

PUBLIC HEALTH AND OTHER LEGISLATION (EXTENSION OF EXPIRING PROVISIONS) AMENDMENT BILL 2020

*Submission to the Health and
Environment Committee*

January 2021

Introduction

1. The Chamber of Commerce and Industry Queensland (CCIQ) welcomes the opportunity to participate in the Health and Environment Committee consideration of the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2020.
2. CCIQ is Queensland’s peak industry representative organisation for small and medium businesses. We represent over 448,000 Queensland small and medium businesses who employ 44% of Queenslanders working in the private sector.
3. CCIQ works with the chamber network across Queensland to develop and advocate for policies that are in the best interests of Queensland businesses, the Queensland economy, and the Queensland community.

On 3 December 2020, Hon Yvette D’Ath, Minister for Health and Ambulance Services, introduced the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2020 (The Bill). The Bill was referred to the Health and Environment Committee for detailed consideration and report by Friday, 12 February 2021.

CCIQ would like to respond to the Bill’s provisions as follows:

Amendments	Amendment Act	Expiry date	CCIQ Comment
Increased powers for the Governor in Council to extend a declared public health emergency for up to 90 days (instead of 7 days)	(Public Health (Declared Public Health Emergencies) Amendment Act 2020	Start of the day on 7 February 2021	Supported – The extension reduces the number of regulations issued and helps maintain certainty
Increased powers for emergency officers and the Chief Health Officer to limit, or respond to, the spread of COVID-19 in Queensland	(Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020	Start of the day on 19 March 2021	Conditionally supported – Seeking amendment requiring CHO to consult business, for oversight over decisions made, for clarity, certainty and proportionality of decisions made and for reasonable timelines for review of restrictions
Allowing the chief executive to delegate their powers to	(Justice and Other Legislation (COVID-19	Start of the day on 19 March 2021	Conditionally supported

the Chief Health Officer or a person with expertise or experience in public health issues and improvements to the operation of the provisions about emergency officers (medical) appointed under Chapter 8 of the Public Health Act 2005	Emergency Response) Amendment Act 2020		
Powers to allow for the recovery of costs for the provision of accommodation and food to a person required to enter hotel quarantine	(Community Services Industry (Portable Long Service Leave) Act 2020	End of the day on 18 March 2021	Supported – It would be unsustainable for governments to bear the cost of hotel quarantine in the long run

COVID-19 Public Health Outcomes

1. CCIQ commends the Chief Health Officer (CHO) and her team for their hard work and professionalism under intense pressure and scrutiny since the declaration of COVID-19 as a public health emergency
2. As a result of the CHO’s work and the sacrifices made by Queenslanders, the state has controlled the spread and effects of COVID-19 and limited loss of life to 6, out of a population of over 5 million people

COVID-19 Economic Impact

3. COVID-19’s effects on Queensland’s business community, however, have been nothing short of devastating
4. Many of these effects were the inevitable result of keeping the virus under control
5. CCIQ’s Pulse Surveys of Business Conditions (Pulse Survey) showed the following:
 - a. The June 2020 Pulse Survey showed the worst business conditions in the survey’s history. Worse than the previous low during the 2008 GFC
 - b. In the September 2020 Pulse Survey, 60% of businesses still believed that the national and Queensland economies will deteriorate over the next 12 months and;
 - c. 50% of businesses indicated that their profitability declined
6. Stimulus measures such as JobKeeper (Federal government), Business Adaption Grants (Queensland government), Concessionary Loans (Queensland government) and rent relief (Queensland government) have been instrumental in keeping businesses afloat
 - a. The current and expected winding down of these stimulus measures will further impact business

COVID-19 Restrictions: Getting the Balance Right

7. Not all restrictions, however, were proportional to the risk faced by the Queensland public
8. The following examples stand out:

Border closures – Border restrictions were set in response to COVID-19 community transmission in Victoria and New South Wales (NSW)

- a. These restrictions were economically devastating for border community businesses in places like the Gold Coast for example
- b. Easing of border restrictions was contingent on 28 consecutive days of zero community transmission in the affected neighbouring states. A bar that, CCIQ submits, was set too high
- c. CCIQ received complaints from companies servicing farms needing to move livestock and workers between the NSW and Queensland borders struggling with the border permit process and not feeling listened to
- d. CCIQ regularly reiterated that border restrictions were not “set and forget” because the restrictions often persisted far longer than necessary

Restrictions, lockdown and social distancing – Businesses in Far North Queensland (FNQ) were heavily affected by the Queensland-wide lockdowns despite the near-total absence of COVID-19 cases throughout the pandemic

- a. Restaurants and hospitality establishments were most heavily affected by social distancing requirements that bore no relation to the actual risk they faced in their region(s)
 - b. The criteria and process for lifting lockdown restrictions were also unclear
 - c. Businesses also struggled with contact tracing requirements where they bore legal responsibility for the accuracy of patrons’ contact information. This was despite the businesses lacking the means to ensure that patrons entered their correct information in the first place
 - d. Throughout September 2020, CCIQ repeatedly called for an easing of restrictions on patron limits due to the virus being under control at the time. Restrictions were not eased until 1 October 2020
9. CCIQ acknowledges that the CHO has had to make far-reaching decisions, rapidly, at a time when the virus was poorly understood
 10. CCIQ also acknowledges that it was impossible for the CHO to understand the nuances of every type of business in Queensland and weigh up the proportionality and practicality of proposed restrictions.

11. Consultation by the CHO helps to plug these gaps and reduce the risk of overly harsh restrictions

Positive Steps

12. The Queensland Government's in-principle support for the October 2020 **Framework for National Reopening** (The Framework) endorsed by the National Cabinet
 - a. The Framework included harmonised key principles, definition, community transmission thresholds and steps towards reopening the economy
 - b. CCIQ supports The Framework as a means to ensure proportionality, clarity and certainty into the COVID-19 response
13. The Greater Brisbane 2021 lockdown also showed increased proportionality, clarity and certainty in response to a COVID-19 risk event
 - a. CCIQ welcomes this approach to the COVID-19 response as it balances public health needs with the interests of small businesses outside the identified hotspots

Recommendations

14. CCIQ strongly recommends four steps to allow the positive steps and other improvements to be locked into The Bill
 - a. The Bill should spell out an accountability mechanism for the exercise of the CHO's powers, given their wide-ranging reach and duration
 - i. This recommendation is in line with recommendation 3.4 of Associate Professor Dr Kate Galloway (submission 047 to this inquiry)
 - b. The Framework should be referenced in The Bill and used to ensure certainty, clarity and proportionality when decisions on COVID-19 restrictions are considered, finalised and subsequently lifted
 - c. The CHO should be required to consult with industry representative bodies, before imposing new restrictions
 - i. Where public health considerations necessitate immediate decisions by the CHO, she must consult with business as soon as is practically possible, and this requirement should be built into The Bill
 - d. All proposed restrictions should have a start and end date, clear dates for review, space for consultation and clear criteria for any changes (in line with The Framework)

Summary

15. CCIQ reiterates appreciation for the CHO and her team for the public health outcomes achieved during the pandemic
16. It is, however, important to acknowledge that the economic impact of the COVID-19 response was devastating
17. After nearly one year since the declaration of COVID-19 as a public health emergency, the Queensland government and business have learned a great deal about what it takes to manage the pandemic
18. It is important to build on these lessons and embed them into The Bill
19. A balance needs to be struck between Queenslanders' public health and economic health and an accountability mechanism should be formally written into the Bill
20. Building proportionality, clarity and certainty into The Bill, as proposed above, is essential and will help to ensure this.

Conclusion

CCIQ thanks the Health and Environment Committee for the opportunity to comment on the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2020. If there are any questions in relation to the submission, please contact Gus Mandigora (Senior Policy Advisor) at gmandigora@cciq.com.au