

COVID-19 EMERGENCY RESPONSE AND OTHER LEGISLATION AMENDMENT BILL 2021

APRIL 2021

Introduction

1. The Chamber of Commerce and Industry Queensland (CCIQ) welcomes the opportunity to give input into the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021.
2. CCIQ is Queensland's peak industry representative organisation for small and medium businesses. We represent over 448,000 Queensland small and medium businesses who employ 44% of Queenslanders working in the private sector.
3. CCIQ works with the chamber network across Queensland to develop and advocate for policies that are in the best interests of Queensland businesses, the Queensland economy, and the Queensland community.
4. On 11 March 2021, the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021 (the Bill) was introduced into the Parliament by the Hon Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence. The Bill was declared an urgent bill and referred to the Economics and Governance Committee for its consideration and report by 14 April 2021. The Bill has the following objectives:
 - Extend the operation of various legislative measures to respond to other impacts of the COVID-19 public health emergency (COVID-19 legislation), to apply up to 30 September 2021, or on an earlier date as prescribed
 - Allow local governments to decide, by resolution at a meeting other than a budget meeting, what rates and charges are to be levied for the 2021-22 financial year (including providing for decisions to be revisited later during the year)
 - Provide for various measures to facilitate the holding of local government by-elections and fresh elections in a way that helps minimise serious risks to the health and safety of persons cause by the COVID-19 public health emergency, including providing for penalty infringement notices to be issued for certain electoral offences
 - Extend the operation of temporary local government and committee meeting provisions which allow such meetings to be held via audio/audio visual link, allow meetings to be closed to the public for health and safety reasons associated with COVID-19, and require real-time public viewing or listening to meetings where audio visual links are used.

Background

Queensland businesses have begun their recovery after the economic shock caused by the COVID-19 pandemic. The December 2020 CCIQ Pulse Survey of Business Sentiment highlighted this recovery, with the following figures standing out:

- 36% of businesses reported a stronger outlook for Queensland's economic performance in 2021
- 2 in 3 businesses were confident of their survival after the withdrawal of stimulus
- 2 in 3 businesses had recovered between 67% and 100% of their pre-COVID trade

This stands in stark contrast to the historic lows in business sentiment reflected in the June 2020 Pulse Survey.

Despite this recovery, businesses and local chambers of commerce cited a lack of certainty about COVID-19-related restrictions as a major impediment to their recovery. It is with these factors in mind that we submit our recommendations to this Committee.

Greater Brisbane Lockdown

The Greater Brisbane 3-day snap lockdown was announced on 29 March 2021 as a response to a localised COVID outbreak. This happened during the consultation period for this Bill. During this time, CCIQ presented at the Economics and Governance Committee hearing scheduled on the same day – 29 March 2021. We referred to the following two documents in our evidence at the hearing and will refer to the same documents in this submission.

- CCIQ's January 2021 submission (submission 124) to the Queensland Parliament's Health and Environment Committee in relation to the **Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2020**
- The **Framework for National Re-opening** agreed to in-principle by the Queensland government at National Cabinet meetings in October and November 2020

Overarching Policy Asks

Proportionality

CCIQ acknowledges the progress to date on the proportionality of Queensland Health directives. This snap lockdown of a defined area is a step forward from the state-wide lockdowns effected in 2020 at the peak of the COVID-19 crisis. We do, however, submit that there is room for further improvement on the proportionality of Queensland Health directives.

Consultation

CCIQ will re-iterate the views expressed in our written submission (submission 124) and oral evidence to the Health and Environment Committee on the **Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2020**. To ensure the optimum balance between the public health and economic priorities, meaningful consultation with the business community is essential. Ideally, the Chief Health Officer (CHO) would communicate with the business community before any decision to enact or ease COVID-19 restrictions. If this proves impractical, meaningful consultation as early as possible after the enactment of restrictions will be an important way to address practical business problems that are likely to follow.

Clarity, certainty, predictability

Queensland businesses have consistently called for certainty and clarity whenever the Queensland government responds to a localised COVID-19 outbreak. CCIQ has compiled a table to summarise the relevant issues and recommended responses from the Queensland government. We also urge the Queensland government to go beyond an in-principle acceptance of the *Framework for National Re-opening* and move to adoption and implementation.

Policy	Recommendation
Defining and declaring a COVID-19 hotspot area	Chief Medical Officer announced approach to defining a federally declared hotspot and triggers for obtaining Commonwealth support for managing hotspot outbreak, February 2021. <ul style="list-style-type: none"> • Consistent adoption of definition and approach to declaring a COVID-19 hotspot area
Clarity on lockdown implementation and review	<ul style="list-style-type: none"> • Criteria - clear criteria for lifting or extending restrictions (use traffic light classification for cases) • Duration - (how many days) of lockdown • Extension - Duration (how many days) of subsequent extension(s), if required • Review - (how many days after announcement of lockdown) until review of restrictions
Geographic extent of lockdowns and general restrictions	<ul style="list-style-type: none"> • Effect of local outbreaks on other parts of the state • More differentiation between restrictions in hotspots and regions far away from hotspot • Commitment, criteria, and timeline for easing patron density limits in regions that experienced no COVID-19 cases or community transmission
Lifting of restrictions - outside of localised outbreaks	<ul style="list-style-type: none"> • Consistent review point (number of days and specific criteria) • Pace of easing of restrictions, particularly for regional areas that have never had an outbreak

Responses to The Bill

Pubs, clubs, and cafes; liquor selling flexibility

CCIQ supports 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 see this as part of a larger issue that CCIQ has been advocating on. We call the larger issue 'business-friendly government' where we advocate for policies that reduce operating costs and complexity for business.

At the peak of the COVID-19 pandemic, the Queensland government made decisions on issues such as easing liquor licensing, deferring payroll tax, and easing the process for outdoor restaurant dining significantly quicker than normal. We would like to urge the Queensland government to look at those kinds of measures and make nimble decision-making permanent. The Queensland Law Society raised a similar issue as part of the consultation process for this Bill. Their call to action was effectively the following: What business-friendly decisions can we make permanent because of this crisis? CCIQ strongly supports this call to action.

Extension of local government extraordinary decision-making powers

On the face of it, CCIQ supports streamlined or rapid decision-making by all parts of government, including local government. This rapid decision-making outside prescribed annual meetings is potentially a business-friendly practice.

However, after the Greater Brisbane snap lockdown, the end of JobKeeper and the expiry of deferrals on payroll tax, businesses are alarmed at even the mere possibility of council fees being raised on an *ad hoc* basis.

In this Committee's public briefing on 22 March 2021, the Department of State Development, Infrastructure, Local Government and Planning representatives stated that this power had not been utilised by any council to raise fees. Their representatives also stated that the Minister has the legislative authority to intervene if a local council uses this power to raise funds for a non-COVID-19 related reason. The Department's officials, however, acknowledged that local councils probably did not use this power because of the relatively short duration of Queensland's 2020 COVID-19 lockdown and the extensive financial support availed to local councils at the peak of the crisis. There is no guarantee that these conditions will prevail in 2021 and beyond and this raises the risk of local councils invoking the powers in this bill to raise rates and fees on a business community that is still trying to recover from major economic setbacks. The Department's representatives also acknowledged that the powers in this section of the Bill are very broad and give local councils extensive powers.

CCIQ supports these extraordinary decision-making powers only if they are used for reducing fees and/or streamlining decision-making. We do not support their use to raise fees, levies or charges. We are concerned about the effect of possible local government fee increases on business confidence, even if these increases do not actually eventuate.

Conclusion

CCIQ thanks the Economics and Governance Committee for the opportunity to provide commentary on **COVID-19 Emergency Response and Other Legislation Amendment Bill 2021**. If there are any questions in relation to the submission, please contact Gus Mandigora (Senior Policy Advisor) at [REDACTED]