



Queensland

Public Health and Other Legislation (Public Health Emergency) Amendment Bill 2020



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42		Amendment of s 341 (Failure to return card)	58
43		Amendment of s 342 (Production or display of identity card by emergency officer)	58
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2020

A Bill

for

An Act to amend the *City of Brisbane Act 2010*, the *Constitution of Queensland 2001*, the *Economic Development Act 2012*, the *Electoral Act 1992*, the *Local Government Act 2009*, the *Local Government (Dissolution of Ipswich City Council) Act 2018*, the *Local Government Electoral Act 2011*, the *Local Government Regulation 2012*, the *Planning Act 2016*, the *Public Health Act 2005* and the *State Penalties and Enforcement Regulation 2014* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Public Health and Other
Legislation (Public Health Emergency) Amendment Act 2020*. 4
5

Clause 2 Commencement 6

Part 11, division 3 commences 1 year after the date of assent
of this Act. 7
8

**Part 2 Amendment of City of Brisbane
Act 2010** 9
10

Clause 3 Act amended 11

This part amends the *City of Brisbane Act 2010*. 12

Clause 4 Insertion of new ch 7, pt 5A 13

Chapter 7— 14

insert— 15

**Part 5A Provisions for 2020
quadrennial election** 16
17

**240A Minister may give directions about filling
vacancies in office of councillors** 18
19

(1) This section applies— 20

-
- (a) if the 2020 quadrennial election is not held in March 2020 under the *Local Government Electoral Act 2001*, part 9A; and
- (b) until the day before the 2020 quadrennial election is held.
- (2) Section 163(2), (3) and (6) does not apply to the council.
- (3) The Minister may give a direction to the council about whether or not a vacant office of a councillor (including the mayor) must be filled.
- (4) If the vacant office must be filled, the Minister may, by notice to the council, extend the period within which the council must fill the vacancy under section 163(4).
- (5) If the Minister extends the period under subsection (4), the Governor in Council may appoint a qualified person under section 163(5) to fill the vacant office only if the council has not filled the vacancy within the extended period.
- 240B Regulation-making power for 2020 quadrennial election**
- (1) This section applies if the 2020 quadrennial election is not held in March 2020.
- (2) A regulation may make provision about a matter for which this Act does not make provision or sufficient provision as a result of the 2020 quadrennial election not being held in March 2020.
- (3) The regulation may have retrospective operation to a day not earlier than the day of commencement.
- (4) This section and the regulation expire 1 year after the day of commencement.

[s 5]

Clause 5	Amendment of sch 2 (Dictionary)	1
	Schedule 2—	2
	<i>insert</i> —	3
	<i>2020 quadrennial election</i> means the quadrennial election for 2020.	4
		5
Part 3	Amendment of Constitution of Queensland 2001	6
		7
Clause 6	Act amended	8
	This part amends the <i>Constitution of Queensland 2001</i> .	9
Clause 7	Amendment of s 50 (Meetings of Executive Council)	10
	Section 50—	11
	<i>insert</i> —	12
	(4) A meeting of Executive Council may be held using any technology that enables reasonably continuous and contemporaneous communication between participants.	13 14 15 16
	(5) A person who participates in a meeting under subsection (4) is taken to be present at the meeting.	17 18 19
	(6) In this section—	20
	<i>participants</i> , in a meeting of Executive Council, means the Governor or member presiding at the meeting and the members present at the meeting.	21 22 23

Part 4	Amendment of Economic Development Act 2012	1 2	
Clause 8	Act amended	3	
	This part amends the <i>Economic Development Act 2012</i> .	4	
Clause 9	Amendment of s 72 (Application of div 1)	5	
	Section 72, after ‘division 2’—	6	
	<i>insert—</i>	7	
	and section 171J	8	
Clause 10	Amendment of s 169 (Delegations)	9	
	(1) Section 169(1), after ‘this Act’—	10	
	<i>insert—</i>	11	
	, other than a function or power under chapter 5, part 3B,	12 13	
	(2) Section 169(1)—	14	
	<i>insert—</i>	15	
	<i>Note—</i>	16	
	For the delegation of MEDQ’s functions or powers under chapter 5, part 3B, division 2, see section 171K.	17 18	
Clause 11	Insertion of new ch 5, pt 3B	19	
	Chapter 5—	20	
	<i>insert—</i>	21	
	Part 3B	Applicable events	22
	Division 1	Preliminary	23

[s 11]

171D Definitions for part	1
In this part—	2
<i>applicable event</i> means an applicable event declared under the <i>Planning Act 2016</i> , section 275E(2).	3 4 5
<i>applicable event notice</i> see the <i>Planning Act</i> 2016, section 275E(2).	6 7
<i>applicable event period</i> see the <i>Planning Act</i> 2016, section 275E(3)(a).	8 9
<i>relevant change</i> see section 171F(1).	10
<i>temporary use licence</i> see section 171F(1).	11

Division 2 Temporary use licences 12

171E Application of division 13

This division applies in relation to the following premises if an applicable event notice for an applicable event applies to the part of the State in which the premises is located—	14 15 16 17
(a) premises in a priority development area;	18
(b) premises that are PDA-associated land for a priority development area.	19 20

171F Applications for temporary use licences 21

(1) A person may apply to MEDQ for a licence (a <i>temporary use licence</i>) in relation to the premises that does any of the following (each a <i>relevant</i> <i>change</i>)—	22 23 24 25
(a) if a PDA development approval for a material change of use is in effect for the premises—changes a PDA development	26 27 28

-
- condition of the PDA development approval; 1
2
- (b) otherwise—changes the existing lawful use of the premises, including, for example, by— 3
4
5
- (i) increasing the intensity or scale of the existing lawful use; or 6
7
- (ii) adding a new use; or 8
- (iii) replacing the existing lawful use with a new use. 9
10
- (2) The application must— 11
- (a) be in the approved form; and 12
- (b) include the matters prescribed by regulation. 13
- (3) To remove any doubt, it is declared that the application may relate to multiple premises. 14
15

171G Decisions on applications 16

- (1) MEDQ must consider an application for a temporary use licence made under section 171F and decide— 17
18
19
- (a) to give the temporary use licence, with or without conditions; or 20
21
- (b) to refuse to give the temporary use licence. 22
- (2) MEDQ may give the temporary use licence only if satisfied that, having regard to the nature of the applicable event, there are reasonable grounds for the relevant change the subject of the licence applying during the applicable event period for the applicable event notice. 23
24
25
26
27
28

171H Notices of decisions 29

- (1) MEDQ must give the applicant notice of MEDQ's 30

[s 11]

decision.	1
(2) If the decision is to give the temporary use licence—	2 3
(a) the notice must state—	4
(i) the day the notice is given; and	5
(ii) the premises to which the licence relates; and	6 7
(iii) details of the relevant change; and	8
(iv) any conditions imposed on the licence; and	9 10
(v) any other matter prescribed by regulation; and	11 12
(b) MEDQ must give a copy of the notice to the relevant local government for the premises.	13 14
(3) If the decision is to refuse to give the temporary use licence, the notice must state the reasons for the decision.	15 16 17
171I Period of temporary use licences	18
A temporary use licence has effect from the day the notice mentioned in section 171H(1) is given to the applicant until the end of the applicable event period for the applicable event notice.	19 20 21 22
171J Effect of temporary use licences	23
(1) If a temporary use licence changes a PDA development condition of a PDA development approval, the PDA development approval is taken, for the period the licence is in effect—	24 25 26 27
(a) to be changed in the way stated in the licence; and	28 29
(b) to be subject to the conditions of the licence.	30

-
- (2) If a temporary use licence changes the existing lawful use of premises, a person does not, during the period the licence is in effect, commit an offence against section 73 or 76 in relation to the changed use, unless the person contravenes a condition of the licence. 1
2
3
4
5
6
- (3) Despite section 120(2), an infrastructure agreement under the *Planning Act 2016* does not apply instead of a part of a PDA development approval changed under subsection (1). 7
8
9
10
- (4) Despite anything else in this Act or the *Planning Act 2016*, development, other than a material change of use, does not stop being PDA assessable development, or prohibited development or assessable development under the *Planning Act 2016*, merely because a temporary use licence has been given. 11
12
13
14
15
16
17
- 171K Delegations** 18
- MEDQ may delegate MEDQ’s functions or powers under this division to an appropriately qualified public service officer. 19
20
21
- Division 3 Effect of particular
 declarations under
 Planning Act 2016** 22
23
24
- 171L Effect of declarations under Planning Act
 2016, s 275O** 25
26
- (1) This section applies if— 27
- (a) a declaration is made under the *Planning Act 2016*, section 275O in relation to a use or class of uses; and 28
29
30

[s 11]

- (b) any of the following has the effect of limiting the hours of operation of the use or a use of the class or restricting the movement of goods in relation to the use or a use of the class—
- (i) a provision of this Act;
 - (ii) a PDA development condition of a PDA development approval.
- (2) For the period the declaration is in effect, the provision or condition does not apply in relation to the carrying out of the use, or a use of the class, on premises in the area to which the declaration applies.

Division 4 Extending and suspending periods under Act

171M Application of division

This division applies in relation to an applicable event notice for an applicable event.

171N Extension of periods for doing things under Act

- (1) This section applies if MEDQ is satisfied that, because of the applicable event, it is necessary to extend a period under this Act for the doing of a thing (the *relevant period*).

Examples of periods under this Act for the doing of a thing—

- the period mentioned in section 36E(1) for the making of a provisional land use plan
- the period mentioned in section 83A(1)(b) for giving requested information

- (2) MEDQ may, by notice published on the

-
- department's website (an *extension notice*), 1
extend the relevant period by a stated period. 2
- (3) The extension notice— 3
- (a) must be published before the day that is 30 4
business days after the end of the applicable 5
event period for the applicable event notice; 6
and 7
- (b) has effect from the day the extension notice 8
is published until the expiry day stated in the 9
notice, unless the notice is earlier revoked. 10
- (4) MEDQ may, by notice published on the 11
department's website (a *further extension* 12
notice), further extend the relevant period by a 13
stated period. 14
- (5) The further extension notice— 15
- (a) must be published before the day mentioned 16
in subsection (3)(a) and before the day the 17
extension notice stops having effect; and 18
- (b) has effect from the day the extension notice 19
stops having effect until the expiry day 20
stated in the further extension notice, unless 21
the further extension notice is earlier 22
revoked. 23
- (6) An extension notice or a further extension notice 24
applies in relation to a relevant period only if— 25
- (a) the relevant period starts during the period 26
the notice is in effect; or 27
- (b) the relevant period had started, but not 28
ended, before the notice took effect. 29
- (7) If a relevant period is extended under an extension 30
notice or a further extension notice, the extension 31
continues to have effect even if the notice stops 32
having effect. 33
- (8) An extension notice and a further extension notice 34
-

[s 11]

are statutory instruments. 1

**1710 Suspension of periods for doing things
under Act** 2
3

- (1) This section applies if MEDQ is satisfied that, because of the applicable event, it is necessary to suspend a period under this Act for the doing of a thing (the *relevant period*). 4
5
6
7
- (2) MEDQ may, by notice published on the department's website (a *suspension notice*), suspend the relevant period for the period the notice is in effect. 8
9
10
11
- (3) The suspension notice— 12
- (a) must be published before the day that is 30 business days after the end of the applicable event period for the applicable event notice; and 13
14
15
16
- (b) has effect from the day the suspension notice is published until the expiry day stated in the notice, unless the notice is earlier revoked. 17
18
19
20
- (4) MEDQ may, by notice published on the department's website (a *further suspension notice*), further suspend the relevant period for the period the notice is in effect. 21
22
23
24
- (5) The further suspension notice— 25
- (a) must be published before the day mentioned in subsection (3)(a) and before the day the suspension notice stops having effect; and 26
27
28
- (b) has effect from the day the suspension notice stops having effect until the expiry day stated in the further suspension notice, unless the further suspension notice is earlier revoked. 29
30
31
32
33
- (6) A suspension notice or further suspension notice 34

	applies in relation to a relevant period only if—	1
	(a) the relevant period starts during the period the notice is in effect; or	2 3
	(b) the relevant period had started, but not ended, before the notice took effect.	4 5
(7)	If a suspension notice or further suspension notice is in effect in relation to the relevant period for the doing of a thing—	6 7 8
	(a) the relevant period is suspended; and	9
	(b) the doing of the thing has no effect.	10
(8)	A suspension notice and a further suspension notice are statutory instruments.	11 12
Clause 12	Amendment of sch 1 (Dictionary)	13
	Schedule 1—	14
	<i>insert—</i>	15
	<i>applicable event</i> , for chapter 5, part 3B, see section 171D.	16 17
	<i>applicable event notice</i> , for chapter 5, part 3B, see the <i>Planning Act 2016</i> , section 275E(2).	18 19
	<i>applicable event period</i> , for chapter 5, part 3B, see the <i>Planning Act 2016</i> , section 275E(3)(a).	20 21
	<i>relevant change</i> , for chapter 5, part 3B, see section 171F(1).	22 23
	<i>temporary use licence</i> , for chapter 5, part 3B, see section 171F(1).	24 25

[s 13]

Part 5 **Amendment of Electoral Act** 1
1992 2

Clause 13 **Act amended** 3
This part amends the *Electoral Act 1992*. 4

Clause 14 **Insertion of new pt 12A** 5
After part 12— 6
insert— 7

Part 12A **By-elections before** 8
next general election 9

392A Purpose of part 10
The purpose of this part is to facilitate the holding 11
of by-elections in a way that helps minimise 12
serious risks to the health and safety of persons 13
caused by the public health emergency involving 14
COVID-19. 15

392B Application of part 16
This part applies in relation to a by-election held 17
before the next general election is held after the 18
commencement of this part. 19

392C Definition for part 20
In this part— 21
by-election means an election of a member of the 22
Legislative Assembly between general elections. 23

392D Change of time limits in writ	1
(1) This section applies in relation to the writ issued for a by-election.	2 3
(2) Despite anything in this Act, the Governor or Speaker, whoever issued the writ, may by gazette notice—	4 5 6
(a) postpone the polling day stated in the writ to a day to be fixed by a further gazette notice under paragraph (b); or	7 8 9
(b) substitute a later day for a day stated in the writ under section 84(1), any of paragraphs (a) to (e).	10 11 12
(3) A gazette notice under subsection (2)(b) may be made before, on or after the day stated in the writ.	13 14
(4) To remove any doubt, it is declared that a gazette notice under this section may be made as occasion requires.	15 16 17
392E Adjournment of poll	18
(1) This section applies if the poll for a by-election is adjourned under section 99B(3) or 100(1).	19 20
(2) Section 100 applies in relation to the poll as if the reference in section 100(3) to a day not later than 34 days after the polling day were a reference to the earliest Saturday on which the commission is satisfied the poll may practicably and safely be taken or resumed.	21 22 23 24 25 26
(3) To remove any doubt, it is declared that the commission may act under section 100, as affected by this section, as occasion requires.	27 28 29
392F Making a declaration vote using posted voting papers	30 31
(1) The commission may, by notice published on the	32

[s 14]

commission’s website, fix a time and day, later 1
than the time and day mentioned in section 2
119(2)(b), by which an elector may make a postal 3
vote request under section 119 for a by-election. 4

- (2) Section 119 applies as if a reference in section 5
119(2)(b) to 7p.m. on the day that is 12 days 6
before the polling day for the election were a 7
reference to the time and day fixed under 8
subsection (1). 9

392G Electoral visitor voting 10

- (1) This section applies if the commission is satisfied 11
it would pose a risk to the health and safety of an 12
issuing officer to visit, under section 120— 13
- (a) an elector who has given a request to vote as 14
an electoral visitor voter to the commission 15
or returning officer under section 120; or 16
- (b) electors of a particular class; or 17
- (c) any electors. 18
- (2) The commission or returning officer may direct 19
issuing officers not to visit the elector, or electors 20
of the class, or any electors. 21
- (3) Section 120 applies to issuing officers subject to 22
the direction. 23
- (4) The commission or returning officer must, to the 24
extent practicable, have an issuing officer make 25
alternative arrangements to enable an elector 26
affected by the direction to vote in the election. 27

392H Electronically assisted voting 28

- (1) This section applies if— 29
- (a) the commission is satisfied that, having 30
regard to the purpose of this part, it would 31
be in the public interest to allow a class of 32

-
- electors, other than electors mentioned in section 121A, to make an electronically assisted vote in a by-election; and
- (b) a procedure about how an elector may make an electronically assisted vote has been made under section 121B.
- (2) The commission may, by notice published on the commission's website, declare the class of electors who may vote electronically.
- (3) An elector of the stated class may make an electronically assisted vote in the by-election under part 7, division 5, subdivision 3A.
- 392I Distribution or display of how-to-vote cards or other election material**
- (1) This section applies if the commission is satisfied that, having regard to the purpose of this part, it would be in the public interest to regulate, limit or prevent the distribution or display of how-to-vote cards or other election material at a polling booth for a by-election.
- (2) The commission may give a direction—
- (a) about how, where or when how-to-vote cards may be distributed or displayed at a polling booth for the by-election; or
- (b) prohibiting the distribution or display of how-to-vote cards or other election material at a polling booth for the by-election; or
- (c) prohibiting a person from canvassing for votes in or near polling booths; or
- (d) permitting the display of political statements at a place mentioned in section 190(1).
- (3) The direction must be published on the commission's website.

[s 15]

	(4) A person must not contravene the direction.	1
	Maximum penalty—10 penalty units.	2
	(5) Section 190 does not apply to the display of a political statement permitted under the direction.	3 4
	392J Regulation-making power	5
	(1) A regulation may make provision about a matter for which—	6 7
	(a) it is necessary to make provision to allow or facilitate the holding of a by-election in the way stated in section 392A; and	8 9 10
	(b) this Act does not make provision or sufficient provision.	11 12
	(2) The regulation may—	13
	(a) have retrospective operation to a day not earlier than the commencement; and	14 15
	(b) be inconsistent with this Act to the extent necessary to achieve the purpose of this part.	16 17
	(3) This section and the regulation expire 1 year after the commencement.	18 19
Part 6	Amendment of Local Government Act 2009	20 21
Clause 15	Act amended	22
	This part amends the <i>Local Government Act 2009</i> .	23
Clause 16	Insertion of new ch 7, pt 5A	24
	Chapter 7—	25
	<i>insert—</i>	26

Part 5A	Provisions for 2020 quadrennial election	1 2
260AA	Minister may give directions about filling vacancies in office of councillors	3 4
(1)	This section applies—	5
(a)	if the 2020 quadrennial election is not held in March 2020 under the <i>Local Government Electoral Act 2001</i> , part 9A; and	6 7 8
(b)	until the day before the 2020 quadrennial election is held.	9 10
(2)	Section 163(2) and (5) does not apply to a local government.	11 12
(3)	The Minister may give a direction to the local government about whether or not a vacant office of a councillor (including the mayor) must be filled.	13 14 15 16
(4)	If the vacant office must be filled, the Minister may, by notice to the local government, extend the period within which the local government must fill the vacancy under section 163(3).	17 18 19 20
(5)	If the Minister extends the period under subsection (4), the Governor in Council may appoint a qualified person under section 163(4) to fill the vacant office only if the local government has not filled the vacancy within the extended period.	21 22 23 24 25 26
260AB	Regulation-making power for 2020 quadrennial election	27 28
(1)	This section applies if the 2020 quadrennial election is not held in March 2020.	29 30
(2)	A regulation may make provision about a matter for which this Act does not make provision or	31 32

[s 17]

	sufficient provision as a result of the 2020 quadrennial election not being held in March 2020.	1 2 3
	(3) The regulation may have retrospective operation to a day not earlier than the day of commencement.	4 5 6
	(4) This section and the regulation expire 1 year after the day of commencement.	7 8
Clause 17	Amendment of sch 4 (Dictionary)	9
	Schedule 4—	10
	<i>insert</i> —	11
	<i>2020 quadrennial election</i> means the quadrennial election for 2020.	12 13
Part 7	Amendment of Local Government (Dissolution of Ipswich City Council) Act 2018	14 15 16
Clause 18	Act amended	17
	This part amends the <i>Local Government (Dissolution of Ipswich City Council) Act 2018</i> .	18 19
Clause 19	Amendment of s 9 (Expiry)	20
	Section 9, ‘30 June 2020’—	21
	<i>omit, insert</i> —	22
	30 June 2021	23

Part 8	Amendment of Local Government Electoral Act 2011	1 2
Clause 20	Act amended	3
	This part amends the <i>Local Government Electoral Act 2011</i> .	4
Clause 21	Insertion of new pt 9A	5
	After part 9—	6
	<i>insert—</i>	7
	Part 9A	8
	Provisions for quadrennial election for 2020	9 10
	200A Purpose of part	11
	The purpose of this part is to facilitate the holding of the quadrennial election for 2020 in a timely way that minimises serious risks to the health and safety of persons caused by the public health emergency involving COVID-19.	12 13 14 15 16
	200B Suspension of election	17
	(1) This section applies in relation to the notice of election published on 22 February 2020 by the returning officer under section 25.	18 19 20
	(2) If the Minister, in consultation with the electoral commission, is satisfied that having regard to the purpose of this part, it would not be in the public interest for the election to be held on the day stated in the notice, the Minister may withdraw the notice.	21 22 23 24 25 26
	(3) The Minister must publish a notice about the withdrawal on the electoral commission's	27 28

[s 21]

website.	1
(4) The election is suspended from the day the notice is published until the Minister ends the suspension under section 200C or terminates the election under section 200D.	2 3 4 5
(5) The <i>City of Brisbane Act 2010</i> , chapter 3, part 5 or the <i>Local Government Act 2009</i> , chapter 3, part 5 continues to apply to a local government during the period of the suspension.	6 7 8 9
200C Ending suspension	10
(1) This section applies if the election is suspended under section 200B and the Minister is not required to terminate the election under section 200D.	11 12 13 14
(2) The Minister must, as soon as practicable after the withdrawal of the notice of election, in consultation with the electoral commission and having regard to the purpose of this part, end the suspension of the election by notice published on the electoral commission’s website.	15 16 17 18 19 20
(3) The notice—	21
(a) must fix a day that is a Saturday for the holding of the election; and	22 23
(b) may be accompanied by an amended notice of election under section 25 for the election; and	24 25 26
(c) may state that any votes cast in the election before it was suspended are to be disregarded.	27 28 29
(4) The day fixed under subsection (3) must be decided by the Minister, in consultation with the electoral commission and having regard to the purpose of this part.	30 31 32 33

-
- (5) If the notice is accompanied by an amended notice of election under subsection (3)(b), a reference in part 4 to the nomination day is taken to be a reference to the nomination day stated in the amended notice of election. 1
2
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- (6) If the notice states that votes cast in the election before the suspension are to be disregarded, on the publication of the notice under subsection (2), the following must be destroyed— 6
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8
9
- (a) declaration envelopes; 10
- (b) ballot papers in ballot boxes; 11
- (c) all books and papers, other than the voters roll, used by each presiding officer. 12
13
- (7) The *City of Brisbane Act 2010*, chapter 3, part 5 or the *Local Government Act 2009*, chapter 3, part 5 applies to a local government from the day the Minister publishes the notice under subsection (2). 14
15
16
17
18

200D Terminating election 19

- (1) This section applies if— 20
- (a) the election is suspended under section 200B; and 21
22
- (b) in consultation with the electoral commission, the Minister is satisfied— 23
24
- (i) the period of the suspension of the election is likely to compromise the outcome of the election; and 25
26
27
- (ii) it would be practicable to hold a new election. 28
29
- (2) The Minister must, by notice published on the electoral commission's website, terminate the election. 30
31
32
- (3) On the publication of the notice— 33

[s 21]

- (a) nominations for the election are taken to have been withdrawn; and 1
2
- (b) the following items for the election must be destroyed— 3
4
 - (i) declaration envelopes; 5
 - (ii) ballot papers in ballot boxes; 6
 - (iii) unused ballot papers; 7
 - (iv) all books and papers, other than the voters roll, used by each presiding officer; and 8
9
10
- (c) all deposits given to the returning officer under section 39 for the election must be refunded. 11
12
13
- (4) The Minister must, in consultation with the electoral commission and having regard to the purpose of this part, fix a day that is a Saturday for the holding of the quadrennial election for 2020. 14
15
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17

200E Conduct of poll by postal ballot 18

- (1) This section applies if the Minister is satisfied that, having regard to the purpose of this part, it would be in the public interest for the poll for the election to be conducted by postal ballot in— 19
20
21
22
 - (a) all of a local government’s area; or 23
 - (b) 1 or more divisions of a local government’s area; or 24
25
 - (c) a part of a local government’s area. 26
- (2) The Minister may direct that the poll for the local government’s area, or the division or part of the local government’s area, be conducted by postal ballot. 27
28
29
30
- (3) However, before giving the direction, the Minister must consult with the electoral 31
32

-
- commission. 1
- (4) A direction under subsection (2) must— 2
- (a) be published on the electoral commission’s 3
website; and 4
- (b) if the direction relates to a part of the local 5
government’s area—be accompanied by a 6
map showing the part of the local 7
government’s area. 8
- (5) The local government must ensure the public may 9
inspect the map mentioned in subsection (4)(b)— 10
- (a) at the local government’s public office; and 11
- (b) on the local government’s website. 12
- (6) Subsection (7) applies if— 13
- (a) the election was suspended under section 14
200B and not terminated under section 15
200D; and 16
- (b) an elector cast a vote in the election other 17
than by postal vote before the election was 18
suspended. 19
- (7) When the suspension of the election ends, the 20
elector’s vote is taken to have been cast by postal 21
vote for section 68(5). 22
- 200F Electors who may vote electronically** 23
- (1) This section applies if— 24
- (a) the electoral commission is satisfied that, 25
having regard to the purpose of this part, it 26
would be in the public interest to allow a 27
class of electors, other than an elector 28
mentioned in section 68(5B), to cast an 29
electronically assisted vote; and 30

[s 21]

- (b) procedures about how an elector may cast an electronically assisted vote have been made under section 75A. 1
2
3
- (2) The electoral commission may, by notice published on the electoral commission’s website, declare the class as electors who may vote electronically. 4
5
6
7
- (3) An elector of the stated class may cast an electronically assisted vote in the election under part 4, division 5. 8
9
10

200G Electoral visitor voting 11

- (1) This section applies if the electoral commission is satisfied it would pose a risk to the health and safety of an issuing officer to visit, under section 77— 12
13
14
15
 - (a) an elector who has applied to vote as a visitor elector to the returning officer under section 77; or 16
17
18
 - (b) electors of a particular class; or 19
 - (c) any electors. 20
- (2) Section 77 applies to the issuing officer subject to the direction. 21
22
- (3) The returning officer may direct the issuing officer not to visit the elector, or electors of the class, or any electors. 23
24
25
- (4) The issuing officer must make alternative arrangements to enable an elector affected by the direction to vote in the election, including, for example, by casting an electronically assisted vote or postal vote. 26
27
28
29
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200H Extending time for particular applications to cast postal vote	1
	2
(1) If the Minister is satisfied that, having regard to the purpose of this part, it would be in the public interest, the Minister may extend the time and day mentioned in sections 79(2)(d) and 81(2A) for relevant electors.	3 4 5 6 7
(2) However, before extending the time and day, the Minister must consult with the electoral commission.	8 9 10
(3) If the Minister extends the time and day under subsection (1)—	11 12
(a) the Minister must give notice of the extension to the returning officer; and	13 14
(b) the Minister must ensure a notice about the extension, including the extended time and day, is published on the electoral commission’s website; and	15 16 17 18
(c) section 79 or 81, as the case may be, applies in relation to a relevant elector as if the reference in section 79(2)(d) or 81(2A) to 7p.m. on the day that is 12 days before the polling day were a reference to the extended time and day.	19 20 21 22 23 24
(4) This section applies in relation to an application even if the application was made before the Minister extends the time and day under subsection (1).	25 26 27 28
(5) In this section—	29
<i>relevant elector</i> means an elector—	30
(a) who is over 65 years; and	31
(b) for whom, as a result of an impairment or condition, the public health emergency involving COVID-19 poses a high risk to the elector’s health and safety.	32 33 34 35

[s 21]

200I Distribution or display of how-to-vote cards or other election material	1 2
(1) This section applies if the electoral commission is satisfied that, having regard to the purpose of this part, it would be in the public interest to regulate, limit or prevent the distribution or display of how-to-vote cards or other election material at a polling booth for the election.	3 4 5 6 7 8
(2) The electoral commission may give a direction—	9
(a) about how, where or when how-to-vote cards may be distributed or displayed at a polling booth for the election; or	10 11 12
(b) prohibiting the distribution or display of how-to-vote cards or other election material at a polling booth for the election; or	13 14 15
(c) prohibiting a person from canvassing for votes in or near polling booths; or	16 17
(d) permitting the display of political statements at a place mentioned in section 188(1).	18 19
(3) The direction must be published on the electoral commission’s website.	20 21
(4) A person must not contravene the direction. Maximum penalty—10 penalty units.	22 23
(5) Section 188 does not apply to the display of a political statement permitted under the direction.	24 25
200J Issuing officers for s 12	26
Despite section 12, an issuing officer for the election—	27 28
(a) need not be a member of the staff of the electoral commission under section 12(2); and	29 30 31

-
- (b) may be another appropriately qualified person. 1
2

200K Adjournment of poll under s 52A or 53 3

- (1) This section applies if a poll for the election is adjourned under section 52A(3) or 53(1). 4
5
- (2) Section 53 applies in relation to the poll as if the reference in section 53(3) to a day no later than 34 days after the day on which the poll is adjourned were a reference to the earliest Saturday on which the returning officer is satisfied the poll may practicably and safely be taken or resumed. 6
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8
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11
- (3) To remove any doubt, it is declared that the returning officer or presiding officer for a polling booth may act under section 53, as affected by this section, as occasion requires. 12
13
14
15

200L Regulation-making power for quadrennial election for 2020 16
17

- (1) A regulation may make provision about a matter for which— 18
19
- (a) it is necessary to make provision to allow or facilitate the holding of the quadrennial election for 2020; and 20
21
22
- (b) this Act does not make provision or sufficient provision. 23
24
- (2) The regulation may— 25
- (a) have retrospective operation to a day not earlier than the day of commencement; and 26
27
- (b) be inconsistent with this Act to the extent necessary to achieve the purpose of this part. 28
29
- (3) This section and the regulation expire 1 year after the day of commencement. 30
31

[s 22]

Part 9	Amendment of Local Government Regulation 2012	1 2
Clause 22	Regulation amended	3
	This part amends the <i>Local Government Regulation 2012</i> .	4
Clause 23	Amendment of s 239AA (Dissolution of Logan City Council)	5 6
	Section 239AA(2), ‘30 June 2020’—	7
	<i>omit, insert—</i>	8
	30 June 2021	9
Part 10	Amendment of Planning Act 2016	10 11
Clause 24	Act amended	12
	This part amends the <i>Planning Act 2016</i> .	13
Clause 25	Amendment of s 161 (What part is about)	14
	Section 161, after ‘part 1’—	15
	<i>insert—</i>	16
	or section 275L	17
Clause 26	Insertion of new ch 7, pt 4B	18
	Chapter 7—	19
	<i>insert—</i>	20
	Part 4B	
	Applicable events	21

Division 1	Preliminary	1
275D Definitions for part		2
In this part—		3
<i>applicable event</i> means an applicable event declared under section 275E(2).		4 5
<i>applicable event notice</i> see section 275E(2).		6
<i>applicable event period</i> see section 275E(3)(a).		7
<i>relevant change</i> see section 275H(1).		8
<i>temporary use licence</i> see section 275H(1).		9
Division 2	Declaring applicable events	10 11
275E Declarations of applicable events		12
(1) This section applies if the Minister is satisfied that—		13 14
(a) an event has taken place, is taking place or is likely to take place; and		15 16
(b) the event may affect a State interest.		17
(2) The Minister may, by notice published on the department’s website (an <i>applicable event notice</i>), declare that the event is an applicable event.		18 19 20 21
(3) The applicable event notice must state—		22
(a) the period for which the notice has effect (the <i>applicable event period</i>); and		23 24
(b) the part of the State to which the notice applies.		25 26
(4) The applicable event period must not start before		27

[s 26]

the day the applicable event notice is published.	1
(5) The applicable event notice is a statutory instrument.	2 3
(6) In this section—	4
<i>event</i> see the <i>Disaster Management Act 2003</i> , section 16.	5 6
275F Extensions of applicable event periods	7
(1) The Minister may, by notice published on the department’s website (an <i>extension notice</i>), extend the applicable event period for an applicable event notice by a stated period if satisfied the extension is necessary having regard to—	8 9 10 11 12 13
(a) the nature of the applicable event; and	14
(b) the effect the applicable event may have on a State interest.	15 16
(2) The extension notice must be published before the applicable event period would otherwise end.	17 18
(3) The extension notice is a statutory instrument.	19
Division 3 Temporary use licences	20
275G Application of division	21
This division applies in relation to premises if an applicable event notice for an applicable event applies to the part of the State in which the premises is located.	22 23 24 25
275H Applications for temporary use licences	26
(1) A person may apply to the chief executive for a licence (a <i>temporary use licence</i>) in relation to	27 28

-
- the premises that does any of the following (each a *relevant change*)—
- (a) if a development approval for a material change of use is in effect for the premises—changes a condition of the development approval;
 - (b) if the premises is designated premises—provides that a use of the premises is not required to comply with a requirement about the use stated in the designation for the premises;
 - (c) otherwise—changes the existing lawful use of the premises, including, for example, by—
 - (i) increasing the intensity or scale of the existing lawful use; or
 - (ii) adding a new use; or
 - (iii) replacing the existing lawful use with a new use.
- (2) The application must—
- (a) be in the approved form; and
 - (b) include the matters prescribed by regulation.
- (3) To remove any doubt, it is declared that the application may relate to multiple premises.

275I Decisions on applications

- (1) The chief executive must consider an application for a temporary use licence made under section 275H and decide—
 - (a) to give the temporary use licence, with or without conditions; or
 - (b) to refuse to give the temporary use licence.
- (2) The chief executive may give the temporary use

[s 26]

licence only if satisfied that, having regard to the 1
nature of the applicable event, there are 2
reasonable grounds for the relevant change the 3
subject of the licence applying during the 4
applicable event period for the applicable event 5
notice. 6

275J Notices of decisions 7

- (1) The chief executive must give the applicant notice 8
of the chief executive's decision. 9
- (2) If the decision is to give the temporary use 10
licence— 11
 - (a) the notice must state— 12
 - (i) the day the notice is given; and 13
 - (ii) the premises to which the licence 14
relates; and 15
 - (iii) details of the relevant change; and 16
 - (iv) any conditions imposed on the licence; 17
and 18
 - (v) any other matter prescribed by 19
regulation; and 20
 - (b) the chief executive must give a copy of the 21
notice to the local government for the local 22
government area in which the premises are 23
located. 24
- (3) If the decision is to refuse to give the temporary 25
use licence, the notice must state the reasons for 26
the decision. 27

275K Period of temporary use licences 28

A temporary use licence has effect from the day 29
the notice mentioned in section 275J(1) is given to 30
the applicant until the end of the applicable event 31

period for the applicable event notice. 1

275L Effect of temporary use licences 2

- (1) If a temporary use licence changes a condition of a development approval, the development approval is taken, for the period the licence is in effect— 3
4
5
6
(a) to be changed in the way stated in the licence; and 7
8
(b) to be subject to the conditions of the licence. 9
- (2) Subsection (3) applies if a temporary use licence provides that a use of designated premises is not required to comply with a requirement about the use stated in the designation for the premises. 10
11
12
13
- (3) A person does not, during the period the temporary use licence is in effect, commit an offence against section 165 in relation to the use merely because the use does not comply with the requirement, unless the person contravenes a condition of the licence. 14
15
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17
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19
- (4) If a temporary use licence changes the existing lawful use of premises, a person does not, during the period the licence is in effect, commit an offence against section 162, 163 or 165(a) in relation to the changed use, unless the person contravenes a condition of the licence. 20
21
22
23
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25
- (5) Despite section 157(1), an infrastructure agreement does not apply instead of a part of a development approval changed under subsection (1). 26
27
28
29
- (6) Despite anything else in this Act or the *Economic Development Act 2012*, development, other than a material change of use, does not stop being prohibited development or assessable development, or PDA assessable development 30
31
32
33
34

[s 26]

under the *Economic Development Act 2012*, 1
merely because a temporary use licence has been 2
given. 3

275M Delegations 4

The chief executive may delegate the chief 5
executive's functions under this division to an 6
appropriately qualified public service officer. 7

Division 4 **Declaring uses and** 8
 classes of uses 9

275N Application of division 10

This division applies in relation to an applicable 11
event notice for an applicable event. 12

275O Declarations of uses and classes of uses 13

- (1) The Minister may, by notice published on the 14
department's website, declare— 15
 - (a) a use for the applicable event; or 16
 - (b) a class of uses for the applicable event. 17
- (2) The Minister may make the declaration only if 18
satisfied the declaration is necessary having 19
regard to the nature of the applicable event. 20
- (3) The declaration may be made in relation to all or 21
part of the area to which the applicable event 22
notice applies. 23
- (4) The declaration has effect from the day notice of 24
the declaration is published until the end of the 25
applicable event period for the applicable event 26
notice. 27
- (5) The declaration is a statutory instrument. 28

275P Effect of declarations under s 275O	1
(1) This section applies if—	2
(a) the Minister makes a declaration under section 275O in relation to a use or class of uses; and	3 4 5
(b) any of the following has the effect of limiting the hours of operation of the use or a use of the class or restricting the movement of goods in relation to the use or a use of the class—	6 7 8 9 10
(i) a provision of this Act;	11
(ii) a requirement of a designation;	12
(iii) a condition of a development approval.	13
(2) For the period the declaration is in effect, the provision, requirement or condition does not apply in relation to the carrying out of the use, or a use of the class, on premises in the area to which the declaration applies.	14 15 16 17 18
Division 5 Extending and suspending periods under Act	19 20
275Q Application of division	21
This division applies in relation to an applicable event notice for an applicable event.	22 23
275R Extension of periods for doing things under Act	24 25
(1) This section applies if the Minister is satisfied that, because of the applicable event, it is necessary to extend a period under this Act for the doing of a thing (the <i>relevant period</i>).	26 27 28 29

[s 26]

<i>Examples of periods under this Act for the doing of a thing—</i>	1 2
• the period mentioned in section 25(1)(a) for reviewing a planning scheme	3 4
• a period for notifying an application stated in the development assessment rules under section 68	5 6
(2) The Minister may, by notice published on the department’s website (an <i>extension notice</i>), extend the relevant period by a stated period.	7 8 9
(3) The extension notice—	10
(a) must be published before the day that is 30 business days after the end of the applicable event period for the applicable event notice; and	11 12 13 14
(b) has effect from the day the extension notice is published until the expiry day stated in the notice, unless the notice is earlier revoked.	15 16 17
(4) The Minister may, by notice published on the department’s website (a <i>further extension notice</i>), further extend the relevant period by a stated period.	18 19 20 21
(5) The further extension notice—	22
(a) must be published before the day mentioned in subsection (3)(a) and before the day the extension notice stops having effect; and	23 24 25
(b) has effect from the day the extension notice stops having effect until the expiry day stated in the further extension notice, unless the further extension notice is earlier revoked.	26 27 28 29 30
(6) An extension notice or a further extension notice applies in relation to a relevant period only if—	31 32
(a) the relevant period starts during the period the notice is in effect; or	33 34

(b) the relevant period had started, but not ended, before the notice took effect.	1 2
(7) If a relevant period is extended under an extension notice or a further extension notice, the extension continues to have effect even if the notice stops having effect.	3 4 5 6
(8) An extension notice and a further extension notice are statutory instruments.	7 8
275S Suspension of periods for doing things under Act	9 10
(1) This section applies if the Minister is satisfied that, because of the applicable event, it is necessary to suspend a period under this Act for the doing of a thing (the <i>relevant period</i>).	11 12 13 14
(2) The Minister may, by notice published on the department's website (a <i>suspension notice</i>), suspend the relevant period for the period the notice is in effect.	15 16 17 18
(3) The suspension notice—	19
(a) must be published before the day that is 30 business days after the end of the applicable event period for the applicable event notice; and	20 21 22 23
(b) has effect from the day the suspension notice is published until the expiry day stated in the notice, unless the notice is earlier revoked.	24 25 26 27
(4) The Minister may, by notice published on the department's website (a <i>further suspension notice</i>), further suspend the relevant period for the period the notice is in effect.	28 29 30 31
(5) The further suspension notice—	32

[s 27]

	(a)	must be published before the day mentioned in subsection (3)(a) and before the day the suspension notice stops having effect; and	1 2 3
	(b)	has effect from the day the suspension notice stops having effect until the expiry day stated in the further suspension notice, unless the further suspension notice is earlier revoked.	4 5 6 7 8
	(6)	A suspension notice or further suspension notice applies in relation to a relevant period only if—	9 10
	(a)	the relevant period starts during the period the notice is in effect; or	11 12
	(b)	the relevant period had started, but not ended, before the notice took effect.	13 14
	(7)	If a suspension notice or further suspension notice is in effect in relation to the relevant period for the doing of a thing—	15 16 17
	(a)	the relevant period is suspended; and	18
	(b)	the doing of the thing has no effect.	19
	(8)	A suspension notice and a further suspension notice are statutory instruments.	20 21
Clause 27	Amendment of s 281 (Delegation)		22
		Section 281, after ‘Act’—	23
		<i>insert—</i>	24
		, other than a function under chapter 7, part 4B,	25
Clause 28	Amendment of sch 2 (Dictionary)		26
		Schedule 2—	27
		<i>insert—</i>	28
		<i>applicable event</i> , for chapter 7, part 4B, see section 275D.	29 30

	<i>applicable event notice</i> , for chapter 7, part 4B, see section 275E(2).	1 2
	<i>applicable event period</i> , for chapter 7, part 4B, see section 275E(3)(a).	3 4
	<i>relevant change</i> , for chapter 7, part 4B, see section 275H(1).	5 6
	<i>temporary use licence</i> , for chapter 7, part 4B, see section 275H(1).	7 8
Part 11	Amendment of Public Health Act 2005	9 10
Division 1	Preliminary	11
Clause 29	Act amended	12
	This part amends the <i>Public Health Act 2005</i> .	13
Division 2	Amendments commencing on assent	14 15
Clause 30	Amendment of s 315 (Definitions for ch 8)	16
	Section 315—	17
	<i>insert—</i>	18
	<i>COVID-19 emergency</i> means the public health emergency declared by the Minister on 29 January 2020 under section 319(2), as extended and further extended under section 323.	19 20 21 22
	<i>Editor's note—</i>	23
	The public health emergency order that declared the COVID-19 emergency was published in the gazette on 31 January 2020 under section 321(1)(a).	24 25 26

[s 31]

	<i>public health direction</i> see section 362B(1).	1
Clause 31	Amendment of s 339 (Powers)	2
	Section 339(1)—	3
	<i>insert—</i>	4
	(c) if the declared public health emergency is the COVID-19 emergency—an emergency officer also has the powers stated in part 7A, division 3.	5 6 7 8
Clause 32	Amendment of s 340 (Identity cards)	9
	Section 340—	10
	<i>insert—</i>	11
	(3) Subsection (1) does not apply in relation to an emergency officer who is a police officer.	12 13
Clause 33	Amendment of s 341 (Failure to return card)	14
	Section 341, after ‘A person’—	15
	<i>insert—</i>	16
	, other than a police officer,	17
Clause 34	Amendment of s 342 (Production or display of identity card by emergency officer)	18 19
	(1) Section 342, heading, after ‘identity card’—	20
	<i>insert—</i>	21
	or supply of identifying details	22
	(2) Section 342(1), after ‘An emergency officer’—	23
	<i>insert—</i>	24
	, other than an emergency officer who is a police officer,	25 26

-
- (3) Section 342— 1
insert— 2
- (1A) An emergency officer who is a police officer in 3
uniform may exercise a power in relation to 4
another person under this chapter only if the 5
officer first informs the person of his or her name, 6
rank and station. 7
- (1B) An emergency officer who is a police officer but 8
not in uniform may exercise a power in relation to 9
another person under this chapter only if the 10
officer first— 11
- (a) informs the person— 12
- (i) that he or she is a police officer; and 13
- (ii) of his or her name, rank and station; 14
and 15
- (b) produces for inspection his or her identity 16
card as a police officer. 17
- (4) Section 342(2), after ‘subsection (1)’— 18
insert— 19
, (1A) or (1B) 20
- (5) Section 342(2)— 21
insert— 22
- (d) if the emergency officer is a police officer— 23
the officer’s identity card as a police officer. 24

- Clause 35 Amendment of s 350 (Duration of order) 25**
- Section 350(a), ‘96 hours from the time’— 26
omit, insert— 27
14 days after the day 28

[s 36]

Clause 36	Insertion of new ch 8, pt 7A	1
	Chapter 8—	2
	<i>insert—</i>	3
	Part 7A	4
	Particular powers for COVID-19 emergency	5
	Division 1	6
	Preliminary	
	362A Purpose of part	7
	The purpose of this part is to confer additional powers for the COVID-19 emergency on—	8 9
	(a) the chief health officer; and	10
	(b) emergency officers.	11
	Division 2	12
	Chief health officer	
	362B Power to give directions	13
	(1) This section applies if the chief health officer reasonably believes it is necessary to give a direction under this section (a <i>public health direction</i>) to assist in containing, or to respond to, the spread of COVID-19 within the community.	14 15 16 17 18
	(2) The chief health officer may, by notice published on the department’s website or in the gazette, give any of the following public health directions—	19 20 21
	(a) a direction restricting the movement of persons;	22 23
	(b) a direction requiring persons to stay at or in a stated place;	24 25

-
- (c) a direction requiring persons not to enter or stay at or in a stated place; 1
2
- (d) a direction restricting contact between persons; 3
4
- (e) any other direction the chief health officer considers necessary to protect public health. 5
6
- (3) A public health direction must state— 7
- (a) the period for which the direction applies; and 8
9
- (b) that a person to whom the direction applies commits an offence if the person fails, without reasonable excuse, to comply with the direction. 10
11
12
13

362C When public health directions take effect 14

- (1) A public health direction takes effect as soon as it is given. 15
16
- (2) If a public health direction is published on the department's website and in the gazette, it takes effect when it is first published. 17
18
19
- (3) As soon as reasonably practicable after a public health direction is given, the chief health officer must take reasonable steps to ensure that persons likely to be directly affected by the direction are made aware of the giving of the direction. 20
21
22
23
24
- Examples of steps that may be reasonable for subsection (3)—* 25
26
- placing signs at particular places 27
 - advertising in newspapers, on radio and on television 28
29
 - sending emails and text messages 30

[s 36]

362D Failure to comply with public health directions	1 2
A person to whom a public health direction applies must comply with the direction unless the person has a reasonable excuse.	3 4 5
Maximum penalty—100 penalty units.	6
362E When public health directions must be revoked	7 8
The chief health officer must revoke a public health direction as soon as reasonably practicable after the chief health officer is satisfied the direction is no longer necessary to assist in containing, or to respond to, the spread of COVID-19 within the community.	9 10 11 12 13 14
362F Recommended actions in relation to facilities	15
(1) The chief health officer may, to respond to the COVID-19 emergency, publish a notice under this section directed to the owners or operators of businesses or undertakings of a stated class.	16 17 18 19
(2) The notice may state the chief health officer’s recommendation that the owners or operators should do 1 or more of the following, at a stated time, in a stated way or to a stated extent, in relation to any facility used by them in conducting the business or undertaking—	20 21 22 23 24 25
(a) open the facility;	26
(b) close the facility;	27
(c) limit access to the facility.	28
<i>Example of a notice for paragraphs (a) and (c)—</i>	29
a notice stating the chief health officer’s recommendation that the owners of supermarkets should open for trade during stated hours and limit entry to customers holding a pensioner concession card	30 31 32 33

-
- (3) The notice must— 1
- (a) state the period for which the 2
recommendation applies; and 3
- (b) be published on the department’s website. 4
- (4) As soon as reasonably practicable after the notice 5
is published under subsection (3)(b), the chief 6
health officer must take reasonable steps to ensure 7
that persons likely to be directly affected by the 8
notice are made aware of it. 9
- Examples of steps that may be reasonable for subsection 10
(4)— 11*
- placing signs at particular places 12
 - advertising in newspapers, on radio and on 13
television 14
 - sending emails and text messages 15
- (5) A person does not commit an offence against any 16
other Act if the act or omission that would 17
otherwise constitute the offence was done or 18
made in accordance with the recommendation in 19
the notice. 20
- Example of the application of subsection (5)— 21*
- If the owner of a supermarket trades at a time when a 22
provision of the *Trading (Allowable Hours) Act 1990* 23
would otherwise require the supermarket to be closed, 24
the owner does not commit an offence against that Act if 25
the supermarket was open in accordance with a 26
recommendation given in a notice under this section. 27

Division 3 Emergency officers 28

362G Power to give directions under this division 29

- (1) An emergency officer may give a person a 30
direction under this division if the emergency 31
officer reasonably believes the direction is 32
necessary to assist in containing, or to respond to, 33

[s 36]

- the spread of COVID-19 within the community. 1
- (2) Also an emergency officer may give the person 1 2
or more further directions under this division if 3
the officer reasonably believes the further 4
directions are necessary for a purpose mentioned 5
in subsection (1). 6
- (3) A direction given under this division must— 7
- (a) be in writing; and 8
- (b) state that the person to whom the direction is 9
given commits an offence if the person fails, 10
without reasonable excuse, to comply with 11
the direction; and 12
- (c) state any other matters required under this 13
division. 14
- (4) To the extent of any inconsistency between a 15
public health direction given by the chief health 16
officer and a direction given by an emergency 17
officer under this division, the public health 18
direction prevails. 19
- (5) In this section— 20
- reasonably believes* means believes on grounds 21
that are reasonable in the circumstances. 22
- 362H Directions to stay at particular places 23**
- (1) An emergency officer may give a person a 24
direction to— 25
- (a) stay at or in a stated place for a stated period 26
of not more than 14 days (the *isolation* 27
period) unless the person is permitted under 28
the direction to leave the place for stated 29
purposes or in stated circumstances; and 30
- (b) comply with stated conditions during the 31
isolation period. 32
- (2) For subsection (1)(a), the place may be the 33

person's home or another place decided by the emergency officer.	1 2
<i>Examples of another place—</i>	3
a hospital, an isolation area established under section 352	4 5
(3) For subsection (1)(b), the conditions may provide for matters including—	6 7
(a) whether other persons may enter the place; and	8 9
(b) how the person's contact with other persons is restricted; and	10 11
(c) the purposes for which the person may leave the place.	12 13
<i>Examples of purposes—</i>	14
• to obtain medical care or medical supplies	15
• to avoid an emergency situation	16
362I Directions given in relation to particular facilities	17 18
(1) An emergency officer may give the owner or operator of any business or undertaking a direction under subsection (2).	19 20 21
(2) A direction may require the owner or operator to do 1 or more of the following, at a stated time, in a stated way or to a stated extent, in relation to any facility used in conducting the business or undertaking—	22 23 24 25 26
(a) open the facility;	27
(b) close the facility;	28
(c) limit access to the facility.	29
<i>Example of a direction for paragraph (c)—</i>	30
a direction requiring the operator of a facility to restrict the access of visitors to the facility	31 32

[s 36]

(3)	A direction given under this section must be in writing and state the period for which it applies.	1 2
362J	Failure to comply with direction	3
	A person to whom a direction is given under this division must comply with the direction unless the person has a reasonable excuse.	4 5 6
	Maximum penalty—100 penalty units.	7
362K	When particular directions must be revoked	8
	An emergency officer must revoke a direction given under section 362I as soon as reasonably practicable after the officer is satisfied the direction is no longer necessary to assist in containing, or to respond to, the spread of COVID-19 within the community.	9 10 11 12 13 14
Division 4	Enforcement of directions	15
362L	Enforcement	16
(1)	This section applies if a person fails to comply with a requirement or direction under—	17 18
(a)	a public health direction; or	19
(b)	a direction given under division 3.	20
(2)	An emergency officer may, with necessary and reasonable force, take action to enforce the requirement or direction.	21 22 23
Division 5	Relationship with parts 6 and 7	24 25

362M Relationship with pts 6 and 7

- (1) Nothing in this part limits the powers an emergency officer may exercise under part 6, or an emergency officer (medical) may exercise under part 7, to respond to the COVID-19 emergency.
- (2) Also, nothing in part 6 or 7 limits the powers an emergency officer may exercise under this part.

Clause 37 Amendment of s 366 (Entitlement to compensation)

Section 366—

insert—

- (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 COVID-19 emergency.

Clause 38 Insertion of new ch 12, pt 6

Chapter 12—

insert—

**Part 6 Transitional provisions
for Public Health and
Other Legislation
(Public Health
Emergency)
Amendment Act 2020**

497 Application of s 366

Section 366(2) applies, and is taken to have applied from 16 March 2020, in relation to loss or damage suffered on or after 16 March 2020.

[s 39]

Clause 39	Amendment of sch 2 (Dictionary)	1
	Schedule 2—	2
	<i>insert</i> —	3
	<i>COVID-19 emergency</i> , for chapter 8, see section 315.	4 5
	<i>public health direction</i> , for chapter 8, see section 362B(1).	6 7
Division 3	Amendments commencing 1 year after assent	8 9
Clause 40	Amendment of s 339 (Powers)	10
	Section 339(1)(c)—	11
	<i>omit.</i>	12
Clause 41	Amendment of s 340 (Identity cards)	13
	Section 340(3)—	14
	<i>omit.</i>	15
Clause 42	Amendment of s 341 (Failure to return card)	16
	Section 341, ‘, other than a police officer,’—	17
	<i>omit.</i>	18
Clause 43	Amendment of s 342 (Production or display of identity card by emergency officer)	19 20
	(1) Section 342, heading, ‘or supply of identifying details’—	21
	<i>omit.</i>	22
	(2) Section 342(1), ‘, other than an emergency officer who is a police officer,’—	23 24

omit. 1

(3) Section 342(1A) and (1B)— 2

omit. 3

(4) Section 342(2), ‘, (1A) or (1B)’— 4

omit. 5

(5) Section 342(2)(d)— 6

omit. 7

Clause 44 Amendment of s 350 (Duration of order) 8

Section 350(a), ‘14 days after the day’— 9

omit, insert— 10

96 hours from the time 11

Clause 45 Omission of ch 8, pt 7A (Particular powers for COVID-19 emergency) 12
13

Chapter 8, part 7A— 14

omit. 15

Clause 46 Insertion of new s 498 16

After section 497, as inserted by this Act— 17

insert— 18

498 Proceedings against repealed s 362D or 362J 19

(1) This section applies in relation to an offence 20
against repealed section 362D or repealed section 21
362J committed by a person before the 22
commencement. 23

(2) Without limiting the *Acts Interpretation Act 1954*, 24
section 20, a proceeding for the offence may be 25
continued or started, and the person may be 26
convicted of and punished for the offence, as if 27

[s 47]

	the amendment Act, section 45 had not commenced.	1 2
	(3) Subsection (2) applies despite the Criminal Code, section 11.	3 4
	(4) In this section—	5
	<i>amendment Act</i> means the <i>Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020</i> .	6 7 8
	<i>repealed</i> , for a provision of this Act, means the provision as in force from time to time before the commencement.	9 10 11
Clause 47	Amendment of sch 2 (Dictionary)	12
	Schedule 2, definition <i>public health direction</i> — <i>omit</i> .	13 14
Part 12	Amendment of State Penalties Enforcement Regulation 2014	15 16
Clause 48	Regulation amended	17
	This part amends the <i>State Penalties Enforcement Regulation 2014</i> .	18 19
Clause 49	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	20 21
	(1) Schedule 1, entry for <i>Public Health Act 2005</i> — <i>insert</i> —	22 23
	s 346(1)	10 50
	s 362D	10 50

s 362J	10	50	
(2) Schedule 1, entry for <i>Public Health Act 2005</i> , authorised person for service of infringement notices entry—			1 2
<i>omit, insert—</i>			3
Authorised person for service of infringement notices—			4 5
(a) for an offence against section 346(1), 362D or 362J—			6 7
(i) an authorised person appointed under the <i>Public Health Act 2005</i> , section 377; or			8 9 10
(ii) an emergency officer (general) appointed under the <i>Public Health Act 2005</i> , section 333; or			11 12 13
(iii) an emergency officer (medical) appointed under the <i>Public Health Act 2005</i> , section 335; or			14 15 16
(iv) a police officer; or			17
(b) for an offence against section 23(4), 409(1), 419(1) or 420—an authorised person appointed under the <i>Public Health Act 2005</i> , section 377.			18 19 20 21