




Speech By
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MEMBER FOR MAIWAR

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COVID-19 EMERGENCY RESPONSE AND OTHER LEGISLATION AMENDMENT BILL

 **Mr BERKMAN** (Maiwar—Grn) (4.42 pm): I rise to address the COVID-19 Emergency Response and Other Legislation Amendment Bill 2020 and to foreshadow some amendments to the bill. We support the extension of the special legislative framework to 30 April 2021 and we will be voting in favour of that extension. During the height of the first wave of the pandemic and during the election, it made sense to delegate some power to the executive to swiftly make regulatory changes to support the health response. Even as we look forward to a more normal existence if or when vaccines for COVID-19 become widely available, the Greens believe it is important to bring the health, regulatory and economic response to COVID-19 under proper parliamentary scrutiny.

Even though Queensland's public health response has been strong so far, and we should all feel very lucky for that, we should take nothing for granted at this point. Our amazing frontline workers and the Chief Health Officer have done a great job—an extraordinary job. The government deserves credit for taking the health advice as seriously as it has done.

At the same time, the government has clearly made some decisions based in large measure on more than just the health advice. For example, there was the reliance on a fairly harsh law-and-order style approach in the first months of the lockdown that has been shown in other states such as Victoria to have disproportionately affected marginalised communities and ignored rule breakers in wealthier areas. Another example was the testing regime and lockdown rules inside Queensland prisons that, especially in the early days, lagged a long way behind national practice advice.

The decisions about when and how to close and then reopen schools were also hotly debated. It was never clear whether the government or the Chief Health Officer was getting the last word. Rules about gatherings in private homes, public places and shopping centres have been inconsistent and sometimes incoherent and obviously were affected by political judgements. On the day that tens of thousands of people went to a footy match at the Gabba, the government used its COVID powers to shut down an outdoor peaceful protest of 200 people at Kangaroo Point.

Often it has been very difficult to understand where the health advice ends and the political decisions by the Premier or the government begin. Not only is that situation unfair to Queenslanders looking for certainty but also it is no good for the public health response. To get through the pandemic, especially if Queensland sees another wave, the public must have absolute confidence that the health advice is being adhered to. When a decision is in some respects based on a political judgement, that should be made obvious as well.

For that reason, the Greens will seek to move amendments to this bill to create a new statutory parliamentary committee, the COVID-19 oversight committee. I table a copy of the amendments for the benefit of the House.

Tabled paper: COVID-19 Emergency Response and Other Legislation Amendment Bill 2020, amendments to be moved by Mr Michael Berkman MP [331](#).

It is nine months into the pandemic and still we are dealing with bills that are being rammed through without a proper committee inquiry. Clearly, ongoing committee scrutiny and oversight is necessary. The pandemic is the biggest health and economic crisis of our times, but right now the state government's response, especially the frontline response, has been subject to very minimal parliamentary scrutiny. The parallel inquiries conducted by the Education, Employment and Training Committee and the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee in the last parliament were not only brief but also limited by the general flaws of the portfolio committee structure and the arbitrary separation of those inquiries into health and economic responses.

The new COVID-19 oversight committee would have a similar standing to other statutory committees of the parliament, such as the Parliamentary Crime and Corruption Committee. The amendments I will be proposing are modelled on the Crime and Corruption Act. The new committee would have the formal power to compel witnesses and documents, which would mean that the people of Queensland would be able to routinely hear directly from the Chief Health Officer about the advice she is offering, rather than having everything filtered through the Premier and the executive. By law, the committee's membership would be three government members of parliament, three opposition members of parliament and one crossbench member of parliament, with the committee choosing its own chair. I anticipate that those numbers would mean that, like the PCCC, it would be chaired by a non-government member, which can only be for the benefit of the quality of scrutiny.

The bill extends the power to make regulations about residential tenancies and rooming accommodation to 30 April 2021 even though most of the protections for renters have actually expired, while most of the commercial leasing protections will expire at the end of 2020. It is a disgrace that Queensland was the first state to abandon our ban on evictions during COVID, with that particular protection expiring at the end of September 2020. One major benefit of creating some better oversight would be that the parliament could do our job in holding the government accountable for bad decisions like that one, which has left renters, including many in my electorate, facing evictions this Christmas.

I turn to the provisions around local government elections. I support by-elections to fill casual vacancies in the offices of mayors or councillors. That is more democratic than a runner-up system, which is why the Greens will be supporting almost all of the proposed changes in the bill to the Local Government Act, except for the most excessive of the retrospective changes that would invalidate currently lawful actions. In fact, when they made these changes in June 2020, if the government had been listening to parliament and to all of the stakeholders it might have picked up on this situation and the people of Rockhampton would be on their way to a by-election already. These changes were one of a huge and sweeping raft of amendments that the government rammed through the parliament with an absolute minimum of scrutiny, as we have heard from other members.

The original version of this bill, the Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill, did not contain the fairly extraordinary count-back process to appoint a runner-up. That was added somewhere along the line, apparently as part of the 100-plus pages of amendments that were introduced with barely a day's notice before the passage of the amendment bill. That 100-page pile of amendments was never considered by a committee; it was simply tacked onto the bill with no time for members to read in detail, let alone understand or consult on the many changes it proposed. That is what happens when you rush: you make mistakes.

Today we are not just debating whether we fix up a mistake by Labor; we are here because the rules that Labor created threw up an outcome they did not like. It elected Mr Chris Hooper—or 'Pineapple', as he is known—as the mayor of Rockhampton. In a city in a state dominated by big mining companies, rich property developers and big businesses who are used to calling the shots, a real-life, regular person has ended up as the mayor-elect in Rockhampton. This is a guy whose campaign slogan is: 'No more people in suits and ties making decisions which only benefit people in suits and ties.' He is someone calling for free public transport, jobs for young people and action on climate change. He is someone who opposes the Adani or, as they choose to call it now, the Bravus coalmine. We are here today because the political and big business establishment will not accept that outcome. He is not one of them. He is a threat to their very comfortable existence in this state.

He is why they swung into action as soon as the former mayor resigned. As I understand it, the Labor member for Keppel went to visit Mr Hooper in person to seek to dissuade him from accepting the job that he was perfectly entitled to, and the then local government minister rushed out a media statement saying that they would be changing the laws as soon as possible. That is why the Rockhampton Regional Council has stalled and wasted time, with the support of the state department of local government. It is why council physically prevented Mr Hooper from attending the council meeting at which he should have been sworn in as mayor, in a clear breach of existing section 166A of

the Local Government Act. That is why they have conspired to make sure Mr Hooper will not serve a single day as the mayor. Just in case he is sworn in, they are bringing in the most extraordinary retrospective legislation to invalidate anything he could possibly have done while in office.

To explain to the House and to anyone who is paying attention here, Labor's bill would not only trigger a by-election, which I support and which the Greens will be voting for; it would also, in proposed section 338, invalidate any appointments or any actions that the mayor might have taken during their appointment. That is an extraordinary provision. It means that if the Rockhampton Regional Council were to follow the law as it stands today and appoint Mr Hooper, then all of his actions would be invalid once this bill passes.

I foreshadow that I will be moving an amendment to stop the legislation from retrospectively invalidating the actions of a person appointed to fill a vacancy in the office of mayor under the law as it stands today. Put simply, I will propose amendments to remove proposed section 338. By all means, let's change the law to allow a by-election. I suspect that Mr Hooper will be a candidate in that by-election and I wish him all the best. The purpose of my amendments is to allow the law as it is currently written to take its course.