



28 May 2020

Commission urges strong consultation with Queensland's Indigenous communities to find workable, fair and locally driven Covid-19 protections

The Queensland Human Rights Commission has called for the lifting of the Commonwealth Government's rigid restrictions on remote communities and urges the Queensland Government to consult closely with Indigenous communities to develop locally based pandemic protections.

The declarations made under the *Biosecurity Act 2015* (Cth) in March have placed significant restrictions on multiple rights including freedom of movement in and out of certain remote communities in Queensland.

"We appreciate that the Australian Government imposed these restrictions to protect vulnerable communities, particularly Aboriginal and Torres Strait Islander peoples, and consulted, albeit urgently, with local communities and community controlled health services on these restrictions," says Queensland Human Rights Commissioner, Scott McDougall.

"As a result of the restrictions and the hard work and discipline of many people living and working in the designated areas, there have been no positive COVID-19 cases in any of Queensland's discrete Indigenous communities – and this is a very commendable outcome, particularly when we look at the devastation this virus is causing in First Nations populations internationally.

However, the lack of consistency between the restrictions imposed by the Commonwealth on designated Indigenous communities and those imposed by the state on the rest of Queensland, has caused significant frustration in some communities, including Palm Island and Yarrabah."

For example, the Queensland Chief Health Officer lifted restrictions imposed on Aboriginal and Torres Strait Islander communities in other parts of the state such as North Stradbroke Island on 16 May 2020. Throughout May, the Queensland Government also loosened restrictions across Queensland, including by allowing residents to travel greater distances. In contrast, restrictions under the Commonwealth Biosecurity Act have remained static - thereby preventing residents of designated Indigenous communities from travelling as far as others in Queensland and requiring many to quarantine for 14 days.

The Commission is also aware of other community concerns including:

- Inflexible restrictions on the ability of people to quarantine 'on country' within a designated area
- Lack of mental health and cultural supports for those subject to quarantine
- Traditional fishing, hunting and food gathering areas being outside the designated areas preventing traditional practices. (This did not appear to be a deliberate measure to address risk of infection, but an unintended consequence of designated areas being based on the boundaries of local government areas).
- Frustrations that non-Indigenous people, presumably undertaking certain functions deemed 'essential activity' under the determination, are able to visit and leave these communities without quarantining.
- Lack of access to essential goods such as groceries and clothing due to travel restrictions and the increased price of such goods inside of some designated areas.

"We welcome the Premier's indication yesterday that the review of Biosecurity Act restrictions in Queensland is under 'active consideration', and would support an application to the Commonwealth to withdraw Queensland's Biosecurity Act designations," says Mr McDougall.

The Commission believes alternative protections which reflect and understand the unique needs of different communities can more easily be developed under more flexible state-based public health directives.

"We urge the Queensland Government to continue working closely with Aboriginal Community Controlled Health Services and Local Disaster Management Committees, to ensure that the voices of Indigenous Queenslanders are heard and valued as part of informed decision making about pandemic protections," says Mr McDougall.

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