

Public Health and Other Legislation (Further Extension of Expiring Provisions) Amendment Bill 2021

I am very concerned about the proposed Amendments to the Public Health Act and Queensland's approach to managing the health risks associated with COVID-19.

This is a complex issue and one which properly deserves open and public understanding and debate, the potential for these amendments to be misused against the public and the consequential loss of civil rights and liberties can not be understated.

Among the amendments causing concern include but not limited to the following issues and matters:

1•increasing powers for emergency officers and the Chief Health Officer to limit, or respond to, the spread of COVID-19 in Queensland, including by issuing directions to require physical distancing, restrict movement and gatherings, require persons to quarantine or self-isolate and implement other containment measures;

This has such far reaching implications and open to abuse by any and all levels of government and officers. There is no mention of checks and balances to these powers, accountability for enforcement and for the duration of their implementation.

2•authorise the sharing of confidential information for contact tracing;

This is once again a breach of civil liberties and freedoms in the guise of public health and there are numerous instances of supposed confidential data being used by other government agencies for other purposes than originally legislated for. Data security cannot be guaranteed and therefore this unfettered and compulsory measure is unacceptable.

3•encourage compliance with quarantine requirements, border restrictions and other public health directions by providing appropriate penalties for contraventions;

‘Encourage’ is a word which may encompass further draconian or underhanded measures which might include coercion, blackmail, exclusion etc. All this with regard to enforcing unconstitutional measures on to individuals. This amendment is tantamount to condoning and approving abuse of unfettered power.

4•increase the period for which a regulation may extend a declared public health emergency from seven to 90 days;

Once again the unaccountability of establishing the basis for this clause would permit such declarations to be issued without any checks and balances on the basis of this declaration.

The enablement fees to be charged for costs associated with the mandatory quarantine of persons in government-provided accommodation - this compounds the punitive threat of restriction of free movement with the financial and social penalty of an enforced quarantine.

Payment and preservation of benefits to public servants for compliance and enforcement of these measures is a conflict of interest and encourages perversion of authority as becoming defacto public masters.

The Bill also states it's intention is to limit the presumption of innocence and reasonable doubt and puts the onus of proof onto the individual for proof of innocence in certain circumstances, this is an affront to the principles of justice and common law rights.

That the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights is outweighed by the need to remove doubt and support the efficient operation of Queensland's contact tracing and quarantine systems through the use of electronic communication is a subjective value judgment and one that also sacrifices the rights of the individual by the State government.

This amendment presumes beyond all reasonableness to sacrifice the rights of the individual for the 'greater good' - however that might be defined.

This Bill and its amendments are based on projected risk management beyond all reasonableness and exploits public ignorance, fear and compliance without the appropriate considerations and ameliorations consistent with a Bill of such reach into common law and civil liberties. The matters therein must be exposed to clear public information, debate and understanding before being put to the State Parliament and not pressed through.

There is no pressing emergency beyond sporadic and isolated cases of 'infection' for COVID-19. Considering the scientific and legal challenges to the use of the PCR Test to define a clinical condition using a test specifically designated as a manufacturing test and not to be used for clinical purposes undermines the very fabric of this Bill and its attended overreach and consequently this Bill should be severely scrutinised and curtailed on this basis.

Dr Karen Prince-Popovich

