




Speech By  
**Daniel Purdie**

**MEMBER FOR NINDERRY**

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Record of Proceedings, 2 December 2020

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

 **Mr PURDIE** (Ninderry—LNP) (4.34 pm): I rise to speak on the COVID-19 Emergency Response and Other Legislation Amendment Bill 2020. The main function of the bill aims to extend the expiry date of the COVID-19 Emergency Response Act, regulations made under the COVID-19 Emergency Response Act and a range of statutory instruments that are all due to expire on 31 December this year.

The bill ensures that legislation or regulations necessary to respond to the COVID-19 emergency continue past the current 31 December end date by setting a new end date of 30 April 2021, subject to advice from the Chief Health Officer. Other objectives of the bill are to: insert appropriate transitional mechanisms which provide for the ability to return to normal operations in the most effective and efficient way once the COVID-19 related legislation is no longer needed; preserve rights and obligations that have accrued during the 'response period' and 'extension period' under the Retail Shop Leases and Other Commercial Leases (COVID-19 Emergency Response) Regulation; extend the temporary operation of the QSBC; amend the Youth Justice Act to allow the chief executive to delegate his or her powers to appropriately qualified temporary detention centre employees in the event of a future COVID-19 outbreak; amend the Electoral Act to provide flexibility, if required, to facilitate the holding of a by-election in a way that helps minimise serious risk to the health and safety of persons caused by the COVID-19 public health emergency; amend the Liquor Act to continue support for the artisan liquor sector by temporarily removing restrictions on sale to the public of the liquor of artisan distillers; and amend the process for filling a vacancy in the office of a mayor or councillor that arises during the period starting on a quadrennial election and ending on the day before the first anniversary of the election.

The LNP will not be opposing this bill but there are very serious concerns with aspects of it—in particular, concerns about the democratic process, or lack of it, which is becoming a hallmark of the Palaszczuk Labor government. A matter of significance in the legislation relates to commercial leases. These amendments were made to give effect to good-faith leasing principles for non-residential leases agreed by the national cabinet and establish a process for resolving disputes and allow for negotiation and a reduction in rent because of falls in turnover of tenants. It will also facilitate the conclusion of any lease disputes that may still be ongoing. If anyone is unable to achieve a resolution subsequently there would be a dispute process put in place as recommended by the national cabinet. This is a contentious issue for the property sector, which is one of the largest employers, investors, economic drivers and taxpayers. Subsequently the Property Council has called for the lease regulation to end completely on 31 December.

This bill has been designated as requiring urgent consideration. It was introduced last Thursday and is now being debated in the following week, with a short period in between. Like so many other proposed pieces of legislation that have come before this House, it has not gone through the normal scrutiny of the committee and parliamentary processes. In saying that, the LNP does not oppose the

need to extend those parts of the bill that are set to expire on 31 December. Earlier this year the LNP supported the COVID-19 Emergency Response Bill and the Justice and Other Legislation (COVID-19 Emergency Response) Amendment Bill and will continue to support that legislation.

The COVID-19 Emergency Response Act made amendments to 33 different pieces of legislation to ensure the most appropriate responses could be made in the context of the pandemic. The majority of the amendments to acts made as part of the COVID-19 Emergency Response Act, as well as the majority of the statutory instruments made under powers inserted by the act, are, as I mentioned before, due to expire on 31 December. Hence the LNP supports the urgency to pass this legislation. However, it is the decision of this government to tuck on fundamental and important amendments to laws that deal with the proper and democratic election of local government representatives which should be concerning to all Queenslanders.

These amendments should not be rushed through for a second time. These amendments concerning the Local Government Act surely require the proper attention of this House, particularly given their lack of scrutiny to date which has given rise to the government's need to urgently backtrack on them. It is recent amendments the Labor government rushed through in the previous parliament, again without proper scrutiny, which at the time were not supported by key stakeholders, that are now being amended again.

There is nothing democratic about the amendments made earlier this year as part of the Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act that provided a new process under the Local Government Act for filling vacancies. In fact, the peak body for local government, the LGAQ, was not even aware of the amendments at the time and has since called for them to be repealed. It was only due to the resignation of the former Rockhampton mayor and the resignation of a Townsville city councillor that the full impact of the amendments was realised, prompting then local government minister Stirling Hinchliffe to put his tail between his legs and commit to retrospectively amend the Local Government Act. The full irony was realised when the minister commented that these retrospective changes will ensure that communities can have a proper vote to determine who represents them. Surely that should have been the case from the outset?

This controversial legislation mandated the automatic election of a runner-up in a mayoral or council election if a vacancy was to occur within the first 12 months of the term. Let us look at how that was to play out in Rockhampton following the sudden resignation of the mayor. In that proud city, the runner-up for the position, Chris 'Pineapple' Hooper, received less than one-third of the vote. In Townsville, where the Labor faction selected former councillor Les Walker to run for the seat of Mundingburra, which he subsequently won, the next in line to fill his vacancy received just 18.3 per cent of the vote.

According to the LGAQ, in many cases in past council elections runner-up candidates have polled in the single digits. How this could be democratic is beyond questionable and it is no wonder that the CEO of the Local Government Association of Queensland, Greg Hallam, called on the Palaszczuk Labor government to urgently repeal the amendments. Only now, under intense public pressure and exposure, has the government been forced to address its folly. This situation could have been avoided had the original amendments faced proper scrutiny through the committee process, where the LGAQ as a key stakeholder would have had an opportunity to provide feedback.

The new amendments in this bill will rightly ensure that where a mayor resigns within the first 12 months of being elected a by-election will be called, as opposed to the runner-up laws adopted in June. Where a councillor resigns within the first 12 months, the council will be given an option to either hold a by-election or impose the runner-up provisions. That is to be determined on a case-by-case basis by the respective council, by way of a council resolution.

Part 5 of the bill operates retrospectively by providing for transitional arrangements for any vacancy in the office of a mayor or councillor that arose in the period commencing 12 October 2020 and ending immediately before the commencement. Again, this is another hastily tacked on amendment because the government failed in its first attempt to ensure the integrity of changes to legislation made in the absence of proper scrutiny.

I concur with comments made last week by the member for Kawana, who rightly pointed out that these amendments should be a bill in their own right. Queenslanders are being hoodwinked by a lazy and incompetent government. Queenslanders may have fallen for the Labor Party's scare campaign at the election, but that does not mean they do not deserve an honest government that listens, consults and respects the basic democratic process. They did not vote for a government that shirks responsibility and that uses its numbers in this House to undermine the proper parliamentary processes. I will not be opposing the bill.