




Speech By  
**Hon. Dr Steven Miles**  
**MEMBER FOR MURRUMBA**

---

Record of Proceedings, 18 March 2020

**PUBLIC HEALTH AND OTHER LEGISLATION (PUBLIC HEALTH EMERGENCY)  
AMENDMENT BILL**

**Introduction**

 **Hon. SJ MILES** (Murrumba—ALP) (Minister for Health and Minister for Ambulance Services) (7.16 pm): I present a bill for an act to amend the City of Brisbane Act 2010, the Constitution of Queensland 2001, the Economic Development Act 2012, the Electoral Act 1992, the Local Government Act 2009, the Local Government (Dissolution of Ipswich City Council) Act 2018, the Local Government Electoral Act 2011, the Local Government Regulation 2012, the Planning Act 2016, the Public Health Act 2005 and the State Penalties and Enforcement Regulation 2014 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 and Other Legislation (Public Health Emergency) Amendment Bill 2020 [441](#).

*Tabled paper:* Public Health and Other Legislation (Public Health Emergency) Amendment Bill 2020, explanatory notes [442](#).

*Tabled paper:* Public Health and Other Legislation (Public Health Emergency) Amendment Bill 2020, statement of compatibility with human rights [443](#).

After outlining the contents of the bill, I will move that the bill be declared urgent. The novel coronavirus, or COVID-19, presents a significant risk to the health and wellbeing of Queenslanders, particularly the most vulnerable in our community. It also proposes unique challenges for our society. It will have a profound effect on our economy. It will affect the lives of many Queenslanders. We will be asked to quarantine or self-isolate. We will need to follow the advice and guidance of health experts, particularly our Chief Health Officer, and we will need to be there for the fallout on our businesses and industry.

In an environment of saturation news and social media coverage, Queenslanders young and old are understandably concerned. I want to reassure them that we are well prepared to meet the challenge ahead. On 29 January this year I declared a public health emergency under the Public Health Act 2005 in relation to the developing situation. This enabled emergency powers to be exercised to help contain the spread of COVID-19 in Queensland. On 6 February, this House enacted legislation to ensure that the declared public health emergency could be extended by regulation for a period of up to 90 days. On 13 March 2020, the Prime Minister announced that gatherings of more than 500 people should be cancelled from 16 March 2020.

Today, the Commonwealth issued the Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) Declaration 2020. This declaration enables the federal health minister to determine emergency requirements or give directions in accordance with the Commonwealth Biosecurity Act for a period up to three months. The federal government has announced a ban on non-essential gatherings of 100 people in indoor areas. This does not include public transport, medical facilities and courts. Shopping centres and supermarkets are also considered essential and

therefore not subject to the ban. In aged-care facilities, visitors and staff who have returned from overseas in the last 14 days, have made contact with a confirmed case or are symptomatic or are not vaccinated against flu after 1 May 2020 will not be permitted to enter a facility. States and territories will give effect to these bans and restrictions through local legislation and orders and may add to these bans in response to local circumstances.

The COVID-19 situation will continue to move very quickly. This bill will provide clear powers for the Chief Health Officer to give a public health declaration to assist in containing or responding to the spread of COVID-19 within the community—for example, by banning non-essential mass gatherings and closing or restricting access to facilities. The Chief Health Officer may issue new directions as the situation evolves.

We know that the people most vulnerable to COVID-19 are older Queenslanders, particularly our frail and aged residents living in residential aged-care facilities. This amendment bill ensures Queensland has the clear legislative authority necessary to keep all vulnerable Queenslanders safe. The bill will also enable emergency officers appointed under the Public Health Act to give a direction to an individual, entity or person. The bill amends the emergency powers that can be exercised by emergency officers to make it clear that they can require persons to self-isolate for a period of up to 14 days, whether or not the person has symptoms of COVID-19 or has come into contact with a suspected case.

The amendments to the Public Health Act only create new powers in relation to the COVID-19 public health emergency. They do not apply to other situations. Given the need for these amendments to progress urgently, and acknowledging that the powers it provides are broad, the bill includes a sunset clause so that new provisions expire 12 months after they commence.

The level of work that our emergency officers and public health units are doing in response to COVID-19 is unprecedented. Governments around Australia are providing industry assistance and economic stimulus in response to the outbreak to support the public and businesses. The bill also amends the Public Health Act to provide that the compensation provisions that ordinarily apply to the exercise of emergency powers will not apply in relation to COVID-19. The compensation provisions were never intended to be used for large-scale cancellations of events or the closure of businesses in these circumstances. Instead, targeted measures are required.

The Queensland government has moved quickly to provide immediate support for those Queensland businesses facing the most direct challenges to get through this crisis. Earlier this year the Premier announced an initial industry recovery package. The Palaszczuk government has also introduced payroll tax relief for small and medium sized businesses impacted by coronavirus. Eligible businesses will be able to defer their payments for six months, backdated to when the travel ban started at the beginning of February. The federal government has committed to releasing an approximately \$17 billion economic stimulus package. The Queensland government will continue to work with the federal government to ensure stimulus goes where it is most needed.

I turn now to the amendments the bill makes to other portfolio legislation. The ability to hold meetings of the Executive Council by technological means has been identified as an important measure to ensure that the business of government can continue throughout the COVID-19 pandemic. This bill will amend the Constitution of Queensland 2001 to provide that a meeting of the Executive Council may be held using any technological means such as teleconferencing or videoconferencing.

I turn now to amendments to the local government legislation. The local government elections are scheduled for 28 March 2020. As the Minister for Local Government informed the House on Tuesday, the government must be nimble in an evolving situation and provide for all the options we need in relation to local government elections if things change. Given the unprecedented health emergency facing Queensland and the nation, flexibility may be required in relation to the election date and the processes surrounding the election.

The key policy objective of the amendments is to provide flexibility, if required, in terms of the election date for the 2020 quadrennial local government election and the statutory processes surrounding the conduct of the election, to help avoid risk to the health and safety of individuals posed by a public health emergency. The measures are temporary and will only apply to the 2020 quadrennial local government election in order to minimise the public health risks associated with the public health emergency involving COVID-19.

The bill proposes a number of amendments to achieve the policy objectives. These amendments allow for the suspension or termination of the 2020 quadrennial local government election, if needed, and confirm the caretaker arrangements that apply during a period of suspension. They allow the time frames for the receipt of postal vote applications to be extended for certain electors. They allow flexibility in deciding if a poll is to be conducted by postal ballot. They ensure there are no barriers to appropriately

qualified persons being issuing officers. They provide more flexible time frames for taking or resuming an adjourned poll. They allow the declaration of another class of electors who may cast an electronically assisted vote and for alternative voting arrangements to be made for visitor electors who are ill. They allow the Electoral Commission to give a direction about the distribution of how-to-vote cards or other election material, prohibiting a person from canvassing for votes in or near polling booths, or permitting the display of political statements inside or within six metres of the entrance to a polling booth.

They allow the making of regulations under the City of Brisbane Act 2010 or the Local Government Act 2009, if necessary, about matters not sufficiently provided for in those acts as a result of the 2020 quadrennial local government election not being held in March 2020. They allow the making of regulations under the Local Government Electoral Act 2011, if necessary, about matters not sufficiently provided for in the act to allow or facilitate the holding of the 2020 quadrennial local government election. They provide flexibility in the filling of councillor vacancies that may arise if the election is not held in March 2020. They allow for the continuation of the Ipswich City Council and Logan City Council interim administrations if the election is significantly delayed. These amendments must be considered during this sitting week to allow passage prior to 28 March 2020.

The bill will insert a new part 12A into the Electoral Act 1992, which provides specific provisions applicable to by-elections held before the next general election after commencement. The purpose of these amendments is to facilitate the holding of state by-elections in a way that helps minimise serious risks to the health and safety of persons caused by the public health emergency involving COVID-19 that Queensland is facing.

The bill contains a number of measures including allowing flexibility for the polling day for a state by-election to be postponed or the days stated in a writ for a by-election to be substituted with a later date by the Governor or Speaker, whoever issued the writ. They will allow for a poll for a by-election that is adjourned, for example, due to serious risks to the health and safety of persons at a polling booth. To minimise the public health risks that may be posed through the distribution of how-to-vote cards and other election material at polling booths, the amendments will provide flexibility to the Electoral Commission to give a direction about the distribution or display of how-to-vote cards at a polling booth. This includes prohibition if it is in the public interest, with an offence for contravening the commission's direction in this regard.

The bill introduces a regulation-making power which may be used where necessary to facilitate the holding of a state by-election in a way that helps minimise serious risks to health and safety. These amendments will allow flexibility so that the statutory and operational arrangements for by-elections can be adjusted to protect the health and safety of Queenslanders, while supporting the rights of voters in by-elections.

Urgent amendments to the Economic Development Act 2012 and the Planning Act 2016 are also included in the bill. The acts are being amended to ensure that declared businesses—for example, supermarkets and chemists—are able to operate, including restocking, 24 hours per day, seven days per week, during an event such as the COVID-19 public health emergency or other emergent situations. This is not a change to the trading hours regulated under other legislation. Rather, this gives declared businesses greater options to manage logistics, workforce and services in the best interest of its staff and communities.

Businesses will also be able to apply for and be granted a temporary-use licence to change or vary planning constraints which may prevent them from appropriately providing services in these circumstances. These changes also introduce the ability for the Minister for Planning and the minister responsible for economic development to suspend or extend any of the statutory time frames across the planning framework during an event, recognising possible impacts of COVID-19 on the workforce. This will ensure that development approval time frames under the Planning Act can be managed and do not default to a deemed approval under the current arrangements. This will also ensure that applications are not invalidated because of missed time frames. These provisions will become a permanent part of Queensland's resilient planning framework, providing flexibility to respond to not only COVID-19 but also floods, bushfires, cyclones and other disasters. However, the effect of these powers is temporary and only applies where the Minister for Planning has declared an applicable event, ensuring the state government can make advance preparations and respond to an event that has taken place, is taking place or is likely to take place.

The Palaszczuk government is prepared for COVID-19. Our preparations and the dedication of so many has successfully contained the spread of the virus in Queensland so far. Our goal has been to find every suspected case, isolate and test them and, if they are positive, to provide them with the best possible care. Our efforts have delayed the start of the epidemic in Queensland. By maintaining our effort now, we can slow the spread and flatten the curve of infection. That will allow our hospitals to save more lives.

I want to thank everyone across government who is working to meet this challenge head-on, particularly our frontline health workers who are out there every day taking care of Queenslanders when they need them most. I also want to express my sincere thanks to the unsung heroes of any bill process—the team at the Office of the Queensland Parliamentary Counsel. I would particularly like to thank the Parliamentary Counsel, Tony Keyes, and drafters Claire Riethmuller, Sandra Lawson, Belinda Comino, Katy Le Roy, Ian Larwill and Melita Gardiner who have worked long hours, hard and intensively, over the past few days to ensure this bill could be introduced and debated tonight. The drafting team was ably supported by the outstanding editors, proofreaders and quality assurance checkers who also worked extremely hard to ensure the bill could be delivered quickly and accurately. Thanks to Helen Fleming, Thomas Mizanowski, Marcia Doolan, Denise Amies and Jo Pittendreigh.

Thank you to the legislation teams in the Department of the Premier and Cabinet, the Department of Justice and Attorney-General, the Department of Local Government, Racing and Multicultural Affairs and the Department of State Development, Manufacturing, Industry and Planning, and in particular the Department of Health's Legislative Policy Unit. Special thanks to Tricia Matthias, Rachel Stewart-Koster, James Liddy, Karson Mahler, Alex Ottens, Kirsten Slape and Life Ettrup for their outstanding work coordinating the preparation of this bill and ensuring the critical amendments to the Public Health Act could be developed so quickly.

I want to personally acknowledge and thank my Director-General, Dr John Wakefield, and our Chief Health Officer, Dr Jeannette Young, for their extraordinary leadership. We still have a way to go before we will be able to declare an end to this emergency, but Queenslanders can take comfort from the fact that such a remarkable group of people in Queensland Health are committed to their health and wellbeing. I commend the bill to the House.

### First Reading

**Hon. SJ MILES** (Murrumba—ALP) (Minister for Health and Minister for Ambulance Services) (7.32 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; Allocation of Time Limit Order

 **Hon. SJ MILES** (Murrumba—ALP) (Minister for Health and Minister for Ambulance Services) (7.32 pm), by leave, without notice: I move—

That this House—

1. under the provisions of standing order 137, the Public Health and Other Legislation (Public Health Emergency) Amendment Bill be declared an urgent bill and not stand referred to a committee and be considered immediately;
2. the following members be permitted to speak on the second reading with the nominated maximum periods of time as specified:
  - (a) Minister for Health and Minister for Ambulance Services (15 minutes);
  - (b) the Leader of the Opposition or nominee (15 minutes);
  - (c) all other members (10 minutes);
  - (d) Minister for Health and Minister for Ambulance Services in reply (10 minutes);
3. the total time for debate of all stages is two hours;
4. the bill pass through all remaining stages this day;
5. if the bill has not been completed by the allocated time specified in (3) Mr Speaker:
  - (a) shall call on the minister to table any explanatory notes to his circulated amendments, any statement of compatibility with human rights or any statement relating to an override declaration;
  - (b) shall put all remaining questions necessary to either pass that stage or pass the bill without further debate;
  - (c) will complete all stages required by this motion notwithstanding anything contained in standing and sessional orders.