




Speech By  
**Stephen Andrew**

**MEMBER FOR MIRANI**

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Record of Proceedings, 25 October 2022

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

 **Mr ANDREW** (Mirani—PHON) (5.17 pm): I rise to make a brief contribution on the Public Health and Other Legislation (COVID-19 Management) Amendment Bill 2022. I also would like to thank all of the people in my electorate and right throughout Queensland who have worked tirelessly to prevent the spread of COVID throughout Queensland and also to other states.

The new legislation proposing a step-down approach to the current emergency powers framework in Queensland was introduced to parliament on 1 September. This bill was forwarded to the health committee for review by 14 October 2022. I am a part of that committee, and I thank the committee, the secretariat and the witnesses who appeared. The new bill sought to replace the current emergency framework with a new set of temporary and targeted powers which would allow the Chief Health Officer to only issue public health directions across a few key areas. Those directions could only be issued if the CHO believed it was reasonably necessary to respond to a serious risk to the public health system or community, to give effect to a National Cabinet decision or to give effect to advice from national advisory bodies, for example, the AHPPC.

I know that many people feel fairly strongly that this ongoing use of emergency powers in Queensland is unnecessary and that the whole lot should be allowed to expire at the end of October 2022 as they are supposed to. I agree. By this date, Queenslanders will have been living under a state of emergency for nearly three years. I also believe such powers should only be exercised by a minister who is a democratically elected representative of the people here in Queensland and who is accountable to the people for all actions taken. The CHO is none of these things—neither elected nor accountable. There is also an issue with a few broadly worded phrases like ‘serious risk’ that have not been defined in the bill. The meaning is left entirely up to the CHO’s own discretion. I am also concerned with the bill’s proposal to extend emergency power provisions at corrective services facilities for another year. Apart from that, I find the virtual silence on the introduction of the bill both in the mainstream media and elsewhere very strange.

The departmental briefing paper states—

A confidential consultation paper about the proposed changes to the Chief Health Officer’s powers ... was distributed to targeted stakeholders.

That sounds suspiciously like stakeholders consulted on the bill are being prevented by the government from discussing the contents of the bill, either publicly or with their membership. If so, that is disgraceful. This is a significant issue. There should be a wideranging and open public debate on how the state steps away from the ongoing state of emergency powers framework.

We all saw the storm of controversy that erupted when the *Australian* revealed the shroud of secrecy governing the Queensland government’s consultations regarding proposed new environmental laws. Stakeholders were forced to sign an unprecedented confidentiality deed before they were allowed to see the proposed amendments. The deed prevented stakeholders from discussing any of the proposals either publicly or with members. I sincerely hope the same tactics were not used in this bill.

We were the first state to declare an emergency on 29 January 2020 and the Premier said at the time—

Queensland acted early and strengthened the laws because public safety is paramount.

Since then we have seen our economy smashed, small businesses decimated, hundreds of thousands of jobs lost, and people's lives turned upside down through mandates and through direct acts by what has happened with COVID-19. All was sacrificed on the altar of public safety, along with free speech, the right to peaceful assembly, the right to work, freedom of conscience, bodily autonomy, government transparency and public trust in our institutions. Even worse has been the fundamental change in our relations with one another, a change clouded by suspicion and distrust. This new bill seeks to prolong all this.

It is also important to note that the government's transitional regulation-making powers under part 9 of the original Emergency Response Act 2020 will remain in place for a further two years after the expiry date. This means until near the end of 2024, presuming, of course, that the government does not extend the date again for a fifth time. When the Minister for Health said that Queensland must move from 'an elimination strategy to suppression strategy and eventually into learning to live with COVID-19', her words had an ominous ring. I suspect she did not mean it the way you or I might hope. In fact, the new mantra of 'learning to live with COVID' is starting to sound a lot like 'learning to live with the new normal'. Either way, we cannot afford to let this charade go on one day longer. The report titled *Fault lines: an independent review into Australia's response to COVID-19*, led by ex-public servant Peter Shergold, also found some lockdowns and border closures were not necessary and schools should have remained open. The review stated—

Governments and public servants were making decisions in a fog of uncertainty.

According to this independent review, Australia's response to COVID-19 exacerbated existing inequalities within society that included Queenslanders, which urges that overreach be avoided in dealing with future such crises. Those bearing the brunt of the pandemic included low socio-economic families, women, children, those in aged care, people with disabilities, temporary migrants and multicultural communities, the review says.

It says lockdowns and border closures should have been used less, schools kept open in the main and older people better protected in an aged-care system known to have pre-existing problems. Decision-making was not transparent enough.

The harm caused should stop now. We have a sunset clause and that is the end of this month. We should use it. It is time to end the emergency powers in Queensland. We just cannot go on living this way.