



Speech By  
**Amy MacMahon**

**MEMBER FOR SOUTH BRISBANE**

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Record of Proceedings, 29 March 2022

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

 **Dr MacMAHON** (South Brisbane—Grn) (5.28 pm): Queenslanders have done an incredible job over the last two years in keeping our community safe. In particular our thanks go to our incredible frontline health workers who have worked day in, day out doing a remarkable job looking after Queenslanders in our underfunded and squeezed public hospitals. Thanks to them and the sacrifices and hard work of everyday people all across Queensland and the millions of people who have gotten vaccinated, we have lost far fewer people to COVID than we have seen in other states. My heart goes out to the families of the 727 people who have died and the many people experiencing the effects of long COVID. Sadly, we are not out of the woods just yet.

The virus continues to pose a very real threat to public health in Queensland and particularly for people with existing vulnerabilities, those who are immunocompromised and people with disabilities. It is important that we remain vigilant about the risk of new variants, especially as we approach our first winter with the virus circulating widely in the community. A robust COVID-19 response that keeps those who are most vulnerable in our society safe relies on trust from everyday people. Transparent and accountable government decision-making is critical to maintaining this trust.

It has been over two years since the public health emergency was declared in Queensland, two years since many of the provisions that this bill extends were first legislated.

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 **Dr MacMAHON** (South Brisbane—Grn) (6.37 pm), continuing: To pick up where I left off, a robust COVID-19 response that keeps those who are most vulnerable in our society safe relies on trust from everyday people. Transparent and accountable government decision-making is critical to maintaining this trust.

It has been over two years since a public health emergency was declared in Queensland, two years since many of the provisions that this bill extends were first legislated, two years since the government was rushing to respond to a then largely unknown pandemic. After two years, we have now experienced the first wave of uncontrolled community transmission in Queensland. The dominant strain in the community has shifted to one that is less severe than the Alpha or Delta strains. We have also now passed the 90 per cent double-vaccination target and many people have now had their booster shots. By all accounts, after two years, we have moved beyond the initial emergency phase of the pandemic.

This in no way means that we should remove all restrictions. Measures like masks, vaccines and contact tracing have helped keep people safe. People working in aged care, hospitals and disability services absolutely need to be vaccinated. This does mean that, in 2022, it is well beyond time that this government introduced fit-for-purpose pandemic legislation that is transparent, accountable and more

compatible with human rights. Two years in, it is becoming increasingly difficult to justify the extension of the same emergency powers created in response to an unprecedented and poorly understood pandemic.

Extending these emergency powers has lost the support of the Queensland Human Rights Commission, which does not support this bill and has called for 'comprehensive, human rights compatible pandemic legislation'. In its submission to this bill the Commission wrote—

As a community, we have learnt about the impacts of quarantining conditions on people's mental health, the human rights limitations arising from public health directions that confine people to their homes and the mandating of vaccines. Powers imposing such significant human rights limitations cannot continue without proper oversight, transparency and external review. Otherwise, their compatibility with human rights is at question.

As the Human Rights Commissioner does not support this bill in its current form, neither can the Greens. We cannot keep kicking this can down the road and extending what was meant to be a temporary framework. It is time to develop a framework that acknowledges that COVID-19 may be circulating in the community for a while and gives us a robust framework for making ongoing health measures.

We will be moving extensive amendments to bring the health directions under democratic oversight and make the legislation more accountable, transparent and compatible with human rights. I table these amendments.

*Tabled paper:* Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2022, amendments to be moved by Dr Amy MacMahon MP [437](#).

*Tabled paper:* Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2022, explanatory notes to amendments to be moved by Dr MacMahon MP [438](#).

*Tabled paper:* Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2022, statement of compatibility with human rights to amendments to be moved by Dr Amy MacMahon MP [439](#).

Our amendments are based on the model recently implemented by the Victorian Labor government, which is what the Queensland Human Rights Commission has been calling for. Because of the very real threat that the virus continues to cause in public health in Queensland—particularly for people with existing vulnerabilities, those who are immunocompromised and people with disabilities—the ability to make public health directions remains incredibly important. Among other things, our amendments would ensure that the advice given by the Chief Health Officer would be available to the public, allow social and economic factors to be taken into consideration and provide an assessment of any human rights that are limited by pandemic orders.

These amendments replace the proposed temporary framework with transparent, accountable and human rights compatible legislation, requiring that the Premier is responsible for declaring, extending and ending a public health emergency. The Premier can only do this if satisfied that there is a public health emergency and it is necessary to use this power to prevent serious adverse effects on human health. The Premier must consult with the health minister, the chief executive and the Chief Health Officer at the time of doing so. There are new requirements of the Premier in extending a public health emergency, including the need to table a report in parliament about any extension.

If such a declaration has been made, the minister for health may make public health directions to protect public health. The minister must consider advice from the Chief Health Officer before doing so and may consider additional advice on things like social and economic factors to the community. These directions must be accompanied by a statement of reasons explaining why the direction was reasonably necessary to protect public health, the Chief Health Officer's advice and an assessment of any human rights that are limited by the directions. These measures must also be disallowable by parliament.

As the member for Maiwar has been proposing since 2020, these amendments include setting up a standing COVID-19 oversight committee, created to conduct a rolling inquiry into the government's response to COVID-19, including border closures, lockdowns, quarantine, contact tracing, hospital capacity, economic support for workers and renters, and National Cabinet decisions. It would also have the power to recommend that a pandemic order be disallowed or varied.

We want to restore accountability and ensure that it is the Premier and the health minister who ultimately own these decisions and ensure that the government is up-front about the human rights implications of health directions. These measures would help build trust. As the Queensland Human Rights Commission pointed out in its submission on the last version of this bill last year, government decisions have already resulted in massive limitations of human rights in Queensland. This has included: families being separated, sometimes when a loved one is terminally ill; detention of people in hotel accommodation that may not be fit for purpose, which exacerbates mental health issues; and significant restrictions in many areas of Queensland, including the greater Brisbane area being locked down on a number of occasions.

There has also been a mismatch between the health directives and the support offered to Queenslanders, such as the lack of support for small business and the short duration of the eviction moratorium. For many in the community, particularly for people with disabilities and First Nations communities, the vaccine rollout and the sharing of information were not up to scratch. From talking with members of the disability community, it is clear that many of the public health directions have a huge value in protecting the community and making people feel safe. It is critical to this community that there is long-term trust and faith in the health directions, and this cannot happen if the government continues to make opaque and undemocratic decisions when it comes to COVID-19.

This government needs to be up-front about the fact that managing a pandemic involves political decisions. These decisions are not made in a vacuum and their merits depend entirely on what else the government is doing. They heavily depend on how much the government is willing to fund our public health and hospital system. The government made a choice to not spend big on things like HEPA filters for every state school classroom and to not massively expand and improve hotel quarantine systems when it needed them the most, and it chose not to distribute free masks and give positive incentives for vaccine uptake.

While we are looking for ideas for the government from interstate, including Labor counterparts, I wonder if the government has noticed that South Australian Labor is putting a billion dollars into the health system now that it has won government. When I proposed a similar measure last year to boost health spending funded by a bank levy, the government argued that the idea should not even be debated in parliament.

**Mr DEPUTY SPEAKER** (Mr Kelly): Member for South Brisbane, I bring you back to the long title of the bill.

**Dr MacMAHON:** What we have been left with is an underfunded and under-resourced public health system that is just scraping by, where our health workers are beyond exhausted and people have to go without crucial elective surgeries. It is time for the government to justify why they make particular decisions and not others when it comes to public health. These amendments move towards creating trust in our public health system, which is the crucial thing we need to keep people safe.