Speech By

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JUSTICE AND OTHER LEGISLATION (COVID-19 EMERGENCY RESPONSE) AMENDMENT BILL

Mr JANETZKI (Toowoomba South—LNP) (6.27 pm): I wish to lead the opposition's response to the COVID-19 related bill for this week. This bill seeks to amend a number of acts in this House. In particular, it crosses over 20 pieces of legislation and covers a plethora of portfolios. On 22 April 2020 the COVID-19 Emergency Response Act was passed, being the second response to the COVID-19 emergency. The particular bill up for debate this evening, although I note that the minister and Deputy Premier chose not to speak to it again this evening, seeks to amend 20 acts and in many cases give effect to the bill that was passed on 22 April 2020.

The bill before the House at the moment covers the health, disability, corrective services and detention sectors. Over the last couple of months we have seen the most extraordinary decisions having to be made by government in the broadest set of circumstances imaginable. If you recall the first COVID related bill passed by this House in March, there was 60 minutes notice given to this House. Despite the government having longstanding knowledge that a bill was coming before the House, we had 60 minutes to get our heads around it.

For the second bill that was passed in April, we were given a little more time, but the extraordinary powers that were handed to the executive in particular on that occasion in that bill warranted far greater scrutiny than they were given. Those powers that were given to the executive on that occasion were extraordinary powers, and I spoke to this at the time. In fact, the bill itself talked about extraordinary regulations being made. From recollection, I talked about Henry VIII clauses which allowed the government of the day, the executive of the day, to potentially make regulations that conflicted with the act under which they were authorised. They were extraordinary powers to be given to an executive.

I talked about the inherent and growing tension between this legislature that makes the laws and the executive that enacts them, and it is appropriate that we raise these questions again in these extraordinary times. That is the only appropriate course of action for an opposition. We see again in this bill another extraordinary set of laws that give power to the government of the day and the executive to address these most extraordinary circumstances.

I had a look through the explanatory notes of the bill. The words 'rights' and 'liberties' were used on 25 occasions in the explanatory notes, as there ought to be because of the analysis of the FLPs. When we were considering how to examine this bill and analyse the powers that are being given to the government of the day, we noted the phrases that were used near the words 'rights' and 'liberties'. They included words like 'outweighs the impact on rights and liberties'; 'the potential breach ... is justified'; 'may raise whether the legislation has sufficient regard to the rights and liberties'; 'any infringement of rights and liberties will be limited'; 'may be inconsistent with the rights and liberties'; 'retrospectively'; 'restrict the ability'; and 'may also have the potential to infringe'.

Every provision in this bill that attracted words like that ought to be given the most serious scrutiny, but unfortunately at the moment that scrutiny is not being given to these provisions and to this bill. That is why this place of debate is so vitally important now because we do not have a committee

process. That is three bills in a row relating to COVID that have not gone through a committee process. They have not undergone that public scrutiny that is so vitally important to the passing of laws in this House.

I want to confirm the opposition's support for the bill because these are extraordinary times and they require significant measures from the government to address them. We oppose clause 10 relating to letting prisoners out seven days early on parole. I will return to this later in my contribution. No amendments have been tabled at this stage, although obviously it has been foreshadowed in the public arena that that particular provision will be withdrawn by the government. I am yet to see that, so I foreshadow that if that amendment is not made we will be opposing that clause. I also foreshadow now that we will be seeking to move amendments to the Youth Justice Act. I will return to that later in my contribution. The Youth Justice Act is being amended by this bill tonight, so I would like to make the amendments that the government has promised over the last couple of months. We will be seeking to move amendments in that regard.

I return to the seriousness of how these laws are being made without scrutiny and consultation. Page 18 of the explanatory notes refers to the consultation that has taken place in the preparation of this bill. As I said, the bill covers a wide range of portfolios, including environment, health, liquor and gaming, disability services and corrective services. A significant breadth of legislation is being changed, so the lack of consultation on this bill is perplexing. The government has commented on the various lobby groups that have made representations over time, but there is no further detail on whether they were consulted on this bill.

One of the first points I would like to make in that area is that, given the bill is called the Justice and Other Legislation (COVID-19 Emergency Response) Amendment Bill 2020 and it has the word 'justice' in its title, it is surprising that the Queensland Law Society was not consulted. That is a significant gap already in the consultative process on this bill. Other areas of consultation that have been referred to by the government in the explanatory notes related to manufactured homes and residential parks. Consideration has been given to representations made by stakeholders about the impacts of the COVID-19 emergency on the gambling sector, but again there is no talk of this bill being seen by stakeholders.

We have known about this bill for at least a number of days because we heard the Premier say there would be COVID-19 related legislation before the House this week. The government have had time to consult properly and engage with stakeholders to hear their concerns from across the board but they have failed to do so. Instead, we are left with a situation where stakeholders found out about this bill after they were alerted to it by a number of members of the opposition with shadow portfolio responsibilities. Again, I stress that, at this time when there is no scrutiny of bills being undertaken by parliamentary committees, the engagement with stakeholders and the degree of debate that we have in this House is vitally important to ensure that all areas of these laws are analysed. The one aspect of this that does give me some comfort is that there is a sunset date of 31 December this year for many of these provisions. That is an appropriate curb on the executive power and is entirely appropriate in the circumstances.

I turn to the amendments in this bill that relate to my portfolio. A number of my colleagues will make contributions in respect of their particular portfolios. The first amendments I want to talk to are body corporate and community management amendments. We have a new section 323D which permits a body corporate to adopt a reduced sinking fund budget for the current financial year of the body corporate by ordinary resolution. The second major part to that is section 323E that will apply where the body corporate for a community titles scheme has fixed lot owner contributions for the current financial year of the body corporate. The Strata Community Association plays a vital role in lobbying government for good law in this area. I have spoken with the Strata Community Association. There are 50,000 strata titles across Queensland. They are vitally important in the economies on the coast and the regulation in those areas is desperately in need of attention.

It was in 2014 when the LNP Attorney-General, the member for Kawana, started the property law review. We are now in our seventh year of waiting for this government to act upon the work that was undertaken by QUT and the former LNP government. It was vital work necessary to update the body corporate laws in Queensland. We have here some of the reforms that are probably necessary which have been done extraordinarily quickly without any consultation. They have been waiting for long periods of time to be worked upon and at least in this moment of urgency that has actually occurred. The very fact that it has taken this long for the Attorney-General to get to work and make these changes is quite perplexing. It shows that it can be done but the Attorney-General chooses not to.

One other area that I wanted to comment upon is related to the commercial leasing code. We on this side of the House have had people from both sides—landlords and tenants—reaching out in terms of how they manage their commercial leasing arrangements. One of the clear concerns is the lack of

certainty about that. The Morrison federal government released a code on 7 April and since then both landlords and tenants at the commercial level have been waiting for this code. We understand now that there is a draft confidential version of the code out for public consultation. However, we are not certain where that rests. We understand there was consultation that probably closed last week, but there is still no clarity. That means that landlords and tenants do not have certainty around their commercial arrangements. Right now that is the worst possible scenario for so many businesses, small and large, to be living through. Again, if this code is sitting with the Attorney-General's office, I call on her to please do everything in her power to get this code sorted. There are businesses crying out for that certainty right across Queensland.

This commercial leasing code has been different to the residential reforms that were passed in our last COVID bill back in April. Then the REIQ campaign forced the government's hand; it forced them to act to change their view, act appropriately and find the right balance. My hope is that the government does not force industry groups, landlords and tenants into the same corner and that they act sooner rather than later to ensure that the commercial leasing code is finalised as soon as possible.

I turn again to the Strata Community Association. I have spoken with their CEO and president. Their view on the bill is that there could be enhancements or improvements. I ask that the acting Attorney-General consider some of their proposals and their thoughts, in particular, a proposed minor amendment to section 323E(2), replacing the words 'no later than the end of the financial year' in subparagraph (2) with 'no later than two months after the proposed date of the next annual general meeting'. I also ask: has the government given consideration to discounts for timely payment of body corporate levies? It does not appear that that has been contemplated during the drafting of this bill, although it does apply to many schemes. I ask the acting Attorney-General to take those comments on board. If the industry has not been appropriately consulted, at least at this stage consideration could be given to those kinds of amendments.

I would like to add another comment regarding strata title. When those extraordinary regulations were passed in April, the government foreshadowed that there would be regulations relating to strata titles. The industry is still waiting for those regulations. We are nearly at three weeks and working towards a month on from that particular bill and those emergency COVID regulations which are due to impact strata title are still outstanding. The role of the opposition in this case is to hold the government to account when promises are made for regulation, for certainty, for proper support. The opposition's role is to make sure the government is delivering on their promises and the opposition does not resile from that position.

I also note that apart from the absence of direction on laws that update the 1997 act, there are also modules under strata title that are coming towards their sunset that also need to be renewed. The government has proven that it is possible to act quickly in this space when they want to. My call to the government is to take the initiative, sort out some of these problems in strata title and give certainty to the industry at large.

Turning to the next section—and this is what has been foreshadowed—I understand that clause 10, which inserts the new section 110A, will allow the chief executive to release a prisoner from a Corrective Services facility on parole up to seven days prior to the prisoner's parole release. My understanding from media reports is that there will be an amendment in that regard. I have not seen that yet. If there is not, we will be opposing that particular clause.

I want to draw a contrast between the priorities of a government that would see fit to release a prisoner early on parole as opposed to what their true priority should be, because ultimately it is a question of priorities for government. That kind of priority says one thing about that side of the House, and the private member's bill introduced by the Leader of the Opposition today says something about the priorities of this side of the House. At a time when domestic violence calls are through the roof and Google have reported that there are significantly higher numbers of searches being undertaken for the phrase 'domestic violence', we know this is the kind of matter that should be considered in this particular bill.

What we saw in the domestic violence summit was that the criminal justice group was pretty much shut down. There was no consideration of any legislative change, which so many in that forum were looking for. There were many people who were disappointed with that. I accept that there is important work to be done to address domestic violence resourcing and other aspects of it that were raised at that forum. However, there was a missed opportunity to investigate what criminal law reform could be necessary. That shows the kind of priorities of those on this side of the House compared to the other when the Leader of the Opposition introduces a private member's bill in the way we did.

Ms Farmer interjected.

Mr JANETZKI: I look forward to the minister's support of the bill.

Mr DEPUTY SPEAKER (Dr Robinson): Order! The minister will cease interjecting.

Mr JANETZKI: I look forward to the minister's support of our private member's bill which seeks to clarify the definition of 'strangulation' and institute a more severe penalty.

Ms Bates interjected.

Mr JANETZKI: I take the interjection from the member for Mudgeeraba. The Red Rose Foundation in particular was quite pleased to see this bill introduced today. They took out a press release about it. I take the interjection.

Mr HINCHLIFFE: Mr Deputy Speaker, I rise to a point of order. The bill before the House is the COVID-19 emergency response bill. I encourage the shadow minister to address that bill rather than the bill that is going to be on the notice paper sometime tomorrow.

Mr DEPUTY SPEAKER: The legislation is quite wideranging as an omnibus bill, but I do ask the minister to be focused on the current legislation.

Mr JANETZKI: The question that has to be asked this evening is: did the government really think it an appropriate priority to release prisoners on parole seven days prior to their parole release date? Is that evidence of the priorities of this government during COVID-19 when we have not only the health crisis but also the looming economic crisis? Hundreds of thousands of jobs have been lost, yet that is the priority of this government. They should be ashamed that that is their priority. Other aspects could easily have been legislated right now in this bill, even in the domestic violence space. It is an opportunity missed at a time when we know that domestic violence services are under more pressure than ever before.

Turning to my next point, I want to speak briefly about the amendments to the Gaming Machine Act 1991. In particular, I draw attention to an industry that is crying out for help. During the week, the acting CEO of Clubs Queensland, Dan Nippress, went on the public record saying that up to 25 per cent of Queensland clubs could close due to COVID-19. We have a major part of our community clubs at risk at this very moment. The further regionally you travel, the more you understand how important these clubs are. They are vitally important everywhere—in urban and regional areas. So far, the government has promised the deferral of some gaming tax. In contrast, the LNP has said that gaming tax should be waived until such time as clubs are operating again. These are community clubs that return profits to their members, support their community groups and pay for the bibs for the netball team and the footballs for the football team. These clubs are the pillars of our community and desperately need help right now, particularly when I hear the acting CEO of Clubs Queensland say that up to 25 per cent of Queensland clubs may in fact close.

New section 367C does give some hope, as does section 367A, when the provisions talk about 'waived' or 'deferred' under a new part 11A. These are quite practical clauses that need to be given to the Attorney-General to see through these waivers and deferrals, but my hope is that those words which have given hope to Clubs Queensland are actually used—not the 'deferred' but the 'waived' part—because our clubs need as much help as possible. When I talk to Clubs Queensland, the frustrating thing that I find is that so much of what they are asking for is not even tax related or Gaming Machine Act related; in fact, it is simply regulatory in nature. There are so many things that the Attorney-General could do to make the lives of clubs in Queensland easier. They are on their knees and need as much help as possible from this government. The first thing the government could do is consider some of the regulatory requests that Clubs Queensland have repeatedly made to the Attorney-General over the last five years.

I want to raise quickly the changes to the Liquor Act 1992. Representatives of the Queensland Hotels Association with whom I have spoken lobbied for these changes in respect of takeaway liquor, and they have been approved by the government. It is an appropriate clause to be introduced, and the opposition will be supporting it.

My next point relates to the changes to the Local Government Act, which are more of interest to the local government shadow minister, and she will speak about those in due course. It is appropriate that I mention that. It is a quite an unusual power that will give councils the power to raise rates outside of their formal budget meetings. I accept that it is probably necessary in these extraordinary circumstances, but it is quite an extraordinary power. I understand that the Local Government Association is supportive of it. The opposition will be supporting it.

When the Deputy Premier and health minister started speaking yesterday in the first reading speech before the bill was declared urgent, he commented upon there being amendments to the Youth Justice Act. It did raise my attention because we have been waiting for these changes to the Youth Justice Act for some time. However, it turns out that the Youth Justice Act amendments related to employees at detention centres. The unions were consulted in that regard, so I am sure everyone is happy. What is not clear is when this government will move amendments, as promised by the minister,

to address the gaps in the Youth Justice Act. What we have seen throughout Queensland for the last five years is a youth justice crisis. It has been from beginning to end. That is why this opposition will seek to move amendments to resolve these problems once and for all.

The Youth Justice Act needs repair. Over the last five years of this government, we have seen shocking, poor—whatever adjective you want to find—governance of this most important area in the state. Initially, 17-year-olds were moved into the youth justice system. There was no plan. I remember Ian Leavers of the Queensland Police Union talking about there being no plan, that McDonald's had been planned better than the Youth Justice Act. In one April-May edition of the *Queensland Police Union Journal* he said—

The Youth Justice Minister … has clearly done nothing. No planning. No modelling … As a result of the Youth Justice Minister's inability to do her job, we now have more juveniles than adults in the Brisbane watchhouse.

We warned that the Youth Justice Act would need to be properly planned when considering that 17-year-olds were moving into the youth justice sphere. It was not. What did we see? We saw the watch house crisis that, frankly, appalled everybody. We saw the minister go on *Four Corners* and walk out the other end of it promising $500 million to solve this problem. It was the most expensive interview in Australian television history! We saw a lack of planning result in the pain and suffering of young children caught in the watch house. It is worth remembering these were young children. There was evidence that under this government there were children in watch houses with their fingers severed, they were naked under their smocks for days, there was water contaminated by faecal matter, and they were crying for their mothers in 24-hour fluorescent light. It was those harrowing stories that forced the government to act, but again it failed to act with appropriate planning and consideration. In its amendments to the Youth Justice Act, the government changed section 48 without properly thinking through the potentialities. We saw an explosion of crime in Cairns, Townsville, Brisbane, the Gold Coast—

Mr HINCHLIFFE: Mr Deputy Speaker, I rise to a point of order. I acknowledge that the shadow Attorney-General has flagged his intentions to move amendments to the bill. Those amendments have not been circulated. I can see that he wants to make reference to these matters, but making it the core of his contribution to a bill which does not contain these matters—and there are no amendments circulated to the House in relation to these matters—is straying from what is relevant to the bill before the House.

Mr DEPUTY SPEAKER (Dr Robinson): The member is free to reference the fact that there are amendments, but without them being circulated there is no real opportunity to go to the detail of that. Could the member come back to the bill?

Mr JANETZKI: Those amendments will be correcting the errors that have been made. With regard to the release in favour of bail amendments that were passed by the government that were flagged for change on 17 March by the youth minister, here we are two months later when the youth justice minister walked in after being asked. The Premier had been written to by the Leader of the Opposition.