




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 11 March 2021

COVID-19 EMERGENCY RESPONSE AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. SM FENTIMAN** (Waterford—ALP) (Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence) (11.17 am): I present a bill for an act to amend the Body Corporate and Community Management Act 1997, the City of Brisbane Act 2010, the City of Brisbane Regulation 2012, the COVID-19 Emergency Response Act 2020, the Economic Development (COVID-19 Emergency Response) Regulation 2020, the Environmental Protection Act 1994, the Gaming Machine Act 1991, the Justice Legislation (COVID-19 Emergency Response—Proceedings and Other Matters) Regulation 2020, the Local Government Act 2009, the Local Government Electoral Act 2011, the Local Government Regulation 2012 and the State Penalties Enforcement Regulation 2014 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Economics and Governance Committee to consider the bill.

Tabled paper: COVID-19 Emergency Response and Other Legislation Amendment Bill 2021 [308](#).

Tabled paper: COVID-19 Emergency Response and Other Legislation Amendment Bill 2021, explanatory notes [309](#).

Tabled paper: COVID-19 Emergency Response and Other Legislation Amendment Bill 2021, statement of compatibility with human rights [310](#).

Today I introduce the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021. Just over 12 months ago, the government declared a public health emergency in response to the COVID-19 virus and all of our lives changed. At the height of the pandemic we were directed to work from home if we could, we home schooled our students and many businesses had to shut their doors for the health and safety of Queenslanders.

The government's swift and strong response to the pandemic has meant that businesses have been able to reopen earlier and, most importantly, keep Queenslanders in jobs. A few weeks ago, we celebrated the arrival of the Pfizer vaccine in Queensland and the beginning of the COVID-19 vaccine rollout to our frontline workers. However, with the emergence of new highly contagious variations of the virus—and we have seen outbreaks in the northern beaches of Sydney and again in Melbourne—it shows that we are not out of this yet, and we will continue to feel the immediate effects of this global pandemic for many months to come.

To support Queensland to continue functioning during the pandemic we need to maintain the flexibility provided by the legislative framework introduced in 2020. The COVID-19 Emergency Response Act 2020 provides temporary powers to: modify legislative requirements by regulation or other secondary instruments to reduce physical contact between persons; modify statutory time frames where necessary; ensure the continuation of court and tribunal proceedings; and authorise bodies to take actions or do things electronically or take certain actions related to leases and tenancies.

The modified arrangements for the making of affidavits and statutory declarations, general powers of attorneys and deeds are supported by the Queensland Law Society. These temporary arrangements have modernised the way in which these legal documents are created. Allowing these documents to be witnessed over audiovisual link has improved access to justice for Queenslanders from both a cost and efficiency perspective, which is particularly beneficial for vulnerable people and people who live and work regionally or remotely.

Other temporary amendments were made to various legislation across the statute books by the Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020 to enable appropriate responses in the context of the public health emergency. These measures were initially to expire at the end of 2020. In December we extended the emergency measures in the COVID-19 Emergency Response and Other Legislation Amendment Act 2020 until 30 April 2021 and included some new amendments. In practice, this legislative framework has given Queensland the flexibility for: additional attendance requirements at corrective service facilities; body corporate meetings to be attended remotely with electronic voting; P&C meetings to be held electronically; and administrative costs to be reduced for impacted industries such as the tourism industry. These are just a few examples of how the legislative framework supports the functioning of businesses and government institutions disrupted or impacted by the COVID-19 emergency.

Recognising its extraordinary nature, the legislative framework is time limited to ensure that it remains operational for only as long as it needs to be. What this means, however, is that without legislative amendment these measures will all expire on 30 April 2021. The bill will extend the amendments made to all impacted acts and subordinate legislation that are still required to respond to the public health emergency until 30 September 2021 or an earlier date prescribed by regulation. This means that if the need for these measures dissipates before 30 September 2021 they can be extinguished as quickly and flexibly as possible. This is another important safeguard.

I would like to thank those organisations that provided feedback on the proposed extension of these measures and for their support of the work government has done to date and the further extension of these measures. Work is continuing to identify any measures that should be retained permanently, and where measures are proposed to be made permanent this will occur through ordinary legislative processes.

In addition to the extension of the emergency measures, the bill also makes amendments to local government legislation that are necessary to respond to the public health emergency. Having flexibility when it comes to local government revenue streams ensures that decisions in relation to rates and charges levied are appropriate for the economic climate. Previous amendments in the Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020 meant local government could decide by resolution what rates and charges could be levied at a meeting outside of the budget meeting for the 2020-21 financial year. The amendments enable a local government to make 'extraordinary decisions' and revisit their decisions about rates and charges later in the financial year. They also provide that a local government's annual budget for the 2020-21 financial year must be amended at the meeting at which the extraordinary decision is made. The provisions apply only to the 2020-21 financial year and expire on 30 June 2021.

As there are no equivalent provisions for the following financial year, the bill amends the Local Government Act 2009 and the City of Brisbane Act 2010 to allow local governments to decide, by resolution made other than at the budget meeting for the 2021-22 financial year, what rates and charges are to be levied for a relevant part of that financial year. The amendments also provide for the annual budget to be amended at the meeting at which this extraordinary decision is made, and again these will expire on 30 June 2022.

During the pandemic Queenslanders embraced technology and adapted to virtual meetings for the health and safety of us all. Currently, the Local Government Regulation 2012 and the City of Brisbane Regulation 2012 include temporary provisions that: allow local government and committee meetings to be held by audio or audiovisual link; allow meetings to be closed to the public for health and safety reasons associated with COVID-19; and require real-time public viewing of, or listening to, meetings where audio and audiovisual links are used. These additional provisions help minimise serious risks to the health and safety of persons caused by COVID-19. The bill extends these provisions, which are due to expire on 30 June 2021. The bill provides for commencement of these amendments on assent and aligns their expiry date with the new COVID-19 legislation expiry day.

In relation to local government elections, the Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020 and a subsequent regulation included amendments to provide flexibility, if required, for the 2020 quadrennial local government elections. These amendments were to help minimise serious risks to health and safety caused by the COVID-19 pandemic and only applied

to the 2020 local government elections. Last year, the COVID-19 Emergency Response and Other Legislation Amendment Act 2020 amended the Electoral Act 1992 to provide for COVID-safe measures to apply for state by-elections should they be required.

For consistency with these recent amendments for state by-elections, and due to the continuing health risks presented by COVID-19, the bill amends the City of Brisbane Act 2010, the Local Government Act 2009 and the Local Government Electoral Act 2011. The amendments provide flexibility to facilitate the holding of a by-election for filling the vacant office of a councillor, including a mayor, or a fresh election in a way that minimises the health and safety risks associated with COVID-19. The bill provides flexibility in relation to a number of processes, including: the cut-off day for voters' rolls and nominations; adjournment of a poll; postponement of polling day if the poll is to be delayed for an extended period; conduct of the poll by postal ballot; applications to cast postal votes; electronically assisted voting; directions to be made about practical aspects of voting such as how-to-vote cards, where counting occurs and scrutineers; and regulations to be made to facilitate the holding of an election in a way that minimises the health and safety risks associated with COVID-19.

The amendments are temporary measures. They will apply to a local government by-election for which a notice of election is published on or before the COVID-19 legislation expiry day or to a fresh election if a regulation that provides for the election to be held is made on or before the COVID-19 legislation expiry day. The electoral amendments expire on the COVID-19 legislation expiry day.

The bill demonstrates the continued commitment of the government to support the safety and economic future of all Queenslanders as we respond to the challenges of the COVID-19 pandemic. I commend the bill to the House.

First Reading

Hon. SM FENTIMAN (Waterford—ALP) (Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence) (11.27 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.


Motion agreed to.

Bill read a first time.

Referral to Economics and Governance Committee

Mr DEPUTY SPEAKER (Mr Walker): In accordance with standing order 131, the bill is now referred to the Economics and Governance Committee.

Declared Urgent; Portfolio Committee, Reporting Date

 **Hon. SM FENTIMAN** (Waterford—ALP) (Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence) (11.28 am), by leave, without notice: I move—

That under the provisions of standing order 137—

- (a) the COVID-19 Emergency Response and Other Legislation Amendment Bill be declared an urgent bill; and
- (b) the Economics and Governance Committee report to the House on the bill by Wednesday, 14 April 2021.

Question put—That the motion be agreed to.

Motion agreed to.