



## Speech By **Andrew Powell**

**MEMBER FOR GLASS HOUSE**

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Record of Proceedings, 20 April 2021

### **COVID-19 EMERGENCY RESPONSE AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr POWELL** (Glass House—LNP) (3.23 pm): I, too, rise to address the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021. Again, I thank all of those who have been on the front line keeping our community safe. I also want to thank the good people of Glass House, the business owners and everyone who has persevered with another round of lockdowns and challenges around restrictions.

I want to focus my contribution on a request of the government moving forward should we face further lockdowns and further restrictions, particularly around the use of masks. I understood that the direction was given that masks were required. As always, we would love to see a bit more of the medical advice that supports that. In the electorate of Glass House we really faced some challenges this time because the messages were inconsistent. That created conflict and I believe strongly that that conflict was unnecessary. I appreciate the minister wants to jump up and tell me that this is not relevant. However, I would ask for some latitude in being able to raise this—

**Ms Fentiman:** Well, hurry up then!

**Mr POWELL:**—because it is important as it relates to businesses. Oh gee, the pressure the minister is placing on me!

I say for the minister's interest that the particular issue is that businesses were being told that they had to allow entry to customers who were not wearing masks. At the same time businesses were being told that they needed to keep their employees and others within those stores safe. That is conflicting messaging. In fact, the Human Rights Commission says—

As the pandemic continues, public health directions may mandate the wearing of face masks in particular places or circumstances.

The Human Rights Act obligates public entities, such as the Queensland Police or Queensland Health, to take positive steps to protect rights. This includes the right to life.

Directives which mandate the wearing of masks in particular places or circumstances are in line with these obligations, and generally speaking will not constitute an unreasonable limitation on the rights of individuals.

Mask requirements usually include exceptions to ensure people with a valid reason they are unable to wear a mask aren't treated less favourably. Queensland Health's COVID-19 information lists these exceptions, which include children under 12, people with a medical condition or disability, people with a past experience of trauma, those in prison or detention, and others. Requiring someone to wear a mask when an exception applies might be discrimination.

Queensland Health goes on to state—

If a service provider, school or employer asks for a medical certificate to confirm you have a lawful medical reason for not wearing a mask before entering their premises, this may amount to unlawful discrimination.

However, it then says—

Whether it is lawful will depend on whether asking you to provide the medical certificate is reasonably necessary to protect the health and safety of other people, such as other customers or employees.

It is this area in particular that I call on the government to be more explicit about in the direction, particularly as it relates to business owners, should we again be required to wear masks. I know some in the electorate of Glass House, particularly in Maleny, tried to address this by servicing customers outside of the premise so they did not discriminate against those customers. At the same time they would be protecting other customers who wanted to wear masks and wanted to be in the presence of others who wore masks, as well as their colleagues.

I have spoken to the CCIQ and I have written to Queensland Health on this matter. It would be wonderful if moving forward there could be more explicit advice to individuals and business owners alike as to how to marry these two competing rights: the right of the individual to have an exception and not wear a mask and the right of a business to continue to serve customers along those lines.

I do appreciate the minister's latitude in allowing me to address that matter in relation to this bill. I commend the bill to the House.