




Speech By
Hon. Dr Steven Miles
MEMBER FOR MURRUMBA

Record of Proceedings, 20 April 2021

COVID-19 EMERGENCY RESPONSE AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. SJ MILES** (Murrumba—ALP) (Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning) (3.57 pm): I rise to speak in support of the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021. It has now been well over a year since we first declared a public health emergency in response to COVID-19. We were the first state to do that. Since then we have had 1,518 cases of the virus, with 1,449 people recovered and seven deaths. That is a long way from where we thought we would be. By now we expected one in four Queenslanders would have had the virus. Our careful approach to dealing with the pandemic has seen Queensland come through this global crisis in a strong position.

However, the threat is not over and communities continue to face challenges so we must continue to provide flexibility to Queenslanders. I thank the Economics and Governance Committee for its inquiry. I will address certain comments from the committee as I outline the key elements of the bill relevant to my portfolio.

Normally local governments must levy rates and charges at their annual budget meeting. However, the bill enables local governments to levy rates and charges at both their annual budget meeting and at a future point in the 2021-22 financial year to help safeguard local government revenue streams through the pandemic. The amendments will expire on 30 June 2022. Feedback from across the sector supported the extension of the amendments for the next financial year due to the uncertain nature of future impacts of the pandemic.

As I recently reiterated in response to a question from the member for Burnett, the autonomy of local governments to set rates and charges according to local needs and community expectations is fundamental to the local government system. While the bill is consistent with this approach, the government is also of course acutely aware of the financial pressures on ratepayers and the critical importance of economic recovery across the state. In relation to this I emphasise three points.

First, as noted by the committee, the amendments give councils the flexibility to either increase or decrease rates according to their individual circumstances. Second, the policy intention is that councils should rely on these provisions only in the context of COVID-19 related impacts on their operations and financial sustainability. Third, the existing safeguards in legislation provide the minister with the power to revoke a council decision where it is in the public interest to do so or where the decision is inconsistent with the statutory local government principles. These safeguards remain for such decisions.

I also note the committee's comment that councils are public entities under the Human Rights Act 2019 and must act in a manner that is compatible with human rights and give proper consideration to relevant human rights when making rating decisions.

Turning to the electoral amendments, the bill inserts a new part into the Local Government Electoral Act 2011. The amendments align, where appropriate, with temporary amendments to the Electoral Act 1992 applying to state by-elections. The new part and any regulation made under it expire on the COVID-19 legislation expiry date. The purpose of the new part is to facilitate the holding of an election in a timely way that helps minimise serious risks to the health and safety of persons caused by the COVID-19 public health emergency. For example, where a poll is adjourned, as is allowed under existing provisions, the amendments provide that a returning officer may fix a Saturday not more than two months after the original polling day for resuming the adjourned poll. This must be the earliest Saturday on which the poll may be safely resumed and the returning officer must be satisfied that the public interest requires such action. Further, the minister may postpone a polling day to a Saturday that is more than two months after the original polling day. Again, public interest considerations apply and the minister must consult the Electoral Commission.

The bill amends certain aspects of the statutory processes that usually apply. For example, the ECQ may fix time frames for nominations or for compilation of the voters' roll that are different from those outlined in the act. I thank the committee for its careful consideration of these provisions, which will provide the ECQ with more time to make arrangements for full postal ballots or expanded postal voting as appropriate.

Under the amendments the ECQ may declare that electors of a stated class may cast a postal vote without applying to do so or fix a time frame for applying to cast a postal vote that is different from the current time frame. The minister may also direct that a poll be conducted by postal ballot subject to consultation with the ECQ. The ECQ may declare that electoral visitor voting is not available for an election or direct an issuing officer not to visit an elector. Alternative arrangements must be made for affected electors. The ECQ may also declare a class of electors who may cast an electronically assisted vote.

The bill provides for a range of directions to be given about how-to-vote cards, the number of scrutineers allowed, the places where candidates or scrutineers may be and their movement at a relevant place. A returning officer may also direct that the counting of votes be carried out at a stated place and make arrangements for the counting to be filmed. The bill provides for restrictions on directions of a certain kind or given in certain circumstances. The bill makes related amendments to the Local Government Act 2009 and the City of Brisbane Act 2010. The minister may give a direction about whether or not a vacant office must be filled and may also extend the current period within which a council must fill a vacant office.

The amendments about local government and committee meetings will enable local government and committee meetings to continue to be held by audio or audiovisual link and to be closed to the public for health and safety reasons associated with COVID-19. The amendments expire on the COVID-19 legislation expiry date. I reiterate the committee's comment that council obligations to publish agendas and meeting minutes ensure a minimum level of transparency is maintained in respect of council meetings. I also highlight the committee's expectation that councils rely on these temporary provisions in line with the purposes of the legislation, which include providing for a system of local government that is accountable. The Queensland community expects and deserves open and transparent processes and procedures, and clear, concise and accessible records of decisions consistent with the statutory local government principles and the Code of Conduct for Councillors in Queensland.

I take this opportunity to also speak in support of the bill's extension of the operation of other COVID-19 related legislation in my portfolio. The Local Government (COVID-19 Emergency Response) Regulation 2020 modifies the Local Government Act 2009 to enable investigators from the Office of the Independent Assessor to require a person to answer questions related to the conduct of a councillor by attending in person or by audio or audiovisual link, or by providing answers by email or other electronic means.

The Economic Development (COVID-19 Emergency Response) Regulation 2020 grants necessary relief from statutory requirements under the Economic Development Act 2012 by providing modified requirements for physical access to documents. The regulation also provides alternative options for notice of priority development area development applications where local hardcopy newspapers are now unavailable. This ensures the documents and information on planning matters in PDAs remain publicly accessible despite any health and safety restrictions in place to respond to COVID-19 or changes to local print publication availability.

The Planning (COVID-19 Emergency Response) Regulation 2020 extends the modified requirements under the Planning Act 2016 to keep documents physically available for inspection and purchase to ensure planning and development assessment documents and information remain publicly accessible despite any health and safety restrictions in place.

Subject to passage and assent of the bill, the department will provide information to support stakeholders and the broader community in relation to the range of measures in the bill. Above all, we will continue to work with all Queenslanders to protect their health and safety. I commend the bill to the House.