




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 24 February 2021

PUBLIC HEALTH AND OTHER LEGISLATION (EXTENSION OF EXPIRING PROVISIONS) AMEMDMENT BILL

Second Reading

 **Hon. YM D'ATH** (Redcliffe—ALP) (Minister for Health and Ambulance Services) (12.49 pm): I move—

That the bill be now read a second time.

I acknowledge the work of the Health and Environment Committee in conducting its inquiry into the bill and finalising the report, which was tabled on 12 February 2021. I also thank the many stakeholders who made submissions and appeared before the committee.

COVID-19 is one of the most significant health crises of our generation that continues to spread globally. We have now seen over 111 million people contract the virus and passed an unfortunate milestone with more than 2.5 million people having died. We have seen other countries continue their lengthy lockdowns to try to mitigate the damage in their communities and the impacts on their health systems. Some of these countries can no longer provide basic health services because their health workers are engaged in managing the significant number of COVID-19 cases in their hospitals.

In the United Kingdom, strict lockdown measures, which were imposed late last year, have now been in place for several months. While these measures have started to prove effective in flattening the curve, as of yesterday they recorded more than 10,000 positive cases within 24 hours. The United States has now recorded more than 500,000 COVID-19 deaths. To put that into context, more American lives have been lost as a consequence of the COVID-19 pandemic than the American lives lost in both world wars and the Vietnam War combined. That is a morbid and terrifying fact, but the sad reality is that jurisdictions had forewarning of just how catastrophic this pandemic would be on the health of our communities.

On 11 March 2020, the World Health Organization declared that COVID-19 was officially a global pandemic. As the Director-General of the World Health Organization observed, they had 'rung the alarm bell loud and clear'. He said, 'We have never before seen a pandemic sparked by a coronavirus' and the WHO had 'called every day for countries to take urgent and aggressive action'. But, most importantly, he observed that the power to flatten the COVID curve was within reach for all nations. He noted—

Several countries have demonstrated that this virus can be suppressed and controlled. The challenge for many countries who are now dealing with large clusters or community transmission is not whether they can do the same—it's whether they will.

He went on to set out the approach that would become a hallmark of our response, saying—

If countries detect, test, treat, isolate, trace and mobilise their people in the response, those with a handful of cases can prevent those cases becoming clusters and those clusters becoming community transmission.

Queensland did. We went hard and we went early. While the World Health Organization declared COVID-19 a global pandemic in March, the Palaszczuk government had the foresight to declare COVID-19 a public health emergency on 29 January 2020. To date, we have been able to suppress and control the virus. The outstanding response of our health system has ensured that we have been able to stamp out clusters before they lead to widespread community transmission. We were able to bring in additional public servants to bolster our contact tracing capacity so that we could be assured that we were able to track and trace close contacts.

We have been able to live our lives with a degree of normality that is almost without parallel anywhere else in the world. That is why this bill is so important. It allows Queensland to continue the approach that has made us a world leader in pandemic control. This virus was never just a health crisis. The World Health Organization director-general observed that the COVID-19 pandemic—

... is a crisis that will touch every sector, so every sector, every individual must be involved in the fight ... countries must take a whole-of-government, whole-of-society approach, built around a comprehensive strategy to prevent infections, save lives and minimise impact.

When the WHO director-general made his 11 March statement, there were 118,000 COVID cases worldwide. As I observed earlier, there have now been more than 111 million.

Our success was not predetermined. It was not based on luck. It was the result of the leadership of the Premier, the expert advice of our Chief Health Officer and the hard work of every Queenslanders. The international experience shows it is so important that we do not become complacent in our continued success or cease our response measures before it is safe to do so, even as we roll out the vaccine. In Queensland we have already faced some challenges in 2021. These challenges remind us that the pandemic is not over and we cannot become complacent.

The recent cluster of positive cases in the Hotel Grand Chancellor shows that we are still not in a position to lift all restrictions or move away from our current rapid response measures. Our mandatory hotel quarantine scheme remains one of Queensland's greatest defences against COVID-19 being transmitted throughout our community. We need to continue our current measures, such as social distancing and hotel quarantine measures.

The new variants of COVID-19 strains spread more rapidly and we must continue to have the powers available to allow us to respond quickly and effectively to reduce the public health risks posed by them. Delays in response to a potential outbreak might mean that it is too late to prevent uncontrolled and widespread transmission of COVID-19. As the Chief Health Officer has said, 'If we let it out, especially the new variants, we will not be able to get it back in the box.'

The experience in other countries demonstrates the dire impact that a second wave would have on our health system and our economic prosperity. The success of Queensland's health response in limiting the entry and spread of the virus continues to be the envy of many countries across the world. This response could not be achieved without the ongoing support and cooperation of the Queensland community and the emergency powers provided by the Public Health Act 2005, which allow the government to react quickly to contain and respond to the potential spread of COVID-19.

In 2020, due to the rapid nature of the response required to meet the challenges of COVID-19, the amendments to health portfolio legislation to support the Queensland government's health response were made. The amendments had sunset clauses with expiry dates to ensure the powers are time limited and will only be in place while they are needed. The bill seeks to extend these provisions for a further six months to continue: the powers provided to the Governor in Council to extend a declared public health emergency for up to 90 days instead of seven days; the emergency powers provided to the Chief Health Officer and emergency officers to make directions to limit, and respond to, the spread of COVID-19 in Queensland; and the framework to allow for the recovery of costs from a person required to enter hotel quarantine.

The bill also extends the amendments made to the Mental Health Act 2016, which allow for an authorised mental health service to be declared through an expedited process—that is, without gazetta—and to allow mental health patients to be granted leave to comply with public health directions. Other technical amendments to the Public Health Act are also being extended to support the operation of Queensland's health response to COVID-19.

The emergency powers provided to the Chief Health Officer and emergency officers to make directions to limit, or respond to, the spread of COVID-19 have been critical to the success of our rapid response to the virus. Allowing the Chief Health Officer or other senior public servants to make public health directions has been adopted in other Australian jurisdictions. Victoria, the Australian Capital Territory, Northern Territory and Queensland have given their chief health officers the power to make directions. Western Australia provides powers to their Chief Health Officer to make directions under

their Public Health Act to address specific health related matters. Powers are also provided to the Commissioner of Police and State Emergency Coordinator to make directions under the Emergency Management Act, including the directions which restrict entry to Western Australia.

Similarly, Tasmania provides powers to the Director of Public Health to issue directions under their Public Health Act and provides powers to the State Controller to issue directions under their Emergency Management Act, including the direction to restrict entry to the state. South Australia provides powers to the Commissioner of Police, as the State Coordinator, to make directions through their Emergency Management Act. All directions made in South Australia are made under their Emergency Management Act instead of under the Public Health Act. New South Wales is the only state where the power to make directions rests with the minister, rather than a senior public servant.

Facilitating the Chief Health Officer's ability to issue public health directions provides a platform for public health response measures such as those recommended by the Australian Health Protection Principal Committee or agreed by national cabinet to be implemented as quickly as possible. Chief health officers of all the states and territories are members of the Australian Health Protection Principal Committee. The committee provides a forum to share the latest evidence to inform the effectiveness of public health measures. This evidence has been used by Queensland Health to develop the most successful response measures to contain COVID-19.

While the risk of COVID-19 entering the community remains high, the Palaszczuk government, primarily through Queensland Health, continues to engage with various stakeholders, from tourism representative bodies, retail associations, aged care, disability, freight, airline and resource sectors, to ensure that the risks of COVID-19 spreading in the community can be appropriately mitigated. When events occur that require an immediate response, it is critical that the emergency powers extended by the bill are available to allow us to respond rapidly before one case of COVID-19 becomes an outbreak that we can no longer contain.

Our hotel quarantine system has been critical to the success of limiting people returning from overseas entering the community while potentially infectious. I am advised that the hotel quarantine system has processed over 71,000 people since last March. The amendments made to the Public Health Act to require people to pay their own quarantine costs continues to be necessary to ensure the viability of the hotel quarantine system. The bill extends these measures to ensure that the Queensland government can continue to collect costs for the services that it provides through hotel quarantine.

Sitting suspended from 1.00 pm to 2.00 pm.



Mrs D'ATH: The amendments to the Mental Health Act, to provide emergency measures in the event of an outbreak of COVID-19 at an authorised mental health service, need to continue. We have been fortunate that we have not had to use these powers to date, but they are considered necessary to ensure we are in a position to protect people receiving important mental health treatment at an authorised mental health facility if an issue were to arise.

Some submitters to the parliamentary committee, such as the Queensland Mental Health Commission, encouraged further consultation with people with a lived experience of mental ill health as they are strongly impacted by the public health measures. If these powers under the Mental Health Act are needed to respond to an emerging issue, consultation will occur with those persons who are directly impacted.

As with other key vulnerable population groups, Queensland Health will continue to engage with the mental health sector to mitigate impacts arising from the health response to COVID-19 on those suffering from mental ill health. Supporting those people who are suffering from mental ill health is a critical part of our health response to COVID-19 and the extension of these measures will ensure we have the tools necessary to respond rapidly in the event of an outbreak.

As people become vaccinated, we will have the opportunity to consider the ongoing need for the emergency measures. We have only extended these powers for a further six months rather than, for example, 12 or 18 months. Six months is considered the least restrictive time frame to ensure that the emergency measures are available to protect Queenslanders but do not continue for longer than necessary.

The Public Health Act contains a significant measure to ensure a public health emergency does not stay in place for longer than necessary. The act requires me, as Minister for Health and Ambulance Services, to declare the end of the public health emergency if I am satisfied there is no longer a significant risk to public health from COVID-19. If that declaration is made, the emergency powers will come to an end from the time the declaration is made.

Further extension of these emergency powers past September 2021 may be required. If that happens, another bill will need to be introduced to the Legislative Assembly to allow careful consideration of whether these powers remain necessary to protect the health of Queenslanders at that time.

The Palaszczuk government is committed to ensuring we have the tools we need to continue to limit the spread of the virus while we start implementing the vaccine rollout. From the beginning of the pandemic we have put the health of Queenslanders first and we will continue to do so. Queensland was the first state in the country to declare a public health emergency in relation to COVID-19 and that was primarily due to the early and expert advice of our Chief Health Officer, Dr Jeannette Young. Since 29 January 2020, Queenslanders have stepped up and followed the advice of our public health experts to ensure we do everything possible to stop the spread of this highly contagious virus—and for that we say thank you.

On behalf of the Palaszczuk government, I thank all of our frontline workers, our healthcare professionals, emergency service workers, our Queensland Police Service, our shop assistants and workers who have continued to stock our shelves, our truck drivers, our public transport workers—everyone who has continued on the front line to ensure our communities continue to have the services they need.

While Queensland is in a great position now, we must not relax our vigilance. The basic principles that applied at the start of the pandemic, still apply now: wash your hands regularly; keep your distance with people, where possible; and if sick with any symptoms, regardless of how mild, get tested and stay at home until you receive a negative result. I know that together we will continue to get through this and I encourage all members to support this important bill. I commend the bill to the House.