

THIS PUBLIC BILL has this day been read a Third time and passed

The Clerk of the Parliament.

*Legislative Assembly Chamber,
Brisbane, May 2020*



Queensland

**No.
A BILL for**

An Act to amend the Body Corporate and Community Management Act 1997, the Building and Construction Industry (Portable Long Service Leave) Act 1991, the Building Units and Group Titles Act 1980, the Casino Control Act 1982, the City of Brisbane Act 2010, the Contract Cleaning Industry (Portable Long Service Leave) Act 2005, the Corrective Services Act 2006, the COVID-19 Emergency Response Act 2020, the Disability Services Act 2006, the Disaster Management Act 2003, the Environmental Protection Act 1994, the Forensic Disability Act 2011, the Gaming Machine Act 1991, the Keno Act 1996, the Liquor Act 1992, the Local Government Act 2009, the Lotteries Act 1997, the Manufactured Homes (Residential Parks) Act 2003, the Mental Health Act 2016, the Police Powers and Responsibilities Act 2000, the Private Health Facilities Act 1999, the Public Health Act 2005 and the Youth Justice Act 1992 for particular purposes



Queensland

Justice and Other Legislation (COVID-19 Emergency Response) Amendment Bill 2020

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2020

A Bill

for

An Act to amend the *Body Corporate and Community Management Act 1997*, the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, the *Building Units and Group Titles Act 1980*, the *Casino Control Act 1982*, the *City of Brisbane Act 2010*, the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*, the *Corrective Services Act 2006*, the *COVID-19 Emergency Response Act 2020*, the *Disability Services Act 2006*, the *Disaster Management Act 2003*, the *Environmental Protection Act 1994*, the *Forensic Disability Act 2011*, the *Gaming Machine Act 1991*, the *Keno Act 1996*, the *Liquor Act 1992*, the *Local Government Act 2009*, the *Lotteries Act 1997*, the *Manufactured Homes (Residential Parks) Act 2003*, the *Mental Health Act 2016*, the *Police Powers and Responsibilities Act 2000*, the *Private Health Facilities Act 1999*, the *Public Health Act 2005* and the *Youth Justice Act 1992* for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020*.

2 Commencement

- (1) Section 26 commences on 1 January 2021.
- (2) Part 16, division 3 commences on 19 March 2021.

Part 2 Amendment of body corporate and related legislation

Division 1 Amendment of Body Corporate and Community Management Act 1997

3 Act amended

This division amends the *Body Corporate and Community Management Act 1997*.

4 Insertion of new ch 7, pt 3

Chapter 7—
insert—

Part 3 **COVID-19 emergency response measures for financial management**

323A Purpose of part

The purpose of this part is to provide measures to alleviate the financial burden caused by the COVID-19 emergency on bodies corporate for community titles schemes and owners of lots included in the schemes.

323B Application of part

This part applies despite—

- (a) another provision of this Act; or
- (b) a regulation or regulation module made under this Act.

323C Definitions for part

In this part—

COVID-19 emergency see the *COVID-19 Emergency Response Act 2020*, schedule 1.

relevant period means the period that—

- (a) starts on the commencement; and
- (b) ends on 31 December 2020.

323D Sinking fund budgets

- (1) For the current financial year, the body corporate for a community titles scheme may, by ordinary resolution, adopt a sinking fund budget—
 - (a) if the budget allows for raising a reasonable capital amount to provide for necessary and

[s 4]

reasonable spending from the sinking fund for the financial year; and

- (b) even if the budget does not include the anticipated major expenditure amount or part of the amount.
- (2) The body corporate for a community titles scheme may, by ordinary resolution, adjust the sinking fund budget for the current financial year to remove or reduce the anticipated major expenditure amount, or part of the amount, included in the budget.
- (3) If a body corporate adjusts a sinking fund budget under subsection (2)—
- (a) the body corporate must refund to an owner of a lot the proportion of a contribution or contribution instalment paid by the owner that is not required for the budget because the anticipated major expenditure amount is removed or reduced; and
 - (b) an owner of a lot entitled to a refund under paragraph (a) is not required to make a written request or provide evidence of payment for the refund to be made.
- (4) In this section—

anticipated major expenditure amount, for a sinking fund budget for the body corporate of a community titles scheme, means the capital amount the body corporate is, under a regulation module and but for this section, required to reserve in the sinking fund budget to be accumulated to meet anticipated major expenditure in future years.

Note—

See, for example, the *Body Corporate and Community Management (Standard Module) Regulation 2008*, section 139 which requires a sinking fund to reserve amounts to be accumulated to meet anticipated major

expenditure over at least the next 9 years after the financial year.

323E Contributions levied by body corporate

- (1) This section applies if the body corporate for a community titles scheme has—
 - (a) fixed the contributions to be paid by the owner of each lot for the current financial year; and
 - (b) fixed the date (the *due date*) for the payment of—
 - (i) the contributions; or
 - (ii) for contributions to be paid in instalments—each instalment of the contributions.
- (2) The committee of the body corporate may decide to extend the due date for payment of a contribution or instalment to a day that is no later than the end of the financial year.
- (3) The committee may decide to extend the due date under subsection (2)—
 - (a) for an owner of a particular lot if the committee is reasonably satisfied the owner is suffering financial hardship because of the COVID-19 emergency; or
 - (b) for all owners of lots included in the scheme regardless of whether all of the owners are suffering financial hardship because of the COVID-19 emergency.
- (4) In deciding whether to extend the due date under subsection (2), the committee must consider the body corporate's ability to meet the necessary and reasonable spending from the body corporate's administrative fund and sinking fund for the current financial year.

[s 4]

- (5) A decision of a committee under this section is not a decision on a restricted issue for the committee.

323F Penalties for late payment

- (1) An owner of a lot in a community titles scheme does not incur a penalty—
- (a) for the late payment of a contribution or contribution instalment that is payable during the relevant period; or
 - (b) because another contribution or contribution instalment is otherwise in arrears during the relevant period.

Example for paragraph (b)—

An account requiring payment of a contribution instalment given to an owner of a lot 2 months before the commencement is not paid until 1 February 2021. The owner is not liable for a penalty for the contribution instalment being in arrears during the relevant period. However, the owner may be liable for a penalty for the contribution instalment being in arrears before and after the relevant period.

- (2) This section applies despite a decision of the body corporate for the community titles scheme that fixes a penalty to be paid for the late payment of the contribution or contribution instalment.

323G Recovery of body corporate debts

- (1) The body corporate for a community titles scheme is not required to comply with a requirement under a regulation module to commence proceedings to recover an amount of a contribution or contribution instalment that is outstanding from a person liable for the debt.
- (2) However, the body corporate may commence proceedings to recover the amount.

- (3) This section does not affect proceedings to recover an amount started before the commencement.

323H Power to borrow

- (1) This section applies to a decision to borrow amounts on security made by the body corporate for a community titles scheme under a regulation module during the relevant period.
- (2) However, this section does not apply if—
- (a) the body corporate, by a resolution of the type required under a regulation module, has authorised the body corporate to exceed its prescribed borrowing limit; or
- Examples of types of resolutions—*
a resolution without dissent or special resolution
- (b) the *Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011* applies to the community titles scheme.
- (3) In making the decision, the body corporate is not required to comply with the body corporate's prescribed borrowing limit.
- (4) However, the body corporate must not make the decision if it will result in the body corporate being in debt for a borrowed amount that is greater than—
- (a) for a scheme to which the *Body Corporate and Community Management (Small Schemes Module) Regulation 2008* applies—\$6,000; or
- (b) for another scheme—the amount that is worked out by multiplying the number of lots included in the scheme by \$500.

[s 5]

(5) In this section—

prescribed borrowing limit, for the body corporate for a community titles scheme, means the amount of debt for a borrowed amount that, under a regulation module, the body corporate must not exceed without the authority of a resolution of the type required under the regulation module.

323I Expiry of part

This part expires on 31 December 2020.

5 Insertion of new ch 8, pt 14

Chapter 8—

insert—

Part 14 Savings provisions for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020

445 Saving of operation of expired ch 7, pt 3

(1) This section applies for the expiry of chapter 7, part 3.

Note—

Chapter 7, part 3 expires on 31 December 2020. See section 323I, which also expires on 31 December 2020.

(2) Chapter 7, part 3 is declared to be a law to which the *Acts Interpretation Act 1954*, section 20A applies.

446 Recovery of body corporate debts after expiry of ch 7, pt 3

- (1) This section applies to a body corporate after the expiry day if, but for expired section 323G, the body corporate would have been required under a regulation module to commence proceedings to recover an amount during the relevant period.
- (2) The body corporate must start proceedings to recover the amount within 2 months after the expiry day.
- (3) In this section—

expired section 323G means section 323G as in force before the expiry day.

expiry day means 31 December 2020.

relevant period see section 323C as in force before the expiry day.

Division 2

Amendment of Building Units and Group Titles Act 1980

6 Act amended

This division amends the *Building Units and Group Titles Act 1980*.

7 Insertion of new pt 6A

After part 6—

insert—

Part 6A

COVID-19 emergency response measures for financial management

[s 7]

134A Purpose of part

The purpose of this part is to provide measures to alleviate the financial burden caused by the COVID-19 emergency on bodies corporate and proprietors of lots.

134B Application of part

This part applies despite—

- (a) another provision of this Act; or
- (b) a regulation made under this Act.

134C Definition for part

In this part—

COVID-19 emergency see the *COVID-19 Emergency Response Act 2020*, schedule 1.

134D Contributions levied by body corporate

- (1) This section applies if a body corporate has determined—
 - (a) the contributions payable by the proprietors of lots during the current financial year of the body corporate; and
 - (b) the date (the *due date*) for the payment of the contributions.
- (2) The committee of the body corporate may decide to extend the due date for payment of a contribution to a day no later than the end of the current financial year of the body corporate.
- (3) The committee may extend the due date under subsection (2)—
 - (a) for a particular proprietor if the committee is reasonably satisfied the proprietor is

suffering financial hardship because of the COVID-19 emergency; or

- (b) for all proprietors regardless of whether all of the proprietors are suffering financial hardship because of the COVID-19 emergency.
- (4) In deciding whether to extend the due date under subsection (2), the committee must consider the body corporate's ability to meet the necessary and reasonable spending from the body corporate's administrative fund and sinking fund for the current financial year of the body corporate.

134E Expiry of part

This part expires on 31 December 2020.

8 Insertion of new pt 7, div 3

Part 7—

insert—

Division 3	Savings provision for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020
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142 Saving of operation of expired pt 6A

- (1) This section applies for the expiry of part 6A.

Note—

Part 6A expires on 31 December 2020. See section 134E, which also expires on 31 December 2020.

- (2) Part 6A is declared to be a law to which the *Acts Interpretation Act 1954*, section 20A applies.

[s 9]

Part 3 Amendment of Corrective Services Act 2006

9 Act amended

This part amends the *Corrective Services Act 2006*.

11 Insertion of new ch 6, pt 15A

Chapter 6—

insert—

Part 15A COVID-19 emergency provisions

351A Definition for part

In this part—

COVID-19 emergency period see the *COVID-19
Emergency Response Act 2020*, schedule 1.

351B Modification of s 228 (Acting appointments)

For the COVID-19 emergency period, section 228
applies as if a reference in section 228(2) to 3
months were a reference to 1 year.

351C Modification of s 268 (Declaration of emergency)

For the COVID-19 emergency period, section 268
applies as if a reference in section 268 to a prison
were a reference to a corrective services facility.

351D Modification of s 272 (Engaging service provider)

For the COVID-19 emergency period, section 272 applies as if the following provision were inserted in that section—

- (5A) To remove any doubt, it is declared that the chief executive may direct that corrective services officers perform duties under this Act at the corrective services facility administered by the engaged service provider.

351E Expiry of part

This part expires on 31 December 2020.

351F Saving of operation of part

This part is declared to be a law to which the *Acts Interpretation Act 1954*, section 20A applies.

Part 4 Amendment of COVID-19 Emergency Response Act 2020

12 Act amended

This part amends the *COVID-19 Emergency Response Act 2020*.

13 Amendment of s 6 (Statutory instruments under s 12)

- (1) Section 6(2) and (5), ‘section 12(3)(a)’—

omit, insert—

section 12(5)(a)

- (2) Section 6(7), ‘section 12(7)’—

[s 14]

omit, insert—

section 12(9)

14 Amendment of s 7 (Meaning of words in extraordinary regulations and instruments under s 12)

Section 7, ‘section 12(3)(a)’—

omit, insert—

section 12(5)(a)

15 Amendment of s 11 (References to doing a thing)

Section 11, after ‘part’—

insert—

, other than section 12(4)(a),

16 Amendment of s 12 (Power of entity to modify statutory time limit)

(1) Section 12—

insert—

(2A) Subsection (4) applies if, under the Act, the entity’s power to modify the period may be exercised only if another entity—

- (a) consents or agrees to the modification; or
- (b) requests, or makes an application for, the modification.

(2B) The power to modify the period under subsection (2) may be exercised—

- (a) only if the other entity does the thing mentioned in subsection (3)(a) or (b); and
- (b) by giving the other entity a notice stating the modification and the reasons for the modification.

- (2) Section 12(3), ‘The’—
omit, insert—
If subsection (4) does not apply, the
- (3) Section 12(3)(a), ‘persons’—
omit, insert—
entities
- (4) Section 12(3)(b), ‘person’—
omit, insert—
entity
- (5) Section 12(4), ‘subsection (3)(b)’—
omit, insert—
subsection (5)(b)
- (6) Section 12(4), ‘person’—
omit, insert—
entity
- (7) Section 12(6) and (7), ‘subsection (3)(a)’—
omit, insert—
subsection (5)(a)
- (8) Section 12(2A) to (10)—
renumber as section 12(3) to (12).

17 Amendment of s 18 (Relationship with pts 3 and 4)

- Section 18, ‘section 12(3)(a)’—
omit, insert—
section 12(5)(a)

[s 18]

Part 5 **Amendment of disability services legislation**

Division 1 **Amendment of Disability Services Act 2006**

18 **Act amended**

This division amends the *Disability Services Act 2006*.

19 **Insertion of new pt 8, div 2A**

Part 8—

insert—

Division 2A **Locking of gates, doors and windows—COVID-19 emergency**

220A Modified application of div 2

Despite section 216(1)(b)(ii), division 2 applies in relation to the locking of gates, doors or windows for a reason mentioned in that section even if the gates, doors or windows are also locked for a reason mentioned in section 220B(1)(b).

220B Immunity from liability

- (1) This section applies if—
 - (a) a division 2 service provider locks gates, doors or windows at premises where disability services are provided to adults with an intellectual or cognitive disability; and

- (b) the only reason, apart from a reason mentioned in section 216(1)(b)(ii), the gates, doors or windows are locked is to ensure a relevant adult with an intellectual or cognitive disability complies with a relevant public health direction.
- (2) The division 2 service provider is not civilly or criminally liable for locking gates, doors or windows if—
- (a) the division 2 service provider acts honestly and without negligence; and
 - (b) the division 2 service provider implements the policy made by the department under subsection (5); and
 - (c) the gates, doors or windows are locked in compliance with the policy made by the department under subsection (5); and
 - (d) the division 2 service provider takes reasonable steps to minimise the impact of locking the gates, doors or windows on a person living at the premises who is not a relevant adult with an intellectual or cognitive disability.
- (3) Subsection (2) applies to the extent that the locking of the gates, doors or windows prevents the free exit from the premises of—
- (a) a relevant adult with an intellectual or cognitive disability; or
 - (b) any other person living at the premises, other than an adult with an intellectual or cognitive disability who is contained within the meaning of part 6.
- (4) An individual acting for the division 2 service provider is not civilly or criminally liable for locking gates, doors or windows if the individual acts in compliance with, or reasonably believes

[s 20]

the individual is acting in compliance with, the policy made by the department under subsection (5).

- (5) The department must—
- (a) have a policy about the locking of gates, doors and windows under this division; and
 - (b) publish the policy on its website.
- (6) In this section—

adult with an intellectual or cognitive disability
see section 144.

relevant adult with an intellectual or cognitive disability means an adult with an intellectual or cognitive disability who is at risk of failing to comply with a relevant public health direction because of the adult's disability.

relevant public health direction means any of the following—

- (a) a public health direction given under the *Public Health Act 2005*, section 362B;
- (b) a direction given under the *Public Health Act 2005*, chapter 8, part 7A, division 3.

220C Expiry

This division expires on 31 December 2020.

Division 2 Amendment of Forensic Disability Act 2011

20 Act amended

This division amends the *Forensic Disability Act 2011*.

21 Insertion of new ch 12, pt 2A

Chapter 12—

insert—

**Part 2A Provisions for
COVID-19 emergency**

149 Purpose of part

- (1) The purpose of this part is to protect the health, safety and welfare of forensic disability clients, persons who interact with those clients and persons in the community during the COVID-19 emergency.
- (2) In this section—
COVID-19 emergency see the *COVID-19 Emergency Response Act 2020*, schedule 1.

149A Limitation of entry by persons under s 32

- (1) Section 32 applies subject to the following—
 - (a) a public health direction given under the *Public Health Act 2005*, section 362B;
 - (b) a direction given under the *Public Health Act 2005*, chapter 8, part 7A, division 3.
- (2) The administrator may refuse entry to a forensic disability service by a person under section 32 if the administrator is satisfied—
 - (a) a public health direction under the *Public Health Act 2005*, section 362B(2)(c) requires persons not to enter or stay at the service; or
 - (b) a direction under the *Public Health Act 2005*, section 362I(2)(c) requires the owner

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or operator of the service to limit access to the service; or

- (c) the refusal is necessary to ensure compliance with another direction under the *Public Health Act 2005*, chapter 8, part 7A; or
- (d) the refusal is otherwise necessary for the purpose of this part.

149B Individual development plans

- (1) Subsection (2) applies if—
 - (a) a forensic disability client is authorised to have community treatment under section 20 or is ordered to have community treatment as mentioned in section 21; and
 - (b) a senior practitioner considers the community treatment would pose a risk to the health, safety or welfare of the forensic disability client or another person, having regard to the purpose of this part.
- (2) The senior practitioner may include in the client's individual development plan, or change the client's individual development plan to include, the following—
 - (a) a requirement that any period of community treatment must end on a stated day, and must not restart until another stated day that is no later than 31 December 2020;
 - (b) a requirement that the client must not have community treatment during stated periods, whether or not continuous, ending no later than 31 December 2020;
 - (c) the conditions the senior practitioner considers necessary for managing the client's care and support, and protecting the

client's health or safety or the safety of others, while the client is undertaking community treatment, having regard to the purpose of this part.

- (3) Also, a senior practitioner may change a forensic disability client's individual development plan to the extent necessary to protect the health, safety or welfare of a person, having regard to the purpose of this part.
- (4) Despite subsections (2) and (3), a senior practitioner must not include in an individual development plan, or change an individual development plan to include, a matter to the extent the matter is inconsistent with an order of the tribunal or Mental Health Court mentioned in section 21.
- (5) If a senior practitioner decides to change an individual development plan under subsection (2) or (3), the senior practitioner must comply with section 17(2), (4) and (5).
- (6) However, the senior practitioner need not comply with section 17(2), (4) or (5) if compliance would pose a risk to the health, safety or welfare of the client or another person, having regard to the purpose of this part.
- (7) A senior practitioner may authorise an authorised practitioner to change an individual development plan under subsection (2) or (3).
- (8) Subsections (4), (5) and (6) apply in relation to an authorised practitioner who is authorised under subsection (7) as if a reference in those subsections to a senior practitioner were a reference to the authorised practitioner.

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149C Relationship between ch 6 and particular directions under Public Health Act 2005

To remove any doubt, it is declared that—

- (a) chapter 6 applies subject to a direction to stay at or in a particular place given under the *Public Health Act 2005*, section 362H; and
- (b) a person assisting a forensic disability services client to comply with a direction mentioned in paragraph (a) given to the client is not, of itself, seclusion for chapter 6, part 2, division 3.

149D Expiry

This part expires on 31 December 2020.

Part 6 Amendment of Disaster Management Act 2003

22 Act amended

This part amends the *Disaster Management Act 2003*.

23 Insertion of new pt 12A

After part 12—

insert—

Part 12A COVID-19 emergency provisions

137 Definition for part

In this part—

COVID-19 emergency period see the *COVID-19 Emergency Response Act 2020*, schedule 1.

138 Modification of s 72 (Extending disaster situation)

For the COVID-19 emergency period—

- (a) section 72 applies as if a reference in section 72(3)(a)(i) to 14 days were a reference to 90 days; and
- (b) the modification mentioned in paragraph (a) applies to the disaster situation declared under section 69 on 22 March 2020.

138A Modification of s 119 (Entitlement to compensation)

For the COVID-19 emergency period, section 119 applies as if the following provisions were inserted in that section—

- (2) However, the person is not entitled to be paid any compensation for the loss or damage if the power was exercised, or purportedly exercised, in relation to the disaster situation declared under section 69 on 22 March 2020.
- (3) Subsection (2) applies, and is taken to have applied from 22 March 2020, in relation to loss or damage suffered on or after 22 March 2020.

138B Expiry of part

This part expires on 31 December 2020.

138C Saving of operation of part

This part is declared to be a law to which the *Acts Interpretation Act 1954*, section 20A applies.

[s 24]

Part 7 Amendment of Environmental Protection Act 1994

24 Act amended

This part amends the *Environmental Protection Act 1994*.

25 Insertion of new ch 11A

After chapter 11—

insert—

Chapter 11A Provisions relating to COVID-19 emergency

Part 1 Temporary authorities

547A Definitions for part

In this part—

COVID-19 emergency see the *COVID-19 Emergency Response Act 2020*, schedule 1.

COVID-19 emergency period see the *COVID-19 Emergency Response Act 2020*, schedule 1.

existing ERA means an environmentally relevant activity—

- (a) for which an environmental authority is in effect; and
- (b) that has increased in intensity or scale as a result of the effect of the COVID-19 emergency; and

- (c) for which, apart from this part, either of the following would be required under this Act—
 - (i) an amendment of the environmental authority;
 - (ii) another environmental authority.

new ERA means an activity that—

- (a) before the start of the COVID-19 emergency period, was not an environmentally relevant activity; and
- (b) as a result of the effect of the COVID-19 emergency, has increased in intensity or scale to become an environmentally relevant activity for which, apart from this part, an environmental authority would be required under this Act.

relevant ERA means—

- (a) an existing ERA; or
- (b) a new ERA.

temporary authority means an authority under this part to carry out a relevant ERA.

547B Request for issue

A person may ask the administering authority to issue a temporary authority to the person.

547C Deciding request

- (1) The administering authority must consider the person's request and decide to—
 - (a) issue the temporary authority; or
 - (b) refuse to issue the temporary authority.
- (2) The administering authority may decide to issue

[s 25]

the temporary authority only if satisfied—

- (a) the person's request is in relation to a relevant ERA; and
 - (b) issuing the temporary authority is a necessary and reasonable response to the effect of the COVID-19 emergency on the intensity or scale of the relevant ERA.
- (3) If the administering authority is not satisfied of the matters mentioned in subsection (2), the administering authority must—
- (a) decide to refuse to issue the temporary authority; and
 - (b) as soon as practicable after making the decision, give the person written notice of the decision and the reasons for the decision.

547D Form and content

- (1) This section applies if the administering authority decides under section 547C to issue the temporary authority to the person.
- (2) The administering authority must issue the temporary authority by giving the person a written notice stating—
 - (a) the name of the person; and
 - (b) the relevant ERA that may be carried out under the authority; and
 - (c) the conditions the administering authority considers are reasonably necessary, or desirable, to be imposed on the temporary authority to respond to the effect of the COVID-19 emergency on the intensity or scale of the relevant ERA; and

- (d) the period for which the temporary authority has effect, including—
 - (i) the day the period starts; and
 - (ii) the day, not later than 30 June 2021, the period ends.

547E Effect

For the period a temporary authority is in effect for a relevant ERA—

- (a) the temporary authority is taken, other than for chapter 5, to be an environmental authority for the relevant ERA; and
- (b) if the relevant ERA is an existing ERA—
 - (i) the conditions of the temporary authority are in addition to the conditions of the environmental authority for the existing ERA; and
 - (ii) to the extent there is an inconsistency between the conditions of the temporary authority and the conditions of the environmental authority, the conditions of the temporary authority prevail.

547F When environmental harm or nuisance is unlawful

To the extent section 493A applies in relation to a relevant act mentioned in section 493A(1)(a), section 493A applies as if the reference in section 493A(2)(d) to an environmental authority included a reference to a temporary authority.

547G Fees

Despite section 580(2)(a), no fee is payable in

[s 25]

relation to a request for, or the issue of, a temporary authority.

Part 2

Declarations about exemptions from requirement to comply with particular conditions

547H Definitions for part

In this part—

exemption period see section 547I(3)(a).

relevant approval means—

- (a) an approval of a transitional environmental program; or
- (b) an environmental authority; or
- (c) a temporary authority under part 1; or
- (d) a temporary emissions licence.

547I Making of declaration

- (1) The Minister may, by signed notice published on the department's website, make a declaration—
 - (a) giving a stated holder of a stated relevant approval an exemption from complying with a stated condition of the approval; or
 - (b) giving the holders of a relevant approval of a stated type an exemption from complying with a stated condition of the approval.
- (2) The declaration—

- (a) may be made for 1 or more types of relevant approval; and
 - (b) may apply to a relevant approval for an environmentally relevant activity being carried out in all, or part, of the State.
- (3) The declaration must state—
- (a) the period (the *exemption period*) for which the exemption has effect, including—
 - (i) the day the period starts; and
 - (ii) the day, not later than 30 June 2021, the period ends; and
 - (b) for any relevant approval mentioned in subsection (2)(b)—the area to which the declaration relates.
- (4) The Minister may make the declaration only if the Minister is satisfied that—
- (a) as a result of the COVID-19 emergency, 1 or more holders of a relevant approval of the stated type are unable to comply with a requirement under the Act to comply with a condition of the approval; and
 - (b) the making of the declaration is a necessary and reasonable response to the effect of the COVID-19 emergency.
- (5) In this section—
- COVID-19 emergency* see the *COVID-19 Emergency Response Act 2020*, schedule 1.

547J Effect

During the exemption period stated in the declaration—

- (a) the holder of a relevant approval to which the declaration relates is exempt from

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complying with a condition of the approval to the extent stated in the declaration; and

- (b) to the extent the holder is exempt from complying with the condition, sections 430 and 431 do not apply to the holder in relation to the condition.

547K Non-application of s 515

Despite section 515, the Minister may not delegate the Minister's powers under this part to another person.

Part 3 Expiry of chapter

547L Expiry

This chapter expires on 31 December 2020.

26 Insertion of new ch 13, pt 29

Chapter 13—

insert—

Part 29 Transitional provisions for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020

775 Continued effect of temporary authorities under expired ch 11A, pt 1

- (1) This section applies if, immediately before the expiry of chapter 11A, part 1, a temporary authority issued under that part was in effect.

- (2) Despite the expiry of that part, the temporary authority continues to have effect for the period stated in the authority.

776 Continuation of exemption given under expired ch 11A, pt 2

- (1) This section applies if, immediately before the expiry of chapter 11A, part 2, an exemption given under a declaration made under that part was in effect.
- (2) Despite the expiry of that part, the exemption continues to have effect for the exemption period stated in the declaration.

Part 8 Amendment of gaming legislation

Division 1 Amendment of Gaming Machine Act 1991

27 Act amended

This division amends the *Gaming Machine Act 1991*.

28 Insertion of new pt 11A

After part 11—

insert—

Part 11A Alleviating financial burden caused by COVID-19 emergency

[s 28]

367 Purpose of part

The purpose of this part is to provide for the payment of gaming taxes to be deferred or waived to alleviate the financial burden caused by the COVID-19 emergency on gaming operators.

367A Definitions for part

In this part—

COVID-19 emergency see the *COVID-19 Emergency Response Act 2020*, schedule 1.

gaming Act means any of the following Acts—

- (a) this Act;
- (b) the *Casino Control Act 1982*;
- (c) the *Keno Act 1996*;
- (d) the *Lotteries Act 1997*.

gaming operator means a person who is liable to pay a gaming tax under a gaming Act.

gaming tax—

- (a) means any of the following—
 - (i) a gaming machine tax under section 312;
 - (ii) a health services levy under section 316B;
 - (iii) a casino tax under the *Casino Control Act 1982*, section 51;
 - (iv) a keno tax under the *Keno Act 1996*, section 109;
 - (v) a lottery tax under the *Lotteries Act 1997*, section 94; and
- (b) includes part of a tax or levy mentioned in paragraph (a).

gaming tax notice see section 367C(1).

relevant month means each month—

- (a) from and including March 2020; and
- (b) until and including December 2020.

367B Application of part

This part, and any notice made under this part, applies despite—

- (a) another provision of this Act; and
- (b) another gaming Act.

367C Deferral or waiver of payment of gaming taxes

- (1) The Minister may, by notice (a *gaming tax notice*), defer for a stated period, or waive, payment of a gaming tax payable for a relevant month.
- (2) The Minister may defer or waive payment of a gaming tax under subsection (1) only—
 - (a) if the Minister is satisfied the deferral or waiver is necessary to alleviate the financial burden caused by the COVID-19 emergency on gaming operators; and
 - (b) with the approval of the Treasurer.
- (3) The power to defer or waive payment of a gaming tax under subsection (1) includes the power to do any of the following—
 - (a) if the gaming tax, for which payment has been deferred or waived, has been paid—refund the gaming tax;

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- (b) if payment of the gaming tax is deferred—
decide terms for the payment of the gaming tax, including, for example—
 - (i) when the deferred gaming tax must be paid; and
 - (ii) that the gaming tax may be paid in instalments; and
 - (iii) that instalments of the gaming tax must be paid on the terms decided by the commissioner;
 - (c) provide for another matter relating to the operation of a gaming Act in relation to the deferral or waiver.
- (4) Without limiting subsection (3)(b), a gaming tax notice must require a gaming tax for which payment is deferred to be paid by a day not later than 30 June 2021.

367D Obligation to pay deferred gaming tax

- (1) This section applies if a gaming tax notice defers payment of a gaming tax payable for a relevant month (a *deferred gaming tax*).
- (2) A gaming operator must pay the deferred gaming tax for the relevant month to the chief executive in accordance with the gaming tax notice.
- (3) A provision of a gaming Act that applies to the payment of the deferred gaming tax, or the recovery of an amount of the deferred gaming tax that is payable, applies as if a reference in the provision to when the deferred gaming tax is payable were a reference to when the deferred gaming tax is payable under subsection (1).
- (4) The commissioner must withdraw any action to enforce the payment of the deferred gaming tax started before the gaming tax notice was made.

367E Gaming tax notices

- (1) A gaming tax notice—
 - (a) is subordinate legislation; and
 - (b) has effect despite a gaming Act; and
 - (c) may have retrospective operation to a day not earlier than 1 March 2020.
- (2) The *Statutory Instruments Act 1992*, section 49(1) applies to the tabling of a notice as if the reference to 14 sitting days were a reference to 14 days.
- (3) A gaming tax notice expires on 31 December 2020.

367F Expiry of part

This part expires on 31 December 2020.

29 Insertion of new pt 12, div 21

Part 12—

insert—

Division 21	Savings provision for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020
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491 Application of Acts Interpretation Act 1954, s 20A

- (1) This section applies for the expiry of part 11A and a gaming tax notice made under part 11A.

[s 30]

Note—

Part 11A expires on 31 December 2020 under section 367F and a gaming tax notice made under part 11A expires on 31 December 2020 under section 367E(3).

- (2) A gaming tax notice made under part 11A is declared to be a law to which the *Acts Interpretation Act 1954*, section 20A, as applied by the *Statutory Instruments Act 1992*, section 14, applies.
- (3) Section 367D is declared to be a law to which the *Acts Interpretation Act 1954*, section 20A applies.

Division 2 Amendment of Casino Control Act 1982

30 Act amended

This division amends the *Casino Control Act 1982*.

31 Insertion of new s 57A

After section 57—

insert—

57A Deferral or waiver of tax

- (1) The *Gaming Machine Act 1991*, part 11A provides for the deferral or waiver of a casino tax.
- (2) This section expires on 31 December 2020.

Division 3 Amendment of Keno Act 1996

32 Act amended

This division amends the *Keno Act 1996*.

33 Insertion of new s 116A

After section 116—

insert—

116A Deferral or waiver of tax

- (1) The *Gaming Machine Act 1991*, part 11A provides for the deferral or waiver of a keno tax.
- (2) This section expires on 31 December 2020.

Division 4 Amendment of Lotteries Act 1997

34 Act amended

This division amends the *Lotteries Act 1997*.

35 Insertion of new s 99A

After section 99—

insert—

99A Deferral or waiver of tax

- (1) The *Gaming Machine Act 1991*, part 11A provides for the deferral or waiver of a lottery tax.
- (2) This section expires on 31 December 2020.

Part 9 Amendment of Liquor Act 1992

36 Act amended

This part amends the *Liquor Act 1992*.

37 Insertion of new pt 10A

After part 10—

[s 37]

insert—

Part 10A Takeaway liquor authorities for COVID-19 emergency response

235A Main purposes

The main purposes of this part are—

- (a) to support the ongoing viability of businesses operated in licensed premises that have been disrupted by the COVID-19 emergency; and
- (b) to reduce the risk of harm relating to the COVID-19 emergency to persons residing in restricted areas.

235B Definitions for part

In this part—

COVID-19 emergency see the *COVID-19 Emergency Response Act 2020*, schedule 1.

licence includes permit.

licensed premises includes premises to which a permit relates.

licensee includes permittee.

public health direction see the *Public Health Act 2005*, section 362B(1).

takeaway liquor authority means an authority under section 235D.

235C Grounds for granting authority

- (1) The commissioner may grant a takeaway liquor

authority for licensed premises if—

- (a) the commissioner is satisfied the grant is necessary for a purpose of this part and consistent with the purpose stated in section 3(a); and
 - (b) the premises are eligible under subsection (2) or (3).
- (2) Licensed premises are eligible if—
- (a) the sale of liquor for consumption on the premises is authorised by a licence; but
 - (b) the operation of a business in the premises, in the way the business was ordinarily operated in the premises immediately before the COVID-19 emergency, would contravene a public health direction.
- (3) Also, licensed premises are eligible if—
- (a) the premises are in a restricted area; or
 - (b) the commissioner is satisfied the premises are a source of liquor supply for residents of a restricted area.

235D Commissioner may grant authority

- (1) The commissioner may grant an authority under section 235C to a licensee, or licensees of a particular class, to sell takeaway liquor from licensed premises.

Examples of licensees of a particular class—

- persons holding a licence of a stated class
 - persons holding a licence of a stated class for licensed premises in a stated area
- (2) The authority may be granted—

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- (a) if it applies generally to licensees of a particular class—by publishing a notice on the department’s website; or
 - (b) if it applies to a particular licensee—by giving a notice to the licensee.
- (3) The authority—
- (a) must state—
 - (i) the licensee or class of licensees to whom it applies; and
 - (ii) the period for which it applies; and
 - (b) may include conditions the commissioner considers appropriate, including conditions about—
 - (i) the times at which takeaway liquor may be sold; or
 - (ii) the maximum amount of takeaway liquor that may be sold in a transaction.
- (4) The authority may have retrospective operation to a day not earlier than 23 March 2020.
- (5) Unless it ends sooner under this Act, the authority expires on 31 December 2020.

235E Consistency of authority with this Act

- (1) A takeaway liquor authority may be inconsistent with another part of this Act to the extent that is necessary to achieve a purpose of this part and consistent with the purpose stated in section 3(a).
- (2) Without limiting subsection (1), to the extent a licensee’s supply of takeaway liquor complies with a takeaway liquor authority, the licensee does not commit an offence against section 146 or another provision of this Act for the supply.

235F Amendment or revocation of authority on ground of changed circumstances

- (1) The commissioner must revoke, or appropriately amend, a takeaway liquor authority for licensed premises if—
 - (a) the commissioner stops being satisfied the continued operation of the authority is necessary for a purpose of this part and consistent with the purpose stated in section 3(a); or
 - (b) the premises become ineligible under section 235C(2) or (3).
- (2) The amendment or revocation must be made—
 - (a) if the authority was granted by notice published on the department’s website and the revocation or amendment applies generally to licensees of a particular class—by publishing a notice on the department’s website; or
 - (b) otherwise—by giving a notice to the licensee, or each licensee, whose authority is amended or revoked.

Examples—

- 1 An authority is granted to the holders of a particular class of licence by notice published on the department’s website. The commissioner stops being satisfied it is necessary, for a purpose of this part, for those licensees to hold an authority. The commissioner must, by notice published on the department’s website, revoke the authority.
- 2 An authority is granted to the holders of a particular class of licence by notice published on the department’s website. The authority has a maximum takeaway amount of 2 litres. The commissioner becomes satisfied it is only necessary, for a purpose of this part, for some of the licensees (the *relevant licensees*) to hold an authority with a maximum takeaway amount of 1 litre. The commissioner must, by notice given to

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each of the relevant licensees, amend the authority to state a maximum takeaway amount of 1 litre.

- (3) Subsection (1) does not limit the application of the *Acts Interpretation Act 1954*, section 24AA to the commissioner's power to grant a takeaway liquor authority.
- (4) In this section—
maximum takeaway amount, for a takeaway liquor authority, means the maximum amount of takeaway liquor that, under a condition of the authority, may be sold in a transaction.

235G Amendment, revocation or suspension of authority on ground of contravention

- (1) The commissioner may, by notice given to a licensee, revoke or amend a takeaway liquor authority applying to the licensee's licensed premises if the commissioner is satisfied the licensee has contravened the authority.
- (2) Before making the revocation or amendment, the commissioner must—
 - (a) give the licensee a notice (a *show cause notice*) stating—
 - (i) the proposed revocation or amendment; and
 - (ii) the ground for the proposed revocation or amendment; and
 - (iii) that the licensee may, within 7 days after the notice is given, give the commissioner a written response; and
 - (b) consider any written response received from the licensee within that period.
- (3) If the commissioner believes harm may be caused to members of the public if urgent action to

suspend the authority is not taken, the commissioner may, by notice given to the licensee, immediately suspend the authority for a period of up to 10 days.

- (4) This section does not limit the application of section 146 or another provision of this Act to a supply of liquor in contravention of a takeaway liquor authority.

235H Decisions not reviewable

Part 2 does not apply to a decision of the commissioner under this part.

235I Tabling and disallowance of notices

- (1) This section applies to a notice under section 235D(2)(a) or 235F(2)(a).
- (2) The *Statutory Instruments Act 1992*, sections 49, 50 and 51 apply to the notice as if the notice were subordinate legislation.
- (3) However, despite the *Statutory Instruments Act 1992*, section 49(1), the notice must be tabled in the Legislative Assembly within 14 days after it is published on the department's website.
- (4) To remove any doubt, it is declared that a provision mentioned in the notes to the *Statutory Instruments Act 1992*, section 49(1) does not apply to the notice.

235J Expiry

This part expires on 31 December 2020.

[s 38]

38 Amendment of pt 12, hdg (Further transitional provisions)

Part 12, heading, after ‘transitional’—

insert—

and validation

39 Insertion of new pt 12, div 21

Part 12—

insert—

**Division 21 Validation provision for
Justice and Other
Legislation (COVID-19
Emergency Response)
Amendment Act 2020**

**354 Liquor supplies authorised by retrospective
takeaway liquor authority**

- (1) This section applies if, under section 235D(4), a takeaway liquor authority is made with retrospective operation.
- (2) A supply of liquor during the validation period is, and is taken to have been from the time the supply was made, as lawful as it would have been if the takeaway liquor authority were in force at the time of supply.
- (3) In this section—

authority commencement day means the day from which the takeaway liquor authority is given retrospective operation.

validation period means the period from the authority commencement day to the day the takeaway liquor authority is made.

Part 10 Amendment of local government legislation

Division 1 Amendment of City of Brisbane Act 2010

40 Act amended

This division amends the *City of Brisbane Act 2010*.

41 Insertion of new s 96A

After section 96—

insert—

96A Regulation-making power for additional decisions about levying of rates and charges for 2020–2021 financial year

- (1) A regulation may provide for the council to decide, by resolution made other than at the council budget meeting for the 2020–2021 financial year, what rates and charges are to be levied for a relevant part of that financial year.
- (2) For this section, a ***relevant part*** of the 2020–2021 financial year is a period—
 - (a) starting on a day not earlier than the day the resolution is made; and
 - (b) ending on 30 June 2021.
- (3) A decision mentioned in subsection (1) made under the regulation is an ***extraordinary decision***.
- (4) Without limiting subsection (1), the regulation may also make provision about requirements—
 - (a) for the council’s annual budget for the 2020–2021 financial year to be amended to

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- take account of an extraordinary decision;
and
- (b) for any amended annual budget to be adopted.
- (5) The *Statutory Instruments Act 1992*, section 49(1) applies to the tabling of the regulation as if the reference in that provision to 14 sitting days were a reference to 14 days.
- (6) Subsections (1) to (5) do not limit section 96(2).
- (7) Subsection (8) applies if the council makes an extraordinary decision in relation to a relevant part of the 2020–2021 financial year.
- (8) To the extent a relevant decision previously made by the council would otherwise be inconsistent with the extraordinary decision, the relevant decision ceases to have effect in relation to the relevant part of the 2020–2021 financial year.
- (9) This section expires on 30 June 2021.
- (10) In this section—
- 2020–2021 financial year* means the financial year ending on 30 June 2021.
- relevant decision* means—
- (a) a decision made under section 96(2); or
- (b) an extraordinary decision.

Division 2

Amendment of Local Government Act 2009

42 Act amended

This division amends the *Local Government Act 2009*.

43 Insertion of new s 94A

After section 94—

insert—

94A Regulation-making power for additional decisions about levying of rates and charges for 2020–2021 financial year

- (1) A regulation may provide for a local government to decide, by resolution made other than at the local government’s budget meeting for the 2020–2021 financial year, what rates and charges are to be levied for a relevant part of that financial year.
- (2) For this section, a *relevant part* of the 2020–2021 financial year is a period—
 - (a) starting on a day not earlier than the day the resolution is made; and
 - (b) ending on 30 June 2021.
- (3) A decision mentioned in subsection (1) made under the regulation is an *extraordinary decision*.
- (4) Without limiting subsection (1), the regulation may also make provision about requirements—
 - (a) for the annual budget of the local government for the 2020–2021 financial year to be amended to take account of an extraordinary decision of the local government; and
 - (b) for any amended annual budget to be adopted.
- (5) The *Statutory Instruments Act 1992*, section 49(1) applies to the tabling of the regulation as if the reference in that provision to 14 sitting days were a reference to 14 days.
- (6) Subsections (1) to (5) do not limit section 94(2).
- (7) Subsection (8) applies if a local government makes an extraordinary decision in relation to a

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relevant part of the 2020–2021 financial year.

- (8) To the extent a relevant decision previously made by the local government would otherwise be inconsistent with the extraordinary decision, the relevant decision ceases to have effect in relation to the relevant part of the 2020–2021 financial year.
- (9) This section expires on 30 June 2021.
- (10) In this section—
- 2020–2021 financial year* means the financial year ending on 30 June 2021.
- relevant decision* means—
- (a) a decision made under section 94(2); or
- (b) an extraordinary decision.

Part 11 **Amendment of Manufactured Homes (Residential Parks) Act 2003**

44 **Act amended**

This part amends the *Manufactured Homes (Residential Parks) Act 2003*.

45 **Insertion of new s 146A**

After section 146—

insert—

146A Regulation-making power to modify or suspend particular processes for COVID-19 response measures

- (1) A regulation may—

- (a) modify or suspend the processes for increasing or reducing site rent; or
 - (b) modify the processes for disputing a proposed increase in site rent.
- (2) The Minister may recommend to the Governor in Council the making of a regulation mentioned in subsection (1) only if the Minister is satisfied the modification or suspension is necessary for responding to the COVID-19 emergency, including—
 - (a) ensuring the processes operate appropriately having regard to COVID-19 response measures; and
 - (b) assisting in achieving the objectives of COVID-19 response measures.
- (3) A regulation made under this section may—
 - (a) be inconsistent with this Act or another Act or law, other than the *Human Rights Act 2019*, to the extent necessary to achieve a purpose of the regulation; and
 - (b) have retrospective operation to a day not earlier than 19 March 2020; and
 - (c) impose a penalty of not more than 100 penalty units for a contravention of the regulation.
- (4) Without limiting subsection (3)(a), to the extent a person’s act or omission complies with a regulation made under this section that is inconsistent with this Act, the person does not incur civil or criminal liability under this Act for the act or omission.
- (5) A regulation made under this section must declare it is made under this section.
- (6) This section does not limit a regulation-making power under this Act or the *COVID-19*

[s 46]

Emergency Response Act 2020.

- (7) If there is an inconsistency between a regulation made under this section and any of the following, the regulation prevails to the extent of the inconsistency—
- (a) a provision of this Act or another Act or law, other than the *Human Rights Act 2019*;
 - (b) another regulation made under this Act;
 - (c) a term of any of the following agreements—
 - (i) a site agreement;
 - (ii) a sale agreement;
 - (iii) a site rent agreement.
- (8) This section, and any regulation made under this section, expires on 31 December 2020.
- (9) The *Statutory Instruments Act 1992*, section 49(1) applies to the tabling of a regulation made under this section as if the reference to 14 sitting days were a reference to 14 days.
- (10) In this section—
- COVID-19 emergency*** see the *COVID-19 Emergency Response Act 2020*, schedule 1.
- COVID-19 response measures*** see the *COVID-19 Emergency Response Act 2020*, schedule 1.

Part 12

Amendment of Mental Health Act 2016

46 Act amended

This part amends the *Mental Health Act 2016*.

47 Insertion of new ch 18B

After chapter 18A—

insert—

**Chapter 18B COVID-19
emergency
provisions**

800H Definition for chapter

In this chapter—

COVID-19 emergency period see the *COVID-19
Emergency Response Act 2020*, schedule 1.

**800I Power of chief psychiatrist to approve
absences during COVID-19 emergency period**

- (1) This section applies in relation to each of the following patients—
 - (a) a patient subject to a forensic order if the category is inpatient;
 - (b) a classified patient;
 - (c) a patient subject to a judicial order;
 - (d) a patient subject to a treatment authority if the category is inpatient;
 - (e) a patient subject to a treatment support order if the category is inpatient;
 - (f) a person detained in an authorised mental health service under section 368.
- (2) During the COVID-19 emergency period, the chief psychiatrist may approve the person's absence from an authorised mental health service if satisfied—

[s 47]

- (a) the absence is reasonably necessary to comply with—
 - (i) a detention order made under the *Public Health Act 2005*, section 349 in relation to the COVID-19 emergency; or
 - (ii) a public health direction given under the *Public Health Act 2005*, section 362B; and
- (b) the treatment and care needs of the person can reasonably be met for the period of the absence; and
- (c) the absence will not—
 - (i) result in an unacceptable risk to the person’s safety and welfare; or
 - (ii) result in an unacceptable risk to the safety of the community.
- (3) The period of the approved absence must end no later than the earlier of the following days—
 - (a) the day the chief psychiatrist becomes aware the requirements mentioned in subsection (2)(a), (b) or (c) stop being met;
 - (b) 31 December 2020.
- (4) The approval—
 - (a) must be in writing; and
 - (b) may include any conditions the chief psychiatrist considers appropriate, including, for example, that the person remain in the physical presence of a stated person for the period of the absence.
- (5) As soon as practicable after approving the absence, the chief psychiatrist must give written notice of the approval—

- (a) to the administrator of the authorised mental health service; and
 - (b) for a person who is subject to a forensic order, treatment support order or treatment authority—to the tribunal; and
 - (c) for a person who is subject to a judicial order—to the court that made the order.
- (6) If the administrator of the authorised mental health service receives a written notice of an approval under subsection (5)(a), the administrator must notify the following persons of the approval—
- (a) the person the subject of the approval;
 - (b) any nominated support person for the person the subject of the approval.
- (7) In this section—
- COVID-19 emergency*** see the *COVID-19 Emergency Response Act 2020*, schedule 1.

800J Modification of ss 329 and 332

During the COVID-19 emergency period, sections 329(1) and 332(1) apply as if a reference in the sections to a gazette notice included a reference to a notice published on the department’s website.

800K Modification of s 336 (Record of relevant patients)

During the COVID-19 emergency period, section 336(2)(g) applies as if a reference in the section to temporary absences approved under section 221 included a reference to absences approved under section 800I.

[s 47]

800L Modification of s 363 (Application of div 3)

During the COVID-19 emergency period, section 363(g) applies as if a reference in the section to temporarily absent under section 221 included a reference to absent under section 800I.

800M Modification of s 622 (Offences relating to patients absconding)

During the COVID-19 emergency period, section 622(1)(b) applies as if a reference in the section to temporarily absent under section 221 included a reference to absent under section 800I.

800N Modification of s 783 (Disclosure of particular information relating to classified patient)

During the COVID-19 emergency period, section 783(2) applies as if the following provision were inserted in that subsection—

- (e) if the chief psychiatrist considers the information is relevant to the safety and welfare of the person—the fact that the patient is absent from an authorised mental health service under an approval granted under section 800I.

800O Modification of sch 1, s 5 (Information about absences)

During the COVID-19 emergency period, schedule 1, section 5 applies as if the following provision were inserted in that section—

- (3) The fact that the relevant patient is absent from an authorised mental health service under an approval granted under section 800I, only if the chief psychiatrist is satisfied

the information is relevant to the safety and welfare of the person entitled to receive information under the information notice.

800P Expiry of chapter

This chapter expires on 31 December 2020.

Part 13 Amendment of Police Powers and Responsibilities Act 2000

48 Act amended

This part amends the *Police Powers and Responsibilities Act 2000*.

49 Insertion of new ch 18B

After section 548F—

insert—

Chapter 18B COVID-19 testing for persons suspected of committing particular offences

Part 1 Preliminary

548G Purpose of chapter

The purpose of this chapter is to protect the health, safety and welfare of persons potentially exposed to COVID-19 during the suspected commission by others of particular offences by authorising—

[s 49]

- (a) the taking of respiratory tract samples from persons arrested in circumstances relating to the particular offences; and
- (b) the testing of the samples for COVID-19.

548H Definitions for chapter

In this chapter—

affected person see section 548I(b).

COVID-19 means the virus known as novel coronavirus (COVID-19).

COVID-19 test, of a respiratory tract sample, means testing the sample for COVID-19.

COVID-19 test order, for a person, means an order authorising the taking of a respiratory tract sample from the person for a COVID-19 test.

relevant offence means an offence against any of the following sections of the Criminal Code—

- (a) section 317 (Acts intended to cause grievous bodily harm and other malicious acts);
- (b) section 335 (Common assault);
- (c) section 340 (Serious assaults).

relevant person see section 548I(a).

respiratory tract sample, for a person, means 1 or more of the following types of samples taken from the person—

- (a) a nasopharyngeal swab;
- (b) an oropharyngeal swab;
- (c) a sputum sample.

Part 2

COVID-19 test orders

548I When application for order may be made

An application for a COVID-19 test order may be made under this part if—

- (a) a police officer arrests a person (a *relevant person*) for—
 - (i) a relevant offence; or
 - (ii) another offence, if the person is also charged by a police officer with a relevant offence while the person is under arrest; and
- (b) in the suspected commission of the relevant offence, the relevant person coughs, sneezes or spits on or at a police officer or another person (an *affected person*); and
- (c) given the circumstances mentioned in paragraph (b), the affected person is potentially exposed to COVID-19.

Examples for paragraphs (b) and (c)—

- 1 A patient attending a hospital spits in the face of a nurse.
- 2 A shopper at a supermarket claiming to have COVID-19 confronts and forcefully coughs on a supermarket worker.
- 3 A person being arrested by a police officer refers to COVID-19 and spits on the officer.

548J Application for order

- (1) A police officer may apply for a COVID-19 test order for the relevant person to—
 - (a) if the person is a child—the Childrens Court; or
 - (b) otherwise—a magistrate.
- (2) The application must be written and state the grounds on which it is made.

[s 49]

- (3) Before the application is made, the police officer must—
 - (a) give the relevant person a copy of the application; and
 - (b) inform the person of the person's right to be represented by a lawyer at the hearing of the application.
- (4) The magistrate may refuse to consider the application unless the police officer gives the magistrate all the information the magistrate requires about the application, in the way the magistrate requires.

548K Notice to be given of application for order for child

- (1) This section applies if the application for the COVID-19 test order is for a child.
- (2) The police officer must give notice of the application to—
 - (a) the child; and
 - (b) either of the following persons—
 - (i) a parent of the child, unless a parent can not be found after reasonable inquiry;
 - (ii) if the chief executive (child safety) has custody or guardianship of the child under the *Child Protection Act 1999*, that chief executive or a person, nominated by that chief executive for the purpose, who holds an office in the department for which the chief executive has responsibility; and
 - (c) the chief executive (communities) or a person, nominated by that chief executive for the purpose, who holds an office within

the department for which that chief executive has responsibility.

548L Deciding application

- (1) The magistrate or Childrens Court must hear and decide the application with as little delay as possible and in the absence of the public.
- (2) The magistrate or Childrens Court may, in extraordinary circumstances, adjourn the application for no more than 24 hours to allow further evidence to be put before the magistrate or Childrens Court.
- (3) However, the application must not be heard unless the magistrate or Childrens Court is satisfied the relevant person has been informed of the right to be represented by a lawyer at the hearing.
- (4) An affected person can not be compelled to give evidence at the hearing.
- (5) If the relevant person, or the person's lawyer, is present when the application is being heard, the person or lawyer may make submissions to the magistrate or Childrens Court, but not submissions that will unduly delay the consideration of the application.
- (6) The magistrate or Childrens Court may make a COVID-19 test order for the relevant person if the magistrate or Childrens Court is satisfied, given the circumstances of the suspected relevant offence, that a respiratory tract sample should be taken from the person for a COVID-19 test.
- (7) If the magistrate or Childrens Court makes the COVID-19 test order without the relevant person or the person's lawyer present, a police officer must give the order to the person or lawyer without delay.

[s 49]

548M What order must state

The following information must be included in the COVID-19 test order—

- (a) the name of the relevant person;
- (b) that the person may be held in custody for the time reasonably necessary to enable a respiratory tract sample to be taken from the person;
- (c) that a police officer may take the person to a place the police officer considers has appropriate facilities for taking the sample;
- (d) that a doctor or prescribed nurse may take a respiratory tract sample from the person;
- (e) that the person may appeal the order to the District Court without delay and no later than 24 hours after the order is made.

548N Appeal against order

- (1) The relevant person may appeal to the District Court against a COVID-19 test order for the person.
- (2) The appeal must be filed without delay and no later than 24 hours after the COVID-19 test order is made.
- (3) The appeal does not stay the operation of the COVID-19 test order, unless the court orders a stay under subsection (4).
- (4) The court may order a stay of the COVID-19 test order of not more than 72 hours after the order is made.
- (5) The court must hear and decide the appeal—
 - (a) within 48 hours after the appeal is filed with the court; and

- (b) in the absence of the public; and
 - (c) without adjourning the appeal.
- (6) If the relevant person, or the person's lawyer, is present when the appeal is being heard, the person or lawyer may make submissions to the court, but not submissions that will unduly delay the consideration of the appeal.

Part 3 Taking and testing samples

5480 Taking respiratory tract samples

- (1) A police officer may ask a doctor or prescribed nurse to take a respiratory tract sample from a relevant person under a COVID-19 test order for the person.
- (2) When asking the doctor or prescribed nurse to take the sample, the police officer must produce for the doctor's or nurse's inspection a copy of the COVID-19 test order for the relevant person.
- (3) The doctor or nurse may take a respiratory tract sample from the relevant person or ask the person to provide a respiratory tract sample.
- (4) If help is needed for taking the respiratory tract sample, the doctor or prescribed nurse may ask other persons to give reasonably necessary help.
- (5) The doctor or prescribed nurse, and a person helping the doctor or nurse, may use reasonably necessary force for taking the respiratory tract sample.
- (6) The doctor or prescribed nurse must immediately send the respiratory tract sample to a laboratory with appropriate facilities for testing the sample for COVID-19.

[s 49]

548P Taking samples from children and persons with impaired capacity

- (1) This section applies if a COVID-19 test order authorises a respiratory tract sample to be taken from a relevant person who is—
 - (a) a child; or
 - (b) a person with impaired capacity.
- (2) A police officer must ensure a support person is present when the respiratory tract sample is being taken from the relevant person, if it is reasonably practicable to do so.

548Q Testing of samples for COVID-19

- (1) A person given a respiratory tract sample under section 548O may conduct a COVID-19 test of the sample.
- (2) The person may destroy the respiratory tract sample, or any part of the sample, if it is not used to conduct the COVID-19 test or a further COVID-19 test.

Part 4 Results, evidence and records

548R Restriction on disclosure of results

- (1) A person who conducts a COVID-19 test for a relevant person under part 3 must not disclose the results of the test to anyone other than the following persons—
 - (a) the relevant person;
 - (b) an affected person in relation to the circumstances in which the conduct of the relevant person led to the test;

- (c) a doctor or other health care professional involved in treating or providing care for the relevant person or affected person;
- (d) a person providing counselling for the relevant person or affected person;
- (e) a person, nominated by the chief executive (health), who, as part of the person's duties, requires knowledge of the results.

Maximum penalty—40 penalty units or 6 months imprisonment.

- (2) A person to whom information is disclosed under subsection (1)(c), (d) or (e) must not disclose the information obtained to anyone, other than a person mentioned in subsection (1).

Maximum penalty—40 penalty units or 6 months imprisonment.

- (3) The relevant person or affected person must not publicly disclose the results of the COVID-19 test with the identity of the other.

Maximum penalty—40 penalty units or 6 months imprisonment.

548S Inadmissibility as evidence

In a proceeding in relation to a relevant person, the following matters are not admissible in evidence—

- (a) the making of an application for a COVID-19 test order for the person;
- (b) a COVID-19 test order made for the person;
- (c) the results of a COVID-19 test conducted on a respiratory tract sample taken from the person under part 3.

[s 50]

548T Public Records Act does not apply to chapter

The Public Records Act does not apply to actions done, or records made, under this chapter, to the extent that Act would otherwise enable the identity of a relevant person or an affected person to be disclosed.

Part 5 Expiry of chapter

548U Expiry

- (1) This chapter expires on the later of the following days—
 - (a) the day the COVID-19 emergency ends;
 - (b) 31 December 2020.
- (2) In this section—

COVID-19 emergency means the declared public health emergency under the *Public Health Act 2005*, section 319(2) for COVID-19 declared on 29 January 2020, as extended and further extended under that Act.

50 Insertion of new ch 24, pt 20

Chapter 24—

insert—

Part 20 Transitional provision for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020

889 Continuation of particular matters after expiry of ch 18B

- (1) This section applies immediately after the expiry day if—
 - (a) immediately before the expiry day, an application made under former section 548J had not been decided; or
 - (b) immediately before the expiry day, the period for appealing a COVID-19 test order under former section 548N had not ended; or
 - (c) immediately before the expiry day, an appeal filed under former section 548N had not been decided; or
 - (d) immediately before the expiry day, a respiratory tract sample authorised to be taken under a COVID-19 test order made under former section 548L had not been taken; or
 - (e) immediately before the expiry day, a respiratory tract sample taken from a person under former section 548O had not been tested for COVID-19.
- (2) Former chapter 18B continues to apply to a matter mentioned in subsection (1) as if the chapter had not expired.
- (3) In this section—

expiry day means the day on which former chapter 18B expires.

former, for a provision, means the provision as in force from time to time before its expiry.

[s 51]

Part 14 **Amendment of portable long service leave legislation**

Division 1 **Amendment of Building and Construction Industry (Portable Long Service Leave) Act 1991**

51 **Act amended**

This division amends the *Building and Construction Industry (Portable Long Service Leave) Act 1991*.

52 **Insertion of new pt 7A**

After part 7—

insert—

Part 7A **Long service leave—special provisions for COVID-19 emergency**

Division 1 **Preliminary**

65A Purpose of part

The purpose of this part is to allow an affected registered worker to apply to the authority for payment of all or part of the worker's long service leave.

65B Definition for part

In this part—

COVID-19 emergency see the *COVID-19 Emergency Response Act 2020*, schedule 1.

65C Meaning of *affected registered worker*

- (1) A registered worker is an *affected registered worker* if the worker—
 - (a) has accrued a minimum of 1,100 days service in the register of workers; and
 - (b) has experienced, or is experiencing, financial hardship because of the COVID-19 emergency; and
 - (c) is not entitled to long service leave under section 57.
- (2) Without limiting subsection (1)(b), a registered worker has experienced, or is experiencing, financial hardship because of the COVID-19 emergency if any of the following circumstances apply to the worker—
 - (a) the worker, or another person under the worker’s care, has suffered, or suffers, from COVID-19;
 - (b) the worker has been, or is, subject to a quarantine direction;
 - (c) the worker’s place of employment has been, or is, closed, or the trade or business conducted by the worker’s employer is restricted, because of a public health direction, including, for example, because a public health direction has closed a major supplier or customer of the worker’s employer;
 - (d) the worker has been, or is, stood down or unemployed because of the COVID-19 emergency;
 - (e) the worker has been, or is, self-isolating because the worker is a vulnerable person, lives with a vulnerable person or is the primary carer for a vulnerable person;

[s 52]

- (f) a restriction on travel, imposed under a public health direction or other law, prevents the worker working;
 - (g) the COVID-19 emergency prevents the worker returning to Australia.
- (3) In this section—
- public health direction** see the *Public Health Act 2005*, section 362B(1).
- quarantine direction** means—
- (a) a public health direction requiring a person to stay at a place for a stated period in isolation; or
 - (b) a direction, under the *Public Health Act 2005*, section 362H, requiring a person to stay at a place for a stated period in isolation.
- vulnerable person** means any of the following persons—
- (a) an individual over 70 years of age;
 - (b) an individual over 65 years of age who has an existing health condition or comorbidities;
 - (c) an Aboriginal person or Torres Strait Islander over 50 years of age who has an existing health condition or comorbidities;
 - (d) an individual whose immune system is compromised.

Division 2 Application for, and entitlement to, long service leave

65D Application for payment

- (1) An affected registered worker may apply in writing to the authority for payment of all or part of the worker's entitlement to long service leave under section 65F.
- (2) An application under subsection (1) must—
 - (a) be made before 31 December 2020; and
 - (b) include documents or information to satisfy the authority that the affected registered worker has experienced, or is experiencing, financial hardship because of the COVID-19 emergency.

65E Decision on application for payment

- (1) This section applies if an application is made under section 65D.
- (2) The authority must consider the application and decide whether to approve, or refuse to approve, the application.
- (3) The authority may approve the application only if—
 - (a) the authority is satisfied there is sufficient evidence that the applicant has experienced, or is experiencing, financial hardship because of the COVID-19 emergency; and
 - (b) the applicant has accrued a minimum of 1,100 days service in the register of workers; and
 - (c) the applicant is not entitled to long service leave under section 57.
- (4) If the authority decides to refuse the application, the authority must give the applicant written notice of the decision.

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65F Entitlement to long service leave

- (1) An affected registered worker's entitlement to long service leave is—
 - (a) for each period of 1,100 days of service—4,335 weeks; and
 - (b) for each day of service not included in a period of service under paragraph (a)—the proportion of 4,335 weeks that the number of days of service bears to 1,100 days.
- (2) Long service leave does not include a public holiday that happens during the affected registered worker's long service leave.

Division 3 Calculation and payment of long service leave

65G Application of calculation and payment provisions

- (1) Sections 59 to 65 apply in relation to the calculation and payment of all or part of an affected registered worker's long service leave entitlement under section 65F.
- (2) For applying subsection (1)—
 - (a) a reference in sections 59 to 65 to a registered worker is taken to be a reference to an affected registered worker; and
 - (b) a reference in sections 59 to 65 to section 56 is taken to be a reference to section 65D; and
 - (c) a reference in sections 59 to 65 to section 57 is taken to be a reference to section 65F.

Division 4 Expiry

65H Expiry of part

This part expires on 31 December 2020.

53 Insertion of new pt 11, div 9

Part 11—

insert—

Division 9 Transitional provisions for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020

126 Application of division

This division applies on the expiry of part 7A.

127 Continued operation of expired pt 7A

- (1) This section applies if, before the expiry of part 7A—
 - (a) an application for payment of long service leave was made under expired section 65D but not decided under expired section 65E; or
 - (b) an application for payment of long service leave was approved under expired section 65E but the payment was not made to the applicant.
- (2) Expired part 7A continues to apply for the purpose of the authority—
 - (a) if subsection (1)(a) applies—
 - (i) deciding the application under expired section 65E; and

[s 54]

- (ii) if the application is approved, making the payment under expired section 65E; or
- (b) if subsection (1)(b) applies—making the payment.
- (3) In this section—
expired, in relation to a provision of part 7A, means as in force immediately before the expiry of part 7A.

Division 2 Amendment of Contract Cleaning Industry (Portable Long Service Leave) Act 2005

54 Act amended

This division amends the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*.

55 Insertion of new pt 6A

After part 6—
insert—

Part 6A Long service leave— special provisions for COVID-19 emergency

Division 1 Preliminary

81A Purpose of part

The purpose of this part is to allow an affected registered worker to apply to the authority for

payment of all or part of the worker's long service leave.

81B Definition for part

In this part—

COVID-19 emergency see the *COVID-19 Emergency Response Act 2020*, schedule 1.

81C Meaning of *affected registered worker*

- (1) A registered worker is an *affected registered worker* if the worker—
 - (a) has accrued a minimum of 1,825 days service in the register of workers; and
 - (b) has experienced, or is experiencing, financial hardship because of the COVID-19 emergency; and
 - (c) is not entitled to long service leave under section 72.
- (2) Without limiting subsection (1)(b), a registered worker is experiencing financial hardship because of the COVID-19 emergency if any of the following circumstances apply to the worker—
 - (a) the worker, or another person under the worker's care, has suffered, or suffers, from COVID-19;
 - (b) the worker has been, or is, subject to a quarantine direction;
 - (c) the worker's place of employment has been, or is, closed, or the trade or business conducted by the worker's employer is restricted, because of a public health direction, including, for example, because a public health direction has closed a major

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supplier or customer of the worker's employer;

- (d) the worker has been, or is, stood down or unemployed because of the COVID-19 emergency;
 - (e) the worker has been, or is, self-isolating because the worker is a vulnerable person, lives with a vulnerable person or is the primary carer for a vulnerable person;
 - (f) a restriction on travel, imposed under a public health direction or other law, prevents the worker working;
 - (g) the COVID-19 emergency prevents the worker returning to Australia.
- (3) In this section—

public health direction see the *Public Health Act 2005*, section 362B(1).

quarantine direction means—

- (a) a public health direction requiring a person to stay at a place for a stated period in isolation; or
- (b) a direction, under the *Public Health Act 2005*, section 362H, requiring a person to stay at a place for a stated period in isolation.

vulnerable person means any of the following persons—

- (a) an individual over 70 years of age;
- (b) an individual over 65 years of age who has an existing health condition or comorbidities;
- (c) an Aboriginal person or Torres Strait Islander over 50 years of age who has an existing health condition or comorbidities;

- (d) an individual whose immune system is compromised.

Division 2 Application for, and entitlement to, long service leave

81D Application for payment

- (1) An affected registered worker may apply in writing to the authority for payment of all or part of the worker's entitlement to long service leave under section 81F.
- (2) An application under subsection (1) must—
 - (a) be made before 31 December 2020; and
 - (b) include documents or information to satisfy the authority that the affected registered worker has experienced, or is experiencing, financial hardship because of the COVID-19 emergency.

81E Decision on application for payment

- (1) This section applies if an application is made under section 81D.
- (2) The authority must consider the application and decide whether to approve, or refuse to approve, the application.
- (3) The authority may approve the application only if—
 - (a) the authority is satisfied there is sufficient evidence that the applicant has experienced, or is experiencing, financial hardship because of the COVID-19 emergency; and

[s 55]

- (b) the applicant has accrued a minimum of 1,825 days service in the register of workers; and
 - (c) the applicant is not entitled to long service leave under section 72.
- (4) If the authority decides to refuse the application, the authority must give the applicant written notice of the decision.

81F Entitlement to long service leave

- (1) An affected registered worker's entitlement to long service leave is—
 - (a) for each period of 1,825 days of service—4,335 weeks; and
 - (b) for each day of service not included in a period of service under paragraph (a)—the proportion of 4,335 weeks that the number of days of service bears to 1,825 days.
- (2) Long service leave does not include a public holiday that happens during the affected registered worker's long service leave.

Division 3 Calculation and payment of long service leave

81G Application of calculation and payment provisions

- (1) Sections 73 to 81 apply to the calculation and payment of all or part of an affected registered worker's long service leave entitlement under section 81F.
- (2) For applying subsection (1)—

- (a) a reference in sections 73 to 81 to a registered worker is taken to be a reference to an affected registered worker; and
- (b) a reference in sections 73 to 81 to section 71 is taken to be a reference to section 81D; and
- (c) a reference in sections 73 to 81 to section 72 is taken to be a reference to section 81F.

Division 4 Expiry

81H Expiry of part

This part expires on 31 December 2020.

56 Insertion of new pt 12, div 3

Part 12—

insert—

Division 3 Transitional provisions for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020

160 Application of division

This division applies on the expiry of part 6A.

161 Continued operation of expired pt 6A

- (1) This section applies if, before the expiry of part 6A—

[s 57]

- (a) an application for payment of long service leave was made under expired section 81D but not decided under expired section 81E; or
 - (b) an application for payment of long service leave was approved under expired section 81E but the payment was not made to the applicant.
- (2) Expired part 6A continues to apply for the purpose of the authority—
- (a) if subsection (1)(a) applies—
 - (i) deciding the application under expired section 81E; and
 - (ii) if the application is approved, making the payment under expired section 81E; or
 - (b) if subsection (1)(b) applies—making the payment.
- (3) In this section—
expired, in relation to a provision of part 6A, means as in force immediately before the expiry of part 6A.

Part 15 Amendment of Private Health Facilities Act 1999

57 Act amended

This part amends the *Private Health Facilities Act 1999*.

58 Insertion of new pt 11A

After part 11—

insert—

Part 11A Provisions for COVID-19 emergency

151A Definitions for part

In this part—

COVID-19 emergency see the *COVID-19 Emergency Response Act 2020*, schedule 1.

COVID-19 emergency period see the *COVID-19 Emergency Response Act 2020*, schedule 1.

151B Chief health officer may waive or defer fees

- (1) During the COVID-19 emergency period, the chief health officer may waive or defer payment of all or part of a fee payable by a person under this Act.
- (2) The chief health officer may waive or defer all or part of a fee under subsection (1)—
 - (a) on an application by the person; and
 - (b) if the chief health officer is satisfied that—
 - (i) the applicant is experiencing financial hardship because of the COVID-19 emergency; or
 - (ii) it is otherwise appropriate to waive or defer the fee in response to the COVID-19 emergency.
- (3) However, the chief health officer may not defer payment of a fee beyond 31 December 2020.

151C Expiry of part

This part expires on 31 December 2020.

[s 59]

Part 16 **Amendment of Public Health Act 2005**

Division 1 **Preliminary**

59 **Act amended**

This part amends the *Public Health Act 2005*.

Division 2 **Amendments commencing on assent**

60 **Amendment of s 354 (Medical examination and treatment)**

Section 354(5)(b), ‘96 hours’—

omit, insert—

14 days

61 **Amendment of s 360 (Obligations of emergency officer (medical) in relation to person detained)**

Section 360(a)(iii), ‘96 hours’—

omit, insert—

14 days

62 **Amendment of s 362C (When public health directions take effect)**

Section 362C(1) and (2)—

omit, insert—

(1) A public health direction takes effect—

(a) when the direction is given; or

- (b) if the direction fixes a later day or time—on the later day or at the later time.
- (2) For subsection (1)(a), if the public health direction is published on the department’s website and in the gazette, the direction is given when it is first published.

63 Amendment of s 362H (Directions to stay at particular places)

- (1) Section 362H—

insert—

- (1A) Also, an emergency officer may give a parent of a child a direction to—

- (a) keep the child at or in a stated place for a stated period of not more than 14 days (also the *isolation period*) unless the child is permitted under the direction to leave the place for stated purposes or in stated circumstances; and
- (b) ensure the child complies with stated conditions during the isolation period.

- (2) Section 362H(2), after ‘subsection (1)(a)’—

insert—

or (1A)(a)

- (3) Section 362H(3), after ‘subsection (1)(b)’—

insert—

or (1A)(b)

- (4) Section 362H—

insert—

- (4) For subsection (1A), a person is a parent of a child if the person is—
 - (a) the child’s mother; or

[s 64]

- (b) the child's father; or
 - (c) someone else, other than the chief executive (child safety), having or exercising parental responsibility for the child.
- (5) In this section—
chief executive (child safety) see section 158.

64 Insertion of new ch 8, pt 7B

Chapter 8—

insert—

Part 7B Other provisions for COVID-19 emergency

362N Definition for part

In this part—

COVID-19 emergency period see the *COVID-19
Emergency Response Act 2020*, schedule 1.

362O Modification of s 81 (Disclosure of confidential information in the public interest)

During the COVID-19 emergency period, despite sections 81(4) and 455 the chief executive may delegate the chief executive's powers under section 81 to both of the following persons—

- (a) the chief health officer;
- (b) another person who—
 - (i) is a public service officer or employee, or a health service employee; and
 - (ii) the chief executive is satisfied has the expertise or experience in public health

issues necessary to exercise the powers.

362P Modification of s 109 (Disclosure of confidential information in the public interest)

During the COVID-19 emergency period, despite sections 109(4) and 455 the chief executive may delegate the chief executive's power under section 109(1) to both of the following persons—

- (a) the chief health officer;
- (b) another person who—
 - (i) is a public service officer or employee, or a health service employee; and
 - (ii) the chief executive is satisfied has the expertise or experience in public health issues necessary to exercise the powers.

362Q Expiry of part

This part expires on 31 December 2020.

Division 3 Amendments commencing on 19 March 2021

65 Amendment of s 354 (Medical examination and treatment)

Section 354(5)(b), '14 days'—

omit, insert—

96 hours

[s 66]

66 Amendment of s 360 (Obligations of emergency officer (medical) in relation to person detained)

Section 360(a)(iii), ‘14 days’—

omit, insert—

96 hours

Part 17 Amendment of Youth Justice Act 1992

67 Act amended

This part amends the *Youth Justice Act 1992*.

68 Insertion of new s 264A

After section 264—

insert—

264A Appointment of temporary detention centre employees—COVID-19 emergency

- (1) The chief executive may, during the COVID-19 emergency period, appoint an appropriately qualified person as a temporary detention centre employee.
- (2) However, subsection (1) applies only if the chief executive is satisfied the appointment is reasonably necessary for the security and management of detention centres and the safe custody and wellbeing of children detained in detention centres.
- (3) A temporary detention centre employee is appointed under this Act and not the *Public Service Act 2008*.
- (4) A temporary detention centre employee holds office on the terms and conditions, not provided

for by this Act, decided by the chief executive.

- (5) An appointment under subsection (1) ends on 31 December 2020, or an earlier day stated in the instrument of appointment, unless the appointment is earlier revoked.
- (6) If the chief executive is satisfied an appointment under subsection (1) is no longer reasonably necessary for the purpose mentioned in subsection (2), the chief executive must revoke the appointment.
- (7) A person appointed as a temporary detention centre employee under this section is taken to be a detention centre employee under this Act.
- (8) This section expires on 31 December 2020.
- (9) In this section—

COVID-19 emergency period see the *COVID-19 Emergency Response Act 2020*, schedule 1.

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