



ECONOMICS AND GOVERNANCE COMMITTEE

Members present:

Mr LP Power MP—Chair
Mr MJ Crandon MP
Mrs MF McMahon MP (virtual)
Mr DG Purdie MP
Mr RA Stevens MP
Mr R Skelton MP (virtual)

Staff present:

Ms L Manderson—Committee Secretary
Ms M Westcott—Assistant Committee Secretary
Ms R Mills—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE COVID-19 EMERGENCY RESPONSE AND OTHER LEGISLATION AMENDMENT BILL 2021

TRANSCRIPT OF PROCEEDINGS

MONDAY, 29 MARCH 2021

Brisbane

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The committee met at 10.39 am.

CHAIR: Good morning. I declare this public hearing open. I would like to respectfully acknowledge the traditional custodians of the land on which we meet and pay my respects to elders both past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in those of Aboriginal and Torres Strait Islander peoples whose lands, winds and waters we all share.

My name is Linus Power, the member for Logan and chair of the committee. The other members of the committee are: Ray Stevens MP, the member for Mermaid Beach and deputy chair; Michael Crandon MP, the member for Coomera; Melissa McMahon MP, the member for Macalister; Dan Purdie MP, the member for Ninderry; and Rob Skelton MP, the member for Nicklin, who is substituting today for the member for Hervey Bay. Mr Adrian Tantari MP is unable to be with us for these proceedings.

The purpose of today's hearing is to assist the committee with its examination of the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021, including exploring various issues that have been raised by stakeholders. The hearing is a proceeding of the Queensland parliament and is subject to the standing rules and orders of the parliament. It is being recorded and broadcast live on the parliament's website. Before we continue, I remind those present to please turn their mobile phones to silent. We will begin today's slightly delayed proceedings—apologies to anyone watching—by hearing from representatives of the Queensland Law Society.

DUNN, Mr Matt, General Manager, Advocacy, Guidance and Governance, Queensland Law Society (via teleconference)

SHEARER, Ms Elizabeth, President, Queensland Law Society (via teleconference)

CHAIR: Good morning. Thank you for joining us today. I invite you to make an opening statement after which committee members will have some questions for you.

Ms Shearer: Thank you, Chair, for inviting the Queensland Law Society to appear at the public hearing. In opening, I would like to respectfully acknowledge the traditional owners and custodians of the land on which this meeting is taking place: Meanjin, Brisbane. I recognise the country north and south of the Brisbane River as the home of both the Turrbal and the Jagera people and pay our respects to all elders past, present and future.

The Queensland Law Society generally supports this bill, which will ensure that the government continues to have the necessary legislative head of power to enable a flexible response to the ongoing development of the COVID-19 pandemic which, of course, we are experiencing this morning. The QLS also supports the permanent implementation of a range of measures that are incorporated in the temporary arrangements but after a period of due consultation. As you know, I am joined today by Matt Dunn, the General Manager of Advocacy, Guidance and Governance at QLS. It is our position that the head of power in the emergency act should be extended for six months to respond to the COVID pandemic. Specific operational and practical issues can then be dealt with by way of urgent regulation because of this framework. However, the emergency act provides for extraordinary legislative powers and we emphasise that the legislative response must continue to be proportionate to the risk posed to the health of the community and subject to regular review and last only as long as there is a demonstrated use for the particular power. That is why we support the extension of six months at this time.

We also note that some of the measures introduced in response to COVID have had an enormous practical impact in improving access to justice, particularly for those who cannot easily travel to execute documents. The process to implement these measures as a response to COVID was necessarily urgent and we support a comprehensive and considered review of these measures with a view to retaining beneficial measures permanently after an appropriate period of consultation. We would ask for that consultation process to start as soon as possible so that by the end of six months, if as we would all hope the legislation does not need to be extended, those permanent changes can be ready to take place at that point. We welcome any questions the committee members may have.

CHAIR: Thank you very much. I will now turn to questions.

Mr STEVENS: My question is to Ms Shearer. In terms of the Law Society's overall position on the extension of this particular bill, does the Law Society believe that we now have the balance correct between the health crisis situation and this legislation that enables fairly draconian measures to be put in place on the community—between those measures and the civil liberty infringements that this will necessarily cause?

Ms Shearer: I think in a general sense we would say yes, the balance has been struck reasonably well. There will always be an argument around the margins of some measures, but really what we are talking about with this piece of legislation is the power to enact changes as necessary and respond to emerging circumstances. We consider that power is necessary, which is really what is in the bill. As to whether the exercise of that power always strikes the right balance, that is something to be decided on a case-by-case basis. As you would have seen from our submissions and public comments to date, we think that on the whole the correct legislative balance has been struck.

Mr Dunn: The powers in the COVID-19 emergency response act are very much facilitative to allow changes to be made to our legislative framework to ease people's transition into doing various types of legal business and certain types of proceedings and otherwise to be done during the pandemic when there is a disruption like the one we are experiencing today. It is always one of those questions of are we at the point that you have asked about, and at the moment I think we feel that the balance is appropriately struck under those measures.

CHAIR: Are there any types of measures that you want to flag that have been used through this process that QLS members have found particularly beneficial for either legal practitioners or the public?

Ms Shearer: I will let Mr Dunn answer that.

Mr Dunn: Thank you, President. Certainly the feedback that we have had from our members is that there are a number of aspects of the measures that have been enacted that have been particularly useful and have had a significant access to justice benefit, starting predominantly with the electronic signing and witnessing of a number of document types. Those things have meant that legal documents can be signed and executed in a way that allows people, especially those who are in isolation as people are at the moment or in regional and remote areas, to do legal business in a way that is still secure but is much cheaper and in a much more accessible way. There are some very good measures there that would be good to continue.

We have also seen the production of evidence in terms of materials like affidavits being able to be produced in that way and that seems to have been a positive from our members' perspective in terms of the ability to be able to reduce costs in litigation and also to make litigation more accessible, even when people are disrupted or locked down, as we may find ourselves. There are a number of changes to proceedings that are facilitated by the act and those have been at times particularly helpful and useful for having emergency matters brought before the courts, especially where participants to applications and interlocutory matters can participate potentially using technology more than the sort of more traditional face-to-face approach for those kinds of more procedural matters in the courts. It also allows and facilitates the appearance by technology of people in certain matters, like domestic violence applications. I know that has been particularly welcomed by a number of parties in that particular space because it is a helpful and useful thing to have the parties at distant locations and not both physically attending court at the same time. That has been a useful thing in those spaces.

There are a number of aspects to the COVID emergency measures legislation that have actually been particularly constructive and we would like to have the conversation about which of those measures would be beneficial for the Queensland community to improve access to justice and to also reduce costs as well.

Ms Shearer: It is certainly our perception that it has accelerated the use of technology in a way that might have taken some years and what that has done is created significant efficiencies in the system which leads to reduced legal costs which means people are more able to use the various legal processes and access the justice system.

CHAIR: Member for Coomera, do you have a question?

Mr CRANDON: Thank you for that feedback. That is great. In relation to access to videoconferencing with prisons, I know there was a bit of a bottleneck, for want of a better word, in the past in relation to access to videoconferencing, not only for legal representatives talking to their clients, but also the courts and then, of course, also with regard to families being able to

videoconference. I note that the prisons went into lockdown with no visitors. Can you comment on anything that may have come about as a result of the lockdowns in that regard, either negative or positive?

Ms Shearer: I think at times, it is fair to say, the system struggled to respond really quickly, but those issues were ironed out. There are obvious significant benefits for prisons, in particular for people to be able to attend court remotely via videoconference. It is an important way for family members to retain contact with prisoners if they are not able to visit physically. I think there just has been from time to time some glitches in the practical rollout of the system which has caused problems, but I think on the whole they have been reasonably well addressed. In the more recent lockdowns things have proceeded much more smoothly than in the beginning. I think that is getting all the systems lined up and probably resourcing redirected and all of the practicalities to get what we know to be a very effective and efficient way of dealing with matters actually occurring when more had to be dealt with that way.

Mr CRANDON: To be clear, you think they are getting on top of the issues? I am just thinking about the human rights aspect as well of prisoners having access to family and support people. Do you think they are getting on top of things?

Ms Shearer: I guess it would be fair to say that our members have a view that there could be improvements in ability to schedule appointments. There could be a lot more capacity in the system. That would make things a lot better. But given what they are working with I think things are working okay. We always have the view that we could use more video slots than are ever available. That has been the case for the 15 or 20 years that there has been the use of videoconferencing into prisons, but that is a matter of capacity in the system.

CHAIR: I think we are all getting more used to videoconferencing. Thank you very much to President Shearer and General Manager Dunn. There being no further questions, we will end this session. Thank you for your assistance. We will no doubt take note that the Attorney-General will be looking to do further consultation on some of the issues you have raised.

HOGAN, Mr Bernie, Chief Executive, Queensland Hotels Association (via videoconference)

STEELE, Mr Damien, Industry Engagement Manager, Queensland Hotels Association (via videoconference)

CHAIR: I now welcome Mr Bernie Hogan and Mr Damien Steele from the Queensland Hotels Association. Thank you for joining us today. I invite you to make a brief opening statement after which committee members will have some questions for you.

Mr Hogan: We will only make a brief statement. We are not going to completely restate our submission. The QHA are the peak representative body for the hotels, hospitality and accommodation industry in the state. Our member hotels and accommodation businesses span the length and breadth of the state and number just over 1,000 companies such as traditional pubs, international accommodation providers and, importantly, the small family owned enterprises. QHA would like to make the following comments on the aspects of the bill which allow cafes, restaurants and bars to sell takeaway alcohol. We supported this during the COVID lockdown and specifically in lockdown periods. The rationale behind that was for these businesses to be able to run out stock or replace that on-premise opportunity which is their prime purpose. The patrons of restaurants could always, from the very beginning under their licence, at the end of their meal take away an open bottle of wine and one unopened bottle of wine. It was very specific to those product types. QHA also supports retaining that head of power enabling a changing of our operating conditions.

It is very obvious as of today where we are looking at a lockdown that we need that ability and flexibility to deal with any future health issues. What the QHA does not support is the extension of the bill to allow cafes, restaurants and bars to sell takeaway alcohol right out to 30 September 2021. In the present form, the approvals, whilst they will not automatically be extended, are now set at the discretion of the commissioner of liquor and gaming and it is based on criteria that is not clearly defined for our industry. We are concerned that the criteria has a lack of detail and it is a threshold test or criteria that is connected to the fact that there is any Chief Health Officer directive for restrictions, not which part of those directives would greatly affect our business. For example, they talk about business viability. How is that defined and by whom? How is it measured? All the different parts of a directive, whether it is capacity, whether it is the need to wear masks, whether it is that there is a requirement for someone to be socially distant, should have no effect on whether a cafe or restaurant should be able to sell takeaway liquor.

We would look at the situation particularly of capacity. One person per two square metres has been in the restrictions for cafes since July. Many would be at full capacity at one per every two square metres, but not a hotel. We are curtailing the ability of a hotel, against another product licence type, that is essentially running at full capacity at the present time.

The last point I would make is this ability to allow other licence types to sell takeaway liquor. It is disproportionate in regional areas. We often look at these laws in the context of South-East Queensland. I grew up in the bush in the middle of nowhere. If you look at a small country town that does not have a huge tourism business, it does not suddenly swell in numbers because of Easter—there is one hotel, a restaurant, a cafe and a golf club. You have not grown the pie here, all you have done is slice it ever thinner. In fact, the hotel is disadvantaged because suddenly there are three other outlets in town. That was always been the issue when we were talking about tackling alcohol fuelled violence laws. We wanted to curtail access. We cannot have it both ways. Now we are going to be opening up more and expecting that those businesses will survive where they have no more customers. From an economic point of view, and I know health is paramount, we cannot see that as a long-term future for regional Queensland.

CHAIR: Thanks very much, Mr Hogan. Deputy Chair and member for Mermaid Beach, I believe you have a question.

Mr STEVENS: Yes. Mr Hogan, you have submitted in relation to the gambling tax that it is imperative for your industry that it should be waived rather than deferred. We were advised that there is one month of waiving and the rest is just deferral. We are currently going into another lockdown in the Brisbane area and obviously there will be matters there that will affect your industry particularly. Can you expand on the need to waive that rather than defer it to keep the industry going as we go into unknown lockdown areas?

Mr Hogan: Thanks for the question. I think for us those taxes were to be collected in March 2020 and we had asked that they be waived, I suppose, in some small compensation for the fact that the industry was shut for 3½ months in its entirety, and it still has not recovered. In the next few weeks
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we will have that same experience as we had in January where all confidence was taken out of the market. There were very widespread numbers of cancellations, and not just in those areas that are locked down. Queensland gets affected right across the state from these lockdowns in a major population centre such as Greater Brisbane, but the Gold Coast and Sunshine Coast will feel that as well. We had asked and we have been in discussions with the Queensland government that those gaming taxes be waived to enable businesses to continue on instead of having a debt hanging over them where they have little chance of repayment every time we have cancellations or closing down of business operations.

CHAIR: Thank you very much. There being no further questions, we really appreciate you taking the time and also being flexible with the method of appearance. Thanks also for your submission. It certainly will be reflected in our report.

Mr Hogan: Thank you very much. We appreciate it.

**MANDIGORA, Mr Gus, Senior Policy Adviser, Chamber of Commerce & Industry
Queensland (via videoconference)**

CHAIR: I now welcome Mr Gus Mandigora from the Chamber of Commerce & Industry Queensland. Good morning. Thank you for joining us today. I invite you to make an opening statement, after which committee members will have some questions for you.

Mr Mandigora: Thank you to the committee for this opportunity. As usual, I will start with a really quick introduction of what CCIQ is all about for those who may not be very familiar with us. CCIQ is Queensland's peak industry representative organisation for small and medium businesses. We represent over 448,000 Queensland small and medium businesses that employ 44 per cent of Queenslanders working in the private sector. I want to quickly outline the format of my evidence this morning. I will start with a couple of overarching issues and then I will go into specific elements that are addressed in the bill before this committee.

In terms of the overarching issues, I will make reference on a couple of occasions to two documents. The first one is a submission that CCIQ made to the Health and Environment Committee in January 2021 specifically about the Chief Health Officer's powers and the extension thereof. The second document that I will refer to is a document that we understand the Queensland government agreed to in principle in October 2020 at the national cabinet level, and this was around the certainty principles and the frameworks for reopening. I will just put that in front of the committee so that you understand where these comments are coming from and then I will go straight into our overarching issues.

We have just heard, along with lots of other Queenslanders, about the three-day lockdown that we are entering into as a result of community transmission within the Greater Brisbane area. As one can imagine, a lot of businesses within Queensland and Greater Brisbane are going to be really hard hit by this, even though we understand from a health point of view it is essential to circuit break the latest cases of community transmission and make sure they do not go any further. We will all be aware as well that JobKeeper recently ended, so businesses that are forced to lock down as a result of this three-day Brisbane lockdown are hit hard at a time when JobKeeper has ended and when they were just starting to recover from the COVID-19 crisis. I would like to point out the fact that these businesses will go through a hard time with no safety net. That is the first part of my comments where I would just like to highlight the plight of those businesses.

Going further, the documents I referred to earlier have a couple of issues that we raised as particularly pertinent at a time like this. Firstly, we spoke about the importance of consultation while dealing with the COVID crisis and we believe this is an opportunity to get the balance between the health outcomes we need and the economic outcomes the Queensland business community needs right. With this lockdown we urge any opportunity for consultation to be taken up so that we get this balance right and we minimise the pain for Queensland businesses. The other issues we referred to are around proportionality. We believe that we are making good progress around proportionality of Queensland Health directives as opposed to or in balance with economic imperatives. This snap lockdown of a defined area is a step forward from where we were, say, a year ago, so we welcome that but we believe there is more that we can discuss in order to make this less economically painful without unduly raising the risk.

We spoke about clarity and certainty as well. One question that businesses will be asking is that we understand that the three-day snap lockdown will be reviewed on Wednesday. However, what are the criteria for the lifting of restrictions and to what extent are they going to be lifted? Do we have some sort of a road map defining what that looks like or do we have anything that the Queensland business community understands which helps us to predict when lockdowns might occur, what nature they might take and how those are going to be considered when it is time to review? We would like to put forward to the committee that that certainty and clarity—that road map, for lack of a better word, as embodied in the framework for national reopening that the Queensland government agreed to in principle in October—are the sorts of things that would help to reassure business during these really hard times.

Having spoken about those overarching issues, I will highlight one important question that our stakeholders have raised repeatedly before going into specific elements in the bill. One issue is that, for a business that is, for example, watching what is happening from Far North Queensland, the question they will be asking will be why have we been operating under a lot of these restrictions when the outbreaks and the community transmission has occurred, say, a 20-hour drive away?

Mr STEVENS: Good question!

Mr Mandigora: When they look at South Australia, which has recently eased restrictions to three people per four square metres, they will ask: why is the same not being considered for us where there is no community transmission? That is one question I would like to put to the committee so we can make that clear—that is, where there is no community transmission there is, again, a road map, clarity and certainty about when these restrictions are reviewed and when they will potentially be lifted.

Having said all of that, I am happy to now go into two aspects of the bill that I will talk about briefly after having laid the overarching issues in front of the committee. Firstly, with regard to the extension of all COVID-19 related legislation, we will zero in on the specific parts of the bill that enable pubs, clubs, restaurants and takeaways to sell takeaway liquor. In the context of the current three-day lockdown, we definitely support that and we also support the extension of the ability of restaurants, clubs, pubs and takeaways to sell takeaway liquor where it enables them to minimise the economic harm and the health impacts of the COVID crisis. However, we also tack that to a larger piece of work that CCIQ has been advocating on. We call it a ‘business-friendly government’. What we mean by that is during COVID the Queensland government made a number of decisions where things like licensing with liquor, as an example, were reviewed and acted upon in rapid turnaround times. We would like to urge the Queensland government to look at those kinds of measures and see how many of them can be made permanent. The Queensland Law Society raised an issue that was similar from a legislative point of view: what can we make permanent as a result of this crisis? What good things can we make permanent? We would like to urge this kind of rapid action on licensing and see how that can be made a more permanent feature of the Queensland government’s decision-making, so we support the bill but as part of a larger piece of work.

Finally, I will go to another issue raised by our stakeholders—that is, the extension of extraordinary decision-making powers by local government. On the face of it, we support streamlined or rapid decision-making where it needs to happen. We support that part of it. However, looking at the current lockdown, looking at the end of JobKeeper and looking at how the current lockdown, although necessary, will have shattered confidence in the business community, businesses are alarmed at even the mere possibility of council fees being raised on an ad hoc basis. We would like to highlight that. Let us not allow councils to raise costs for business because they cannot afford it at this particular time. If these powers are going to be used to reduce, for example, fees and to streamline decision-making, we completely support that, but anything around raising fees for businesses at this vulnerable time we are concerned about and would like to register that concern. Chair, I know I have limited time and I will not be able to raise every single thing, but I would like to stop there and open up for questions. Thank you.

Mr STEVENS: Mr Mandigora, I think you have made a wonderful presentation on behalf of the CCIQ. In terms of a couple of issues and specifically the last matter you mentioned, the minister has the capacity under this legislation to overrule any council that puts an inappropriate charge. We specifically asked the department on those matters. If there were to be a council in Queensland that went forward on an unreasonable basis and particularly targeting your industry group, then the minister has the capacity to not allow those charges to go forward. That is clarification for you.

In terms of your presentation, there were a couple of things that you raised that I think were very important. In particular, we had regional Victoria as the role model, if you like, when Melbourne was shut down in that they allowed certain activities to continue, and hopefully under this legislation that will continue. Are there other KPIs that the CCIQ feel would be appropriate for business in other places to know about during a lockdown—in other words, for a particular area, and this lockdown in central Brisbane is going to really knock the daylight out of the Gold Coast for Easter, I can assure you—such as North Queensland, for instance? Are there matters there where you feel there should be a level or exposed level of disaster or a health disaster that would bring all of these COVID lockdown matters into play in North Queensland? Do you have any idea on what transparency you would like to see about a KPI for a lockdown in, say, North Queensland or other regional areas?

Mr Mandigora: Thank you for that question. It is hard to get into the details in terms of specific KPIs, but I will highlight the principle that we are referring to in this instance. For example, there will be parts of North Queensland and Far North Queensland that have not had any community transmission—or any cases of COVID for that matter—for the entire duration of the crisis. However, they are still affected, to a lesser extent now, by the restrictions that are applied as a result of circumstances in South-East Queensland. What we are referring to is whether there is a way to be more specific about easing restrictions for parts of Queensland that have no community transmission and that are a fair distance away from any site of community transmission. That is really the sort of transparency we are talking about—how to differentiate in a state that is as geographically large and dispersed as Queensland. That is one element.

The other element that I mentioned earlier that I am happy to re-emphasise is the issue around real certainty and clarity. I will give an example. If you have one case of community transmission, what is the action we can anticipate from the government? If there are five cases, or if there are 20, what are the actions we can anticipate so that we can plan accordingly?

Secondly, at what point do we review those restrictions? We were relieved to understand that on Wednesday the Queensland government is going to review the current snap lockdown. However, what happens under a different set of circumstances? If we had had 10 community transmission cases, would we still review on Wednesday? What thresholds would allow the easing of restrictions? That is the sort of transparency and sorts of KPIs that we are advocating for for business.

I will just emphasise that we are not asking for a reckless, sudden removal of restrictions. We are just asking for a differentiation for areas that are far from any community transmission, as well as clarity on the kinds of situations that trigger restrictions and the sorts of things we need to see before we lift restrictions in a safe way.

Mr CRANDON: Thank you for your submission and your comments today. I have a question in relation to your support for the temporary reforms by way of allowing cafes, restaurants and bars to sell takeaway alcohol. Not surprisingly, the Queensland Hotels Association have a different view. They do not believe that is an appropriate way for things to go. Obviously, they are industry specific, and you are looking at the whole of small business. Given that the hotels are in business as well, how do you balance the two competing challenges there?

Mr Mandigora: For starters, we would not be keen to go into an us versus them kind of scenario where we try to advocate for our interests at the expense of another association. We believe that what we are advocating for—which is around having the flexibility to make decisions when you have a COVID crisis and attendant restrictions—is really the bigger issue where I think the Queensland Hotels Association and us are in alignment, in that you do need that flexibility at times. Then once it comes to the real specifics of when and how that is applied, that is a difficult balancing act that we confirm the Queensland government has to make.

CCIQ will not go out on a limb and say the Queensland Hotels Association is right or is wrong on this issue, but we will say that both associations support the principle of that flexibility and in terms of the detail the Queensland government does need to take all the evidence in front of it and make the decision. I hope that does not sound like a cop-out but this is always a complicated issue.

CHAIR: With respect though, you have put a position that we should continue and go further with alcohol deregulation, which the Queensland Hotels Association have objected to. That puts you directly in opposition with their position.

Mr Mandigora: In terms of the detail, yes, it does. I think that is the value of a consultation process like this because you get to hear the different sides of the story and then make the appropriate decision. Yes, CCIQ does support the flexibility that you have outlined. We definitely support it. A different association has a different point of view. We leave it to you after this consultation to make the final decision.

Mr STEVENS: Further on this particular subject, there are some groups in the business community utilising this legislation as a loophole to make more profit rather than continue to survive in difficult times, which this legislation is designed to do for the business community. Now that we are talking about alcohol, I refer specifically to Uber Eats and how you can get a pizza and a sixpack of beer delivered to your home. Quite a few people are concerned that this new way to save drink-driving and to facilitate the easy delivery of alcohol to home with your pizza is conducive to further alcohol problems and is not good for the community. Yet Uber Eats—and I will just refer to them—do not normally use this type of service when delivering food. They are using this legislation to improve their business position, if you like, which leads to a lot of other problems—social problems, domestic violence and all those sorts of issues. Do you have any concerns that some people are using this legislation to their economic advantage, which is not what it is designed to do?

Mr Mandigora: Firstly, I was not aware of any concerns raised by our stakeholders regarding the example you gave. However, I think our position remains that, where it is necessary to allow businesses to operate flexibly in order to survive through a situation like lockdown and COVID-19 restrictions, it is important to let that happen. The key thing becomes weighing up the survival of small businesses such as restaurants, clubs and pubs versus stamping out what you believe or what is perceived to be an abuse of the system. We do not want to have the cure be more painful and more harmful than the actual problem. I would say the proportionality of the response is the key issue here. Let us stamp out abuses wherever they are found. However, the wider purpose of the legislation is still really important for our stakeholders during this crisis.

CHAIR: Can I just backtrack a bit. My understanding is that you want the Queensland government to say, 'If there is one case, this will be the reaction. If there are 10 cases, this will be the reaction.' Is that correct?

Mr Mandigora: As an example, yes. That is the sort of clarity we are seeking.

CHAIR: Does the CCIQ have a position on the B.1.1.7 strain and the ability for there to be more or less transmission?

Mr Mandigora: We do not purport to be experts on public health issues and epidemiology, so we would not be the ones to say with regard to this specific strain this is how you respond. What we are—

CHAIR: What you are saying then is that Queensland Health should have a different set of criteria if it is one case of the existing strain or one case of the identified UK strain and perhaps another one for another case, and that they constantly update that as new information comes forward about the relative danger and transmission of those variants?

Mr Mandigora: That would be one way, yes, where you have—

CHAIR: That would be very complex each time to make a whole series of assumptions and statements about events that had not yet happened.

Mr Mandigora: Our response is that from this time last year until now we have learnt a lot worldwide and within Queensland about how to manage and live with this virus. We do not believe that it is impossible to have an outline and a framework on how we respond to different outbreaks.

CHAIR: When the health department gets information about a possible transmission, sometimes the person has been at home and has not had any contact with anyone else whereas another person may have had contact with 50 people in their early descriptions. In that case, should the health department have a set of rules that are set out for one person getting COVID and what their response should be and not pay any attention to the circumstances in which the person had been acting since they were potentially able to pass on the virus?

Mr Mandigora: We do not advocate for that because that is recklessness where the Chief Health Officer does not consider the circumstances. We want to allow the [Chief Health Officer] to consider all the circumstances. However, what we are advocating for is clarity on what happens next. I kept referring to a framework on national opening that the Queensland government agreed in principle to at national cabinet level in October 2020. It actually outlines that sort of situation. It outlines what sort of reaction could happen and what the definitions are and how those decisions are reviewed and potentially restrictions eased. All of those things are an existing document and it is possible to update them as new strains and new information come along. We do not advocate for anything reckless—that is, for example, lifting restrictions without looking at all of the circumstances. I will re-emphasise that what we are looking at is the kind of certainty embodied by a document that the Queensland government has in principle supported at national cabinet level. That is essentially what we are asking for rather than recklessness.

CHAIR: If a business had exposure to COVID or some potential exposure to COVID, would you want the businesses to be locked into a particular set of behaviour or would you like to have those businesses have the flexibility to judge the full circumstances, within obviously health guidelines, to see what they felt was best for their workers and for their clients and to be able to make that judgement based on all of the information as it comes up?

Mr Mandigora: If I understand the question correctly, that would not be how the current framework operates when there are restrictions in place. For example, I do not believe businesses are allowed to make all the decisions around what is best for their business and staff when directives are issued by the Chief Health Officer.

CHAIR: Of course not, but what I am saying is where businesses go beyond the minimum required by the state government, and in some cases businesses have pre-emptively taken the opportunity to take actions.

Mr Mandigora: If businesses take actions within the rules and within the guidelines issued by the Chief Health Officer, then we clearly support that—unless I misunderstood your question.

CHAIR: I think you did but we will move on. I just find the idea that we could lock in the department without examining the full range of the circumstances—which strain it was, how much a person was exposed, how many people they had met with—to a particular prescriptive form of behaviour and directions is actually detrimental to small business and I am disappointed that was put forward. Are there any other questions?

Mrs McMAHON: I have a quick question in relation to the Small Business Commissioner. I know it was something we looked at in legislation last year. Do you have any feedback for the committee on the operation of the Small Business Commissioner and whether any of your member organisations have had any involvement with the position?

Mr Mandigora: I will need to check in terms of our interaction with the Small Business Commissioner. We support the position and we support the extension of the position. I am happy to take that on notice, to consult our membership and understand what interactions they have and what further feedback they have. There was nothing contentious in this bill or anything that our members found important enough to raise above these issues. We are generally comfortable with what is in the bill.

Mrs McMAHON: I have a follow-up question on the earlier topic. Could you provide the committee with some feedback on the impact of being listed on some of the contact tracing sites—that is, when small businesses are listed as a potential source or venue? Could you give us some feedback on short-term and long-term impacts on those businesses?

Mr Mandigora: Again, I am happy to take that on notice, because we have not consulted directly with businesses that have been listed under contact tracing. We anticipate, though, that that will hit firstly their bottom line, because I believe that if they do not close for deep cleaning patrons might shy away from that business for the foreseeable future. It goes back to an earlier point we made around how we can have the sort of certainty that allows these businesses to plan around what should they do and expect when there is a lockdown announced.

I will also add to a point I briefly alluded to but did not expand on: when we have emergencies such as weather related disasters within Queensland, there is often some sort of support available to impacted businesses. We put forward the suggestion that a similar thing could be looked at for businesses affected by a shutdown, a snap lockdown or the effects of having somebody who is suspected of being contagious in their premises. I take that as a Trojan horse to put that issue through.

CHAIR: Thank you very much. There being no further questions, we will end this session. Thank you for appearing and for assisting the committee today.

LOLLBACK, Mr Mike, Manager, Member & Advisory Services, Local Government Association of Queensland

SUTTON, Ms Shayne, Manager, Intergovernmental Relations and Special Projects, Local Government Association of Queensland

CHAIR: Good morning. Thank you for joining us today. I invite you to make an opening statement, after which committee members will have some questions for you.

Ms Sutton: LGAQ appreciates this opportunity to appear before the committee to talk about the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021. We provided the committee with some correspondence on Friday just to outline some of our positions on the issues that particularly relate to the local government sector. We were pleased to have been consulted in the development of this bill by the department of local government prior to its coming before the parliament. While it relates to the extension of the COVID-19 related legislation and the extension to amendments made to the Local Government Act and the City of Brisbane Act to allow councils to make extraordinary decisions for the 2021-22 financial year, we do have some questions with regard to the changes proposed for the conduct of local government by-elections and fresh elections. Finally, I indicate that we also support the extension to the operation of co-related local government meeting provisions. I will just keep short my comments in respect of that. We can move to questions.

Mr STEVENS: In relation to the financial provisions about bringing down an extra budget, did any council previously under this legislation bring down an extra budgetary matter for its residents or even a particular section of its community? Are you aware of any local government area that proposes to utilise this legislation to bring down an extra budgetary measure either for a particular group or right across the board?

Mr Lollback: I am not aware of anything happening in past budgetary provisions as most councils, given the last lockdown provisions of the COVID situation, worked within their usual budgetary processes. However, the way this process sits at the present time is an opportunity for councils to be involved in that in relation to some of the extraordinary costs that have been met for councils in terms of lockdowns. I am not just talking about border lockdowns but also about the Aboriginal shires across Queensland that have had some rather incredibly extraordinary costs. One example is Cherbourg council, which to this point in time has spent over \$200,000 in maintaining its biosecurity and, later, CHO lockdown provisions. Yes, I do believe that councils will view some changes to the budgetary parameters particularly in terms of rateability. The one thing we have not yet really got our head around, with the completion of JobKeeper et cetera only in the past few days, is exactly what imposts councils have felt in terms of budgetary arrears with rate payments. This is something yet to really be looked at and arrived at for councils to determine what that means to their financial situation in the coming 12 months.

Ms Sutton: We did have a number of border councils struggle with some of the border closure costs. Also in the pandemic situation, if we do find ourselves in lockdown situations, as Brisbane is about to experience from 5 pm tonight, there are own-source revenue implications of that. When you are not providing a service that may have fees and charges attached to it, that has budgetary implications. Councils are after maximum flexibility so that if they need to vary what they are doing because of a decline in own-source revenue, or even if they take their own steps to support local businesses and local residents by providing fee waivers, reductions, discounts—many of the councils gave discounts to infrastructure charges, for example—they can provide those economic stimulus measures in extraordinary meetings. In situation normal we cannot do that, other than at the June budget meeting. If we are to give extra financial concessions to support businesses and residents, we also need to have that flexibility.

Mr STEVENS: Mike mentioned JobKeeper having a ramification in terms of it finishing on Friday, I think. As I understand, it did not apply to local governments directly. Can you explain how the ending of JobKeeper will put a burden on local government that requires fiscal adjustment through another budgetary charge, increase or direction?

Mr Lollback: We have been working on that. I will let Ms Sutton take you through exactly what we have been doing in that space.

Ms Sutton: In short, if people lose their jobs as a result of JobKeeper ending, they need to make financial decisions about what bills they can pay and what bills they cannot pay. In some of those circumstances, the decision may be to not pay their rates bill. Therefore, rates will fall into arrears. We do not know at this stage what the impact will be, and it may take several months to manifest itself. It will not become clear until the end of the next rating period and the time frame given

to pay those rates bills. Councils need to send out their rates bills, need to allow the usual time for people to pay their rates and then need to see what is the difference between what they would normally expect to receive and what they actually receive. If a high proportion of people living in those LGA council areas rely on the JobKeeper payment, lose their jobs and become unable to pay their bills, we anticipate that there will be an impact on rates received.

Mr STEVENS: Just to follow up on that, rates are obviously a charge against the property. It is a tax, if you like, on a person's property. Obviously you will allow people to make a partial payment and there are schemes of arrangement et cetera. As I understand it, if that is still not possible after three years, the council has the opportunity to reclaim those taxes through the sale of the property. That has been ongoing for many years by many councils; you see them advertised. In terms of the rates of the council, that money is guaranteed. Obviously the rates will not be worth more than the sale of the property so that money is guaranteed. Therefore, as a council why would you be looking at another rating issue if that money is guaranteed to you?

Ms Sutton: In the meantime, while we are waiting for those rates to come in, we still need to pay our staff and we still need to deliver services to residents so there is a cash flow implication. Where there is a cash flow implication councils need the flexibility to make decisions to amend their budgets, to cut the cloth to fit so to speak. If there is a council area that is experiencing a higher level of unpaid rates, they may need to make other decisions to cover cash flow shortages that result from unpaid rates. Whilst I acknowledge and you are correct when you say that those rates may ultimately be recovered in a three-year period, there are cash flow implications that do not wait for three years.

Mr Lollback: Can I add that it should not be lost on any of us, particularly the committee and certainly it is not lost on us at the Local Government Association, that whilst local governments do have legal recompense to be able to collect unpaid rates et cetera, the COVID situation at every level of government has necessitated tolerances, understanding and empathy. In all of those circumstances councils will be looking very readily at the broader aspects of claiming unpaid rates from individuals who, because of the COVID situation, have already been pushed to the brink of financial insecurity. On that basis I think we have to be mindful of the fact that the extraordinary powers of the council to make decisions out of these budgetary provisions allow for the full gamut of the COVID situation to be applied to the decision-making process, not just legal recourse.

Mr CRANDON: Following on from that, under normal circumstances we would not have this question. Interest rates are at historic lows. Loan facilities are used by councils and could be used by councils going forward rather than putting a permanent impost on ratepayers. What of the concept of borrowing money—whether it be from the state, the federal or commercially—to cover those shortfalls, knowing full well that as time goes on we are going to return to normal circumstances? I would have thought that would have been an appropriate way rather than an extraordinary budget item that impacts everyone. We are talking now, of course, about the people whom you have just been talking about that are struggling to pay their rates in the first place. We are actually talking about putting an additional rate on those people and others who are able to pay their rates rather than looking at using commercial or government support for loans.

Ms Sutton: There are two things that I would say in response to that. First, the state government's unite and recover economic stimulus package was an announcement made by the Treasurer some time ago. I do not have the exact date. They did offer loan refinancing/borrowings refinancing arrangements to councils. A number of our councils have taken that up and others are still pursuing discussions with QTC as to potential debt refinancing to allow things to happen. That option has been placed on the table by the Palaszczuk government. A number of councils have taken advantage of that.

Secondly, I point out that the assumption should not automatically be that all councils will be increasing rates. Some of the ability to amend budget provisions and fees and charges could also apply to concessions and additional concessions. It is not just about councils having the ability to increase rates if they decide to. The budget provisions also apply to fees and charges and can also mean that it allows us the flexibility to implement greater concessions as well if we feel that is what the communities need and will help them assist with local economic stimulus. It is actually about providing us with the flexibility to do what our communities need us to do in a pandemic situation.

Mr Lollback: Certainly it is not lost on us that there may be circumstances where councils do have to look at their borrowing capacity and do have to look at their entire financial situation. We see this as being, if you like, another arrow in the quiver of the capacity of councils to make the financial decisions that are best for their staff and best for their communities, bearing in mind that when we do start to get into rural areas the mass level of employment in an area is often vested in the local Brisbane

government. Trying to maintain employment, solvency of the councils and operational capacity will take all sorts of methods that are not restricted just to the rate rise. This is one other capacity that we would have at our call to be able to look at the full financial situation of all councils into the future.

Mr STEVENS: As I understand it, if you are a day late the council will charge you approximately 10 per cent interest on your rate bill. If you are a long-term nonpayer of rates, I think they get up to 14 per cent or 17 per cent sometimes, like with bank cards. Is it not time that councils took some financial responsibility in terms of the hardship you talked about by making allowance for those difficulties by not charging ratepayers 10 per cent if they cannot pay at a particular time? Would that not be a good local government policy to take forward?

Ms Sutton: In response to that, and I do not know exactly the council that you are referring to, I do know that a number of councils also provide a discount if you pay your rates on time or early. My understanding is the way that it works, and I can speak to the Brisbane City Council area, is that if you pay your rates early or on time you get a \$15 discount. If you do not pay them early or on time you pay the full amount. I do not know the councils that you are specifically referring to. That may be different in the area that you represent, but I think you will find across the 77 councils in Queensland each of them will have different levels of incentives to encourage on-time rate payment. Again, that is about ensuring cash flow and ensuring that councils can have a reasonable expectation as to their income for each quarterly or six-month period that they issue rates for.

Mr CRANDON: In relation to the ability for the minister to postpone polls, if the minister did postpone a poll does the LGAQ have any concerns about the open-ended postponement in the bill?

Ms Sutton: We did raise this in our feedback to the department of local government. Yes, one of the questions that we had was about the ability to postpone a poll. We were after some more clarity as to at what stage a poll can be postponed and the duration it can be postponed for. If you cast your minds back to March last year, we were in the middle of a local government election and every day in an LGAQ house we would gather around the television and watch the Premier's live teleconferences and media conferences, hoping on hope that the poll would not be postponed because people had already started voting. One of the questions, when the department consulted us, was at what point can a poll be postponed, particularly if we are in the middle of a polling period. We acknowledge that we were the first election to be held in a COVID environment and there was a whole heap of procedural thinking that needed to be done. Certainly more of that had been done by the time the ECQ had conducted the state government election, but again, for certainty and beyond doubt, we had asked for more clarity about what exactly these provisions would mean.

CHAIR: Thank you very much. We appreciate your participation and your submission. We will now take a short break.

Proceedings suspended from 11.55 am to 12.15 pm.

DAVIS, Dr Georgina, Chief Executive Officer, Queensland Farmers' Federation (via teleconference)

HEWITT, Ms Lauren, Policy Specialist, AgForce Queensland (via teleconference)

MARLAND, Mr Tom, South East Regional Councillor, AgForce Queensland (via teleconference)

MULDER, Ms Katie-Anne, Policy Director, Resources, Queensland Resources Council (via teleconference)

CHAIR: Good afternoon. Thank you all for joining us today. Noting that you have made a joint submission, I might ask whether someone would like to make an opening statement or if each organisation would like to make brief opening comments? Keep in mind that we do have limited time available for this session. I do not know how you wish to organise it, but would someone like to begin with an opening statement?

Ms Mulder: We will share this opening statement. Thank you for the introduction. Good afternoon, committee members. We welcome the opportunity to appear before the committee for its inquiry into the COVID-19 Emergency Response and Other Legislation Amendment Bill. We would also like to acknowledge the traditional owners of the land on which we gather and pay our respects to their elders past, present and emerging.

Firstly, I would like to acknowledge the correspondence from the Department of Justice and Attorney-General responding to the issues outlined in our submission. We appreciate that it takes time to respond to each submitter and understand that our fundamental issues, while highly related, are outside the scope of this particular bill. Having said that though, for over half a decade we have sought meaningful reform to local government rating powers so they are fair, equitable and predictable. Our organisations collectively recognise the unprecedented nature of the COVID pandemic and the subsequent introduction of the extraordinary legislative provisions in both this bill and the 2020 bill which preceded it.

Our submission to the committee focused on one provision in the tabled legislation that may impact our collective membership: that which extends the measure for local governments to make extraordinary financial decisions, including levying rates and charges. QRC, QFF and AgForce are cognisant of the funding pressures local governments are under and we understand that they have seen a significant reduction in state and federal funding over several years. The intention of this provision, we understand, is to allow local governments to be responsive to the economic climate—an objective we wholly support. Having said this, the existing unfettered powers of local governments to set rates has been a longstanding issue for our respective industries.

QRC began a dialogue with the state government, various local governments and the LGAQ back in 2016 about the issues outlined in our joint submission. In a nutshell, our industries seek transparency in the setting of rates as well as predictability in rate increases. Our view is that the amendments in this bill further exacerbate these concerns, which result in an unpredictable operating environment for our collective membership.

Dr Davis: The current rating framework gives local governments what we feel are unfettered powers to pursue inequitable and unpredictable rating practices. They are under no obligation to justify those changes. There is no statutory constraint on local government powers to determine rate charges across the 77 Queensland councils, and there are differing practices and strategies for setting rates with very little consistency. The majority of other states in Australia do have some level of control on local government rating powers. Victoria, for example, has a cap on the maximum rate category which cannot be more than four times the lowest rate category. We have a table comparing the different rate approaches across Australia that we are happy to share with the committee.

The Queensland framework effectively allows local governments here to plug budget gaps by raising rating revenues on select industries without justification. Members of our organisations have reported significant increases in rates that bear no relationship to increased valuations or an increase in services delivered by local government. As noted in our submission, Maranoa Regional Council's 2020-21 budget increased the rates on petroleum leases by 70 per cent and large accommodation work camps by 120 per cent, while farmers in the Bundaberg region were subject to an increase of \$2.4 million in their last rates bills, while over 200 farmers experienced a doubling of their rates bills. We are exceptionally concerned that this week 25 local government areas are receiving new land valuations for 2020-21, and we know there has been a significant increase in the value of rural land. With that in mind, I would like to hand over to Mr Tom Marland from AgForce.

Mr Marland: I am mindful of time and also the submissions made by Katie and Georgina. I would like to talk specifically about practical examples we are dealing with in the Bundaberg Regional Council area. My family are fifth generation cattle graziers in the Bundaberg region. We have obviously been involved with the district for over 120 years. This year we have effectively had an increase in unimproved land valuations across the board, and that varied depending on land type and tenure. What we further saw without notice from council was an average increase in rates—in some instances as high as 235 per cent—of 46 per cent and over 400 farmers who saw their rates double.

Without notice and without any consultation from council we saw the rates take from category 9 rural ratepayers go up by \$2.4 million but no actual clear indication if those increased rates would go into additional services or additional administration requirements from council. Despite significant lobbying on behalf of AgForce, Bundaberg canegrowers, Isis canegrowers and Bundaberg fruit and vegetable growers—which combined and made a farming consortium—and increasing dialogue with council, we were unable to get any changes to those rate increases and no explanation for the justification for those rate increases.

Unfortunately for the farmers of the Bundaberg region, this is the third year of drought. We have significant labour shortages. We have been battling COVID. We also have water security issues in relation to Paradise Dam. We have a council that has taken the opportunity to effectively double rates without any justification. We are, unfortunately, an example of what can happen when councils take the decision to increase rates without any consultation. Our submission is that the guidelines on equity and fairness in rating should be a minimum standard that is applied across all councils.

CHAIR: Thank you very much. We might turn to questions now. I note that the deputy chair and member for Mermaid Beach has a question.

Mr STEVENS: Thank you, ladies and gentlemen. This bill is in relation to the government's response to COVID and the extension of the extraordinary powers that are required to deal with this major health outbreak. The matters that you raise relate to rating issues. Whilst this bill does deal with a rating issue in terms that councils may issue a further budgetary matter as a result of COVID issues, the issues you seem to be raising are more about the normal budgetary processes and the unacceptability of council's ratings on your particular properties taking into account different circumstances. I noticed that, in relation to your submissions about the Maranoa Regional Council, they have obviously targeted the resource industry, which seems to be going pretty well at the moment. In relation to this particular bill, do you envisage that the council may take this opportunity to issue a further budgetary impost as a result of this particular bill utilising the COVID-19 as an excuse, if you like, to further put cost onto your particular members and groups?

Dr Davis: For starters, we are not aware of any local government that has used these extraordinary decision provisions for this financial year yet. We are mindful that these provisions not only give local governments the ability to raise rates during the year but also to discount rates. Given what we think are poor budgetary decisions by increasing rates, and given now the ongoing situation we have with COVID and issues with regional unemployment and everything else, we would like local governments to have the opportunity to use these powers to reduce rateable values going forward for the rest of this financial year.

Mr STEVENS: You are supporting the legislation in terms but hoping that councils will utilise this legislation to use their financial powers to reduce the rates that you have so far suffered.

Dr Davis: Yes, that is exactly it.

CHAIR: Are there any further questions? Thank you very much for your submissions and your appearance here today. I especially thank you for being able to engage in this different format. I will just briefly adjourn while we establish a connection with our next witness group.

Ms Hewitt: If I may, we do have some additional concerns. If I may take up another minute of your time?

CHAIR: Certainly. For future reference, we do not like to have closing addresses because it prevents us from asking any questions that may come from the closing address, but I am happy to indulge.

Ms Hewitt: Sorry, I had intended to jump on straight after Tom but I did not get the gap. AgForce, with the resources sector, is a very proud and integral part of regional Queensland communities. We are more than happy to pay our fair share of rates. We are just concerned that our institution is used to balance local governments' annual budgets. We understand this bill will allow them to increase rates midyear. We appreciate that may provide some short-term financial sustainability, but it comes at the expense of the viability of our industries and those communities. It

creates an unpredictable operating environment for our members, and that will have a direct impact on jobs, local businesses and future investment. Like every other business, those costs have to be predictable and justifiable, especially in these times when we are seeing industries having to bounce back from the last 12 months. These legislative amendments will come at a cost to industries and our communities.

To ensure best practice regulation, government agencies should be undertaking regulatory impact assessments. These assessments are, unfortunately, not done much anymore. This is yet another example of where a RIS process has been circumvented. This is despite RISs being a best practice bipartisan approach for many years now. Our submission states that a simple and effective mechanism to balance the bill's impact is to mandate that fairness and equity policy by the Queensland government. This policy outlines the fundamental principles that local governments should apply. They are: fairness, user pays, predictability and meaningful contribution. They are simple things that we believe will provide greater predictability.

We find it outrageous that we cannot get support for these simple principles. Such a move would also prevent any rogue behaviour in light of last year's decision in Geldard, which no doubt everyone is familiar with. Our organisations are very aware of the significant cost pressures facing local governments and have sought to partner with them in getting long-term sustainable measures on foot. We appreciate that reforming the local government rating system beyond this fairness policy will be a complex task; nevertheless, it is required for sustainable regional development. The industries that we represent want to continue to operate in those areas, and we believe that fairness and equitable policy should be a minimum standard. Thank you on our behalf for the ability to appear here this morning. We are more than happy to take any more questions if there are any arising from our statement.

CHAIR: We might now take a brief break while we establish a connection with our next witness group.

MacDONALD, Mr Steve, President, Redlands2030 Inc (via teleconference)

WALKER, Mr Chris, President, SEQ Community Alliance (via teleconference)

CHAIR: I now welcome our final panel of stakeholder witnesses for today's hearings. Good afternoon. Thank you both for joining us today. Would one or either of you like to make any brief opening comments?

Mr Walker: Thank you very much, committee members, for inviting us to attend the hearing and also for the opportunity to have made submissions to the committee inquiry. We did not make a lot of concerns known to the committee. We just picked on two or three issues. I will deal with them as a group and then maybe the members might wish to ask questions.

With the proposal to allow councils to vary budgets during the financial year, we do not have a major problem with the concept, understanding that we are in extraordinary times, but we have now been in these extraordinary times for nearly a year. Now that we have seen that the powers to change rates have not actually been used, it begs the question how important really is it that councils have this additional flexibility. We do not want to say, 'Do not let them have it,' but we think now it is time to add a little bit more accountability. We would like to see some sort of reporting process so that it is easy enough to find out how much this extra regulatory flexibility has been used during the next budget cycle. It could be a simple matter of the local government department providing parliament with a brief report that says, 'X out of 77 councils made use of this facility during the financial year.' That is pretty much all we are asking for—just a little bit more transparency and accountability to offset the fact that government; in this case, local government—is getting more flexibility to do what it wants to do. That was that issue.

With regard to elections during the COVID era, we just reflected on what happened during the local council elections back at the end of March 2020 which was the first time that elections were held in the COVID era. Obviously at that time the ECQ was placed under a lot of pressure—we understand that—but we do note that during those elections when people visited polling booths, many people were given what we consider to be a misdirection to 'just vote 1' by ECQ staff. Of course, with the local council elections in Queensland at the moment it is actually optional preferential voting, and we think people were not correctly guided into how to cast their vote. The point of our submission was just to raise that concern and say if we are back into another crisis election because of COVID, then let us make sure that the ECQ does its job properly and gives people clear guidance as to what the process for voting is under optional preferential voting.

The third point raised was that given the regulations currently allow a council to close its meetings to the public, we thought we would reflect on a couple of points. This is related mainly to Redland City Council. We understand that the council, if it closes its meeting to the community, should be live streaming. Redland City Council is an example of a council that is not doing that; they are just continuing to do pretty much what they have always done which is put up a video of the proceedings, usually a couple of days after the meeting. That is not live streaming.

The second point in that is since the public health directions have been incorporated into local government, there has been zero community participation at Redland City Council. We have provided the secretariat with a little summary of all the council general meetings, noting that at each general meeting they have managed to allow a person from the clergy to come and talk to councillors but no members of the community, yet there are many controversial issues that the community would normally have been able to come and spend five minutes each talking to council about. That is basically why we have raised those concerns. We think that the regulations could be worded a little more prescriptively to make it clear whether or not a council should live stream, and we would like to see some greater obligation on councils to use better efforts to encourage and continue public participation. I will conclude with that, thank you.

CHAIR: Thank you very much. Steve, would you like to add anything?

Mr MacDonald: I just reiterate particularly the last point: Redlands2030 has been pretty adventurous, perhaps, in leading the local community in terms of trying to make their local council's decision-making more accountable. Perhaps through a bit of unfortunate means, we started videoing meetings at one stage to try to demonstrate the problems, and the council then responded by videoing the meetings which was really good. If the government wants accountability in local government, a key component of that is enabling community groups such as Redlands2030 to do that.

Our local media, while alive and kicking in Redlands, is barely kicking, and so the normal exposure of decision-making through the media is not working as well as it had in the past. We take that on as a volunteer group and we think that that is an action that many other councils probably need, and the government should be fostering that, not making it harder. Our capacity to do that has certainly been limited in the last 12 months.

We see our role as not just a self-promotion exercise, but our challenge to our local council has been asking questions and putting issues into the community that hold the council a bit more accountable, and the last 12 months have made that very difficult. I think it is a fundamental tenet of democracy that there be greater accountability and, in these times, whilst unique and certainly serious with the challenge of COVID, it is not a reason to actually do away with the fundamentals of democracy.

Mr CRANDON: Thank you for your input today. I note your comments about the council rating prayers above ratepayers when it comes to allowing people to come to the meetings. Do you think there is something—is the word ‘nefarious’ right? Do you think there is something about that? Is it they are trying to block your input? That is my first question. My second question, which is probably an easier one to answer: the video of the meetings that is put out a couple of days later, are they edited or are they the full version of the events?

Mr Walker: The question about videos, so far as we understand, they are a complete video recording of the open session of council meetings, so we do not have a quibble about that, but we understand that many other councils have managed to implement live streaming. Redland City Council has not moved on from where it was about five years ago. That was really the main point we were making.

In terms of the clergy versus public participation, we are not necessarily expressing a view about the rightness or wrongness of the clergy giving religious instruction to councillors. What we are basically saying is that if it is possible to get somebody who is not a councillor to come along to a meeting and talk to the council about religious matters, then why is it not possible for a member of the community to come and talk about flooding on their property, or the Weinam Creek priority development area, or council spending decisions which seem to be lacking transparency, for example? There is an example already of a person who is not a councillor coming into the room or even talking via video link, and yet those facilities are not being extended to the rest of the community.

CHAIR: Thank you very much, Mr Walker and Mr MacDonald, for your contributions, your submission and also attending here today. Thanks for being so flexible to work in with us, given the circumstances of the lockdown that is starting at 5pm today. We really appreciate your submissions. With that, we will take a brief break while we establish connection to the department. Thank you.

Proceedings suspended from 12.45 pm to 12.54 pm.

BLAGOEV, Ms Bronwyn, Executive Director, Strategy and Service Delivery, Local Government Division, Department of State Development, Infrastructure, Local Government and Planning (via teleconference)

DEVESON, Ms Kristina, Acting Senior Director, Courts Innovation Program, Magistrates Court Service, Department of Justice and Attorney-General (via teleconference)

MCKARZEL, Mr David, Executive Director, Office of Regulatory Policy, Liquor, Gaming and Fair Trading, Department of Justice and Attorney-General (via teleconference)

ROBERTSON, Mrs Leanne, Assistant Director-General, Strategic Policy and Legal Services, Department of Justice and Attorney-General (via teleconference)

WATTS, Mr Jordon, Acting Director, Legislation Governance and Capability, Local Government Division, Department of State Development, Infrastructure, Local Government and Planning (via teleconference)

CHAIR: We are now resuming. We have invited departmental representatives who briefed the committee last week to join us today to comment on any issues arising from today's hearings. Welcome and good afternoon. Thank you very much for joining us today. I understand you have been following today's proceedings. I would like to give you an opportunity to make some opening remarks to address any of the matters stakeholders have raised with the committee today. Would either department like to begin by commenting?

Ms Blagoev: We do not have any opening remarks to make, but we are happy to take any subsequent questions that arise, thank you, Chair.

CHAIR: The Department of Justice and Attorney-General not having any opening comments, we will open to questions. We put some of the questions which I think had aligned very much with the questions and issues that came up to you so there may not be a huge number of questions. We appreciate you making yourselves available. Has anyone any questions for the department? It seems for the most part we have dealt with those issues and we appreciate the fact that you have given us your written submissions. There being no questions, we thank you for making yourselves available today and thank you for the information you have provided previously.

Thank you very much to all of the people who have given us information today. Thank you to the departmental representatives for making themselves available. Thank you especially to our Hansard reporters and the parliamentary broadcast staff for their assistance. A transcript of these proceedings will be available on the committee's webpage in due course. With that, I declare this public hearing closed.

The committee adjourned at 12.59 pm.