




Speech By
Joan Pease

MEMBER FOR LYTTON

Record of Proceedings, 18 November 2021

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

 **Ms PEASE** (Lytton—ALP) (11.28 am): I rise to speak in support of the Justice Legislation (COVID-19 Emergency Response—Permanency) Amendment Bill 2021. I begin by thanking the State Development and Regional Industries Committee for their work on this important bill—the committee chair, the member for Bancroft, and all members of the committee. I thank the secretariat for their work in supporting the committee in this important consideration.

As we all know, in January 2020 Queensland announced a health emergency and from that point Queensland and indeed the world has been confronted with the challenges of a global pandemic. Queenslanders have had to change the way we go about our daily lives, business and schooling. Our community in Queensland has responded and we have adapted to be able to conduct business and live our lives in new ways.

Queenslanders have done so well. We have followed the guidelines, we have taken care of each other and we are now getting vaccinated to continue with our recovery and to protect each other and our community. So much so, the Wynnum Fringe festival is on this weekend. For those members who have not got their tickets, please go to wynnumfringe.com and book some tickets. There are lots of free events. We are only able to go ahead with that because of our great response to COVID. I thank everyone for that.

In response to COVID-19, the government has been agile and has introduced temporary measures for the COVID-19 emergency to ensure that we supported our small businesses, consumers and communities. These temporary measures are due to expire on 30 April 2022 pursuant to the Public Health and Other Legislation Amendment Act 2021. The Justice Legislation (COVID-19 Emergency Response—Permanency) Amendment Bill 2021 will permanently implement particular parts of the temporary laws that were made in the justice portfolio to commence prior to the COVID-19 expiry date, to provide a seamless transition for the community and stakeholders. These amendments will apply to the Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) Regulation 2020 and the Domestic and Family Violence Protection (COVID-19 Emergency Response) Regulation 2020.

The bill will also amend the Liquor Act 1992 to allow licensed restaurant operators to apply for a permanent condition of licence authorising the sale of 1.5 litres of wine or two 750 millilitre bottles with a takeaway meal up to 10 pm. The Justice Legislation (COVID-19 Emergency Response—Permanency) Amendment Bill 2021 also extends the expiry of the Retail Shop Leases and Other Commercial Leases (COVID-19 Emergency Response) Regulation 2020 until two years after the COVID-19 legislation expiry date, unless it is repealed sooner.

As a result of the COVID-19 emergency and the advent of lockdowns and restrictions on meeting in person, individuals, businesses and government have been required to adapt and engage with digital technology to find new ways of working without being physically present. The document and oaths regulation introduced temporary measures to allow documents to be made, signed and witnessed

electronically, with simplified execution requirements. The Justice Legislation (COVID-19 Emergency Response—Permanency) Amendment Bill 2021 permanently implements certain aspects of the temporary arrangements to allow individuals, businesses and government to continue to use digital technology to meet their needs. The bill modernises the arrangements for the making, signing and witnessing of affidavits, statutory declarations, general powers of attorney for businesses, deeds and particular mortgages by allowing these documents to be made in electronic form, signed electronically and witnessed over audiovisual link in certain circumstances.

The bill permanently implements the arrangement under the document and oaths regulation which allows nurse practitioners, in addition to doctors, to sign a certificate which forms part of an advance health directive stating that the person making the document appears to have capacity to make the document. The purpose of the reforms is to modernise the way in which important legal documents are created, in line with contemporary business practice, and to improve accessibility. The bill also embraces digital technology to provide new and alternative pathways for document execution, in addition to the ordinary physical approach, which will allow individuals to choose their preferred method of document execution. The reforms will make it easier for individuals to make and sign important legal documents without the need to be physically present.

The Domestic and Family Violence Protection Act 2012 sets out the legislative framework for providing civil protection from domestic and family violence through domestic violence orders and police protection notices. Applications for domestic violence orders are made to a Magistrates Court and can be made by the aggrieved, a police officer or an authorised person or another person acting for the aggrieved. Ordinarily, private applicants—an applicant who is not a police officer—must verify an application for a domestic violence order by way of a signed and witnessed statutory declaration before a lawyer, JP, Cdec or other persons authorised by the Oaths Act 1867. A private applicant may then file the application with the court by delivering the application personally or by post to the registry. A party to a proceeding under the DFVP Act may appear before a magistrate in person or be represented by a lawyer.

The domestic and family violence COVID regulation puts in place modified arrangements to reduce physical contact between persons to support social distancing, self-quarantine and self-isolation requirements under the Queensland Chief Health Officer's public health directions. The bill modernises, streamlines and increases accessibility to domestic and family violence proceedings by providing for alternative verification arrangements for private applications for protection orders and variations of domestic violence orders, in urgent situations further allowing domestic and family violence proceedings by audiovisual link or audio link and allowing electronic filing of documents in domestic and family violence proceedings where electronic filing of the document is approved by the principal registrar.

The bill amends the Liquor Act to provide a permanent ability for licensees holding a subsidiary on-premises licence—for example, a restaurant—to apply for approval, via a licence condition, to sell a limited amount of wine for takeaway or delivery with a takeaway meal. An approval is conditional upon the licensee establishing systems and procedures to ensure the responsible service of takeaway liquor. The liquor reforms proposed by the bill aim to reduce regulatory barriers for restaurants and support the recovery of small businesses from the economic impacts of the pandemic. The amendments are also anticipated to deliver a tangible public benefit by reflecting contemporary food service standards and changing customer expectations. The reforms differ from the current broader COVID-19 temporary takeaway liquor authorities. However, the changes resulting from stakeholder consultation will reduce the potential for harm and provide greater regulatory control. The reforms are also consistent with existing Liquor Act provisions allowing the sale of one opened and one unopened bottle of takeaway wine to on-premises diners.

The leases reforms will extend the expiry of the leases regulation, and any other regulation made under section 23 of the COVID-19 Emergency Response Act 2020 prior to the COVID-19 legislation expiry date, until two years after that date, unless it is repealed sooner. This will allow the Small Business Commissioner to continue to provide mediation services in respect of eligible lease disputes—for example, affected lease disputes and small business tenancy disputes, as currently defined in the leases regulation—until such time as the permanent statutory office is established.

This bill is sensible. It makes permanent some of the temporary arrangements that enabled Queenslanders to go about their business—business owners like Belinda from Schuks at Manly. Belinda is now able to share her sensational range of specialised Australian wines as takeaway with her ethically and sustainably sourced meals. I do a shout-out to all of our local businesses because they have done it tough. I acknowledge the great work they have done to date and what they will continue to do. We all know that we have to be vaccinated to stay safe and to look after each other. Our local small businesses are the backbone of our economy. I acknowledge the great work they do and look forward to continuing to support them.

I remind everyone again of the Wynnum Fringe festival. A lot of our local businesses will be open. We have a great range of restaurants and cafes. Pop down to the festival on the weekend. I commend the bill to the House.