hansen@aph.gov.au](mailto:senator.hansen@aph.gov.au); [police@ministerial.qld.gov.au](mailto:police@ministerial.qld.gov.au); [Mirani Electorate Office](#)  
**Subject:** Submission to object to amendments to Qld Objection to the QLD Legislative Bill to extend SOE until 30 April 22  
**Date:** Tuesday, 6 July 2021 8:12:37 AM

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[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/coaca430/s51.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/coaca430/s51.html)

**xxiiiA) the provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription), benefits to students and family allowances;**

Andrea Josephs



Dear Sir/Madam

I bring to your attention the unfettered powers of the Health Minister/Secretary, the Chief Health Officer, under the QLD Public Health Act 2005, to issue widespread public health orders without the supporting risk assessment documents and cited expert advice the relied on to issue the same. I do not object to the science, only to biases and unaccountable science and huge arbitrary powers that bypass rights, Parliamentary debate, and review panel, and are enforceable by Police in any and all cases whatsoever. Under the QLD Public Health Act 2005, Part 3, Division 1, sect 21 3(a), A PHO must be in writing and state a period within which the person to whom it is given must comply with that order.

Huge Powers:

The Act at present gives enormous "legislative" powers available to the Health Minister or Secretary (General Public Health), Part 3 Division 2 (Public Health Orders) to be able to issue an Order and have the Police enforce it, essentially creating their own laws as they see fit. The only requirement and checkpoint for widespread PHO is that which the Minister deems "reasonable grounds" and "that which they consider necessary and in state of emergency enables them to make any arbitrary decision they deem necessary to mitigate a risk. There are little to no checkpoints required in the Act before the Minister is able to wield the powers.

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

Private Lawmaking Powers:

The unfettered powers available, without the formal requirement to print and serve the Gazette notice first, but yet the immediate empowerment of Police to enforce the new PHOs give the Minister overnight powers to make unannounced but enforceable changes that they see fit. Not even Parliament itself has this level of Power.

They can:

Take any action and give any direction they consider necessary

- Declare any are of the state to be a risk
- Segregate and isolate inhabitants of that area
- Prevent or conditionally admit access to the area

Within the Act's powers, they are able to use a PHO to recreate a Holocaust scenario, and transgress the Nuremberg Code if they could find a way to justify it.

No accountability and Transparency:

The Minister or Secretary does not have to name or supply sources for their decision, except a court case, the document and advice they rely on to make their Public Health Orders, nor is it required for them to gazette those cross-checked sources in the Government Gazette. MP's and Public Servants need to have legislated powers to hold the Minister or Secretary accountable and review each PHO and any and all sources for their decision. State financial and mental health impacts are essential to be considered along with peer reviewed science.

Legal and Criminal Liability of the Minister:

It is not defined in the Public Health Order what legal immunity the Minister or Secretary has in issuing the PHO. If they are immune from criminal prosecution or has legally immune advisors, it is a recipe for corruption.

Weak Appeal Process for a Public Health Order:

Until this legislation is changed, complaints to Police, Courts, and others is pointless as there is no legislative framework within the Act at present to contest any of it. At present QCAT is the only Tribunal able to review issues with a Public Health Order, but there is no legislative framework within the Act for QCAT to work with (scope of review of PHO), and the PHO may life expire and a new one issued before QCAT get to hear the matter, by which time the next PHO could be worse.

Human Rights and Constitution:

Within the Act, there is no legal requirement in the creation of a PHO to consider any and all Human Rights, privacy, decency, or informed consent, or the Constitutional basis (Commonwealth or State obligations). Suspensions of the liberties and rights is always labelled as temporary, but history shows this is well-known ruse to minimize public backlash, and power is seldom relinquished once obtained.

International human rights law recognises the few rights are absolute and reasonable limits may be placed on most rights and freedoms. Absolute rights, however, are distinguishable from non-absolute rights. Absolute rights cannot be limited for any reason. No circumstances justifies a qualification or limitation of absolute rights. Absolute rights cannot be suspended or restricted, even during a declared state of emergency. Article 4 (2) of the ICCPR provides that no derogation is permitted for:

\*Right To Life

\* Freedom from torture or cruel, inhuman and degrading treatment or punishment: and freedom from medical or scientific experimentation without consent.

\* Every person lawfully within Queensland has the right to move freely within Queensland and to enter and leave it, and has the freedom to choose where to live.

The Biosecurity Act 2015, section 60 (2), that a human biosecurity control order may be imposed on an individual only if the officer is satisfied that:

- The individual has one or more signs or symptoms of a listed human disease; or
- The individual has been exposed to: a listed human disease or another individual has one or more signs or symptoms of a listed human disease.

So why is an entire State of Qld being subjected to local and wider community lockdowns when you should be quarantining the sick rather than the healthy?

<https://www.legislation.gov.au/details/C2017C00303>

[www.ag.gov.au/rights-and-protection-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/absolute-rights](http://www.ag.gov.au/rights-and-protection-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/absolute-rights)

<https://www.health.qld.gov.au/system-governance/legislation/specific/human-rights-act-2019>

Outcomes of this Act and Powers so far:

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.

Commonwealth Privacy Act 1988 – -

[Http://www5.austlii.edu.au/au/legis/cth/consol\\_act/pa1988108/](http://www5.austlii.edu.au/au/legis/cth/consol_act/pa1988108/)

Disability Discrimination Act 1992-

<http://www.legislation.gov.au/details/C2018C00125>

Disability Discrimination Act 1992 – Sect 6

[http://www5.austlii.edu.au/au/legis/cth/consol\\_act/dda1992264/s6.html](http://www5.austlii.edu.au/au/legis/cth/consol_act/dda1992264/s6.html)

Disability Discrimination Act 1992 – sect 24

[http://www5.austlii.edu.au/au/legis/cth/consol\\_act/dda1992264/s24.html](http://www5.austlii.edu.au/au/legis/cth/consol_act/dda1992264/s24.html)

Action Required:

It is urgent that you table changes to the Health Act that reduces or removes arbitrary control measures available to the Health Minister and/or Secretary (whoever has these powers to issue an Order), and require full transparency of the one having the same arbitrary powers without checks and balances and transparency.

I request acknowledgement of receipt of this letter/email, and any response you have to the points raised on ow and when you can take action. I holding you accountable as a legislator and elected representative to do your utmost to fix it. Thankyou for our service.

Yours sincerely,

Andrea Josephs

Morayfield Electorate