



Law Society House, 179 Ann Street, Brisbane Qld 4000, Australia  
GPO Box 1785, Brisbane Qld 4001 | ABN 33 423 389 441  
[REDACTED] | F 07 3221 9329 | [REDACTED] | qls.com.au  
Office of the President

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Our ref: MC-LP

Committee Secretary  
Economics and Governance Committee  
Parliament House  
George Street  
Brisbane Qld 4000

By email: [egc@parliament.qld.gov.au](mailto:egc@parliament.qld.gov.au)

Dear Committee Secretary

### **Inquiry into the Queensland Government's economic response to COVID-19**

Thank you for the opportunity to provide feedback on the Inquiry into the Queensland Government's economic response to COVID-19 (**Inquiry**). The Queensland Law Society (**QLS**) appreciates being consulted on this important Inquiry.

QLS is the peak professional body for the State's legal practitioners. We represent and promote over 13,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

This response has been compiled in consultation with a number of the QLS Legal Policy Committees, whose members have substantial expertise in their respective areas of law.

Given the broad ranging nature of this inquiry, QLS has not sought to provide a comprehensive submission on all aspects of the Queensland Government's economic response to the COVID-19 pandemic. Rather we have framed our comments in relation to a select number of issues that have emerged for the legal profession in Queensland and the communities it serves.

QLS would like to take the opportunity to commend the Queensland Government on its efforts to manage the pandemic. We have also been pleased to see that the economic response has reflected thoughtful community engagement in many instances, responding to the needs of Queenslanders.

### **Executive Summary**

- The Committee should consider the economic response with sufficient regard to the *Human Rights Act 2019* (Qld). QLS recommends proactive ongoing consultation with relevant stakeholders, particularly with the Queensland Human Rights Commission and Aboriginal and Torres Strait Islander communities, amongst others. There are a number of groups within our community who will need targeted economic assistance to protect their human rights and to recover from the economic impact of the pandemic.



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- Additional funding is required for the legal assistance sector to manage the increased demands arising from COVID-19. QLS members indicate an increased need for legal assistance from people seeking advice in relation to domestic and family violence; credit matters; insurance matters; superannuation claims; hardship applications; insolvency matters; tenancy disputes; and employment disputes.
- Private firms facing financial difficulties due to the pandemic may need further support. Practitioners who provide pro-bono legal assistance, offer reduced rates or who are considered preferred suppliers by Legal Aid, perform a vital role within the community ensuring access to justice. QLS has particular concerns for legal practitioners in rural and remote regions and calls on the Committee to consider options to support these small businesses.
- The challenges of the pandemic have highlighted a need to further resource Queensland's courts, especially with respect to technology. Funding is needed for infrastructure to facilitate electronic filing, electronic document management, and video facilities. These measures will provide significant economic efficiencies and savings in Court operations for the Court administrators and the legal profession; assist the Courts maintain effective operations during future emergencies, such as natural disasters; and enhance access to justice through reducing legal costs and outlays particularly for people living in regional and remote areas.
- For the reasons stated above QLS strongly supports the ongoing use of and continual investment in technology in the Courts. Virtual attendances, taking of evidence virtually and other technology solutions introduced during the pandemic have had positive results for law firms and their clients, including significant efficiency gains and cost savings. The economic benefits of these measures should form part of the Committee's considerations and be included in any future response and funding decisions.
- QLS members report an increase in disputes as a result of the pandemic. There is a need for increased resourcing of alternative dispute resolution (ADR) forums, practices and practitioners to facilitate the speedy and fair resolution of disputes. QLS maintains its call for a Queensland Dispute Resolution Hub as a valuable ADR resource for Government, the courts, businesses and individuals.
- The introduction of the Small Business Commissioner is a significant economic reform which is assisting commercial and retail landlords and tenants to resolve disputes arising from the impact of the pandemic. QLS recommends that an urgent assessment be undertaken of the Commissioner's valuable assistance to the business community with a view to determining the need for an ongoing service of this nature beyond 31 December 2020.
- QLS submits that the Committee should consider the following microeconomic reforms by way of support to business and the community in the economic recovery phase:
  - Modernising document execution and witnessing – the reforms introduced in the pandemic to facilitate the electronic execution of documents are profoundly positive micro-economic reforms that enhance efficiencies and produce cost and time savings and must be retained;



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- Consideration of further statutory guidance in relation to force majeure clauses in contracts and the common law principle of frustration – this may provide certainty in a range of transactions and contractual agreements which may assist parties to avoid costly legal disputes;
- Reform of the duty framework in Queensland generally, to ensure that Queensland consumers are not disadvantaged when doing business in Queensland when compared to their inter-state counterparts. Reform would also provide businesses with the opportunity to modernise their corporate structure in a cost-effective way.

### General Comments and Themes

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#### ***The Inquiry must be forward-looking in addition to reflecting on steps already taken***

As stated in the terms of reference to this Inquiry, the Committee is due to make its final report '...by no later than three months after the conclusion of the Public Health Emergency declared under the *Public Health Act 2005* regarding COVID-19'.<sup>1</sup>

It will be important to examine the steps already taken in response to COVID-19 to allow for proper scrutiny, and to also inform future emergency planning. The impacts of the pandemic, however, will continue to be felt for many years to come. The economic impact and the many social implications of a difficult economic climate will require continued leadership on questions of law and policy. The Queensland Government response to the pandemic will necessarily be ongoing, and so too should the scrutiny and guidance of that response.

It is vital that major economic decisions made in response to COVID-19 (previously and into the future) are comprehensively considered to ensure that spending is targeted in the best way possible, that financial support has been given to those who are most in need, and that Queensland's financial recovery is both economically and environmentally sustainable.

In light of this, QLS submits the Committee should have a role in continued scrutiny, consultation and reporting in relation to the Queensland Government's economic response to COVID-19 beyond the current reporting period outlined for this inquiry.

#### ***The economic response should reflect a commitment to protecting human rights***

The Committee should consider the economic response with sufficient regard to the *Human Rights Act 2019* (Qld). QLS recommends proactive ongoing consultation with a range of organisations to ensure the Queensland Government's economic response reflects its commitment to human rights. QLS particularly encourages engagement with the Queensland Human Rights Commission.

The human rights of specific communities and the economic measures needed to protect those rights should be reviewed comprehensively. For example, the Queensland Human Rights Commission notes a number of human rights concerns in relation to the pandemic.<sup>2</sup> They outline the disproportionate impact of COVID-19 upon Aboriginal and Torres Strait

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<sup>1</sup> Inquiry on the Queensland Government's economic response to COVID-19, *Terms of reference*.

<sup>2</sup> Queensland Human Rights Commission, 'COVID-19 and Human Rights', (<https://www.qhrc.qld.gov.au/your-rights/covid-19-and-human-rights>).



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Islander communities and people living with a disability, for example. They also raise concerns with respect to implications of the pandemic on the right to education, the right to health services and they raise concerns on child safety matters among other things.

We also draw the Committee's attention to the impact of the pandemic upon women,<sup>3</sup> older persons,<sup>4</sup> and people experiencing homelessness. We acknowledge the significant support provided to address homelessness during the pandemic,<sup>5</sup> and call for that support to continue. Those experiencing homelessness have an increased risk of exposure to the virus and have a greater likelihood of severe cases and mortality.<sup>6</sup> The assistance to date during the pandemic is already having positive economic and social benefits.<sup>7</sup> Continuing this support will provide ongoing economic benefit, as research indicates that providing long term housing and relevant support services result in significant cost savings to the community, including savings to the criminal justice system.<sup>8</sup>

There are a number of other groups within our community who will need targeted economic assistance in order to maintain their human rights and to recover from the economic impact of the pandemic on their lives. The nature of the pandemic has made it difficult for many to access essential services and supplies which may have exacerbated ongoing need for economic support.

QLS emphasises the need for proactive, meaningful, and ongoing engagement with appropriate groups and organisations specifically in relation to the needs of Aboriginal and Torres Strait Islander Peoples. In this respect, QLS submits the approaches to effective engagement outlined in the recent publication '*A Report on Engagements with Aboriginal and Torres Strait Islander People To Inform a New National Agreement On Closing the Gap*' are directly relevant and applicable to the economic recovery plan in relation to COVID-19.<sup>9</sup>

It will be vital to proactively maintain channels of communication amongst a wide range of stakeholders to ensure the Queensland Government's economic response is suitably comprehensive and responsive to the needs of our state's diverse range of communities. There will be a need to continually review these measures, understanding that each community will have their own needs. QLS recommends, for example, engagement with

<sup>3</sup> Workplace Gender Equality Agency (updated as at June 2020), 'Gendered impact of COVID-19', (<https://www.wgea.gov.au/topics/gendered-impact-of-covid-19>), (accessed 2 July 2020).

<sup>4</sup> United Nations Department of Economic and Social Affairs (8 May 2020), 'COVID-19 and Older Persons: A Defining Moment for an Informed, Inclusive and Targeted Response', (<https://www.un.org/development/desa/ageing/news/2020/05/covid19/>), (accessed 2 July 2020).

<sup>5</sup> Minister for Housing and Public Works, Minister for Digital Technology and Minister for Sport The Honourable Mick de Brenni, Media Statement (25 March 2020), '\$24.7 million coronavirus housing and homelessness response', Queensland Government, (<http://statements.qld.gov.au/Statement/2020/3/25/247-million-coronavirus-housing-and-homelessness-response>).

<sup>6</sup> Centre for Social Impact (updated as at 3 April 2020), 'Homelessness and COVID-19' ([https://www.csi.edu.au/media/uploads/csi-covid\\_factsheet\\_homelessness\\_statement2.pdf](https://www.csi.edu.au/media/uploads/csi-covid_factsheet_homelessness_statement2.pdf)).

<sup>7</sup> Ben Knight (updated as at 8 June 2020), 'Has the coronavirus pandemic proved that homelessness is solvable?' (<https://www.abc.net.au/news/2020-06-08/housing-homeless-in-pandemic-has-worked-lets-make-it-permanent/12330442>).

<sup>8</sup> Institute for Social Science Research, University of Queensland (December 2015), 'Brisbane Common Ground Evaluation: Final Report', (<https://issr.uq.edu.au/files/4003/BrisbaneCommonGroundFinalReport.pdf>).

<sup>9</sup> Coalition of Peaks (June 2020), '*A Report on Engagements with Aboriginal and Torres Strait Islander People To Inform a New National Agreement On Closing the Gap*', ([https://coalitionofpeaks.org.au/wp-content/uploads/2020/06/Engagement-report\\_FINAL.pdf](https://coalitionofpeaks.org.au/wp-content/uploads/2020/06/Engagement-report_FINAL.pdf)).



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SNAICC - National Voice for Our Children - in relation to the emerging needs of Aboriginal and Torres Strait Islander children in light of the pandemic.

**Economic Measures for further consideration**

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As outlined above, given the broad ranging nature of this inquiry, QLS has not sought to provide a comprehensive submission on all aspects of the Queensland Government's economic response to the COVID-19 pandemic. Rather we have framed our comments in relation to a select number of issues that have emerged for the legal profession in Queensland and the communities it serves.

QLS would appreciate the opportunity for continued engagement with the Committee as its work progresses and would also welcome further opportunities to respond to targeted questions of law and policy as these are developed.

***Additional support to the legal assistance sector and the legal sector more broadly***

The Committee should consider the additional funding requirements for the legal assistance sector to manage the demands and logistical challenges arising from COVID-19.

QLS commends the recent commitment made by the Queensland Government in allocating \$119 million in funding for community legal services over a fixed five year period.<sup>10</sup> We also highlight the Federal Government's recent allocation of an additional \$63 million in funding to frontline legal services to support Australians impacted by COVID-19.

In light of the impact of the pandemic, QLS anticipates that more will be needed. The pandemic will generate even greater demand for legal resources. Queensland's legal profession is well aware of the long-term impact of emergencies, such as cyclones and floods, where legal advice is often required by parties many months or even years after the initial emergency.

QLS members have identified an increased need for legal assistance in relation to domestic and family violence; credit matters; insurance matters; superannuation claims; hardship applications; insolvency matters; tenancy disputes; and employment disputes.

Along with the increased demand in services from the legal assistance sector, the pandemic has also highlighted a clear need to upgrade and improve the sector's technology capacity. Extra funding to the sector has been allocated for these reasons, for example, in Victoria.<sup>11</sup> Community Legal Centres Australia has called on other state and Territory governments to

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<sup>10</sup> Attorney-General and Minister for Justice The Honourable Yvette D'Ath, '\$119 million funding boost for community legal services', Queensland Government, (<http://statements.qld.gov.au/Statement/2020/5/18/119-million-funding-boost-for-community-legal-services>).

<sup>11</sup> Attorney-General (9 May 2020), 'Delivering Access to Justice for More Victorians', Premier of Victoria, (<https://www.premier.vic.gov.au/delivering-access-to-justice-for-more-victorians/>).



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follow Victoria's lead in this respect.<sup>12</sup> Community Legal Centres Queensland has also outlined there is a need for further funding for the sector in light of the impacts of COVID-19.<sup>13</sup>

QLS recommends engaging with key stakeholders in the sector such as Community Legal Centres Queensland in order to determine key areas of need. QLS is happy to assist in facilitating this engagement.

Private firms facing financial difficulties due to the pandemic may also need further support. Practitioners who provide pro-bono legal assistance, offer reduced rates or who are considered preferred suppliers by Legal Aid, perform a vital role within the community ensuring access to justice.

Further, many law firms are also small businesses. QLS has been promoting the economic measures the Government has made available to small businesses to our members. We commend these assistance packages as they provide a means for small businesses to seek financial assistance, and we encourage ongoing further support for small businesses.

QLS has particular concerns for legal practitioners in rural and remote regions. Lawyers practising in these locations make a significant positive contribution to their communities and this contribution would be seriously compromised if they could not continue to offer their services.

In recognising the economic impact of the pandemic on rural, remote and regional communities, we encourage the Committee to specifically recognise that there will be a significant impact on legal practitioners within those communities and consider options for further support of all small businesses.

### ***Resourcing of Courts, Commissions and Tribunals***

Queensland Courts, Commissions and Tribunals ("the Courts") have worked diligently and effectively during the pandemic to maintain most of their services to the profession and the community in challenging circumstances involving strict social distancing requirements. The Courts demonstrated a willingness to adapt work practices through teleconferencing and other remote access technologies to continue, as much as possible, to progress matters and limit delays.

Queensland's judicial bodies quickly adapted to a radically different way of operating through the rapid adoption of technology to assist Court processes during the pandemic.<sup>14</sup>

<sup>12</sup> Community Legal Centres Australia (14 May 2020), 'Media Release: National Cabinet's COVID-19 legal sector funding announcement is welcome as an initial investment', (<https://clcs.org.au/sites/default/files/2020-05/Media%20Release%20-%20COVID-19%20legal%20sector%20funding%20announcement%20%281%29.pdf>)

<sup>13</sup> Community Legal Centres Queensland (18 May 2020), 'Media Release: Funding for Community Legal Centre – More Needs To Be Done', ([https://communitylegalqld.org.au/sites/default/files/downloads/news/mr\\_funding\\_for\\_community\\_legal\\_centre\\_-\\_more\\_needs\\_to\\_be\\_done.pdf](https://communitylegalqld.org.au/sites/default/files/downloads/news/mr_funding_for_community_legal_centre_-_more_needs_to_be_done.pdf)).

<sup>14</sup> See for example, Queensland Courts Notice (23 March 2020), 'Supreme and District Courts Use of Technology During COVID-19 Response', ([https://www.courts.qld.gov.au/data/assets/pdf\\_file/0019/643321/use-of-technology-during-covid-19-response-supreme-district-courts.pdf](https://www.courts.qld.gov.au/data/assets/pdf_file/0019/643321/use-of-technology-during-covid-19-response-supreme-district-courts.pdf))



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We recommend that the Committee consult with the Courts in order to best evaluate both the support and infrastructure in place during the initial stages of the outbreak, and the identified ongoing needs of those bodies.

The pandemic has highlighted a need to further resource Queensland's judicial bodies, especially with respect to technology. Funding is needed for infrastructure to facilitate electronic filing, electronic document management, and video facilities. Support for these kinds of measures will embed administration efficiencies, cost savings, improved access to justice and assist the Courts to operate during future emergencies, such as natural disasters.

Funding is needed especially for technology requirements of the Courts in regional areas. Throughout the pandemic regional QLS members reported courthouses in their areas lacked necessary technological infrastructure. For example, videolink technology was not always available, requiring connection via phone instead; adequate teleconferencing facilities were not available in some courts, requiring parties to connect via individual phone lines. These shortcomings have adverse impacts on the parties' interaction with the courts through delays and inadequate opportunities to obtain instructions.

Technology in Court processes has improved access to justice. For example, the ability to provide evidence virtually has offered a safe way to engage with court processes in circumstances where domestic and family violence issues are relevant and for people living in rural or remote areas, where their locality can be a physical barrier.

In addition, the use of technology has greatly improved efficiency of process and has resulted in considerable cost reduction for law firms and their clients. These savings are increasingly important at this time and will assist law firms and their clients continuing to operate, and individuals and business obtaining legal representation.

The use of technology in the courts has also led to greater workforce participation within the legal profession. The process of travelling to a Court House and waiting for a matter to be heard is time consuming. Historically this has challenged lawyers who work flexibly or who have family commitments (such as child care or care for an elderly parent). Virtual appearances better facilitate this. With the increased use of virtual Court processes, lawyers with these kinds of commitments have been able to more easily assist their clients, their firms, and their families.

There are significant economic benefits resulting from improved technological and virtual processes, allowing parties to interact with the courts remotely. These benefits must be a fundamental part of any future response and funding decisions.

For the reasons stated QLS strongly supports the adopted technology advances continuing for appropriate matters.

QLS highlight's Chief Justice Allsop AO's recent analysis of key considerations on the progressive adoption of technology in the Courts under ordinary circumstances and 'how to best incorporate useful technologies while maintaining the fundamentally human character of courts as public institutions'.<sup>15</sup>

We also draw the Committee's attention to recent comments by Queensland's Chief Magistrate Terry Gardiner in relation to the innovative use of technology in the Magistrates

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<sup>15</sup> Chief Justice Allsop AO (2019), 'Technology and the Future of the Courts' 38(1) *University of Queensland Law Journal* 1, (<http://www.austlii.edu.au/au/journals/UQLJ/2019/1.pdf>).



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Court throughout the pandemic and the ways in which technology could continue to be utilised going forward.<sup>16</sup>

QLS would be pleased to participate in further discussions about permanently implementing the use of technology, virtual appearances and other flexible procedures in the Courts.

### ***Support for alternative dispute resolution measures***

QLS members have reported an increase in disputes as a result of the pandemic, as well as a backlog of existing disputes which have been deferred during the pandemic. It is foreshadowed that the number of disputes across a range of issues will continue to grow. QLS suggests the Committee consider the need for increased resourcing and support for the Courts and importantly alternative dispute resolution forums, practices and practitioners to facilitate the speedy and fair resolution of disputes.

Queensland requires effective and efficient alternative dispute resolution mechanisms. Many courts/jurisdictions were already experiencing backlogs and were unable to hear matters for many months before the crisis. This has been significantly exacerbated by COVID-19. Individuals and businesses need access to ADR information, practitioners and facilities to assist in resolving their disputes, which will in turn remove pressure on the State's court system. In light of this, QLS has consistently advocated for a Queensland Dispute Resolution Hub.

The 'Hub' will consist of a centralised list of qualified mediators and other ADR practitioners which would be accessible by the public when they require dispute resolution. No such resource currently exists, which can make the process of finding a mediator or other ADR practitioner, difficult. In light of the increased number of disputes, the Hub would be a valuable resource for Government, the courts, businesses and individuals. QLS would be pleased to provide further details on this proposal.

### **Queensland Small Business Commissioner**

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The Queensland Small Business Commissioner is a statutory office holder, temporarily established until 31 December 2020 under the COVID-19 Emergency Response Act 2020. The Office of the Queensland Small Business Commissioner (QQSBC) provides information and advocacy support to small businesses, and informal resolution and mediation of coronavirus (COVID-19) affected small business leases.<sup>17</sup>

The introduction of the Small Business Commissioner is a significant economic reform which will assist commercial and retail landlords and tenants to resolve disputes arising from the impact of the pandemic.

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<sup>16</sup> Tony Keim (23 June 2020), 'Returning to a new, improved 'normal' in the Magistrates Courts', QLS Proctor, (<https://www.qlsproctor.com.au/2020/06/returning-to-a-new-improved-normal-in-the-magistrates-courts/>).

<sup>17</sup> See website of the Office of the Queensland Small Business Commissioner (<https://desbt.qld.gov.au/small-business/gsbcc#:~:text=Maree%20Adshead%20is%20the%20Queensland,drive%20economic%20growth%20in%20Queensland>) accessed 2 July 2020.



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The Commissioner has now been operational for over a month. We recommend that an urgent assessment be undertaken of the number of disputes referred to the Commissioner and the number of requests for information and advice, with a view to determining the need for an ongoing service of this nature including potentially reshaping the role of this Office.

The economic impact of the pandemic is likely to extend beyond 31 December 2020 and it may be extremely valuable for parties to these leases to have access to this service beyond the end of the year.

It may also be necessary to consider extending the operation of the emergency legislation, to the extent it relates to commercial and retail leases.

### Microeconomic reforms

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QLS submits the Committee should consider microeconomic reforms in the course of its inquiry. Such reforms are an important mechanism for supporting business and the community through a difficult economic climate.

#### ***Modernising document execution and witnessing***

The ability to sign and witness documents has been a particularly difficult challenge for members of the legal profession and their clients. QLS commends the temporary measures introduced to facilitate the electronic execution of documents - both nationally,<sup>18</sup> and in Queensland specifically.<sup>19</sup> QLS submits this is a profoundly positive micro-economic reform, which supports businesses across Queensland to operate more efficiently and flexibly. Going forward, the ability to sign and execute documents electronically must remain a priority for law reform. This issue will re-surface during future natural disasters and it remains a regular and critical issue in both rural and remote areas and in the international and interstate business sector. QLS recommends the ongoing adoption of electronic signatures.

While the electronic signing of some documents falls within the federal jurisdiction (under the *Corporations Act 2001* (Cth)), the Queensland Government could legislate for the continued electronic signing of documents in a number of contexts.

QLS supports the continued availability of electronic signing and witnessing (where relevant) mechanisms in relation to deeds, oaths, affidavits and electronic mortgages through amendments to the *Property Law Act 1974* (Qld) and the *Oaths Act 1867* (Qld).

In line with the Law Council of Australia's recent comments,<sup>20</sup> QLS is also in favour of a harmonised national legal framework enabling electronic signatures for appropriate documents on an ongoing basis, given that commercial and personal transactions regularly cross jurisdictional boundaries. In that respect, QLS also encourages continued engagement with the Federal Government and other jurisdictions on this area of law reform.

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<sup>18</sup> *Corporations (Coronavirus Economic Response) Determination (No. 1) 2020*.

<sup>19</sup> *COVID-19 Emergency Response Act 2020* (Qld), s9; *Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) Regulation 2020*

<sup>20</sup> Law Council of Australia (1 July 2020), 'Law Council calls for electronic document processes to remain', (<https://www.lawcouncil.asn.au/media/media-releases/law-council-calls-for-electronic-document-processes-to-remain>).



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Making these changes permanent would represent a significant change to the law. QLS recommends that draft legislation, introducing these changes to the relevant Acts, be prepared and released by way of exposure draft for wide consultation and analysis, prior to introducing the changes in a Bill. This will help to identify and address any unintended consequences prior to the legislation being introduced.

QLS would be pleased to participate in the consultation and drafting process.

### ***Force Majeure and Frustrated Contracts***

The pandemic has highlighted a need for greater clarity with respect to force majeure clauses in contracts, and the common law principle of frustration. As you would be aware, Frustration means that if circumstances arise through no fault of either party to a contract, resulting in the obligations under the contract becoming incapable of being performed, the contract is terminated and the outstanding obligations of both parties are discharged.<sup>21</sup> Force majeure clauses seek to further govern an outcome between parties in such a scenario via contractual agreement.

The Committee should consider whether further statutory guidance is needed with respect to commercial and consumer transactions in such circumstances. For example New South Wales has the *Frustrated Contracts Act 1978* (NSW). This will provide more certainty in a range of transactions and contractual agreements and may assist parties to avoid costly legal disputes.

### ***Reform of the duty framework***

QLS supports the reform of the duty framework in Queensland generally as there are reforms available to streamline processes and deliver equitable outcomes for small business and property owners in Queensland.

QLS raises the following reforms in this regard:

- To reform the duty position in Queensland to reflect the position in most other Australian states, so that duty is not payable on non-land business asset transfers.
- To abolish all duty payable on the restructure of a business where the beneficial ownership of the entity does not change, such as the restructure of a partnership or individual owner to a corporate structure

These reforms will ensure that Queensland consumers are not disadvantaged when doing business in Queensland, compared to their inter-state counterparts. This is a live issue in the legal community. Firms have been able to adopt a corporate structure since 2007 through incorporation. The profession, however, has generally not chosen to make that transition, as there is no relief from the duty payable if a firm transitions from the traditional partnership arrangement to an Incorporated Legal Practice.

Such reforms could be considered within the context of a broader COVID-19 recovery package, where these changes may be of great assistance to businesses who are already struggling financially in light of the current economic climate. The ability to adopt a corporate

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<sup>21</sup> *Davis Contractors Ltd v Fareham Urban District Council* [1956] AC 696 at 729.

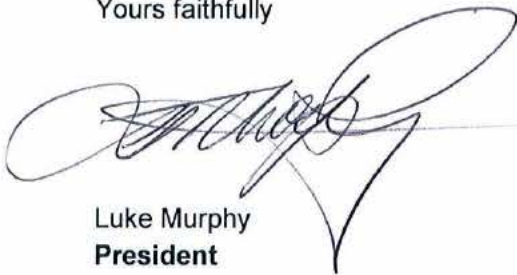


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structure in a cost-effective way would provide a vital opportunity to modernise their business arrangements. QLS would be pleased to meet with you to explore these options in further detail.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [policy@qls.com.au](mailto:policy@qls.com.au) or by phone on (07) [REDACTED].

Yours faithfully

A handwritten signature in black ink, appearing to read 'Luke Murphy', written over a horizontal line.

**Luke Murphy**  
**President**