




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 20 April 2021

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

 **Hon. SM FENTIMAN** (Waterford—ALP) (Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence) (5.48 pm), in reply: Firstly, I thank all members for their contributions to the debate on the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021. Ensuring that the government is equipped to rapidly and flexibly respond to the COVID-19 public health emergency is important to ensure that we can protect the health and safety of all Queenslanders and facilitate the continuation of Queensland's institutions and economy.

An extension of the temporary measures under the COVID-19 related legislation for a maximum period of five months, until 30 September 2021, is considered a reasonable and proportionate response to the continued threat of the COVID-19 public health emergency. The ongoing threat is particularly evident in the context of the highly transmissible variations of the virus that continue to evolve and emerge.

I will now address some of the matters raised by members during the course of this debate. Firstly, I have to say that I find the comments made by members of the opposition regarding Queensland's response to the COVID-19 pandemic and hotel quarantine quite extraordinary. When Queensland has had transmission events in hotel quarantine facilities, we have been able to prevent widespread community transmission by following the public health advice of the Chief Health Officer. That is the same Chief Health Officer the member for Broadwater described as a 'punch-drunk bureaucrat'.

If those opposite want to talk COVID, they need to be prepared to defend their own record: they need to defend their attacks on our Chief Health Officer, they need to defend their consistent undermining of the public health advice, and they need to defend the fact that they demanded the border be torn open not once but 64 times. However, I understand that, as with everything else, the member for Broadwater is trying to ignore history. If the member for Broadwater wants to be the future-facing leader with a new approach to politics, he can take action now. He can call up the Prime Minister and ask the federal government to take some responsibility for the quarantining of returned travellers. He can ask the Prime Minister to provide some support for the proposed quarantine facility at Wellcamp. If he does not have the leadership to do that then, again, it is all spin and no substance.

While the member for Broadwater is on the phone to the Prime Minister, he can ask him about the bungled vaccine rollout. After leaving the states to manage the public health restrictions, hotel quarantine and their own border measures, the one thing for the Prime Minister to take responsibility for was the procurement and distribution of the vaccine, yet here we are in April with no more targets, no more adequate supply of vaccines and no forward plan.

I now turn to matters raised regarding the substance of the bill, specifically in relation to potential permanency of the temporary measures which have been introduced. We have heard during this debate and the committee process that certain temporary measures have assisted small businesses and

improved access to justice. The government is proud that these measures have further assisted Queenslanders during these difficult times. As previously stated, the government will consult and is consulting right now with stakeholders to identify which of these temporary measures should be made permanent. Any amendments to legislation will be subject to the usual and ordinary legislative process, as is appropriate.

I now turn to comments raised regarding the takeaway liquor amendments. The member for Mermaid Beach raised concerns regarding the usage of takeaway liquor authorities by certain businesses. Providing takeaway liquor authorities to a class of licence or permit, as opposed to an individual licensee, will, by its nature, mean that there are some in that class that may need it more than others. However, all of the relevant class of licence will have been affected by the Chief Health Officer's direction and the approach was considered necessary, given the need to balance an immediate response to support the ongoing viability of affected businesses against the administrative impact of the measure. For instance, there are approximately 4,059 licensed restaurants and cafes in Queensland, and it would be impractical for each business to be examined individually.

I note that some members cited concerns raised by the Queensland Hotels Association during the committee process. Members noted QHA's comments regarding a lack of clearly defined criteria for the issuing of takeaway liquor authorities. It is important to note that there are several distinct criteria for the takeaway liquor authority, all of which must be satisfied before the Commissioner for Liquor and Gaming can grant a takeaway liquor authority. Further, although the criteria for issuing a takeaway liquor authority does contain some terms that are not prescriptively defined, the takeaway liquor authority power requires a level of flexibility, given the ever-changing nature of COVID-19.

The opposition members' reiteration of the QHA's comments regarding consistency of takeaway liquor authorities with the government's Tackling Alcohol-Fuelled Violence Policy was also noted. The takeaway liquor authority provisions are considered to be consistent with the Tackling Alcohol-Fuelled Violence Policy because, in order to issue a takeaway liquor authority, the Commissioner for Liquor and Gaming must be satisfied that the granting of the authority is consistent with the harm minimisation purpose in section 3A of the Liquor Act. Furthermore, where considered necessary, conditions can be placed on takeaway liquor authorities for the purpose of minimising harm, including conditions restricting the type and amount of takeaway liquor able to be sold.

Members also noted QHA's comments regarding the impact of certain issued takeaway liquor authorities on their members. I am advised that there is little evidence that has been produced to suggest that temporary takeaway liquor authorities have significantly impacted on sales of takeaway liquor from commercial hotels or bottle shops across the state. I am also advised that some licensees of restaurants and cafes may obtain their liquor from bottle shops rather than from wholesalers, given the limited volume of liquor they sell and on-site storage constraints.

I now turn to the issues raised regarding the local government amendments contained in the bill. Firstly, I want to address the member for Coomera's comments that the extraordinary decision amendments expire on 30 September 2021. That is not correct. These provisions will apply for the entire 2021-22 financial year and will expire on 30 June 2022.

The member for Gympie raised various issues in relation to the extraordinary decision amendments, including the lack of transparency and differing practices of councils when deciding rates and charges. The member also stated that increasing rates and charges midyear risks being at the expense of the resources and agricultural sectors and that the government must be willing to reverse these arrangements when circumstances permit.

The government's policy position is that local governments best know their communities and should have flexibility and discretion in terms of how they rate. It is also intended that these provisions be used by local governments only if it is necessary to respond to future economic impacts on their operations and financial sustainability as a result of the COVID-19 public health emergency. To date, no local governments have utilised these provisions in relation to the 2020-21 financial year. Furthermore, under section 121 of the Local Government Act 2009, the minister can revoke a decision of a local government where it is in the public interest to do so or where that decision breaches the statutory local government principles.

In relation to comments from the member for Warrego regarding extended delays in polls, the length of any postponement must be reasonable and consistent with the purpose of the proposed provisions, which require a by-election or fresh election to be held in a timely manner when taking account of the prevailing conditions. In relation to the further comments made by the member for Warrego regarding the collection and delivery of ballots and approval of how-to-vote cards, these matters and related provisions are broadly modelled on the existing comparable legislative provisions that are now operational matters for the Electoral Commission of Queensland.

In conclusion, I once again thank all honourable members for their contributions during the debate. I want to again thank the staff from the Department of Justice and Attorney-General who have been working very hard on many iterations of this bill and previous bills and are now working hard on changes to be made permanent as a result of the work we have done during COVID. I commend the bill to the House.