




Speech By
Hon. Dr Steven Miles
MEMBER FOR MURRUMBA

Record of Proceedings, 4 February 2020

PUBLIC HEALTH (DECLARED PUBLIC HEALTH EMERGENCIES) AMENDMENT BILL

Introduction

 **Hon. SJ MILES** (Murrumba—ALP) (Minister for Health and Minister for Ambulance Services) (2.55 pm): I present a bill for an act to amend the Public Health Act 2005 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee to consider the bill.

Tabled paper: Public Health (Declared Public Health Emergencies) Amendment Bill 2020 [164](#).

Tabled paper: Public Health (Declared Public Health Emergencies) Amendment Bill 2020, explanatory notes [165](#).

Tabled paper: Public Health (Declared Public Health Emergencies) Amendment Bill 2020, statement of compatibility with human rights [166](#).

In December 2019 and January 2020 a new coronavirus known as novel coronavirus, or 2019-nCoV, emerged in Wuhan city in the Hubei province in China. The World Health Organization Emergency Committee has declared the viral outbreak as a Public Health Emergency of International Concern. The World Health Organization also recommended that all countries prepare to address the spread of the virus through containment measures, including active surveillance, early detection, isolation and case management. As of 4 February 2020, the World Health Organization has reported that there are 20,604 confirmed cases of 2019-nCoV globally with, sadly, 427 deaths. Of these cases, 20,416 are from China. Outside of China, there are 188 confirmed cases in 26 countries. Australia has 12 confirmed cases. Of course these numbers change throughout the day and daily.

In Queensland there are currently two confirmed cases of novel coronavirus. Both cases have been quarantined and are receiving the very best care at the Gold Coast University Hospital. The Palaszczuk government has been swift to act and certain of its commitment to protect the health and wellbeing of Queenslanders. We have followed the advice of our experts given the virus's pandemic potential and the potentially significant public health implications if we are unable to prevent its spread here.

On 29 January 2020 as Minister for Health and Minister for Ambulance Services I declared a public health emergency for all of Queensland under the Public Health Act 2005. This declaration permitted the appointment of emergency officers who can exercise emergency powers to assist in managing the public health emergency. These powers include the ability to enter places to save human life, prevent adverse effects on human health or do anything else to relieve suffering or distress. In this case, the declaration of a public health emergency empowers emergency medical officers to detain people who may have the novel coronavirus. These powers will be used with care but will likely prove essential to preventing the spread of coronavirus in Queensland. For this reason, the declaration will remain in force until the situation stabilises and we can be confident that Queenslanders, particularly the most vulnerable in our community, are protected.

Ordinarily, once declared under the act, a public health emergency ends after seven days unless it is extended by regulation. As the public health emergency declaration was made on 29 January 2020, the declaration will expire at midnight on 5 February 2020 unless extended. Under the relevant provisions of the Public Health Act 2005 as it is currently drafted, it is only possible to extend the declaration by making extension regulations on a weekly basis until the declaration of a public health emergency is no longer required. It is anticipated that the risks associated with the novel coronavirus will continue for some time this year. To provide certainty and significantly streamline the process to extend the emergency declaration, the Public Health (Declared Public Health Emergencies) Amendment Bill 2020 will seek to amend section 325 of the Public Health Act 2005 to allow a regulation to extend a declared public health emergency for a period of up to 90 days.

The amendment is broadly consistent with interstate approaches to dealing with public health risks, such as section 7 of the New South Wales Public Health Act 2010, which also provides for a public health declaration to be made for a period of up to 90 days. If enacted, the bill will remove the need to make regulations on a weekly basis to extend the declared public health emergency. However, it will not change the existing process where once I, as the Minister for Health, declare that the public health emergency has ended, the extension provided for by the regulation also ends. The amendments will give emergency officers and the Queensland community greater certainty about the anticipated need for a public health emergency declaration to continue for a particular period of time, allowing the government to communicate with certainty about the emergency arrangements that are required into the future to manage a public health emergency.

To allow for the declared public health emergency relating to the novel coronavirus to be extended for a longer period than seven days, the amendments are considered urgent and need to be debated by the Legislative Assembly as a matter of priority. For that reason I foreshadow I will move a motion requiring the remaining stages of consideration of this bill be considered during this sitting.

Given the immediate need to make these amendments to the act and in acknowledgement of the human rights and fundamental legislative principles implications associated with the use of the broad statutory powers available to emergency officers, the bill will include a sunset clause which provides that the effect of the amendments expires after 12 months. Further consideration can then be given to the appropriateness and effectiveness of these amendments to address future public health emergencies.

By making these amendments to the Public Health Act emergency officers will be able to continue their outstanding work in managing the public health threat of novel coronavirus without the need for the Governor in Council and government to make weekly extension regulations to ensure they have the powers necessary to protect Queenslanders. I thank members who attended the briefing with myself and the Chief Health Officer in the lunch break and thank all members, including the opposition, for their consideration of this matter. I commend the bill to the House.

First Reading

Hon. SJ MILES (Murrumba—ALP) (Minister for Health and Minister for Ambulance Services) (3.02 pm): I move—


That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Declared Urgent

 **Hon. SJ MILES** (Murrumba—ALP) (Minister for Health and Minister for Ambulance Services) (3.02 pm), by leave, without notice: I move—

That—

1. under the provisions of standing order 137 the Public Health (Declared Public Health Emergencies) Amendment Bill be declared an urgent bill and not stand referred to a committee;
2. the Minister for Health and Minister for Ambulance Services and the Leader of the Opposition or nominee be permitted to speak during the second reading; and
3. the bill pass through all remaining stages during this week's sitting.