




Speech By
Lance McCallum

MEMBER FOR BUNDAMBA

Record of Proceedings, 17 November 2021

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

 **Mr McCALLUM** (Bundamba—ALP) (3.03 pm): Our response to the pandemic is working. By working together and following the health advice, Queenslanders have remained safe and our economy is strong. The latest labour force data underscores this, showing that Queensland has created more jobs than any other state or territory—indeed, more jobs than every other state and territory combined. From March 2020 to October this year, New South Wales lost 174,200 jobs and Victoria saw a drop of 126,200 jobs. During that period, in the great state of Queensland, where vaccination rates continue to rise and our economy remains open, 90,000 people found work. That is another 90,000 people who are playing their part in our economic recovery and another 90,000 people who are contributing to our ongoing low unemployment rate. It is our safe and strong recovery and our willingness and determination to adapt that makes these reforms possible. It is clear that a strong health response to the pandemic translates into the best economic response.

Since the COVID-19 public health emergency was declared, the Palaszczuk government acted quickly and put in place a range of temporary measures to support Queensland businesses and the community. As those temporary measures have been so well received by businesses, stakeholders and the community, through this bill the government now proposes to make many of them permanent. My contribution to this debate will focus on the modernisation measures for legal documents, the provisions that relate to domestic and family violence, and, if I have time, the changes in relation to the functions of the Small Business Commissioner.

The COVID-19 emergency propelled government, business and the community into the digital age in a way like never before, forcing us to embrace and use technology in new ways and in all aspects of business, commerce and our personal lives. The Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) Regulation enabled technology to be used to properly make important legal documents. This bill makes tangible practical improvements to the making, signing and witnessing of documents that affect people and the legal industry every day.

Not only does the bill enable the use of electronic signatures; it also provides that the signatures of a person and a witness do not need to be on the same singular original document in certain circumstances. That is an important practical change which means that parties do not have to be together physically to sign those documents and do not have to post original documents back and forth, which obviously can be logistically difficult and time consuming. The legal profession advised the Attorney-General that the temporary provisions around the use of electronic signatures has significantly increased efficiencies for them and changed the way that commercial practices run. Normally it can take up to four weeks for documents to be signed, witnessed and transferred between parties here and overseas using the post. Instead, under these provisions, documents may be fully executed within a matter of days.

The bill allows for electronic signing and witnessing via video link for important documents such as affidavits, statutory declarations, general powers of attorney for business 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. The bill allows affidavits and statutory declarations that are witnessed over a video link to be physically or electronically signed or made using counterparts if witnessed by a special witness, with procedural requirements to apply to mitigate the risk of any false statements. The bill allows affidavits and statutory declarations that are witnessed in person to be signed electronically and made using counterparts if they are witnessed by a special witness. The bill also allows nurse practitioners, in addition to doctors, to sign a certificate that forms part of an advance health directive, stating that the person making the document appears to have capacity to make the document.

All of these reforms will improve access to justice, reduce the costs of 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. They also contain a number of limitations and, importantly, safeguards to protect against the risks inherent with the use of technology and with the changes to witnessing documents. The safeguards have been developed following extensive consultation with a range of stakeholders. Consultation on the proposed document reforms was undertaken with a wide range of legal, health and community stakeholders. This included the Queensland Law Society, the Bar Association of Queensland, the Property Council of Australia, the Australian College of Nurse Practitioners and the Australian Medical Association of Queensland.

An exposure draft of the bill was released to key stakeholders earlier this year and further consultation was conducted directly with key stakeholders prior to the finalisation of the bill. Overall, stakeholders expressed support for the reforms, with legal stakeholders strongly supporting these reforms. Indeed, the Queensland Law Society submitted that the legal profession and the community derived significant benefits from the temporary reforms, leading to increased access to justice, certainty, reliability and cost savings. A partner from the large commercial law firm Allens outlined support for the reforms, noting that the temporary measures adopted in Queensland were considered a best-practice model of reform. It is clear that these reforms represent a significant step forward for Queensland.

I now turn to the provisions of the bill that relate to domestic violence. The pandemic has tragically exacerbated domestic and family violence, with almost one in 10 women in a relationship experiencing domestic violence during the COVID crisis and two-thirds saying that attacks started or became worse. All Queenslanders have to play their part in preventing domestic and family violence. Domestic and family violence is a shameful mark of our society and should never be tolerated in our homes, workplaces or communities.

This bill 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 that have been provided under the Domestic and Family Violence Protection (COVID-19 Emergency Response) Regulation. The permanent measures adopted will allow for domestic and family violence matters to be heard via video or audio link, operational alternative verification processes for temporary protection orders and electronic filing where approved by the principal registrar. This will modernise and streamline access to justice by providing victims with greater flexibility to participate in proceedings, including by giving magistrates the discretion to conduct all or part of the proceedings by audiovisual link or audio link. This will allow vulnerable Queenslanders to make documents or give evidence under oath from their home or workplace using technology that will further support victims of what is an extremely stressful situation.

The Women's Legal Service Queensland explained that for many women experiencing domestic violence the thought of seeing a perpetrator face-to-face during a court appearance is overwhelming, extremely unsafe and a deterrent to filing applications for a protection order. These measures in this bill help ensure that vulnerable applicants can seek protection from domestic and family violence without unnecessary delay. These changes were supported by the Queensland Law Society and the Women's Legal Service Queensland.

I place on record my thanks to the State Development and Regional Industries Committee for its consideration of the bill and note that the committee's report, with no statement of reservation, recommended that the bill be passed. There were several other recommendations in the committee report that the government has responded to and to which the Attorney-General has tabled a response. I do not propose to revisit that now.

In conclusion, the measures contained in this bill will improve access to justice to those who need it most. It will mean that people in businesses in Bundamba will have greater access to justice through a much improved and modernised framework. By working together and getting vaccinated,

Queenslanders can continue our safe and strong recovery. These reforms are in line with community expectations and accepted methods of supporting our local businesses, protecting the vulnerable, meeting and indeed doing business. I commend the bill to the House.