

18 November 2020

Our ref: MC-LP

Hon Shannon Fentiman MP
Attorney-General and Minister for Justice, Minister for Women and
Minister for the Prevention of Domestic and Family Violence.
1 William Street
Brisbane QLD 4000

By email [REDACTED]

Dear Attorney

Legal Profession Issues – urgent extension of the *COVID-19 Emergency Response Act 2020* and associated regulation

The Queensland Law Society congratulates you on your appointment as Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence.

We look forward to working closely with you on various issues relevant to your ministerial role and responsibilities. We will write to you shortly to provide a snapshot of current priority areas of work and interest to our members which are relevant to your portfolio.

However, as a matter of urgency, we raise with you the impending expiry of the initial legislative response to the COVID-19 pandemic.

The *COVID-19 Emergency Response Act 2020* (**the Act**) is due to expire on 31 December 2020. Various regulations made pursuant to the Act will also expire on that date.

The legal profession is particularly concerned in relation to the expiry of the *Justice Legislation (COVID-19 Emergency Response – Documents and Oaths) Regulation 2020* (**Regulation**).

These emergency regulations allowed for remote witnessing and electronic signatures for important documents including deeds, statutory declarations, affidavits, mortgages, general powers of attorney, oaths, wills and other enduring documents during the COVID-19 pandemic. These measures greatly assisted the legal profession and the community during the initial lockdown period and continue to do so. As it is unclear how long the health emergency may continue and how long these measures might be required, it is important there is capacity to make additional emergency regulations that operate beyond 31 December 2020.

QLS urges that the operation of the Act and the Regulation be extended at the earliest possible opportunity in the Parliamentary sittings scheduled for the first week of December 2020.

Legal Profession Issues

QLS has previously corresponded with your Department on this issue of the need to extend the Regulation's operation beyond 31 December 2020. A copy of our previous correspondence is **enclosed** for your convenience.

As set out in that correspondence the Society strongly recommends that a general extension of the current regulations be implemented to provide time for a fully informed discussion to occur about the more contentious elements of the regulation. This will ensure that any potential permanent measures are not bedevilled with the contentious matters, details of which are outlined in the enclosed correspondence.

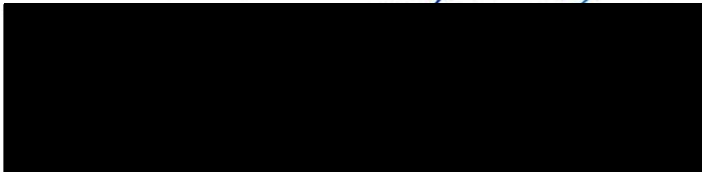
An extension of the current legislative response is however a very important first priority. In the longer term, QLS would be pleased to consult with you and your Department further regarding any changes that are desirable to the extended emergency laws.

As outlined in the enclosed correspondence, QLS also supports the permanent retention of many of the initiatives introduced in response to the pandemic and QLS would welcome the opportunity to participate in thorough consultation with you and your Department on these issues.

We thank you for your urgent consideration of this issue.

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 or by phone on (07) 3842 5930.

Yours faithfully



Luke Murphy
President