



Queensland Health

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Mr Aaron Harper
Chair
Health and Environment Committee
Parliament House
BRISBANE QLD 4000

Email: health@parliament.qld.gov.au

Dear Mr Harper

Thank you for your letter dated 4 December 2020, on behalf of the Health and Environment Committee, and for the opportunity to respond to the public submissions received on the Committee's inquiry into the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2020.

Please find attached Queensland Health's response to the public submissions. Queensland Health has responded by addressing key recurring themes outlined in these submissions rather than providing individual responses to each of them.

Should you require further information, Ms Dawn Schofield, A/Head of the Office of the Director-General and System Strategy Division, will be available to assist on telephone [REDACTED] or via email [REDACTED]

Yours sincerely

Dr John Wakefield PSM
Director-General
Queensland Health

21 January 2021

Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2020

Departmental response to submissions

The Health and Environment Committee has published 119 public submissions as part of its Inquiry into the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2020. The numbering shown in the table is used to refer to the submissions in the Departmental response.

Sub No.	Submitter
001	George Dickson
002	AJ Dalton
003	Catherine Parker
004	The Royal Australian and New Zealand College of Psychiatrists
005	AMA Queensland
006	Queensland Mental Health Commission
007	Beth and Bruce Head
008	Tony Nielsen
009	Sue Potts
010	Elizabeth Worthington
011	Brent Panting
012	Terry Roddick
013	William David Featon
014	Liz Lawrie
015	Michael Kiss
016	Mick Logan
017	Carol Solomon
018	Robert Henderson
019	Sarah Dew
020	Carole Baxter
021	Kenneth Thorpe
022	Jason Kowalonek
023	Chris Henseleit
024	David Howard
025	Name withheld
026	Ann Cagney
027	Donna Allen
028	Cameron Mitchell
029	Kylie Russell
030	Katrina Rivers
031	Andrew Coates
032	Lisa Charles
033	Leonie Bosscher
034	Wayne Balmanno
035	Shane Griffin
036	John Bussell

Sub No.	Submitter
037	Robert Stable
038	Michael Dalton
039	Greg Lane
040	Dr Marj Henderson
041	Jasmine Harrison
042	Jernin Yates-Round
043	Lisa Byrne
044	Brice Kaddatz
045	Shane Hoffman
046	Louise Bentley
047	Dr Kate Galloway, Associate Professor of Law
048	Gillian Lyons
049	Cara Templeman
050	Miranda Tester and Ashley Tester
051	Mal Watt
052	Rudolph Kurpershoek
053	David Jensen
054	Dr James McKeon
055	Gemma Yates-Round
056	Rupert and Sarah Haywood
057	Mark Yates-Round
058	James Dawson
059	Reeda Close
060	Stevie Pringle
061	Brianna Ryan
062	Bernadette Longden
063	Richard FaureField
064	Gareth Bosley
065	Arpille Walker
066	David Wright
067	Christian Yates-Round
068	Gaby Thompson
069	Angela
070	Paul Slater
071	Lung Foundation Australia
072	Peter Rowan
073	Helena Bond
074	Linda Vij
075	Lauren Brown
076	Simone Sleep
077	Name withheld
078	Sandra Lippiatt
079	Dave Ose-Abey
080	Queensland Nurses and Midwives Union
081	Patricia Hatherly
082	Dr Belinda Goodwin
083	Professor Dr James Smith

Sub No.	Submitter
084	Ernst Talke
085	Lyle Schuntner
086	Sarah Highley
087	Senator Malcolm Roberts
088	Michelle Heltay
089	Ira Winston
090	Environmental Health Australia (Queensland) Incorporated
091	David Crichton
092	Saxon Brown
093	Christine Houghton
094	Robert Kruk
095	Sandra Joiner
096	Neil and Josephine van der Wel
097	Dr Matthew Dean
098	Allan Milton Cox
099	Hugh Dickson
100	Yasmin Cacciotti
101	Claudette Casey Freeman
102	Adept Economics
103	Nurses Professional Association of Queensland
104	Donna Thompson
105	Fr Alexander Borodin, Rector, Blessed Virgin of Vladmir Russian Orthodox Church Abroad
106	Renee Kent
107	Aneeta Hafemeister
108	Alan William Ballard
109	Anna St Claire
110	Cassandra Browne
111	Christine A Rolfe
112	Jane McNaughton
113	Angela Castiglione
114	Irene Henley
115	Michael Neighbour
116	Chris McDermott
117	Andrew and Cara Marshall
118	Karen Dawson
119	Adriana Thompson

Submitter/s	Clause – Bill	Issue	Departmental response
Support an extension of the amendments to the <i>Public Health Act 2005</i> and the <i>Mental Health Act 2016</i>			
4 – The Royal Australian and New Zealand College of Psychiatrists 5 – AMA Queensland 12 – Terry Roddick 14 – Liz Lawrie 15 – Michael Kiss 18 – Robert Henderson 20 – Carole Baxter 26 – Ann Cagney 27 – Donna Allen 30 – Katrina Rivers 40 – Dr Marj Henderson 71 – Lung Foundation Australia 80 – Queensland Nurses and Midwives Union 90 – Environmental Health Australia (Queensland) Incorporated 114 – Irene Henley	Bill	<p>Submitters advised of a general support for the extension of the amendments made to the <i>Public Health Act 2005</i> and <i>Mental Health Act 2016</i>, including the extension of the emergency powers provided to the Chief Health Officer and emergency officers appointed under the <i>Public Health Act 2005</i> to make directions to limit, or respond to, the spread of COVID-19 in Queensland.</p> <p>Some submitters supported the Queensland Government’s health response to COVID-19 but did not comment or advise of their explicit support for an extension of the amendments made to the health portfolio legislation.</p> <p>Some submitters, while supporting the Queensland Government’s health response, raised concerns or made recommendations about improvements that could be made to individual policies, support programs and public health directions made by the Chief Health Officer.</p>	<p>Noted.</p> <p>The concerns raised about underlying policies, program improvements or and requirements in specific public health directions go beyond the contents of the Bill.</p>
52 – Rudolph Kurpershoek	14-16	<p>Mr Kurpershoek generally supported the Queensland Government’s response to COVID-19.</p> <p>Mr Kurpershoek raised concerns with the implementation of a lockdown with minimal notice and the cues for COVID-19 tests.</p>	<p>Queensland Health notes the general support provided for the Queensland Government’s health response.</p> <p>Queensland Health notes that the recent three-day lockdown was introduced in a short period of time. However, to limit community transmission of COVID-19, it was deemed necessary to implement the lockdown as quickly as possible. A delay in the implementation of the lockdown would have potentially allowed the virus to be transmitted within the community for several days, which increases the risk of an outbreak. If an outbreak were to have occurred, it may have been necessary to implement a more comprehensive public health response, including a longer or more restrictive lockdown, to contain the spread of the virus.</p>
Do not support a further extension of the amendments made to the <i>Public Health Act 2005</i> and the <i>Mental Health Act 2016</i>			
1 – George Dickson 2 – AJ Dalton 3 – Catherine Parker 7 – Beth and Bruce Head 8 – Tony Nielsen 9 – Sue Potts 10 – Elizabeth Worthington 11 – Brent Panting 13 – William David Featon 16 – Mick Logan 17 – Carol Solomon 19 – Sarah Dew	Bill	<p>Submitters generally expressed a lack of support for the extension of the amendments made to the <i>Public Health Act 2005</i> and the <i>Mental Health Act 2016</i> to support the Queensland Government’s health response to COVID-19.</p> <p>The submissions generally raised concerns about the emergency powers provided to the Chief Health Officer and emergency officers under Chapter 8 of the <i>Public Health Act 2005</i>.</p> <p>Some submitters raised concerns with the Chief Health Officer being granted emergency powers to make laws and implement restrictions instead of these actions being taken by the Parliament. The general underlying concern is the Chief Health Officer is a public servant and not an elected representative, subject to the same requirements for accountability and transparency as a member of Parliament.</p>	<p><i>Emergency powers provided to the Chief Health Officer and emergency officers under the Public Health Act 2005</i></p> <p>In March 2020, the Legislative Assembly passed the <i>Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020</i>, which provided emergency powers to the Chief Health Officer and emergency officers appointed under the <i>Public Health Act 2005</i> to make directions to limit, and respond to, the spread of COVID-19 in Queensland.</p> <p>The emergency powers have enabled the Chief Health Officer to make public health directions that have proven critical to the Government’s efforts to limit, and respond to, the spread of the virus in Queensland. These powers provided the Chief Health Officer with the ability to quickly implement the recommendations of National Cabinet and the Australian Health Protection Principal Committee without the need to remake or amend Acts or</p>

Submitter/s	Clause – Bill	Issue	Departmental response
21 – Kenneth Thorpe 22 – Jason Kowalonek 23 – Chris Henseleit 24 – David Howard 25 – Name withheld 28 – Cameron Mitchell 29 – Kylie Russell 31 – Andrew Coates 32 – Lisa Charles 33 – Leonie Bosscher 34 – Wayne Balmanno 35 – Shane Griffin 36 – John Bussell 37 – Robert Stable 38 – Michael Dalton 39 – Greg Lane 41 – Jasmine Harrison 42 – Jernin Yates-Round 43 – Lisa Byrne 44 – Brice Kaddatz 45 – Shane Hoffman 46 – Louise Bentley 47 – Dr Kate Galloway, Associate Professor of Law 48 – Gillian Lyons 49 – Cara Templeman 50 – Miranda Tester and Ashley Tester 51 – Mal Watt 53 – David Jensen 54 – Dr James McKeon 55 – Gemma Yates-Round 56 – Rupert and Sarah Haywood 57 – Mark Yates-Round 58 – James Dawson 59 – Reeda Close 60 – Stevie Pringle 61 – Brianna Ryan 62 – Bernadette Longden 63 – Richard FaureField 64 – Gareth Bosley 65 – Arpille Walker 66 – David Wright 67 – Christian Yates-Round 68 – Gaby Thompson 69 – Angela 70 – Paul Slater		<p>Some submitters had raised concerns about the underlying policies, evidence and requirements of individual public health directions made by the Chief Health Officer. It is not proposed to address these individual requirements or scenarios in detail in this departmental response.</p>	<p>Regulations, which would have delayed and limited the effectiveness of measures to protect the public and limit the adverse health and economic impacts of COVID-19 in Queensland. Most recently, the powers to make public health directions have been used to introduce a three-day lockdown to ensure that any potential community transmission of the COVID-19 B117 strain could be contained before it could begin to spread throughout the community. The powers granted to the Chief Health Officer and emergency officers are subject to important safeguards, including the requirement that any public health directions and other actions to address the pandemic do not unnecessarily limit human rights. The continuation of these powers is necessary to ensure that the Government's response to COVID-19 remains effective and that Queensland Health can continue to act rapidly in response to the ongoing and quickly changing threats faced by the community.</p> <p><i>Appropriateness of emergency powers granted to the Chief Health Officer and Emergency Officers</i></p> <p>The emergency powers vested in the Chief Health Officer and other emergency officers have been necessary to institute timely and effective public health measures in response to COVID-19. In particular, the power of the Chief Health Officer to issue public health directions has made it possible to take prompt preventative measures, such as restrictions on movements and gatherings, and to continually tailor and revoke these measures as appropriate so as to minimise adverse impacts on individuals, businesses and the Queensland economy. This framework has made it possible to revoke or ease public health restrictions as soon as it has been safe to do so, ensuring that restrictions are only applied for the shortest period of time necessary to address the public health risk.</p> <p>The Chief Health Officer's emergency powers are considered appropriate and necessary to ensure a timely response to imminent and rapidly changing public health risks and to avoid any loss of opportunity to protect the public while Parliament acts. To achieve similar outcomes to the Queensland Government's response over the past 12 months, members of Parliament would have been urgently recalled to Parliament on multiple occasions without prior notice to consider the restrictions, in addition to the ordinary sitting weeks to consider other Bills and subordinate legislation. For example, if the emergency powers had not been available and it were necessary to follow ordinary Parliamentary procedures, the introduction of lockdown measures to contain the B117 strain would have required an urgent sitting of Parliament to consider the implementation of the restrictions on Friday, 8 January, and then another sitting on the following Monday, 11 January, to consider their revocation or a further easing of restrictions.</p> <p>The Parliament has provided oversight of the Queensland Government's health and economic responses to COVID-19, through the relevant Parliamentary Committees, to ensure the suitability of these measures and provide an opportunity for the public to provide feedback about the health response. The former Health, Communities, Disability Services and Prevention of Domestic and Family Violence Committee conducted several public hearings, sought public submissions and issued an interim report about the Queensland Government's health response.</p> <p><i>Consideration of Human Rights</i></p> <p>The requirements of the <i>Human Rights Act 2019</i> are carefully considered for all public health directions. A primary consideration of the Human Rights Act being that the State has an</p>

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72 – Peter Rowan 73 – Helena Bond 74 – Linda Vij 75 – Lauren Brown 76 – Simone Sleep 77 – Name withheld 78 – Sandra Lippiatt 79 – Dave Ose-Abey 81 – Patricia Hatherly 82 – Dr Belinda Goodwin 83 – Professor Dr James Smith 84 – Ernst Talke 85 – Lyle Schuntner 86 – Sarah Highley 87 – Senator Malcolm Roberts 88 – Michelle Heltay 89 – Ira Winston 91 – David Crichton 92 – Saxon Brown 93 – Christine Houghton 94 – Robert Kruk 95 – Sandra Joiner 96 – Neil and Josephine van der Wel 97 – Dr Matthew Dean 98 – Allan Milton Cox 99 – Hugh Dickson 100 – Yasmin Cacciotti 101 – Claudette Casey Freeman 102 – Adept Economics 104 – Donna Thompson 105 – Fr Alexander Borodin, Rector, Blessed Virgin of Vladmir Russian Orthodox Church Abroad 106 – Renee Kent 107 – Aneeta Hafemeister 108 – Alan William Ballard 109 – Anna St Claire 110 – Cassandra Browne 111 – Christine A Rolfe 112 – Jane McNaughton 113 – Angela Castiglione 115 – Michael Neighbour 116 – Chris McDermott 117 – Andrew and Cara Marshall			<p>obligation to ensure the right to life of its citizens. This obligation is not new to Queensland Health or the Queensland Government. While there have been instances where other human rights, such as the right to freedom of movement, have had to be restricted, these restrictions have been considered necessary to ensure that the right to life could be preserved.</p> <p><i>Safeguards</i> Chapter 8 of the <i>Public Health Act 2005</i> includes various safeguards to ensure that these measures are only used while COVID-19 continues to be a public health risk to the community. Under section 324 of the Public Health Act, if the Minister for Health determines that COVID-19 no longer presents a risk to public health, the Minister must declare the end of the public health emergency. The declaration of the end of the public health emergency means that the emergency powers provided to the Chief Health Officer and emergency officers under the <i>Public Health Act 2005</i> also end.</p> <p>Section 362E of the Public Health Act also requires the Chief Health Officer to revoke any public health directions as soon as reasonably practicable, if the Chief Health Officer, determines that they are no longer required to limit, or respond to, the spread of COVID-19 within the community. Throughout 2020, the Chief Health Officer has revoked several public health directions and notices as they have no longer been necessary to limit the spread of the virus.</p> <p><i>Need for these emergency powers to continue</i> The emergency powers provided to the Chief Health Officer and emergency officers have been critical to the success of the Queensland Government's health response. As the situation relating to COVID-19 continues to evolve in Queensland, across Australia and internationally, it is difficult to determine with absolute certainty how long these emergency response measures will be required. An extension of the amendments to the Public Health Act and the Mental Health Act, until 30 September 2021, is considered to be the least restrictive and reasonable way to allow for the continuation of the Queensland Government's health response to respond to emerging threats of COVID-19 in Queensland.</p> <p>Queensland Health continues to monitor the situation with respect to COVID-19 and will continue to advise the Queensland Government on the suitability of the public health measures, such as the making of public health directions to limit, or respond to, the potential spread of COVID-19 within the community. If a further extension of these emergency powers is required, a Bill will be introduced to the Legislative Assembly to further extend the amendments to the Public Health Act and Mental Health Act for a further period.</p>

Submitter/s	Clause – Bill	Issue	Departmental response
118 – Karen Dawson 119 – Adriana Thompson			
Issue – Hotel quarantine fees			
3 – Catherine Parker 21 – Kenneth Thorpe 43 – Lisa Byrne 49 – Cara Templeman 53 – David Jensen 103 – Nurses Professional Association of Queensland 110 – Cassandra Browne	11	Submitters raised concerns about the imposition and setting of hotel quarantine fees. Some submitters argued if quarantine requirements are imposed by Government they should be paid for by Government.	<p>The requirement for mandatory quarantine for international arrivals and those returning from interstate COVID-19 hotspots has been highly successful in reducing the transmission of COVID-19 in Australia and keeping case numbers low. In the early stages of the hotel quarantine program, the Queensland Government funded the costs of accommodation, food, healthcare, security and other services provided to people required to enter quarantine in a hotel. Given the continued growth of COVID-19 cases globally and advice that international border restrictions are likely to be one of the last restrictions to be lifted, it was considered necessary to have a clear mechanism in place to sustainably manage the costs of the hotel quarantine system. Further considerations relating to sustainability of the hotel quarantine system also became necessary when those returning from interstate COVID-19 hotspots were also required to enter quarantine at government nominated accommodation.</p> <p>On 22 June 2020, the <i>Community Services Industry (Portable Long Service Leave) Act 2020</i> received Royal Assent. The Act inserted a new Part 7AA into the <i>Public Health Act 2005</i> to allow the recovery of costs for accommodation, food and other services from a person as a result of being required to quarantine in a government nominated facility. These amendments to the Public Health Act were introduced to ensure the sustainability of the hotel quarantine scheme to limit the potential that people returning from overseas or an interstate COVID-19 hotspot could directly enter the community while potentially infectious with COVID-19. The hotel quarantine fees recover the costs of providing accommodation, food and other quarantine services for individuals returning from overseas or interstate COVID-19 hotspots.</p> <p>Hotel quarantine fees are prescribed in the <i>Public Health Regulation 2018</i>. As such, these can only be changed by the Governor-in-Council making a regulation or Parliament passing another Bill. The fee amounts cannot be amended by the Chief Health Officer or any other public service officer.</p> <p>Under section 362ME of the Public Health Act, a person may seek a fee waiver by making an application to the chief executive (the chief executive being the Director-General of Queensland Health).</p>
Unable to identify a position about the extension of the amendments made to the <i>Public Health Act 2005</i> and <i>Mental Health Act 2016</i>			
6 – Queensland Mental Health Commission	Bill	The Commission recommended that further consultation with a lived experience of mental ill-health who are strongly impacted by these changes to be consulted.	Due to the timeframes, ordinary consultation processes with industry stakeholders and individuals were not able to be undertaken prior to the introduction of the Bill to the Legislative Assembly.