



Speech By  
**Hon. Yvette D'Ath**


**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 22 April 2020

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

### **Second Reading**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice) (7.11 pm): I move—  
That the bill now be read a second time.

This bill builds on Queensland's significant achievements to date in containing the spread of COVID-19. As we continue this fight, we must ensure that we are as prepared as we can be to respond to the COVID-19 emergency. Prepare for the worst and hope for the best, so to speak. This bill enables us to do just that: it equips government with a flexible toolkit, one which is also appropriately targeted, is proportionate and enables the government to maintain continuity of essential services to Queenslanders. The bill creates a set of temporary powers of general application which is designed to temporarily modify the operation of a range of requirements, if needed, in the following areas: statutory time limits; proceedings of courts and tribunals; and attendance at places or meetings, making and associated use of documents and physical presence requirements.

Further safeguards and scrutiny processes are also built into the operation of these provisions. These include requiring that, other than in limited circumstances, the powers are to be exercised by way of extraordinary regulation or statutory instrument, which must be tabled in this House and are subject to the disallowance process of this House. The Human Rights Act will also continue to apply to any measures implemented under the temporary powers, providing another important layer of scrutiny and protection. In addition, and perhaps most importantly, these powers are time limited and therefore temporary. Any regulations or instruments made, as well as the COVID-19 emergency response act itself, will expire on 31 December 2020.

I just want to take a minute to illustrate the important way the modification powers in the bill may be used. There is a number of requirements across the statute book as well as the common law which requires a thing to be done in person, such as the witnessing of documents, attendance at meetings or a visit or inspection by an authorised person of a particular site. As a result, the bill provides the ability for a regulation to be made under any affected act which puts in place alternative arrangements for how documents are made, meetings are held and attendances are conducted. Modified arrangements could include allowing meetings to be held or inspections carried out using audiovisual technology, for example.

Importantly, modified arrangements can also be put into place for making documents such as wills, general powers of attorney, enduring powers of attorney, advance health directives, statutory declarations, deeds and many other types of documents. I can advise the House that consultation is well advanced on this issue and I wish to thank the Queensland Law Society and the Bar Association of Queensland for their proactive and cooperative assistance on these issues to reach workable solutions.

The bill also outlines a set of principles in relation to non-residential tenancies and a regulation-making power to address issues arising from COVID-19. As we know, small businesses are a major employer across all of our regions of Queensland, and they are clearly being hit hard under COVID-19. The Palaszczuk government understands this. That is why today we are also progressing legislative amendments that will move us towards implementation of measures to support non-residential tenants.

Part 7 of the bill includes a regulation-making power for a temporary moratorium on evictions on the grounds of financial distress, prevent rent increases except in cases where business turnover has increased, allow leases to be extended for the term of a rent waiver that has been agreed to by a property owner and tenant, and provide for mediation and dispute resolution processes. The regulation-making power will apply to retail shop leases under the Retail Shop Leases Act 1994 and other categories of lease prescribed. The regulation-making power also allows for the regulation to be made retrospectively.

This bill also provides for the establishment of the Small Business Commissioner and a regulation-making power for residential tenancies and rooming accommodation. Minister de Brenni and Minister Fentiman will speak to these particular and important amendments in the bill.

The bill also provides for amendments to the Parliament of Queensland Act 2001. As Leader of the House, I am proud to see the Queensland parliament take an important step in ensuring it can continue to sit during the COVID-19 emergency, as required. These amendments are indeed historic and will give this House the option of being able to meet by electronic means during the COVID-19 emergency, if necessary.

Part 10 of the bill also amends the Statutory Instruments Act to create a power to delay the automatic expiry of subordinate legislation, and the Acts Interpretation Act to create a similar power to temporarily delay the automatic commencement of principal legislation where there is a genuine need, resulting from COVID-19 impacts.

I would like to record my sincere thanks to all staff in the Department of Justice and Attorney-General, in particular, staff within the Strategic Policy and Legal Services Unit, my director-general and also the Office of Queensland Parliamentary Counsel for their unwavering dedication and hard work.

The bill presented to the House today cuts across a number of different ministerial portfolios. On that note, I thank my ministerial colleagues for their strong engagement and deep commitment to ensuring our public institutions continue to properly operate to serve the people of Queensland.

In conclusion, I wish to acknowledge and thank the Premier for her steady hand, for her strong leadership and for guiding us through these very difficult times for all Queenslanders. I commend the bill to the House.