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Office of the President

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Our ref: WD:MC

Committee Secretary  
Economics and Governance Committee  
Parliament House  
George Street  
Brisbane Qld 4000

By email: [egc@parliament.qld.gov.au](mailto:egc@parliament.qld.gov.au)

Dear Committee Secretary

### **Inquiry into the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021**

Thank you for the opportunity to provide feedback on the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021 (the **Bill**). The Queensland Law Society (**QLS**) appreciates being consulted on this important piece of legislation.

#### **1. Summary of comments**

QLS makes the following comments:

- QLS generally supports the Bill, which will broadly have the effect of extending the *COVID-19 Emergency Response Act 2020* (the **Emergency Act**) until 30 September 2021. This extension will ensure that the legislative heads of power in the Emergency Act are continued, providing the flexibility needed to respond to the ongoing developments of the COVID-19 pandemic;
- Specific operational and practical issues can then be dealt with by way of urgent regulation, if there is a need for Government to manage any unexpected or significant disruptions to the community and business. This might arise, for example, due to a sudden increase in case numbers in the community;
- QLS supports the permanent implementation of a range of the emergency measures and encourages the Government to begin consultation with stakeholders about the permanent implementation of such measures.

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### **2. Extension of the Emergency Act**

It is critical that a head of power is retained in the Emergency Act itself to ensure that there is a power to deal with the frequent changes needed to respond to the ongoing pandemic. This will provide appropriate flexibility to introduce further regulatory reforms quickly, if circumstances require it.

However, it is also critical that emergency reforms and powers of this kind are transparent and are carefully and clearly limited.

The pandemic has had an unprecedented impact on our society, but we also highlight that the Emergency Act provides for extraordinary legislative powers which must be appropriately and regularly scrutinised. The legislative response to the pandemic must be proportionate to the risk posed to the health of the community and last only for as long as there is a demonstrated need for the particular power.

Emergency legislative powers should be temporary and subject to regular review to ensure accountability, transparency and consistency with the rule of law, particularly where the legislation authorises significant reform by way of regulation. For this reason, we support the extension of the Emergency Act until 30 September 2021.

If by mid-2021 there is a demonstrated need for these temporary powers to remain beyond September, Parliament will be better placed at that time to determine the appropriate timeframe for a further extension.

### **3. Consultation on permanent retention of some measures**

While the extension of temporary measures is an important part of the ongoing response to the COVID-19 pandemic, QLS submits that many assistive and beneficial elements of the emergency measures should be implemented in the substantive law on a permanent basis in a timely way.

Many of the benefits of the amendments are not limited to issues solely arising from the pandemic. Our members regularly experience difficulties during natural disasters and due to the remoteness of many clients in Queensland.

Further, the processes that have been implemented assist vulnerable clients who find it difficult to travel to the offices of a solicitor or other qualified witness, including those with health challenges or victims of domestic violence. They also help clients who have caring responsibilities or work commitments which limit their ability to attend a solicitor.

Maintaining some of the emergency measures will improve access to justice for those who cannot easily travel to execute documents, reduce costs and greatly improve efficiency for law firms and their clients. The flow on benefits for courts, government departments, other agencies and the community of a more cost effective and timely delivery of documents and progression of court matters will be significant.

Whilst the process followed to implement the COVID-19 response measures was necessarily urgent, the process of reviewing and amending the relevant legislation with a view to permanent implementation of some of the emergency measures should be comprehensive and considered.

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QLS would be pleased to participate in consultation about the permanent retention of certain beneficial aspects of the emergency reforms. We encourage the Government to begin this consultation now, so that by September 2021, any permanent changes can be enacted in a manner that maintains continuity.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [policy@qls.com.au](mailto:policy@qls.com.au) or by phone on (07) [REDACTED].

Yours faithfully



Elizabeth Shearer  
**President**