




Speech By
Tim Nicholls

MEMBER FOR CLAYFIELD

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COVID-19 EMERGENCY RESPONSE AND OTHER LEGISLATION AMENDMENT BILL

 **Mr NICHOLLS** (Clayfield—LNP) (11.43 am): How quickly time flies. It seems like only yesterday that we were debating the 2020 version of this bill but of course that was five months ago, on 1 December last year. Since that time we have had two further emergency lockdowns: firstly, in early January and of course, most recently, just prior to Easter. It is becoming increasingly clear that, despite all our hope for a speedy return to normal, there is still a long way to go before we can safely say that the coronavirus is under control and we can resume our normal life, whether that be our social life or our business life.

When debating this bill last year we had just experienced the reopening of our borders to Greater Sydney and Victoria and the arrival of interstate passengers on airline flights into Brisbane Airport. Our borders were just reopening. Just yesterday we again saw some semblance of hope with the commencement of the first flights to and from New Zealand after a very lengthy shutdown. With the federal government securing vaccines from overseas and also securing the local production of vaccine, on the health front we are starting to see further progress on increasing our resilience to this disease. While not without its challenges, as one might expect, the situation continues to offer hope but, unfortunately, we cannot trust to hope.

The virus has shown that it can change its shape and mutate to different and possibly more dangerous and virulent strains. Here in Australia we are not immune from those changes as shown by the experiences in January at the Hotel Grand Chancellor and in March and April at the Princess Alexandra Hospital. In both instances, strains of the virus that escaped sent the Greater Brisbane area into government mandated lockdown on short or almost no notice, causing immense social, business and financial pain. I am sure many in this place and those they know experienced some of those pains and, at the least, the inconvenience of having a lockdown during the busy Christmas holidays and just prior to the Easter break. For many businesses the lockdowns were a hammer blow just as they had hoped to see bumper numbers of tourists and holiday spending. During the most recent lockdown, many businesses saw their preparations for a busy pre-Easter period thrown into chaos. Food that had been ordered had to be thrown out, bookings were cancelled and staff furloughed just as they were seeing a faint glimmer of hope on the horizon. They were cruel times indeed.

Therefore, we come to the need for yet another extension of the operation of the COVID-19 response legislation as it pertains primarily to businesses, the courts and bodies corporate. During the debate on 1 December, I recall that we had hoped that the extension date might have been terminated earlier but that hope has been dashed. Primarily the bill extends the operation of these provisions by amending the amendment act of 2020. In passing I note that the amendment act was the third of the emergency provisions so far as they relate to commercial and business matters. I generally put them under that heading to differentiate them from the health response that has been passed through different legislation. This will, in fact, be the fourth of what I term the emergency provisions.

The operative part of this bill is found in part 5 at clause 12. In that clause the original expiry date of 30 April, which was set in the amendment act, is omitted and a new expiry date of 30 September is inserted. As the Attorney-General noted, that date may be earlier by regulation, which was a provision of the amendment act that passed at the end of 2020. In effect, the provisions will be extended for another five months until 30 September 2021. Some other provisions to the Environmental Protection Act will be extended until 30 November 2021, which is a five-month extension from their originally set date of 30 June 2021. Similarly, the deferral or waiver of gaming taxes subject to the provisions of the legislation has been extended to 30 September 2021.

The impact of these changes, the legislation affected and the steps that have been taken have all been outlined by the Attorney-General in her second reading speech. They can also be found in some detail in the committee report of 14 April. In fact, a list of the legislation and regulations that are going to be affected can be found quite easily between pages 50 and 60 of that report. There is a ready reckoner of all of the legislation affected by this legislation and that material was provided by the various departments involved. Therefore, I do not think it is necessary to repeat what has already been said in the first reading speech, in the second reading speech, in the committee report and in the explanatory notes. As I would like to save the House that no doubt enjoyable but nonetheless repetitive statement, I will not go into all of those details. They have been abundantly covered. In many instances they have been in practice for 12 months in so far as it goes to business and commercial matters and I will turn to the matters relating to local government in a moment.

Mr Bleijie: Can you say hello to Talara school students for me?

Mr NICHOLLS: 'Hello' to Talara school, on behalf of Mr Kawana—Mr Bleijie from Kawana.

Mr Bleijie: I did win 'Mr Kawana'!

A government member: Relevance!

Mr NICHOLLS: Indeed. This is for the benefit of the children of Talara school in Kawana whose lives will be impacted by parts of this legislation, I am sure.

While the LNP considers the extension of five months reasonable—and we do—we acknowledge that further extensions still need to be brought back to the House. If we want to go beyond 30 September or 30 November respectively in relation to that legislation, it needs to be brought back to the House.

I reiterate comments that I made in the debate of the amendment act last year. Again, I say that the government should not anticipate a ready agreement to any further extensions. While the coronavirus is still with us—and it will be for many years—we must in fact adapt to this reality. That means not continually extending emergency regulations but, rather, bringing forward policy and legislation to give permanent effect to some of these changes which are worthwhile. Emergency legislation is no substitute for proper legislative reform. There is no good reason not to progress with changes that have broad support and that make life easier, more convenient and more affordable for Queenslanders.

In saying this, I note the commitments previously given by the government when we debated a similar bill late last year to investigate these reforms, especially to offices such as the Small Business Commissioner, as well as the changes to various practices in the courts and also the witnessing of affidavits. It is fair to say that after almost 12 months in practice, these reforms have shown their worth. It is not as if there have been any end-of-the-world types of failures or contraventions in respect to the measures that have been introduced as a result of this emergency legislation. Indeed, Elizabeth Shearer, the President of the Law Society, and Matt Dunn, the general manager of advocacy at the Queensland Law Society, have both commented on the considerable savings in expense and time for clients as well as the benefits that participants in domestic violence applications experienced as a result of the emergency measures introduced by the government. This is a good thing. It is recognised as a good thing. Removing the need for people and their lawyers to be in court for interlocutory and procedural matters is an effective and practical outcome that saves both time and money for the client and lawyer alike. Ms Shearer specifically gave evidence of the apparent benefits to parties to domestic violence applications in not having to physically attend court at the same time.

In these areas, the law and the practice of the law can move incredibly slowly, and most times that is a good thing. Patterns of practice established over a lengthy period of time have the benefit of precedent, understanding and knowledge. However, in certain circumstances it also acts as a handbrake on bringing in new practices and new methods of doing business which are in fact a benefit to clients and ultimately of benefit to lawyers as well.

I must say that the changes that have been proposed may not have come in any speedy time had there not be the coronavirus and the need for the emergency response. Having been brought forward and having been adopted, it seems tolerably clear that these changes are worthwhile and that the legal profession broadly can move into the 21st century, use technology and adapt and change from its past practices to the benefit of not only those lawyers involved but also, most importantly, their clients.

The departmental response to these suggestions, as reported in the committee report, is in the best tradition of the *Yes Minister* series. While offering platitudes, it seems to offer little in the way of realistic time frames. I note that the minister just referred to that in her speech. She used almost exactly the same words in her speech, which may have been prepared for her or at least have had some involvement from her departmental officers, as are reported on page 10 of the committee report. It states—

As the Attorney-General noted on introducing the Bill ...

that was when she first said it—

... work is continuing to identify measures that should be retained permanently and where temporary measures are proposed to be made permanent, this will occur through the ordinary legislative process.

Those are exactly the words the Attorney just used: 'this will occur through the ordinary legislative process'. She said it once when the bill was introduced, said it a second time in the committee report and then said it a third time in the second reading debate.

One would think that, with a modicum of effort and goodwill, such changes could be consulted on and brought before this place before 30 September this year, when these changes expire. It is not as if the legislative agenda is overly burdened at the moment. We have been debating two bills a week, I think there are currently four bills on the *Notice Paper* and we have until 30 September. Surely, with a little bit of hard work, we can see some of these matters, which have been supported by the profession and which deliver benefits and save Queenslanders money, brought forward as permanent changes.

Importantly, this bill also effects substantial changes to the legislation affecting local governments in a variety of ways. My colleague the shadow minister for local government, the member for Warrego, will be addressing these matters in greater detail but, for the sake of completeness, I note that the changes will permit councils to alter their rates and charges prospectively and not retrospectively, if necessary, after passing their budgets for the 2021-22 financial year. They can only do so by passing a resolution of that council and, in doing so, the council must amend its budget and adopt that budget at the same meeting. I note that similar provisions have been in place for the 2020-21 year, however they have not to date been used—much, I am sure, to the relief of ratepayers in councils.

The bill also allows the making of regulations for the conduct of council by-elections and elections in a COVID-safe way. It also allows the chair of a council or council committee to restrict access to a meeting if satisfied it is in the public interest to do so in order to minimise serious risk to the health and safety of people caused by COVID-19.

The LNP will be supporting this bill. We continue to raise concerns about the ongoing emergency nature of this and the extension by amendment. We say that there are opportunities for the government to reform these matters, and they will be supported for the benefit of Queenslanders, but stop doing it by almost executive fiat via five-monthly extensions and make proper, good, sound policy decisions that will benefit the community.

We will continue to support legislation which makes people's lives safer and business more prosperous during this pandemic and the recovery from it. It is going to be a long journey. We all hope for an early end to restrictions and the necessity for these measures, but we must ensure against the unknown. This bill does that and that is why we will be supporting it.