




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 18 November 2021

**JUSTICE LEGISLATION (COVID-19 EMERGENCY RESPONSE—PERMANENCY)
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) (12.17 pm), in reply: I thank all honourable members for their contributions to the debate on the Justice Legislation (COVID-19 Emergency Response—Permanency) Amendment Bill 2021. As I indicated earlier, the bill permanently implements and builds upon certain temporary measures that the government put in place during COVID-19 and these permanent measures have strong stakeholder support.

I want to address a number of matters raised in the second reading debate. I want to acknowledge the member for Clayfield's comments regarding issues which could arise from inconsistencies between jurisdictions such as the Supreme Court and QCAT for executing documents and the need for ongoing consistency. In this regard, I note that unless and until a regulation, rule of court or practice direction is made, the bill adopts the approach in section 14(1) of the Electronic Transactions (Queensland) Act 2001 and provides that the method used for electronically signing affidavits and statutory declarations must be as reliable as appropriate for the purpose for which the document is signed.

The bill allows heads of jurisdiction to make rules or practice directions to specify controls or limitations on the methods of electronic signature that can be used. Given the risks associated with making these documents electronically, it is appropriate that the bill provides scope for the acceptable methods of electronic signature to be narrowed if issues arise. To promote consistency, the bill explicitly requires heads of jurisdiction to consider the need to ensure consistency with the rules or practice directions of other courts.

If a regulation is made under the Oaths Act, the regulation will prevail to the extent of any inconsistency and would apply universally to all affidavits and statutory declarations regardless of the court or tribunal in which they are used, and this would also ensure consistency across all Queensland courts and tribunals. It is not currently proposed to make a regulation before commencement of the documents reforms in this bill, but we will keep a close watching brief on the implementation of the reforms to identify whether it is necessary to make such a regulation.

I note the member for Clayfield's comments regarding property law and body corporate reforms. I am very pleased to advise that we have commenced targeted consultation with stakeholders to finally modernise the Property Law Act, and an exposure draft is expected early next year.

I can further advise that the government has established a community titles working group, which is chaired by the Deputy Director-General of Liquor, Gaming and Fair Trading, and includes stakeholder representatives to provide advice to government regarding the issues affecting community titles schemes. It has met several times already. There is obviously a lot of work to get through on complex issues. They will be examining matters in stages.

I note that members in the House held varying positions on the Liquor Act, and I am not surprised. Many members spoke in favour of extending takeaway liquor provisions to include beer and premixed spirits as per the committee recommendation. However, I do note that there have been no proposed amendments to the bill put forward. As I said in my second reading speech, we will continue to monitor developments in this area.

In response to concerns raised by the member for Traeger regarding responsible service of alcohol under the Liquor Act, restaurants are designated low risk and are not required to have an approved manager with a Responsible Management of Licensed Venue certificate, unless they trade after midnight. Approved management requirements relate predominantly to venues where there is large-scale on-premises consumption of liquor at bars, such as in hotels and nightclubs. We do not propose to change the current approved manager requirements, given that the amount of takeaway liquor being provided is limited and that it has to be served with a takeaway meal.

In response to the member for Traeger's concern regarding the RSA requirements for delivery drivers, these requirements are specific to the members of staff involved in the service and supply of liquor at a licensed premise. It does not remove the delivery driver's obligation to ensure that liquor is delivered in a manner compatible with harm minimisation principles, specifically that they do not supply liquor to a minor at a private residence.

The government also has an election commitment to examine these issues holistically across all licence types and to consider the efficiency of introducing the overarching regulatory framework governing online alcohol sales and deliveries in collaboration with key industry and community stakeholders. That is anticipated to commence next year, so we have lots more to do when it comes to the Liquor Act, which I am sure all members are very excited to hear.

The member for South Brisbane commented that the government is more concerned with protecting commercial tenants from eviction than residential tenants and implied that the extension of the leases regulation is continuing to provide rent relief. I want to clarify for the benefit of the member for South Brisbane that the protection period under the Retail Shop Leases and Other Commercial Leases (COVID-19 Emergency Response) Regulation came to an end on 31 December 2020. From 1 January this year, with respect to commercial leases, landlords are not prevented from taking action against tenants for breaches of a lease. Perhaps she was a little confused, but I am happy to provide that information. The extension of the operation of the Retail Shop Leases and Other Commercial Leases (COVID-19 Emergency Response) Regulation only preserves tenants' rights accrued during the protection period and that allows the Small Business Commissioner to continue to provide mediation services for affected lease disputes that are in progress.

The minor amendments to the bill remove any doubt as to whether directions issued by the Queensland Building and Construction Commission since November 2019 for the rectification of building work remain valid. This includes any actions taken in reliance on those directions. It simply clarifies the government's expectation that Queensland home owners deserve to have defective or unfinished building work fixed as quickly as possible.

I note that the member for Burleigh expressed concern about the validity of directions previously issued by the regulator. The reason we are proposing amendments is to put beyond doubt that the directions that have been issued since November 2019 were validly made, even though a time frame had not been prescribed in regulation at that time. We are making it clear that the rights of Queensland home owners will not be prejudiced due to questions around a legislative technicality. Those home owners deserve to have defective or unfinished building work addressed in a timely manner.

At this time, the government considers the amendments contained in the bill appropriately balance the commercial interests in meeting consumer demand for greater takeaway food and beverage options with the community's interest in minimising the risk of harm from the misuse and abuse of takeaway alcohol outside of the COVID-19 emergency.

The reforms in the bill importantly deliver significant benefits to Queenslanders by modernising the way legal documents are made, improving access to justice in domestic and family violence matters, and supporting Queensland businesses. It is a historic piece of legislation that will ensure that Queensland continues to be seen as a progressive and modern state—one that encourages innovation, embraces technology and drives efficiencies in commerce. Once again, I thank all honourable members for their contributions during the debate. I commend the bill to the House.