



Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 20 April 2021

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

Second 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) (11.31 am): I move—

That the bill be now read a second time.

On 11 March 2021, I introduced the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021 into this House. The bill was referred to the Economics and Governance Committee for consideration and on 14 April 2021 the committee tabled its report with just one recommendation: that the bill be passed. I thank the Economics and Governance Committee for its consideration of the bill. I would also like to take this opportunity to thank the stakeholders who made submissions and appeared before the committee.

The bill will extend from expiry the majority of temporary measures which are required to respond to the COVID-19 public health emergency. These amendments demonstrate the Palaszczuk government's commitment to protecting the health, safety and welfare of Queenslanders and facilitating the functioning of Queensland's institutions and the economy.

Almost a year to the day, parliament debated the COVID-19 Emergency Response Bill 2020 while subject to strict lockdown measures which were imposed in response to the COVID-19 pandemic. Since its commencement, this legislation has served several important functions to support the Queensland government's swift and comprehensive response to the pandemic. Those functions included: creating regulation-making powers to deal with the effects of the pandemic on residential tenancies, rooming accommodation and non-residential leases; establishing the Queensland Small Business Commissioner to provide small businesses information and advice, as well as administer mediation services in relation to small business tenancy disputes; and creating a legislative modification framework of general application across the statute book to allow legislative requirements to be modified by secondary instruments to reduce physical contact between persons and modify statutory timeframes and proceedings of courts and tribunals.

Further temporary measures were introduced by the Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020 in May 2020 and the COVID-19 Emergency Response and Other Legislation Amendment Act 2020 in December 2020. Most of these temporary measures are due to expire on the COVID-19 legislation expiry day which is currently 30 April 2021. Clause 11 of the bill seeks to extend the expiry of these measures to 30 September 2021, or an earlier date prescribed by regulation. This extension aligns with the current expiry of the public health emergency powers under the Public Health Act 2005 which were recently extended to 30 September 2021 by the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Act 2021. The purpose of the

alignment is to ensure that the government can rapidly and flexibly respond to the pandemic while the public health emergency powers are in force to minimise disruptions to the normal operations of government institutions and businesses.

This ability to rapidly and flexibly respond is critical when dealing with a volatile and evolving virus. On 13 April this year, the World Health Organization reported that new global COVID-19 cases rose for a seventh consecutive week, with over 76,000 new deaths in the period 5 to 11 April 2021. The recent clusters in the Greater Brisbane region demonstrate the significant risk this virus continues to pose to the health and safety of all Queenslanders. The temporary measures allowed the government to respond quickly to issues facing industry. For example, takeaway liquor authorities were issued allowing commercial hotel licensees to provide takeaway liquor sales from licensed areas without operating areas for on-premises consumption that would ordinarily be required by this licence type. Even in these recent lockdowns our state was ready and best placed to deal with the situation at hand.

I take this opportunity to thank Queenslanders for their responsible response to COVID-19 restrictions. It is because of all of their hard work that we are able to unite and recover as quickly as we are. Throughout the public health emergency and during periods of lockdown, the temporary measures have been able to assist Queenslanders transitioning into modified COVID-safe arrangements. As we wait for the federal government to rectify the recent supply issues we have seen with the COVID-19 vaccine, we will continue to do everything to assist Queenslanders recovering from the impacts of this pandemic.

Extending the COVID-19 legislation expiry day will continue to assist Queenslanders in complying with public health directions, thereby reducing the spread of COVID-19 and facilitating the continuation of Queensland's institutions and our economy. The bill will extend the operation of the temporary measures under liquor, gaming and community titles legislation that are required to provide flexibility and support for businesses, organisations and individuals affected by COVID-19 and the necessary public health responses. The provisions will extend the ability to issue takeaway liquor authorities to support the ongoing viability of eligible businesses if the COVID-related public health responses continue to impact on the trading capacity of liquor licensed venues.

The government is considering, in consultation with stakeholders, what temporary measures represent valuable business and justice improvements which should be retained as part of normal operations irrespective of COVID-19. Where temporary measures are proposed to be made permanent, this will occur through ordinary legislative processes. Not every temporary measure needs to be continued until 30 September. Part 9 of the bill seeks to expire modifications made to the Coroners Act 2003 in the Justice Legislation (COVID-19 Emergency Response Proceedings and Other Matters) Regulation 2020 which extended the period for providing the annual report of the Domestic and Family Violence Death Review and Advisory Board and is no longer required. That is the benefit of a defined expiry date: it enables the government to consider and assess whether any of the measures implemented are still required having regard to the uptake and impact of such measures and the current impact that COVID-19 is having on Queensland individuals, businesses and the economy.

The bill also includes amendments in relation to local government elections, local government revenue streams and local government meetings. The Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning will speak separately about the detail of these amendments, in addition to addressing the extension of the COVID-19 regulations within his portfolio. The local government amendments provide flexibility to facilitate the holding of a by-election in a timely way that helps minimise serious health and safety risks caused by the COVID-19 public health emergency. The bill allows for modification of a range of statutory electoral processes and also provides regulation-making powers for additional flexibility if required.

As suggested by the committee, I am pleased to provide members with additional information about the potential variation of time limits for voter enrolment and nomination of candidates. These amendments are necessary to enable the electoral commission to collect the necessary voter enrolment and candidate nomination information earlier, given the lengthier administrative lead-in times that may be required to make alternative arrangements to enable electors to vote. For example, if a direction is made to conduct a local government by-election or fresh election by postal ballot or to enable more people to cast a postal vote, voter enrolment and candidate nomination information will be required at an earlier time to account for the time required by the ECQ to prepare and send material to electors.

I am also pleased to provide members with additional information about the adjournment and postponement of polls under these temporary provisions. Although a poll can already be adjourned for emergencies under existing provisions, the returning officer may only adjourn a polling day for up to 34 days after the day the poll is adjourned. Due to the unprecedented nature of COVID-19 it was considered that this may not provide the ECQ and the returning officer with sufficient time and flexibility

to make alternative arrangements to voting at a polling booth, if required, if there was an outbreak of COVID-19. These amendments will provide temporary provisions to enable the returning officer to adjourn a polling day for up to two months after the stated date for the polling day in the election notice. This will provide the Electoral Commission with greater flexibility in holding a by-election or fresh election where there is an actual or potential outbreak of COVID-19.

The amendments also enable the Minister for Local Government to postpone a polling day for longer than two months after the stated date on the election notice to facilitate holding a by-election or fresh election in a timely way that helps minimise serious risks to the health and safety of persons caused by COVID-19. However, before making a decision to postpone, the minister must consult the Electoral Commission and be satisfied that it would not be in the public interest to hold an election in the two months after the original polling day. If a decision to postpone is made, the minister must notify the Electoral Commission and the Electoral Commission must publish on its website a notice about the day on which the polling day is postponed to.

The bill also extends current arrangements beyond 30 June 2021 enabling councils to make extraordinary decisions about rates and charges. The amendments expire on 30 June 2022. They will enable councils to revisit budget decisions should their economic circumstances change over the next financial year due to the impacts of the pandemic. The amendments also provide for the annual budget to be amended at the meeting at which this extraordinary decision is made. Finally, the bill also extends current provisions beyond 30 June 2021 to allow local government and committee meetings to continue to be held by audio and audiovisual link and for meetings to be closed to the public for health and safety reasons associated with COVID-19 should it be required. These amendments expire on the COVID-19 legislation expiry day.

I take this opportunity to thank the committee for its careful consideration of the meeting amendments and its concern that transparency be maintained where meetings are closed. I reiterate the comments of the committee that these provisions should be engaged in a manner that is consistent with the overarching purposes of the local government legislation, with the statutory local government principles and with the Code of Conduct for Councillors in Queensland. As the committee has pointed out, Queenslanders expect that councils will engage the provisions in accordance with these aims and principles. Further, the committee considered that council obligations to publish agendas and meeting minutes ensure a minimum level of transparency is maintained in respect of council meetings. Councils are reminded that their reliance on the temporary provisions must be supported by prompt compliance with relevant requirements.

In conclusion, I reiterate the importance of this bill in supporting Queensland's ongoing emergency response to the COVID-19 public health emergency. Consistent with the committee's recommendation, I commend the bill to the House.