




Speech By
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MEMBER FOR WARREGO

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COVID-19 EMERGENCY RESPONSE AND OTHER LEGISLATION AMENDMENT BILL

 **Ms LEAHY** (Warrego—LNP) (3.35 pm): I rise to contribute to the debate on the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021. In general terms, the bill extends the COVID related provisions which are due to expire on 30 April this year. The legislation proposes to extend the operation of these provisions to 30 September 2021 as well as account for other temporary measures relating to local government administration and elections. The principal matters covered by the legislation include attendance at court and legal proceedings, bodies corporate and related amendments, lease arrangements, the position of Small Business Commissioner and gaming tax relief. Other amendments cover changes to local government administrative and election arrangements. These include enabling local authorities to adjust their rates and charges for the 2021-22 year, providing flexibility to facilitate the holding of elections and by-elections in a COVID-safe way, and enabling local councils to conduct meetings in a COVID-safe manner.

As earlier outlined by the shadow minister, the LNP will not be opposing the bill. However, in future if the government continually introduces urgent bills—and I note this was an urgent bill—with emergency provisions for the pandemic, perhaps the government should give some consideration to making some of these changes more permanent in legislation so that there is full and frank scrutiny through committee and parliament processes. If the government is going to extend and extend, why not put these provisions in place permanently? If not, the government must also be held to account for the use of these powers and be willing to reverse these arrangements when circumstances permit.

I now turn to the provisions relating to the local government sector. I note that the provisions relating to local government are somewhat less controversial than those in the COVID-19 Emergency Response and Other Legislation Amendment Bill 2020, debated in September 2020, in which the government had to put forward a third round of amendments to change the law in relation to runners-up for mayoral and councillor vacancies.

The bill provides a framework for local governments to make extraordinary decisions for the 2021-22 financial year, effectively extending the current provisions in place in the current financial year, so that local governments may decide by resolution outside of their annual budget meeting what rates and charges are to be levied for the remainder of the 2020-21 financial year by making an extraordinary decision. For example, if a local government adopted the budget in July 2020, the local government would then be able to make an extraordinary decision to re-levy rates and charges for the remainder of the 2020-21 financial year, with a new rate applying no earlier than the day the resolution is made. Further, if an extraordinary decision is made, the local government must amend the annual budget at the same meeting to take into account the extraordinary decision and must adopt the amended annual budget. I am advised that so far no council has used these emergency provisions in the current financial year. I hope that these provisions are not needed in the next financial year and that they simply remain as emergency provisions that have not been utilised.

The bill further provides flexibility to facilitate COVID-safe local government by-elections and fresh elections. There are a number of questions in relation to some of these amendments, especially in relation to the postponement of an election date under new section 200S, which deals with postponing polling days. This provision allows the minister to postpone the polling day for more than two months after the original polling day for a by-election or a fresh election. However, the minister must first be satisfied, after consulting the ECQ and having regard to the purpose of part 9B, that it would not be in the public interest for the election to be held during the period two months after the original polling day. The postponed polling day must also be on the earliest Saturday on which the minister is satisfied the poll may be practical, safely taken and resumed.

The problem with this section is that it is quite open-ended and the question is for how long can the minister postpone an election date? Could the postponement be for another two months? Could it be indefinitely? Could it be after the Chief Health Officer changes the restrictions? This provision is too open-ended and unfortunately we have seen far too much interference in the local government electoral and voting system from this government in the past. The sector does not have confidence and it certainly needs to have some clarity and certainty around this particular section of the amendments.

I would like the minister to clarify how long these postponements could be under this section and advise what a maximum time frame would be. Further, if the poll is delayed during the election period, what are the provisions and what will happen to ballots collected at pre-polling stations or through postal votes? We need to look at some of those more remote communities where by-elections occur. If we look at places like Doomadgee or other places in the north, returning officers are not locals. Rather, they fly in and do the job that they need to do. If the poll is postponed, do they have to transport the ballots? Can they keep them safely somewhere in those communities? There are some questions in relation to this.

The provisions also enable the ECQ to give directions about the distribution or display of how-to-vote cards and other material. At the last local government election it was only when candidates went to register their how-to-vote cards that we found that there were significant issues and it was then that the ECQ, after a significant amount of lobbying, provided how-to-vote card templates for candidates. That was a very sensible thing for it to do; it was a bit late in the actual election period but it was an improvement. However, it would be preferable to have these how-to-vote card templates, particularly for a local government election, available before the official caretaker period commences.

I also point to the report that was tabled in the parliament in relation to the conduct of the local government election but never debated in this House, and that is the Legal Affairs and Community Safety Committee's report titled *Inquiry into the Electoral Commission of Queensland's online publication of the preliminary and formal counts of the votes cast in the 2020 quadrennial local government election and the Bundamba and Currumbin state by-elections held on 28 March 2020*, and I have to say that that is quite a sobering read.

A further question is in relation to whom the ECQ would give directions and in what time frame would this information be conveyed to local government candidates. During the local government election the ECQ directed that there were to be no scrutineers. That is not very healthy for democracy. Obviously safety is of the highest priority. However, it must be balanced with democracy. The bill also provides for the extension of the operation of COVID related local government meeting provisions, enabling a local government to have committee meetings held by audiovisual link and to be closed to the public for health and safety reasons associated with COVID-19, should it be required.

Before I conclude I want to sincerely thank all of those emergency services workers who worked on our borders, particularly those police officers who were in very remote situations out on the South Australian border with very few public conveniences and the councils that provided a lot of accommodation and assistance to those state government officers who were manning the borders.

Unfortunately there has been a significant cost shift on to those local governments in that they have spent thousands of dollars to support that border closure, which is a state government initiative. Those local governments have very small rate bases and have not been able to recoup any of those additional funds. There was no time to work out who was paying for what; they simply had to ensure that they had such things as accommodation and toilets for workers along the border. I do hope that the government will look favourably at those requests from border councils because it has been a significant cost shift, particularly on smaller councils like the Paroo Shire Council and the Balonne Shire Council which have had to help and assist our emergency service workers with the border closures that have happened.