




Speech By  
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**MEMBER FOR TOOWOOMBA SOUTH**

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### **COVID-19 EMERGENCY RESPONSE BILL**

 **Mr JANETZKI** (Toowoomba South—LNP) (8.25 pm): I rise to make a contribution to the COVID-19 Emergency Response Bill. The Leader of the Opposition and the shadow minister for housing have already addressed some of the problems in relation to residential tenancy questions and the Small Business Champion. I know the member for Maroochydore will advance those arguments again shortly. However, I want to begin my contribution tonight with a reflection on some of the philosophical problems we currently face in Queensland and in a range of parliamentary democracies around the world.

What we are facing now more than at any other time is tension on the separation of powers. Normally, the separation of powers tension rests more likely between the legislature and the judiciary; however, what we are seeing now is tension between the legislature and the executive. What we are seeing is unprecedented. It is a commonly used word at the moment. We are seeing legislative power being transferred to the executive at rates not seen before. If you turn to part 2 of this bill it immediately brings this into question.

This is not something we should be skating over. Yes, these are extraordinary times. In fact, clause 5 of the bill actually talks about extraordinary regulations. These are extraordinary times; however, the power to transfer legislative power to the executive should not be undertaken lightly. It should not be glossed over as it has been by so many of those opposite already this evening. This transfer of powers does come with inherent risks, and that is why more than ever the opposition will be watching the regulations that are made by this government extremely closely. If you look at clause 5 of the bill—and the Leader of the Opposition mentioned this—they are what you would colourfully call Henry VIII clauses. That is where the executive, through regulation, has the power to enact regulation that is inconsistent with the act.

If you turn to subparagraph (5) that is exactly what it says: an extraordinary regulation under an affected act may be inconsistent with the affected act. What that really means is that the executive can enact a regulation that is inconsistent with an act that has been passed by this House. That is quite an extraordinary power. Clauses of that nature have been less and less tolerated over the years. The Leader of the Opposition referred to a Queensland Law Reform Commission report in 1990. It was the subject of scrutiny in a legislative committee report in 1997. These clauses are serious, and let us not ever forget that we in this House should be debating principles rather than details. As we have seen in the Commonwealth parliament with the tax act and the Corporations Act, there are problems when you have too many details in a principles based act. The acts are so technically full that they are nearly incomprehensible. It is appropriate that this place delegates subordinated legislation, however, there are grave concerns when that power is delegated to the executive.

One of the major reasons why the LNP opposition will always be sceptical of any diminishment of parliamentary sovereignty is because we on this side of the House do not trust this government. We simply do not trust this government to make regulations that are right, that are consistent with the act and that are for the betterment of Queenslanders. We only need look at the entire consultation process.

My colleague the member for Burleigh has already talked about the residential properties, but we cannot help but look at the process of consultation that the honourable members for Springwood and South Brisbane underwent in this particular area of the COVID-19 response. They stood up on the Friday afternoon, with clearly the left faction of the Labor Party in full swing and full cry, having had no consultation. That left residential property owners with no choice but to fight back.

All of this was at the height of the COVID-19 response. All of those hardworking men and women in Queensland who have investment properties—those nurses and teachers—had to take up arms and get behind the REIQ campaign and a range of other campaigns and fight back. The politics of envy were on full display that afternoon as the honourable members for South Brisbane and Springwood stood up and had not consulted or considered those hardworking men and women who simply wanted to invest and get ahead in their own personal lives. That left thousands of emails being sent out. Everyone in this House would have got those emails pouring into their offices from around the state. Finally, a week later, in an abject concession, the member for Springwood came out and walked away after some serious consultation with the REIQ and a range of other groups.

While the opposition will be supporting this bill tonight and the Henry VIII clause power that will enable executive regulation to perhaps be inconsistent with the act, we are only doing that because this is an unforeseen emergency and these are unexpected and unanticipated circumstances. We are only doing it because there are clear sunsets in the act itself, whereby it is 31 December for the act to expire and also for the delegated regulation. That is why the opposition is satisfied under these circumstances to accept this clause this evening.

I turn from that philosophical question for a moment to the actual clauses that enable this change. I am reminded again of a government that is too slow to act. We hear it regularly that this government is extremely slow to act on the concerns of so many in the community. We know that COVID-19 has brought our health system under full examination and we know that it has nearly stopped the wheels of commerce but they are still grinding. We need to look at New South Wales. It would have helped if the administrative assistance that is on display in this act tonight was received earlier.

For instance, I was already receiving concerns and complaints about people unable to witness documents in the middle of March. How do I swear an affidavit under the Oaths Act? How do I sign or witness an enduring power of attorney? How do I give that notice under a contract document that requires a physical delivery of a document? How do I transfer property under the Land Title Act? How do we keep the administrative wheels of commerce turning? The New South Wales parliament had passed an act of this nature a month ago. The Queensland Law Society wrote to the Attorney-General on 27 March about these problems, and I have written to the Attorney-General about these problems. Here we are nearly a month later, while the economy is under serious pressure—

**Mr Powell:** It's because we have not sat.

**Mr JANETZKI:** I will take the interjection from the member for Glass House. It is because we have not sat. The claims of bipartisanship are farcical. It is farcical to suggest that there is bipartisanship going on in this House. We have had the suggestion we could have a bipartisan committee that could be chaired by one of the opposition members, as is happening in other jurisdictions. Let us take the best ideas from Commonwealth parliaments and enact them here. New South Wales passed an act nearly a month ago that saw those administrative wheels of commerce that are so important, and here we are trying to pass this act tonight.

Again, it is entirely appropriate. We do want to see the execution and witnessing of documents made easier. We do want to see enduring powers of attorney signed, as well as notices under contract, but we could have moved sooner. It goes to show again why this House must keep sitting. It must keep sitting because the circumstances of this COVID-19 crisis continue to change. They are not consistent. It is not the same from one day to the next. There are new problems that come up on any given day.

I want to turn very briefly to some of those proposals that are seen in this bill tonight from the Queensland Law Society and other lobby groups like the Strata Community Association. We have 50,000 strata titles around Queensland. Back-of-the-envelope maths tells us that that is about a thousand annual general meetings a week so these provisions respond to a number of calls for help from lobby groups, including the Queensland Law Society. It is true that there may be occasion, as is mentioned by the Queensland Law Society, for us to examine whether these particular administrative enhancements could go beyond 31 December, but anything of that nature must always go through the parliamentary committee process. We have seen democracy severely curtailed. At the moment there are no public hearings and there is no stakeholder engagement. There is no true parliamentary committee scrutiny of the bills before the House, and that is what we need more of right now in these extraordinary times.

I want to turn briefly to the amendments to the Parliament of Queensland Act. Again, this is one of the provisions that has been discussed tonight and it has been on the books under the standing orders. I am talking about voting by proxy. Voting by proxy is quite an extraordinary thing to be talking about in our parliament. I understand it is being considered abroad and it has been a part of the UK House of Commons system, particularly for men and women on parental leave and for feeding mothers, so it is not without precedent.

However, this is an extraordinary path for this House to go down and it cannot go down that path lightly. There are not many details in this bill as to what proxy attendance would look like. The Premier made some comments on that but I am very intrigued and would like to better understand how exactly proxy voting would work and what it would look like. I presume another member would act as a proxy, but how would it operate in practice? I know the Premier made some minor comments on that. However, I would appreciate some additional detail if at all possible from the Attorney-General. Otherwise, it is entirely appropriate that we bring the House into the 21st century and consider what technology we can use and what additional ways we can meet virtually that will make our jobs easier and help us through these extraordinary times to continue the important work of democracy in Queensland.

One of the things about the REIQ campaign and the campaign that saw the minister back down and reconsider the amendments was people power. There are serious concerns from a whole range of people to see these amendments through tonight.

I have had a number of barristers and others reach out to me and raise concerns at a constitutional level as to whether these provisions will stand the constitutional test of just terms. I expect to hear more about claims of that nature arising in the coming weeks as property owners are very concerned about those issues. I expect it will not be the last we hear of that.

I also want to offer my support for the amendments that will be moved by the Leader of the Opposition outside the long title of the bill that relate to health and safety, public administration and delivery of justice in Queensland. They are appropriate amendments. The wheels of this parliament must continue to turn. Yes, our primary objective right now is to address the COVID-19 pandemic and to make sure our response is full and fair. However, the wheels of government must continue to turn.

*(Time expired)*