




Speech By  
**Rob Molhoek**

**MEMBER FOR SOUTHPORT**

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Record of Proceedings, 25 October 2022

## **PUBLIC HEALTH AND OTHER LEGISLATION (COVID-19 MANAGEMENT) AMENDMENT BILL**

 **Mr MOLHOEK** (Southport—LNP) (5.01 pm): As with all legislation that has dealt with Queensland's response to COVID-19, opposition members of the committee have sought to engage respectfully with regard to the committee's considerations. It would be remiss if we did not acknowledge that the COVID-19 pandemic has caused significant disruption and upheaval to the lives of Queenslanders—in fact, not just Queenslanders but all Australians. There can be no escaping the fact that COVID-19 took away many things from many people. We have previously expressed this sentiment when examining similar legislation, and it should be rightly acknowledged again on this occasion. At this juncture we should also acknowledge and again thank the thousands of Queensland health workers and medical practitioners across the state who have given so much of themselves in terms of sacrifice and time away from their families. They had to wade through a minefield with so many challenges when there were so many unknowns about the pandemic at the outset.

Despite the changes made by the government to this bill as compared to its previous iterations, the provisions in this bill remain extraordinary. The current state of the pandemic has shifted so greatly since a bill of this nature was last introduced to the parliament that, as opposition members of the committee, we cannot support the legislation as it currently stands. We acknowledge and accept that COVID-19 still circulates widely amongst our community and, for that matter, in many parts of the world. We also acknowledge that we must be prepared for a potential new variant of the virus and the risks that could bring; however, we cannot go on living indefinitely with this type of legislative framework in place.

The member for Thuringowa quite rightly said that no-one has a crystal ball, but just because we do not have a crystal ball does not mean we should continue to expand special powers of the government from one year to the next just in case something else happens. As the member for Mudgeeraba stated earlier, this parliament has been recalled under extraordinary circumstances to deal with something far more minor than the impact of a pandemic: it was recalled for a matter of hours simply to deal with a public holiday. I have absolute confidence in this parliament and its ability to be recalled at a movement's notice should there be the need for additional powers. As it stands, there are now very few COVID restrictions that impact on Queensland life, with more of these restrictions having been wound back both in Queensland and nationally. Our party believes it is extremely difficult to justify to the community why legislation like this bill should be passed again in the Queensland parliament.

During the course of the inquiry there were 57 submissions received. There was general support for some aspects of the bill. There were submissions from organisations in the healthcare sector that expressed general support for the bill but also raised some very specific concerns. There were some submitters who raised concerns that the term 'serious risk' had not been adequately defined in the bill. I note that, in looking at the three special provisions, the directions that would remain in place are more limited than those in the past, but they still provide special or extraordinary powers for the Chief Health Officer.

During the course of the hearings we heard evidence from one group and commentary from the discrimination commissioner who raised concerns about where the appropriate powers should sit. One of the concerns we heard raised at length throughout the course of the hearings was a concern that a bureaucrat or an employee of the government would be vested with special powers rather than an elected member. Concerns were raised about the lack of accountability to the voting public and the people of Queensland. I flag that because it is a concern. While we are not supporting this bill, equally I do not believe that those extraordinary powers should be vested in the hands of a bureaucrat ahead of an elected representative of the Queensland parliament.

We also heard concerns raised with respect to special provisions relating to corrections and corrective services. One of the comments made was with respect to the special powers. I understand the need for the head of corrections to have to implement special measures to deal with the prison population, but one of the concerns raised was that it provides them with the power to make emergency declarations for up to 90 days. Effectively, what that means is they can lock the prison down for a period of 90 days. That restricts the flow of visitors, which includes family members. One of the discussions that got a lot of air time throughout the course of the hearings was the need to perhaps consider reducing that 90 days to 30 days, as that would be a little more humane. It would be better for the mental health of both prisoners and their families. While there are many arguments that could be raised either way with respect to that issue, I do think the mental health and wellbeing of all Queenslanders is equally important.

Throughout the course of the hearings we also looked into the issue of public health directions. I note that the member for Mudgeeraba raised this issue, and I agree with her. It is interesting that after the pandemic has passed we now want to introduce special measures that provide greater transparency. Even so, the bill only requires that public health directions be tabled within 21 days. As we all saw during the pandemic, 21 days is a long time. A lot changes in 21 days. What we all lived to experience was that almost on a daily basis there were new health directives, there was new advice, there was conflicting advice, there was confusion. I am not sure that the parliament would be able to keep up with the information that may be tabled with regard to public health directions. Does that mean that every time there is a change in public health direction we would see new documents tabled? Would they have 21 days to table those statutory instruments and then we would find ourselves in a never-ending cycle of debating those directions retrospectively? I am not sure that is the most effective way to address or deal with those instruments that are being suggested.

We will not be supporting this bill. We do not believe it is necessary at this time. We absolutely believe that the parliament should be free to do its work and that if the parliament needs to be recalled then that would be the appropriate time to deal with any future pandemic or health concerns.