




Speech By
Christopher Whiting

MEMBER FOR BANCROFT

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

 **Mr WHITING** (Bancroft—ALP) (12.06 pm): I rise to speak in favour of the Justice Legislation (COVID-19 Emergency Response—Permanency) Amendment Bill as presented and the amendments as outlined by the Attorney-General. I want to start by thanking the minister for her consideration of our report and the work that she has done in presenting this bill to the parliament. These are some very necessary reforms, as we have heard. I also want to thank my committee. We came up with a report to which there were no statements of reservation. We worked hard to get to recommendations that we all agreed with, and I want to thank members of the committee for that. I also want to thank our secretariat, and as we know secretariats work very hard in getting all of this together. In response to what the member for Clayfield said, it may seem a bit pedestrian and boring, but we somehow enjoyed this bill and exercised a fair bit of thinking and discussion about what we were going to recommend. We did not find it boring. I do not know what that says about our committee, but we will not go there.

This bill creates a permanency to some of the COVID provisions that have worked well in the last year or so, and I will start with the legal document reforms. Quite simply, as we have heard, we have been working for years with what the legal profession has called 'archaic laws', and that was a term that was used by one of the witnesses in the inquiry for this bill.

As we have heard, affidavits and statutory declarations traditionally have needed to be signed on paper in the presence of signatories and witnesses. They have had to be a single-paper document signed contemporaneously—at the same time—and oaths had to be administered in person then and there, but the changes we have made to cope with the pandemic showed that there have been considerable savings made by modifying what have been called 'archaic laws'. Affidavits and stat decs, for example, could be made electronically and signed electronically if witnessed over audiovisual link by prescribed people and oaths could be administered through audiovisual link by authorised people, and the people authorising these have to verify identities.

One of the principles of this bill is that changes made during the COVID-19 pandemic have emphasised that we need to treat paper transactions and electronic transactions in the same way. The public expects it. It was best summed up by Elizabeth Shearer, the president of the Queensland Law Society, when she said to us, 'I think the consistent theme is that an electronic signature should be equivalent to a wet-ink signature.' That goes to the crux of what we are doing with this bill. As I pointed out, the Electronic Transactions (Queensland) Act has been in legislation for 20 years. Electronic transactions are now a part of everyday life so there is a precedent for the reforms that are being proposed.

Another important principle of this bill is that these reforms increase access to justice. Ordinary working people will find these documents more accessible and they are more capable of executing these documents in their day-to-day life. For those who cannot travel to make these documents due to their health or because they live in rural and remote areas and they cannot get to court, these changes make access to justice easier.

This bill also includes important changes to the constructions of deeds. I thank the member for Clayfield for his erudite, law-lecture explanation of the history of deeds. Under the current law deeds must be executed on paper, parchment or vellum. Vellum is animal skin, mainly calf skin. Medieval documents were written on vellum. Vellum is good because it can be well preserved. Under these old laws deeds must be, as we have heard, signed, sealed and delivered. Sealed in medieval times meant applying wax and stamping it with a seal. As members can see, these laws regarding deeds are quite archaic. One could go into a court or a legal office with a deed written on calf skin and that would be fine if it has a stamp on it. It was alive a number of months ago. Changes being proposed to deed construction in this bill will mean that deeds can be in electronic form, signed electronically with both parties consent, and signed in counterpart—not all in one document—and deeds will no longer need to be sealed by being stamped with an ink stamp or a wax seal.

Mr Kelly: Or on vellum.

Mr WHITING: We can use vellum, but perhaps not at this stage. We have made similar changes to the execution of mortgages over the years. People are used to it. People expect it. There is no reason why we cannot do this with deeds. These reforms will be a great improvement. Improvements in relation to the state dealing with deeds electronically are also welcome. We heard in our hearings of a case where a statutory declaration needed to be signed by a company director but that person was in lockdown overseas due to the pandemic. This company had to locate, appoint and then immediately remove another director in New South Wales to sign that physical document. That was not easy either because New South Wales was in lockdown. These changes will mean considerable time and cost savings for everyone.

As I said, we need to apply this modernisation approach to deeds signed by the state. I certainly welcome what the Attorney-General has talked about in relation to modernising the approach by the state. I will give an example of what has happened to me just this week regarding deeds. I am currently the president of the Moreton Bay Cycling Club. I am helping to arrange a cycling event, the Moreton Bay 100. To get Transport and Main Roads permission to use a road for the event I need to sign a deed of indemnity as the club president, but it has to be stamped. I went out to Officeworks and ordered a stamp—‘This is the common stamp of the Moreton Bay Cycling Club’—at a cost of \$82 and stamped the document. I will probably only use that stamp once. Yesterday I scanned the document and sent it electronically. I now have to ask the question: do I have to take that document I have stamped down to TMR and present it to them? There is a lot of rigmarole around deeds and some of that is still held by the state so it is a really good initiative by our Attorney-General to move towards getting rid of those processes when dealing with deeds for the state.

Legal reforms included in this bill will suit modern life and business in Queensland. The domestic violence reforms contained in this bill are welcomed and significant. Magistrates having the discretion to verify an application or a variation by audio visual or audio link is very much welcomed in limited urgent situations. Parties will now be able to file these documents electronically with the approval of a court. This will make a huge difference in some cases of family and domestic violence.

Touching on the issues of liquor reform, I welcome statements from the Attorney-General that we will continually work to improve licensing and regulatory regimes for our craft brewers and our catering industry. The committee has spent a lot of time with craft brewers. That is not a bad thing. We have managed to suffer that. As a government we have developed a great craft brewing strategy which we are implementing. It is clear that we can improve the environment for this small business sector. That is very much welcomed. Independent brewers employ half the people employed in brewing within Queensland. These micro brewers are mostly working class people who are putting their savings into creating a business that they are passionate about. They are also a great boon to tourism and events throughout our regions. I look forward to continuing the journey with them and working with the state to keep improving the environment for them.

Finally, I want to draw to the attention of the parliament a worrying trend—that is, the alarming growth in the use of the word ‘bespoke’. We have heard about bespoke legislation, bespoke wine, bespoke products and bespoke producers. I blame the member for Lockyer. I call for an end to this scourge.