




Speech By
Michael Healy

MEMBER FOR CAIRNS

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

 **Mr HEALY** (Cairns—ALP) (12.02 pm): I rise in an attempt to make a contribution to this vitally important legislation.

Mr Whiting: Keep practising.

Mr HEALY: I will take that interjection. On 29 January 2020 a public health emergency was declared under section 319 of the Public Health Act 2005 in relation to COVID-19. I reflect on that day. In the weeks before, I remember seeing this thing called corona starting to migrate from China. I was watching the news because I knew that Cairns had a significant number of visitors out of the Chinese market, as did other parts of Queensland and Australia. I thought 'Wow, this will have a significant impact.' Little did I know obviously down the road that we were going to be living in the grasp of this train wreck that we now know as COVID-19.

While thinking about that, I recall wondering whether it would get here, but here we are today with over 1,250 deaths in Victoria, 612 deaths in New South Wales and 14 deaths in the ACT. In fortress Queensland, we have taken the appropriate steps and that was reflected in the public health emergency act of 29 January. The COVID public health emergency was declared across all of Queensland. As a result of COVID, sadly, we have had seven fatalities but we continue to do what the people of Queensland have asked—that is, to protect them.

The Queensland government put in place a range of temporary measures for the purpose of protecting the health, safety and welfare of persons affected by the COVID-19 emergency and to assist Queensland businesses and individuals suffering financial and operational stress—which was vast, unprecedented and significant—caused by the public health emergency that we needed to have in place. The justice legislation amendment bill 2021 permanently implements certain aspects of temporary laws that were made in the justice portfolio in response to the COVID-19 public health emergency. The three key reform areas in the bill are documents reforms, domestic and family violence reforms, and liquor reforms. The bill also extends the operation of retail shop leases and other commercial leases.

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. This is a good thing. This is very positive.

Affidavits, statutory declarations and oaths normally need to be taken in the physical presence of a lawyer, justice of the peace, commissioner for declarations or another person authorised to take an oath under the law of the state, the Commonwealth or another state or territory. These changes reflect the modern age and the government's ability to acknowledge that—in particular, the Attorney-General, who I congratulate for this insightful legislation. This is also increasing efficiencies

and ensuring the way we do business is important for business not just today but moving forward. It is important and it increases efficiencies. As I said, it recognises that we can use technology and make improvements.

With the advent of the COVID-19 emergency, it was necessary to quickly adopt modified arrangements to allow important legal documents to continue to be made. Making these arrangements permanent, however, requires careful consideration of the risks involved in adopting these modified arrangements and the impact on human rights. The reforms radically modernise the making, signing and witnessing of these important documents. These modified arrangements represent a significant change to longstanding legal practices. I also recognise that is a good thing. These practices and traditions have been central to the administration of justice and the legitimacy of civil and criminal proceedings and so the rule of law and procedural fairness. While the use of technology provides unique opportunities to modernise and adapt practices, it is important that the solemnity in making these documents not be eroded and that exposure to abuse and fraud, especially in relation to vulnerable people, is limited.

As I have mentioned, in 2020 in response to the COVID-19 public health emergency, temporary measures were implemented by the domestic and family violence protection regulation 2020 to provide modified arrangements for the making, signing and witnessing of various documents. These measures were for the purpose of protecting the health, safety and welfare of persons affected by the COVID-19 emergency by reducing physical contact between persons and, in turn, complying with the social distancing and other public health measures required to minimise the spread or the potential spread of COVID-19.

I note the proposed amendments to the Liquor Act 1992 to provide for licensed restaurant operators to be permanently authorised to sell a maximum volume of 1.5 litres of takeaway wine. I also note that the minister has indicated the range of products may be extended—may be extended; I just want to emphasise that.

I will refer directly to the legislation because it enhances and embraces what we are talking about. The explanatory notes state—

The Bill 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 reforms will therefore improve access to justice, reduce transaction costs, and increase the efficiency of conducting private and commercial transactions.

I am confident that these are strong improvements. I would like to commend the minister, the department for its work, the committee and the fine-looking member for Bancroft, 'Ron Burgundy'. In closing, I am confident that as we break the back of COVID-19 with our state's increased vaccination numbers we will see more positive initiatives like these important amendments emerge from this unique period in our state's history. There has to be something good that comes from it. This is very positive. In detailed discussions with the minister, I understand that other ministers are lining up to see changes take place, so that is very positive news. I commend the bill to the House.