




Speech By
Sandy Bolton

MEMBER FOR NOOSA

Record of Proceedings, 31 March 2022

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

 **Ms BOLTON** (Noosa—Ind) (11.43 am): COVID-19 has caused significant trauma to the lives of not only Queenslanders but also people across Australia and the world. Contrasting views and emotions abound, whether within our communities, in scientific realms or in this chamber, as we are seeing. I have stood here in parliament on numerous occasions over the last two years sharing the reality from my community—many positive, including the incredible efforts by all and especially our front liners, as well as catastrophic. From divisions created by mandates to devastating impacts to our small businesses and workers, there is so much I could revisit.

However, instead I want to focus on this bill and the committee inquiry process that has failed Queenslanders. When the last extension was granted in September 2021, opposition and crossbench members felt that six months was too long for such wide and sweeping powers. If the last three months is any indication, this was justified. The silence from government in response to my and our questions and the pleas and speeches made on behalf of communities over this time has been deafening.

This extension is authorising the continuance of this silence as well as lockdowns, quarantine and mask and vaccine mandates without the needed transparency, consultation or reference back to this parliament for scrutiny. We are being asked to do this without any forward strategy, as previously requested, nor data or scientific advice to support the determinations. There has been no effort to develop legislation that is suitable for our current circumstances, which is vastly different to where we started. Yes, COVID-19 remains a risk to vulnerable Queenslanders and our health system and protections are needed; however, with the federal health minister announcing, following medical advice, that Australia's biosecurity emergency pandemic measures will not be renewed when they lapse on 17 April as well as our high vaccination rates, the question is simple: why do we require emergency powers given, as we have heard, if for any reason we are faced with the need for these powers again we can reconvene parliament here or remotely if speed is required.

During the committee's inquiry into this bill there was overwhelming opposition and concerns—not only from everyday Queenslanders but also from respected peak independent bodies. Despite public submissions only being open for a couple of weeks, thousands were received. The vast majority considered the COVID-19 powers to be discriminatory and responsible for creating division in families, segregating society—citing impacts of restrictions on individuals, small and medium business owners and communities—creating the inability to work, pay rents or mortgages and declining mental and physical health. From my community over so many months, the impacts and trauma are incalculable and ongoing, including an increase year on year for two years of 30 per cent in domestic violence.

The Queensland Human Rights Commission stated in its submission that powers imposing such significant human rights limitations cannot—I repeat, cannot—continue without proper oversight, transparency and external review. Oversight, transparency and external review are critical as they have been missing in these last months. How can we determine if the loss of human rights is justified without this or build the needed public confidence and trust to deal with waves and variants?

The Queensland Law Society in its submission, even though broadly supporting the legislation, called for a parliamentary committee to be given oversight powers in respect of COVID-19 related legislation and executive implementation of this legislation. Alternatively, if a single parliamentary committee is not to have a COVID-19 response oversight mandate, each and every parliamentary committee should be given the power to inquire into any relevant emergency measure of its own volition. Any parliamentarian should also be able to make a referral to the committee. This is essential. These points are instrumental and critical for all Queenslanders. Opposition and crossbench members of the committee stated in their statements of reservation that decisions to issue health directives must be evidence based, transparent and consider human rights implications.

There were some stakeholders that expressed general support for the extension. The Australian College of Nursing indicated that designated officials needed capacity and flexibility. The Royal Australian and New Zealand College of Psychiatrists stated that this was needed because COVID-19 is still present. Simply saying COVID-19 is still here to validate an extension of such powers is not sufficient. Queenslanders need to be consulted and their questions answered.

This leads me to the process that has seen this bill come into this chamber without any amendments or recommendations through the committee or from government. Of concern is the time for debate. We have many MPs who are not going to have the opportunity to speak. This is shocking. As we did the other night to accommodate the flood appeal, we should extend debate time tonight to ensure every MP has had a voice for their communities.

Anyone who has ever listened to me speak, or who knows me, knows that I objectively look at each bill and process. I am not one to get up here on my soapbox. However, for the last four years I and other MPs have requested our committee system to be reviewed as it is failing what it was set up to do. This bill has actually highlighted those flaws as it does not even attempt to address the concerns or the recommendations raised including from the Human Rights Commission for legislation that is fit for purpose—which this bill is not.

Ms PEASE: Madam Deputy Speaker, I rise to a point of order. I would ask that you direct the member to come back to the long title of the bill.

Madam DEPUTY SPEAKER (Ms Lui): I will get some guidance. Member, I have been listening very carefully and your contributions are in line with the bill. I ask you to continue.

Ms BOLTON: Thank you. This bill is not fit for purpose. It should have been if our systems worked. In addition, the public consultation period was for a couple of weeks. There was a committee inquiry for only 31 days. There was only one public hearing of one hour. This lack of scrutiny, which is necessary for such a momentous bill, implies a rushed process that is unacceptable. As the member for Maiwar said in his statement of reservation, if our parliamentary processes provided for genuine scrutiny of the government's legislative agenda, their report into this bill would have offered a more rigorous critique of the proposal in line with the concerns raised by members of the community and key submitters than to simply extend the existing COVID-19 public health regime.

I ask all MPs to consider the words of the Queensland Human Rights Commissioner that 'any limitations on rights should be necessary, proportionate, and fit for purpose, and the justification for those limitations should be backed by evidence'. Regardless of responses from government, this has not been provided, and I have not heard in this chamber any avenue to address that except through amendments put forward by the opposition to obtain this oversight needed and which I support.

Whilst I thank the committee and secretariat, all submitters, attendees at the public hearing and the department for their consideration of this bill, I cannot thank a system that is failing Queenslanders. We were meant to be in this together. However, in recent months there has been disparity. I was embarrassed when financially vulnerable workers were mandated to be vaccinated, yet as MPs, who are highly paid, we were not. Then when our residents became homeless, losing their jobs, businesses and mental and physical health, we were given a pay rise. This was appalling.

We are now living alongside COVID-19. We have a journey to go and need to end this disparity. To support this bill without amendments that ensure oversight, accountability, transparency, support for evidence based decision-making and independent reviews of determinations is to support a form of autocracy versus democracy—and we should never support that, nor any bill that is against recommendations of the Human Rights Commission. Keeping vulnerable Queenslanders safe is essential, but that needs to include our financially and mentally vulnerable, and we are shamefully not doing that.