



Speech By  
**Hon. Yvette D'Ath**


**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 25 October 2022

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

**Second Reading**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Minister for Health and Ambulance Services) (4.28 pm): I move—

That the bill be now read a second time.

I want to acknowledge the work of the Health and Environment Committee in conducting its inquiry into the bill and thank the committee for its report tabled on 14 October 2022. I also want to thank the many stakeholders who provided valuable input into the development of the bill and participated in the committee's inquiry. I also want to put on record my sincere appreciation for all of the health workers who have made such a significant contribution to Queensland's pandemic response. Whether it be the clinical staff on the front line, the operational staff working throughout our hospitals or whether it be those working in the Department of Health, everyone within the Queensland health system has made their own sacrifices to ensure that the broader Queensland community could withstand the immense pressure of the COVID-19 pandemic, which brought many health systems and economies across the globe to their knees.

The committee made one recommendation: that the bill be passed. While non-government members of the committee tabled dissenting reports, the committee supported passage of the bill to retain the limited powers necessary to manage COVID-19 for the next 12 months. I will address some of the issues raised during the committee's inquiry in my speech. COVID-19 has dominated much of our lives since 2020. To our relief, we are now well on our way to living with COVID. This bill provides the safety net to see us through the next 12 months as we continue to adapt. During the committee's inquiry, many stakeholders expressed their support for the bill and the proposed step-down approach to manage COVID-19 as a notifiable condition until 31 October 2023. This suggests people are becoming more comfortable with self-managing the risks of COVID-19 but appreciate that government still has a vital role at this stage of the pandemic to manage the most serious risks of COVID-19.

The bill will replace the emergency framework with limited measures to manage COVID-19 as a notifiable condition in the Public Health Act without the need for a public health emergency to be declared. The new temporary amendments in the bill will sunset on 31 October 2023. Enacting temporary provisions for 12 months ensures government is only legislating for the measures likely to be needed for now. The bill enables the Chief Health Officer to make public health directions about three measures: masks; isolation for people diagnosed with COVID-19 and quarantine for symptomatic close contacts; and vaccination for workers in specific settings.

The bill strengthens the threshold for when the Chief Health Officer may issue directions to reflect the focus on managing COVID-19. The new threshold means that a direction can only be made if it is reasonably necessary to prevent or respond to a serious risk to the public health system or the

community as result of COVID-19, or give effect to decisions of National Cabinet or the recommendations of national public health advisory bodies such as the Australian Health Protection Principal Committee. The range of safeguards and limitations in the bill recognises the impact public health measures may have on human rights. It also responds to stakeholder feedback on this bill and previous COVID-19 legislation.

The proposed approach in this bill aligns with the latest advice from the World Health Organization. The World Health Organization has cautioned that while the end of the COVID-19 pandemic is in sight, we are not there yet. Epidemiologists advise that future waves of infections are expected, potentially at different times throughout the world caused by different subvariants of Omicron or new variants of concern. The bill has been carefully developed with these realities in mind. The bill retains the powers necessary to preserve human life and respond to serious risks posed by COVID-19 while ensuring the rights and liberties of Queenslanders are limited as little as possible. Striking this balance is difficult because we are dealing with an unpredictable virus.

The differing views expressed by the stakeholders during consultation undertaken by Queensland Health and during the committee process is testament to this. While some stakeholders consider the powers proposed to be retained are too broad or no longer needed, others expressed concern during the development of the bill that the powers may not be broad enough given the ongoing risks of COVID-19. To strike the right balance, the bill places appropriate limits on government decision-making by retaining only the critical measures needed to respond to COVID-19 and maintain consistency with other states and territories. At the same time, it affords individuals more opportunity to self-manage the risks of COVID-19, with government only stepping in when necessary.

In recognition of the new phase of the pandemic we are in, the bill provides a significant number of safeguards on the adjusted powers being exercised. That includes a requirement that the Chief Health Officer publish a statement justifying each direction. This justification statement must set out the reasons for making the direction. It must also include the Chief Health Officer's assessment of whether the direction is compatible with human rights recognised under the Human Rights Act 2019. It also must include a need for directions to be tabled in parliament within 21 days along with the justification statement. If a direction is not tabled within 21 days it will cease to have effect. On tabling, the direction and justification statement will be referred to a parliamentary committee in the same way as subordinate legislation. This will ensure appropriate parliamentary scrutiny of directions. Directions may be the subject of a disallowance motion within 14 sitting days of being tabled. Directions will automatically expire after 90 days and must be revoked as soon as they no longer meet the criteria for being issued.

I wish to emphasise that this legislation is precautionary. As the Chief Health Officer stated in his testimony to the committee, 'it is the current plan to be pulling back on most measures and in the coming months to have no or very limited legal mandates in place'. We moved a step closer to this reality on 14 October 2022 when mandatory isolation requirements were removed following a National Cabinet decision. However, as the Chief Health Officer also advised the committee, 'it is important that Queensland has the ability to respond immediately if required, if something unexpected happens or the cumulative effects of successive waves of COVID-19 create a serious risk to the community'.

To remove the ability to rapidly implement measures to respond to COVID-19 at this time would go against expert advice and be inconsistent with other jurisdictions in Australia. Rather than waiting until things reach emergency level, this bill provides a balanced and proportionate approach to an unpredictable threat. It also allows for meaningful scrutiny of public health measures and provides greater certainty to the community regarding what measures may be required for the next 12 months.

The enabling framework in the bill allows the Chief Health Officer to scale up measures when risks are serious and scale them down when risks are low. While we are currently experiencing a relatively low risk period as we enter the warmer months, it is important we have the tools to respond to any future waves of COVID-19. This year's winter period was a prime example of how COVID-19 can place further strain on our resilient but fatigued health system. In particular, the bill ensures we have the means to manage COVID-19 through the 2023 winter period so that our health system can continue to manage these impacts and other risks that might emerge.

During the committee's review, some stakeholders and committee members suggested there is no longer the need for government support or intervention as Queenslanders know how to live with the virus. I acknowledge that some in the community feel very comfortable self-managing the risks of COVID-19. However, during Queensland Health's consultation on the bill, others representing health, aged care and disability services, expressed concerns that some parts of the community are not yet at a point of self-management. We have carefully considered the needs of all Queenslanders when developing this bill.

It is also important to consider the impacts of COVID-19 on our health system. During a wave of infection, increased strain is put on the health system. If enough healthcare workers cannot work due to illness or otherwise and cases are continually rising, steps might need to be taken to mitigate the impact on the health system. Otherwise, this could have flow-on effects for access to health care for all, including our most vulnerable. The bill retains the powers that may be needed to support our community and mitigate impacts on our health system over the next 12 months.

Legislation is only one part of the COVID-19 response. Queensland Health and the Chief Health Officer continue to provide guidance to the public and sectors like aged care and disability services to assist in effectively managing COVID-19. Eventually, as COVID-19 stabilises, individuals, businesses and industries will be able to self-manage COVID-19 without government intervention. Until we get to that point, however, we must maintain our ability to respond with speed and precision.

There was some commentary during the committee's inquiry about responding to COVID-19 in the corrective services environment. Custodial settings are an environment where physical distancing is not always possible. An outbreak of COVID-19 could present serious risk. It is important we retain measures to respond to COVID-19 in the custodial environment during this ongoing period of uncertainty. Queensland Corrective Services continues to take steps in line with the health advice to mitigate the risks of COVID-19 while minimising the impact on prisoners.

While this bill steps down the legislative response to COVID-19, Queenslanders are stepping up to the task of living with the risks of COVID-19. Our frontline workers have not wavered in their duty. They are still showing up every day to keep us well and maintain a resilient health system. To all of our health workers across Queensland Health and the HHSs and all of our health stakeholders externally, I say thank you for your partnership and your commitment to the people of Queensland. I commend the bill to the House.