




Speech By  
**Melissa McMahon**

**MEMBER FOR MACALISTER**

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## **COVID-19 EMERGENCY RESPONSE AND OTHER LEGISLATION AMENDMENT BILL**

 **Mrs McMAHON** (Macalister—ALP) (12.17 pm): I rise to speak in support of the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021. As a member of the committee considering the bill, at the outset I would like to acknowledge the work of the committee members, the committee secretariat and support staff, and all the stakeholders who made submissions for the inquiry and those who attended the hastily convened video and teleconference public hearing. It should be noted that the public hearing occurred the day the most recent snap lockdown here in Greater Brisbane was announced.

The purpose of the bill, broadly speaking, is to extend the previous legislative reforms passed in the COVID-19 Emergency Response Act 2020, the Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020, and the COVID-19 Emergency Response and Other Legislation Amendment Act 2020. The original expiry dates fixed in those acts were initially 31 December 2020 and subsequently 30 April 2021. The dates set by those previous bills were designed to strike the balance between allowing the government to continue a range of measures to respond to the COVID-19 pandemic—giving the relevant stakeholders confidence in the longevity of such measures—and the understanding that the measures are temporary and are enacted specific to the pandemic we continue to respond to today.

With the 30 April deadline approaching us and the pandemic still raging throughout the globe, with some countries experiencing their third or fourth waves, with thousands of Australians still stranded overseas waiting to come home and with a vaccinated Australian population nowhere closer to realisation, this necessary legislation must be extended again. Primarily, the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021 seeks to extend the provisions of the previous bills to 30 September 2021 or an earlier date prescribed by regulation.

At our current rate of return travellers bringing home the virus and the shemozzle of the vaccination rollout, I would not put any money on it happening earlier. While this bill will extend the many and varied provisions referred to in the previous COVID-19 bills, during its consideration the committee primarily focussed on issues raised by stakeholders during the inquiry period—a period, I might add again, book-ended by the most recent three-day lockdown.

The need for a legislative modification framework was broadly supported by submitting stakeholders. This framework was to reduce COVID-19 health risks in the sector by reducing physical contact between persons, addressing statutory time frames and modifying proceedings to courts and tribunals to facilitate this. These modifications were seen to have improved access to justice in a number of ways and deliver a cost benefit to such an extent that it was the submission of the Queensland Law Society that some of the COVID-19 emergency measures should be introduced on a permanent basis.

The Department of Justice and Attorney-General indicated that these submissions have been noted and that discussions will occur to consult on these initiatives but that any changes of a permanent nature will occur using the normal legislative and inquiry process separate from the emergency nature of this bill.

The bill will continue the work of the Small Business Commissioner in the advisory and mediation space for small businesses when dealing with lease and tenancy disputes. The bill will see the continuation of good faith leasing principles applied to commercial leases as agreed upon by national cabinet with an extension until 30 September 2021. The bill preserves the right of the lessee under an affected lease to continue to seek rent relief for previous periods and seek to mediate a dispute through the Small Business Commissioner and, failing that, the Queensland Civil and Administrative Tribunal. Of note is the fact that, while the bill extends the work of the Small Business Commissioner in the lessee dispute space, the bill does not extinguish the role of the Small Business Commissioner at the expiry period of the legislation. That is, while the original legislation commenced the official role of the Small Business Commissioner to assist in the COVID-19 response space, this amendment bill does not specify that the role will conclude on the expiry date of 30 September 2021. Thereafter the Queensland government will introduce the role on a permanent basis. The move to a permanent role was commended by the National Retail Association.

The continuation of takeaway liquor authorities to licensees was also canvassed by the committee. The provisions allowed small businesses—those that were licensed to allow the consumption of alcohol on their premises but that were restricted by capacity constraints under health directives—to sell liquor with takeaway purchases. While this continuation was supported by the Chamber of Commerce & Industry Queensland, it drew criticism from the Queensland Hotels Association. The QHA stated that the continuation of the TLAs 'cannibalised the market'; that is, customers were buying from restaurants and cafes rather than bottle shops. The executive director of the office of regulatory policy, liquor, gaming and fair trading within the Department of Justice and Attorney-General remarked that many of these restaurants and cafes were purchasing most of their stock from their local bottle shops.

The major issue canvassed during the committee's inquiry related to temporary local government administrative and electoral provisions. This legislation will provide the flexibility to hold any fresh local government elections or by-elections in a COVID-safe way, enable local governments to conduct meetings in a COVID-safe way and to enable local governments to make extraordinary decisions on rates and charges outside of standard budget processes. Of these provisions, the most commented on was the ability to make extraordinary decisions for the 2021-22 financial year. This means that if necessary a council, by way of resolution, may decide to increase or decrease rates and charges for the 2021-22 financial year. Some stakeholders expressed the view that this would allow councils to arbitrarily boost rates to cover losses or expenses incurred due to COVID-19. Others expressed the concern that councils could use the cover of COVID to fund vanity or other non-related projects.

The reality is that this provision is in place during the current financial year and no council has availed themselves of it. This is predominantly due to Queensland's excellent COVID response and the limited duration of lockdowns in this state; however, given that no-one can accurately predict the course this pandemic will take that flexibility needs to remain. I am confident that any council that would chose to avail themselves of this provision without an extenuating circumstance will find themselves at the mercy of their ratepayers at the appropriate time. I commend the bill to the House.