




Speech By  
**Charis Mullen**

**MEMBER FOR JORDAN**

---

Record of Proceedings, 18 November 2021

**JUSTICE LEGISLATION (COVID-19 EMERGENCY RESPONSE—PERMANENCY)  
AMENDMENT BILL**

 **Mrs MULLEN** (Jordan—ALP) (11.45 am): I am pleased to rise to make a contribution to the Justice Legislation (COVID-19 Emergency Response—Permanency) Amendment Bill 2021. There is no doubt that COVID-19 has challenged our communities in so many ways but, if there is a silver lining in all of this—and I hope we can find at least one—it is that we have been given the opportunity to rethink the way that we have been doing some things. The old adage ‘this is the way we have always done it’ is simply not a good excuse anymore—and, as a government, we have shown that we can be more agile and can move quickly to support businesses and our community. What has emerged is that we can also make permanent changes to some of the temporary measures introduced during the COVID-19 emergency.

COVID-19 has propelled government, business and the community into the digital age, forcing us to embrace and use technology in new ways in all aspects of business, commerce and, of course, in our personal lives. The legal sector is one that traditionally may have been a bit slower to react and move to new practices—but, as we have seen through some of the regulations, it has enabled technology to be used to make important legal documents. As these temporary measures have been so well received by businesses, stakeholders and the community, the government now proposes, through this bill, to make more of them permanent.

The bill makes tangible, practical improvements to the making, signing and witnessing of documents which affect people and industry each and every day. Not only does the bill enable the use of electronic signatures; it also provides that the signature of a person and witness do not need to be on the same singular, original document in some circumstances. This is an important practical change which prevents parties having to be physically together to sign these documents or post original documents back and forth which can be logistically and sometimes frustratingly difficult.

Not being in the same room at the same time is something we have all become very familiar with. It is interesting to reflect back to 2019, when flexible work arrangements, whilst available, were not really common for most people. So many people within my community would tell me that, despite a desire to work more flexibly and from home at times, avoiding long commutes, they would find resistance from their employers telling them it simply would not work. Well, it turns out that only months later a global pandemic has made this not only possible but absolutely critical during periods of lockdown.

Whilst it has taken a global pandemic, countless Zoom and Microsoft Teams meetings later show us that indeed it can be done but also that it does not diminish efficiency in the workplace and in most cases has increased efficiencies. I know from the discussions I have had with a number of my lawyer friends that the temporary provisions around the use of electronic signatures did significantly increase efficiencies for them and changed the way commercial practices run.

Under the provisions of the bill, documents will be able to be fully executed in a matter of days. The bill allows for electronic signing and witnessing via video link for important documents such as affidavits, statutory declarations and general powers of attorney for businesses, deeds and particular mortgages. Specifically, the bill allows affidavits, statutory declarations and some oaths to be taken over video link by a cohort of special witnesses such as Australian legal practitioners; government legal officers who witness documents in the course of their work; certain justices of the peace or commissioners for declarations approved by the director-general of the Department of Justice and Attorney-General; a notary public; a justice of the peace or commissioner for declarations employed by a law practice; or a justice of the peace or commissioner for declarations employed by the Public Trustee, if the Public Trustee prepares the document.

I give a shout-out to our justices of the peace. They do amazing work in our community. I know they themselves were quite challenged during COVID-19 by not being able to be in shopping centres and places where the public could visit them. Many of them made their homes open to be able to undertake this really important work in our community, so I give credit to them.

For affidavits and statutory declarations that are witnessed over video link, the bill allows these documents to be physically signed or electronically signed and/or made using counterparts if witnessed by a special witness, with procedural requirements to apply to mitigate the risk of false statements. All of the reforms proposed by the bill will improve access to justice, reduce costs for the delivery of legal services, reduce transaction costs, increase efficiency and boost economic productivity. Through these reforms Queenslanders will be able to make these documents from their home or workplace and will no longer have to travel to sign documents in person before a witness.

These reforms represent a significant step forward for Queensland; however, they also contain a number of safeguards to protect against the risks inherent with the use of technology and the changes to witnessing requirements. I understand the safeguards have been developed following extensive consultation with a range of stakeholders. I would like to commend the Attorney-General and her department for the work they have undertaken on these very complex legal changes.

The bill also modernises and streamlines domestic and family violence proceedings through amendments to the Domestic and Family Violence Protection Act 2012 and the Domestic and Family Violence Protection Rules 2014 to permanently retain the option to use the temporary measures, in particular: to allow for domestic and family violence matters to be heard via video or audio link; the operation of alternative verification processes for temporary protection orders; and electronic filing, where approved by the principal registrar.

Again, this will modernise and streamline access to justice by providing victims with greater flexibility to participate in domestic and family violence proceedings, including by giving magistrates the discretion to conduct all or part of the proceedings via audiovisual link or audio link. Allowing vulnerable Queenslanders to make documents or give evidence under oath from the comfort of their home or workplace using technology will further support victims. I work closely with our domestic and family violence prevention services in my electorate. Access to justice, but also justice in a form that is safe, respectful and trauma informed, is an important step forward. These measures help ensure that vulnerable applicants can seek protection from domestic and family violence without unnecessary delay.

The bill also amends the Liquor Act 1992 to permanently retain aspects of the temporary COVID-19 takeaway liquor authorities for licensed restaurants. The Palaszczuk government recognises that consumer preferences are changing, and the ability to sell takeaway liquor with takeaway food has assisted restaurants and cafes in what has been an extremely tough time for the hospitality industry. Ensuring businesses can increase their revenue by selling takeaway wine with their meals has supported them to keep their doors open and keep Queenslanders employed.

Consumers have demanded greater choice and convenience in being able to enjoy a meal with alcoholic beverages at home; however, everything in moderation. So to reduce the risks, the proposed licence condition limits the sale of takeaway liquor to a maximum volume of 1.5 litres of wine, or two bottles, sold with a takeaway meal between the hours of 10 am and 10 pm. The provision of a meal with alcohol is a known responsible service of alcohol measure. To maximise the benefits of this strategy and ensure the integrity of this new licence condition, the bill requires a full meal to be provided with takeaway wine.

I appreciate that the parliamentary committee did make a recommendation to provide the option of allowing 1.5 litres of either wine, beer, cider or premixed drinks to be sold with a takeaway meal. I note the decision by the government to not support this recommendation, with the reasoning that what is being proposed in the bill is consistent with the existing permanent takeaway frameworks, as it does

not expand the type or amount of takeaway liquor able to be sold. Whilst I understand the cautious approach being undertaken by the government in this matter, I also appreciate the disappointment felt by some stakeholders.

As a government we have recognised the value of our local craft brewers and artisanal alcohol producers through such strategies as the Queensland Craft Brewing Strategy. I am hopeful that further support for our local craft brewers and artisanal producers can continue to guide future policy development in this space. I commend the bill to the House.