

Committee Secretary
Economic & Governance Committee
Parliament House
George Street
Brisbane, QLD 4000

Dear Committee Secretary,

RE: Objection to Public Health and Other Legislation (Further Extension of Expiring Provisions) Amendment Bill 2021.

On 16th June 2021, the Minister for Health and Ambulance Service, the Hon Yvette D'Ath MP, introduced the Public Health and other Legislation (further Extension of Expiring Provisions) Amendment Bill 2021 into the Queensland Parliament.

As a Queensland resident, taxpayer, and small business owner I strongly oppose this Bill on the following grounds:

1. Restriction on Free Movements

By passing this Bill, extortionary powers will be passed onto to the Minister, these powers include the ability to impose restrictions on the free movement of citizens, their ability to travel, conduct a business, attend school, church or sport, as well as the power to issue mandates on mask wearing, social distancing rules, the numbers of persons who can gather at any one time, border closures, area lockdowns and quarantine mandates.

Queenslanders have been living with their rights restricted for 18 months now, these restrictions have impacted the mental health of our population, with issues like domestic violence and suicide escalating due to the imposing restrictions on our fundamental freedoms.

It has had significant impact on our economy, with business's, in particular the Hospitality Industry have suffered significantly due to the constant restrictions imposed, causing business owners to lose thousands of dollars, in some cases businesses have had to shut down, with families losing their livelihoods.

By passing this Bill is will go against Part 2, Division 2 Section 19 of the Human Rights Act 2019, "*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 continuation of the amendments to the Public Health Act will limit the right to freedom of movement by continuing to authorise the Chief Health Officer and emergency officers to restrict the movement of any person or group of persons, while using data which is contradictive and baseless to support these restrictions.

2. No Valid Data to Support the Bill

There is no valid data or evidence to support the need to pass a Bill which will see the extension of the Emergency Declaration which is currently in place and expires on 31st September 2021.

In March 2020 we experienced a particularly restrictive and long lockdown based on data which showed projections, which have now proven to be incorrect.

What factual data and information supports the justification for passing this Bill?

3. Extensions of Emergency Declarations is Unwarranted

The information provided to support the previous extensions to the Emergency Declaration appear to be unwarranted when you look at the supporting data, for example:

- Brisbane and Great Brisbane faced a locked down from 8th January 2021 – 11th January 2021 bases on 2 new cases and a total of 22 active, however on 6th January, 2021 Queensland Heath reported 1 new case, with a total of 18 actives cases, on the 7th January, 2 new cases with a total of 20 active cases, which apparent constituted another short term lockdown.
- However, on 20th January 2021 there were another 2 cases, with a reported 25 active cases at that time, with no lockdown. On 4th March 2021 there were 7 cases for that day reported, which a total of 20 active cases, yet again, no lockdown. On 18th March, there were 8 reported cases for that day with a total of 47 active cases, no lockdown.
- It was only on 28th March when there were a reported 71 cases, that another Lockdown was enforced, yet again for the Greater Brisbane region from 29th March – 1st April 2021. Yet on the 1st April, with 82 active cases, the lockdown ended.
- On June 17th, 2021, there were a reported 6 new cases with 26 active cases, these figures surpassed the number of active cases which justified the January lockdown, yet no lockdown was enforced.
- On the 25th of June, Queensland Health reported 41 active cases, yet the health minister did not seem alarmed to allow 52,000 fellow Queenslanders to gather to watch The State of Origin at Brisbane's Suncorp Stadium.
- On the 27th of June 2021 the State of Origin was allowed to continue at Brisbane's Suncorp Stadium, however on 27th June, QLD Health had reported 40 Active cases, almost double the active cases that justified the January lockdown.
- On 29th June 2021 another 3-day Lockdown was enforced in South East Queensland based on 41 Active cases, it seems despite the data showing these exact numbers leading up to the State of Origin, greater restrictions were not justified at that point, but were justifiable after the event.
- It is worth noting that on 5th July, Queensland Health's COVID-19 Updates show 47 Active Cases, 6 more greater than the amount prior to the Lockdown.

Each time a Lockdown or restrictions are imposed, the data contradicts the previous data used to justify the previous lockdown or restriction. How can you justify a complete lockdown based on 22 active cases and then go ahead and allow a major crowd attracting sporting event with 40 active cases?

Each lockdown after the initial March 2020 Lockdown also seem to coincide with the end of the previous extension of Emergency Declaration, which in turn appears to be none more than a political power play.

4. **Not Compatible with Human Rights Act 2019**

If passed, the Bill will allow the power to impose restrictions which are in direct breach of Part1, Division 1, Section 8 of the Human Rights Act 2019 :

*“An act, decision or statutory provision is **compatible with human rights** if the act, decision or provision—*

(a)does not limit a human right; or

*(b)limits a human right only to the **extent that is reasonable and demonstrably justifiable** in accordance with section 13.”*

It is worth noting Section 13 – Human Rights may be limited to:

(1) A human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, **equality and freedom**.

(2) In deciding whether a limit on a human right is reasonable and justifiable as mentioned in subsection (1), the following factors may be relevant—

(a)the nature of the human right;

(b)the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom;

(c)the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose;

(d)whether there are any less restrictive and reasonably available ways to achieve the purpose;

(e)the importance of the purpose of the limitation;

(f)the importance of preserving the human right, taking into account the nature and extent of the limitation on the human right;

(g)the balance between the matters mentioned in paragraphs (e) and (f).

Based on the data provided in section of the letter, “3. *Extension of Emergency Declaration Unwarranted*”, the limitations did not help achieve the purpose, this is clearly demonstrated by declaring a lockdown on 29th June, with 41 Active cases, the purpose was to reduce the number of active cases and prevent more cases, however on 5th July, as stated above, the number of active cases were recorded at 47, there for proving that the limitations did not help achieve the purpose.

By imposing restrictions on small business’s forcing them shut down or reduce their capacity, then allowing other business’s such as the NRL to continue to operate in such large numbers, this is direct contradiction to Section 13, Part 2 Subclause b) of the Human Rights Act which reads “the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, **equality and freedom**”. How is this demonstrated as equality?

This Bill also impedes a person’s freedom of expression, as clearly outlined in the Statement of Compatibility submitted with the amendment **“While the concept of freedom of expression is broad, the way a person can exercise it can be limited. Restricting a**

person's movements and contact with others limits the ways in which they can express their opinions and ideas".

This statement alone is concerning enough to oppose this Bill as it is an obvious attempt to utilise these extraordinary powers to further push a political agenda.

5. Bill being used to push experimental vaccines

As outlined on the Therapeutic Goods Associations website, the COVID-19 "vaccines" are provisionally approved only, with it clearly outlining that these vaccines are still in the testing phase, based on this information, it is then reasonable to state that anyone taking the vaccine is then participating in research trials.

Outlined in the Statement of Capability submitted with the proposed Bill, it clearly states the following:

"It is expected the need for emergency powers will remain until a large number of the Queensland population has been vaccinated and the risk of widespread outbreaks has subsided."

This proposed Bill clearly has ethical concerns, especially when it identifies that this Bill is being used to ensure the vaccine rollout.

The Nuremberg Code (<http://www.hhs.gov/ohrp/archive/nurcode.html>) is a critical element of medical ethics after the Second World War atrocities that were conducted. The first line of this states **"The voluntary consent of the human subject is absolutely essential."** The Code then goes on to state that the consent should be "without the intervention of **any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion**"

The Australian National Statement of Ethical Conduct states the following with regards to Human research;

Coercion and pressure

2.2.9 No person should be subject to coercion or pressure in deciding whether to participate. Even where there is no overt coercion or pressure, consent might reflect deference to the researcher's perceived position of power, or to someone else's wishes. Here as always, a person should be included as a participant only if his or her consent is voluntary.

Declining to consent and withdrawing consent

2.2.19 People who elect not to participate in a research project need not give any reason for their decision. Researchers should do what they can to see that people who decline to participate will suffer no disadvantage as a result of their decision.

2.2.20 Participants are entitled to withdraw from the research at any stage. Before consenting to involvement in the research, participants should be informed about any consequences of such withdrawal.

https://www.nhmrc.gov.au/about-us/publications/national-statement-ethical-conduct-human-research-2007-updated-2018#toc_235

By passing this Bill, Queenslanders will continue to have their rights restricted these “provisionally approved” trial vaccines have been taken by most of the population. By including this in the compatibility statement, it is an obvious attempt to use these powers to continue to restrict our rights in order to coerce the population to participate in these vaccine trials.

In Summary, I strongly oppose this Bill for the reasons outlined in this letter, it is questionable on every level, especially an ethical level. This Bill will continue to strip us of our freedom and our fundamental right to choose.

I believe it needs to be open for public discussion and parliamentary debate.

I am available for discussion of my letter on [REDACTED]

Regards,



Nikki Civitarese

