

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

The Clerk of the Parliament.

*Legislative Assembly Chamber,
Brisbane, September 2021*



Queensland

**No.
A BILL for**

An Act to amend the Body Corporate and Community Management Act 1997, the Corrective Services Act 2006, the COVID-19 Emergency Response Act 2020, the Economic Development (COVID-19 Emergency Response) Regulation 2020, the Environmental Protection Act 1994, the Explosives Legislation (COVID-19 Emergency Response) Regulation 2020, the Gaming Machine Act 1991, the Health Legislation (COVID-19 Emergency Response) Regulation 2020, the Holidays Act 1983, the Hospital and Health Boards Act 2011, the Industrial Relations Act 2016, the Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020, the Mental Health Act 2016, the Public Health Act 2005, the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Act 2021, the Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020, the Right to Information Act 2009 and the Transport Operations (Passenger Transport) Act 1994 for particular purposes, and to repeal the Personalised Transport Ombudsman Act 2019



Queensland

Public Health and Other Legislation (Further Extension of Expiring Provisions) Amendment Bill 2021

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2021

A Bill

for

An Act to amend the *Body Corporate and Community Management Act 1997*, the *Corrective Services Act 2006*, the *COVID-19 Emergency Response Act 2020*, the *Economic Development (COVID-19 Emergency Response) Regulation 2020*, the *Environmental Protection Act 1994*, the *Explosives Legislation (COVID-19 Emergency Response) Regulation 2020*, the *Gaming Machine Act 1991*, the *Health Legislation (COVID-19 Emergency Response) Regulation 2020*, the *Holidays Act 1983*, the *Hospital and Health Boards Act 2011*, the *Industrial Relations Act 2016*, the *Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020*, the *Mental Health Act 2016*, the *Public Health Act 2005*, the *Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Act 2021*, the *Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020*, the *Right to Information Act 2009* and the *Transport Operations (Passenger Transport) Act 1994* for particular purposes, and to repeal the *Personalised Transport Ombudsman Act 2019*

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Public Health and Other Legislation (Further Extension of Expiring Provisions) Amendment Act 2021*.

2 Commencement

- (1) Part 11, division 3 commences on 1 October 2021.
- (2) Part 12, division 3 commences on a day to be fixed by proclamation.

Part 2 Amendment of Body Corporate and Community Management Act 1997

3 Act amended

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

4 Amendment of s 323F (Penalties for late payment)

Section 323F(1)(b), example, ‘1 November 2021’—
omit, insert—

1 July 2022

Part 3 **Amendment of Corrective Services Act 2006**

5 **Act amended**

This part amends the *Corrective Services Act 2006*.

6 **Omission of s 351D (Modification of s 272 (Engaging service provider))**

Section 351D—
omit.

Part 4 **Amendment of COVID-19 Emergency Response Act 2020**

7 **Act amended**

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

8 **Amendment of s 4A (Meaning of *COVID-19 legislation expiry day*)**

Section 4A(a), ‘30 September 2021’—
omit, insert—
30 April 2022

Part 5 **Amendment of Economic Development (COVID-19 Emergency Response) Regulation 2020**

9 **Regulation amended**

This part amends the *Economic Development (COVID-19 Emergency Response) Regulation 2020*.

10 **Amendment of s 6 (Publicly notifying applications if no local newspaper)**

Section 6(2)(b)(ii), ‘30 September 2021’—

omit, insert—

the end of the response period

Part 6 **Amendment of Environmental Protection Act 1994**

11 **Act amended**

This part amends the *Environmental Protection Act 1994*.

12 **Amendment of s 547D (Form and content)**

Section 547D(2)(d)(ii), ‘30 November 2021’—

omit, insert—

30 June 2022

13 **Amendment of s 547I (Making of declaration)**

Section 547I(3)(a)(ii), ‘30 November 2021’—

omit, insert—

30 June 2022

Part 7 Amendment of Explosives Legislation (COVID-19 Emergency Response) Regulation 2020

14 Regulation amended

This part amends the *Explosives Legislation (COVID-19
Emergency Response) Regulation 2020*.

15 Amendment of s 2A (Definition)

Section 2A, definition *COVID-19 response period*, paragraph
(b), ‘the COVID-19 legislation expiry day’—

omit, insert—

30 September 2021

16 Amendment of s 3 (Modification of the Explosives Act 1999, s 19 (Term of authority))

Section 3(2), ‘the COVID-19 legislation expiry day’—

omit, insert—

30 September 2021

17 Amendment of s 12 (Expiry)

Section 12, ‘the COVID-19 legislation expiry day’—

omit, insert—

30 September 2021

Part 8 Amendment of Gaming Machine Act 1991

18 Act amended

This part amends the *Gaming Machine Act 1991*.

19 Amendment of s 367C (Deferral or waiver of payment of gaming taxes)

Section 367C(4), ‘30 September 2021’—

omit, insert—

30 April 2022

Part 9 Amendment of Health Legislation (COVID-19 Emergency Response) Regulation 2020

20 Regulation amended

This part amends the *Health Legislation (COVID-19
Emergency Response) Regulation 2020*.

21 Replacement of s 4 (Period not extended beyond the COVID-19 legislation expiry day)

Section 4—

omit, insert—

4 Period not extended beyond 30 September 2021

- (1) This section applies if a period extended under this regulation would, but for this section, end on a day that is after 30 September 2021.

- (2) The period is taken to end on 30 September 2021.

22 Amendment of s 15 (Expiry)

Section 15, ‘the COVID-19 legislation expiry day’—

omit, insert—

30 September 2021

**Part 9A Amendment of Holidays Act
1983**

22A Act amended

This part amends the *Holidays Act 1983*.

22B Insertion of new s 14

After section 13—

insert—

14 Particular public holiday in 2021

- (1) A public holiday is to be observed on 29 October 2021 in a participating district.
- (2) The Minister may, by notice published on the department’s website, substitute another day for the public holiday under subsection (1) for a participating district if the Minister considers it is necessary or desirable to do so having regard to the COVID-19 emergency.
- (3) The notice is a statutory instrument.
- (4) The Minister must, within 14 sitting days after the day the notice is published, table a copy of the notice in the Legislative Assembly.
- (5) To remove any doubt, it is declared that a reference in an industrial instrument under the

Industrial Relations Act 2016 to a public holiday is taken, in a participating district, to include—

- (a) 29 October 2021; or
 - (b) if the Minister substitutes another day for the public holiday under subsection (1) for the participating district—the substituted day.
- (6) In this section—

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

participating district means—

- (a) the area of Brisbane under the *City of Brisbane Act 2010*; or
- (b) the Moreton Bay local government area; or
- (c) the Scenic Rim local government area.

Part 9B Amendment of Hospital and Health Boards Act 2011

22C Act amended

This part amends the *Hospital and Health Boards Act 2011*.

22D Amendment of pt 3, hdg (Functions of chief executive, chief health officer and deputy chief health officer)

Part 3, heading, ‘deputy chief health officer’—

omit, insert—

deputy chief health officers

22E Amendment of pt 3, div 3, hdg (Chief health officer and deputy chief health officer)

Part 3, division 3, heading, ‘deputy chief health officer’—

omit, insert—

deputy chief health officers

22F Amendment of s 53AA (Deputy chief health officer)

(1) Section 53AA, heading, ‘officer’—

omit, insert—

officers

(2) Section 53AA(1), ‘a deputy chief health officer’—

omit, insert—

1 or more deputy chief health officers

(3) Section 53AA(2) and (3), ‘The’—

omit, insert—

A

22G Amendment of s 53AB (Functions of deputy chief health officer)

(1) Section 53AB, heading, ‘officer’—

omit, insert—

officers

(2) Section 53AB, ‘functions of the’—

omit, insert—

functions of a

22H Amendment of s 53AC (Delegation by chief health officer)

Section 53AC, ‘the deputy’—

omit, insert—

a deputy

22I Amendment of s 139A (Meaning of *designated person*)

Section 139A(1)(ca), ‘the’—

omit, insert—

a

22J Amendment of s 266 (Appointments and authority)

Section 266(ba) and (g)(iiia), ‘the’—

omit, insert—

a

22K Amendment of s 267 (Signatures)

Section 267(ca), ‘the’—

omit, insert—

a

22L Amendment of sch 2 (Dictionary)

Schedule 2, definition *deputy chief health officer*, ‘the’—

omit, insert—

a

**Part 9C Amendment of Industrial
Relations Act 2016**

22M Act amended

This part amends the *Industrial Relations Act 2016*.

22N Amendment of sch 5 (Dictionary)

Schedule 5, definition *public holiday*, paragraph (a), last dot point, ‘13’—

omit, insert—

14

**Part 10 Amendment of Justice and
Other Legislation (COVID-19
Emergency Response)
Amendment Act 2020**

23 Act amended

This part amends the *Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020*.

Editor’s note—

The legislation ultimately amended is the *Public Health Act 2005*.

24 Amendment of s 2 (Commencement)

Section 2(2), ‘1 October 2021’—

omit, insert—

1 May 2022

**25 Amendment of pt 16, div 3, hdg (Amendments
commencing on 1 October 2021)**

Part 16, division 3, heading, ‘1 October 2021’—

omit, insert—

1 May 2022

Part 11 Amendment of Mental Health Act 2016

Division 1 Preliminary

26 Act amended

This part amends the *Mental Health Act 2016*.

Division 2 Amendments commencing on assent

27 Amendment of s 800I (Power of chief psychiatrist to approve absences during COVID-19 emergency period)

Section 800I(3)(b)—

omit, insert—

(b) 30 April 2022.

28 Amendment of s 800P (Expiry of chapter)

Section 800P, ‘30 September 2021’—

omit, insert—

30 April 2022

Division 3 Amendment commencing on 1 October 2021

29 Omission of s 800J (Modification of ss 329 and 332)

Section 800J—

omit.

Part 12 Amendment of Public Health Act 2005

Division 1 Preliminary

30 Act amended

This part amends the *Public Health Act 2005*.

Division 2 Amendments commencing on assent

30A Replacement of s 362A (Purpose of part)

Section 362A—

omit, insert—

362A Purposes of part

The purposes of this part are—

- (a) to confer additional powers for the COVID-19 emergency on—
 - (i) the chief health officer; and
 - (ii) emergency officers; and
- (b) to protect the confidentiality of particular personal information collected in relation to the COVID-19 emergency.

30B Amendment of s 362FA (Delegation)

Section 362FA(1)(a), ‘the’—

omit, insert—

a

31 Insertion of new s 362HA

After section 362H—

insert—

362HA How directions may be given

- (1) A direction under section 362H may be given—
 - (a) as provided for under the *Acts Interpretation Act 1954*, part 10; or
 - (b) if a person consents to an emergency officer using a unique electronic address for giving the direction to the person—by sending the direction by electronic communication to the unique electronic address nominated by the person for the giving of the direction.
- (2) Unless the contrary is proved, a direction under section 362H given by an emergency officer to a person under subsection (1)(b) is taken to have been received by the person on the day and at the time the direction is sent to the unique electronic address nominated by the person for the giving of the direction.

31A Insertion of new ch 8, pt 7A, div 6

Chapter 8, part 7A—

insert—

**Division 6 Protection of personal
information**

362MAA Application of division

This division applies if personal information is collected—

- (a) by using a COVID-19 application in accordance with a requirement under this Act; or
- (b) other than by using a COVID-19 application, if—
 - (i) under this Act, a person is required to collect, or make all reasonable efforts to collect, the personal information by using the COVID-19 application; and
 - (ii) it is not possible for the person to collect the personal information by using the COVID-19 application.

Example of a requirement under this Act—

a requirement under a public health direction or a direction given under division 3

362MAB Definitions for division

In this division—

consent means consent that is informed and in writing.

contact tracing means the process under this Act for preventing or minimising the transmission of COVID-19 by identifying, communicating with, assessing, managing or giving directions to—

- (a) persons who have, or may have, contracted COVID-19; or
- (b) persons who have, or may have, been exposed to COVID-19 by persons mentioned in paragraph (a); or
- (c) a provider, within the meaning of section 108A, in relation to a person mentioned in paragraph (a) or (b).

COVID-19 application see section 362MAC.

disclose includes give access to.

information holder means a person who collects personal information in circumstances mentioned in section 362MAA(b).

parent, of a child, includes a person having or exercising parental responsibility for the child.

personal information means information from which an individual's identity is apparent or can reasonably be ascertained, and includes information about the individual's health.

Examples of personal information—

an individual's name or contact details or information about an individual's presence at a place

relevant information means personal information in relation to which this division applies.

relevant person means—

- (a) any of the following persons who perform, or have performed, functions under or relating to the administration of this Act—
 - (i) an authorised person;
 - (ii) a contact tracing officer;
 - (iii) an emergency officer;
 - (iv) a health service employee;
 - (v) a public service employee; or
- (b) a person who is or has been involved in the administration, management or monitoring of a COVID-19 application; or
- (c) an information holder.

relevant provision means each of the following provisions—

- (a) chapter 3, part 3;
- (b) section 346;
- (c) this part;

(d) sections 363 and 364.

362MAC Meaning of *COVID-19 application*

- (1) The application used for the purpose of contact tracing, known as the Check In Qld app, is a ***COVID-19 application***.
- (2) Also, a regulation may prescribe another application to be a ***COVID-19 application*** if the application is developed or used for—
 - (a) the purpose of contact tracing; or
 - (b) another purpose relating to the COVID-19 emergency that is prescribed by regulation for the application.
- (3) In this section—

application means an application or other program used on a device to display or store information electronically.

362MAD Relationship of division with other provisions

- (1) This division applies despite chapter 3, part 3, division 3.
- (2) Also, if a provision of this division is inconsistent with another provision of this Act or another law, the provision of this division prevails to the extent of the inconsistency.

362MAE Extraterritorial application of division

It is the intention of the Parliament that this division have effect outside Queensland and in relation to persons outside Queensland.

362MAF Confidentiality of relevant information

- (1) This section applies to a relevant person who, in that capacity, has acquired or has access to relevant information.
- (2) The relevant person must not disclose the relevant information to anyone else, or use the relevant information, other than under this division.

Maximum penalty—100 penalty units.

- (3) Subsection (4) applies if the relevant person is an information holder.
- (4) The relevant person must take all reasonable steps to ensure a person who works at a business, activity or undertaking owned, controlled or operated by the relevant person does not disclose the relevant information to anyone else, or use the relevant information, unless the relevant information is disclosed—
 - (a) at the request of the relevant person; and
 - (b) for a purpose for which the relevant person may disclose the relevant information under section 362MAH(2)(a) or (b).

Maximum penalty—100 penalty units.

362MAG Disclosure or use by relevant persons other than information holders

- (1) This section applies to a relevant person, other than an information holder, who has acquired or has access to relevant information in that capacity.
- (2) The relevant person may disclose or use the relevant information—
 - (a) to the extent the disclosure or use is for—
 - (i) contact tracing or a purpose related to contact tracing, including, for example,

ensuring the integrity or security of the relevant information; or

(ii) if the relevant information is collected by using a COVID-19 application prescribed under section 362MAC(2) and a purpose is prescribed for the application under section 362MAC(2)(b)—the prescribed purpose; or

(iii) ensuring a person's compliance with obligations under a relevant provision; or

(iv) investigating or prosecuting an offence against a relevant provision; or

(v) deriving statistical or summary information; or

(b) with the consent of—

(i) the individual to whom the relevant information relates; or

(ii) if the individual is unable to consent—a parent or legal guardian of the individual.

(3) In this section—

statistical or summary information means statistical or summary information from which an individual's identity is not apparent or can not reasonably be ascertained.

362MAH Disclosure by information holders

(1) This section applies to a relevant person who—

(a) is an information holder; and

(b) in that capacity, has acquired or has access to relevant information.

- (2) The relevant person may disclose the relevant information—
- (a) to a relevant person mentioned in section 362MAB, definition *relevant person*, paragraph (a), to the extent the disclosure is for—
 - (i) contact tracing or a purpose related to contact tracing, including, for example, ensuring the integrity or security of the relevant information; or
 - (ii) ensuring a person's compliance with obligations under a relevant provision; or
 - (iii) investigating or prosecuting an offence against a relevant provision; or
 - (b) with the consent of—
 - (i) the individual to whom the relevant information relates; or
 - (ii) if the individual is unable to consent—a parent or legal guardian of the individual.

362MAI Limits on use of relevant information and derived evidence

- (1) Relevant information or derived evidence—
- (a) can not be accessed under any order, whether of a judicial or administrative nature, other than an order for the purpose of a relevant provision; and
 - (b) is not admissible in any proceeding, other than a proceeding under a relevant provision.
- (2) A person can not be compelled to produce relevant information or derived evidence, or give

evidence relating to relevant information or derived evidence—

- (a) in any proceeding, other than a proceeding under a relevant provision; or
 - (b) in compliance with a requirement under an Act or legal process, other than a requirement relating to a proceeding under a relevant provision.
- (3) Subsections (1) and (2) do not apply if the information or evidence is accessed, admitted, produced or given with the consent of—
- (a) the individual to whom the relevant information relates; or
 - (b) if the individual is unable to consent—a parent or legal guardian of the individual.
- (4) In this section—

derived evidence means any information, or document or other thing, obtained as a direct or indirect result of relevant information.

order includes—

- (a) a direction; and
- (b) a decision on an application under an Act for access to information or a document; and

Example of an application for paragraph (b)—

an application under the *Information Privacy Act 2009* or the *Right to Information Act 2009*

- (c) another process.

32 Amendment of s 362MG (Expiry of part)

Section 362MG, ‘30 September 2021’—

omit, insert—

30 April 2022

33 Amendment of s 362Q (Expiry of part)

Section 362Q, ‘30 September 2021’—

omit, insert—

30 April 2022

33A Amendment of s 456 (Protecting prescribed persons from liability)

Section 456(3)(b), note, after ‘, chief health officer,’—

insert—

a

34 Insertion of new ch 12, pt 8

Chapter 12—

insert—

Part 8

**Transitional and
validation provisions
for Public Health and
Other Legislation
(Further Extension of
Expiring Provisions)
Amendment Act 2021**

Division 1

**Provisions for
amendments commencing
on assent**

**507 Validation of particular directions given by
emergency officers**

(1) This section applies in relation to a direction

under section 362H given to a person, before the commencement, by sending the direction by electronic communication to a unique electronic address nominated by the person for the giving of the direction.

- (2) The direction is declared to be, and always to have been, as validly given as if—
 - (a) section 362HA had been in force on the day the direction was given; and
 - (b) the person had consented to the use of the unique electronic address for the giving of the direction.
- (3) Also, the direction is declared for all purposes to be, and always to have been, as valid as if—
 - (a) section 362HA had been in force on the day the direction was given; and
 - (b) the person had consented to the use of the unique electronic address for the giving of the direction.

507A Application of ch 8, pt 7A, div 6

Chapter 8, part 7A, division 6 applies in relation to relevant information whether the information is collected before or after the commencement.

Division 1A Provisions applying on omission of chapter 8, part 7A

507B Application of division

- (1) This division applies on the omission of chapter 8, part 7A.

- (2) This division does not limit the *Acts Interpretation Act 1954*, section 20.

507C Interpretation

- (1) In this division—
former, for a provision of this Act, means the provision as in force from time to time before the omission.
- (2) A reference in a provision of this division to the omission generally is a reference to the omission of chapter 8, part 7A.
- (3) Words defined under former chapter 8, part 7A and used in this division have the same meaning as they had under the former part.

507D Continuation of confidentiality requirements

- (1) This section applies in relation to a relevant person who, in that capacity, has acquired or has access to relevant information collected before the omission, whether the relevant person acquires or has access to the relevant information before or after the omission.
- (2) Despite the omission, former chapter 8, part 7A, division 6 continues to apply in relation to the relevant person.
- (3) To remove any doubt, it is declared that a proceeding for an offence against former section 362MAF may, after the omission, be started or continued under that section as if the section had not been omitted.

507E Continuation of limits on use of relevant information and derived evidence

Despite the omission, former section 362MAI

continues to apply in relation to—

- (a) relevant information collected before the omission; and
- (b) derived evidence, if the evidence was obtained as a direct or indirect result of relevant information mentioned in paragraph (a); and
- (c) evidence relating to relevant information mentioned in paragraph (a) or derived evidence mentioned in paragraph (b).

35 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

communication network means a network—

- (a) capable of electronic communication; and
- (b) designed to enable a user of the network to communicate with a specific person or group of people.

Examples—

a telephone network or computer network

unique electronic address, for a person, means a fixed designation on a communication network assigned to the person for the purpose of the person receiving information.

Examples—

an email address, mobile phone number or user account

Division 3 Amendments commencing by proclamation

36 Insertion of new ch 8, pt 7AA, div 1, hdg

Before section 362MA—

insert—

Division 1 Preliminary

37 Amendment of s 362MA (Definitions for part)

(1) Section 362MA, definition *quarantine*—

omit.

(2) Section 362MA—

insert—

affected person see section 362MH(1).

approved way, in relation to giving a notice or making an application to the chief executive under this part, means the way decided by the chief executive under section 362MN for giving the notice or making the application.

prepayment notice see section 362MF(2).

prescribed person means a person prescribed by regulation to be a prescribed person.

quarantine fees means the fees prescribed under section 362MC.

required to quarantine see section 362MB.

(3) Section 362MA, definition *relevant invoice*, ‘section 362MD(4)’—

omit, insert—

section 362MG(2)

38 Amendment of s 362MB (Meaning of *quarantine*)

- (1) Section 362MB, heading ‘quarantine’—

omit, insert—

required to quarantine

- (2) Section 362MB, from ‘A person’ to ‘if’—

omit, insert—

A person is ***required to quarantine*** if

39 Insertion of new ch 8, pt 7AA, div 2, hdg

Before section 362MC—

insert—

**Division 2 Liability for quarantine
fees and other amounts**

40 Amendment of s 362MC (Fees payable)

- (1) Section 362MC, heading—

omit, insert—

362MC Quarantine fees

- (2) Section 362MC(1), from ‘quarantine’—

omit, insert—

quarantine.

- (3) Section 362MC(2)(a), examples, after ‘meals’—

insert—

, cost of transport to the place of quarantine

- (4) Section 362MC(2)(b), from ‘quarantine’ to
‘accommodation.’—

omit, insert—

quarantine in shared accommodation with other

persons who are also required to quarantine.

41 Amendment of s 362MD (Persons liable to pay fees)

(1) Section 362MD, heading—

omit, insert—

**362MD Liability of persons to pay quarantine fees
generally**

(2) Section 362MD(1), (2) and (3), ‘fees prescribed by
regulation’—

omit, insert—

quarantine fees

(3) Section 362MD(4) and (5)—

omit, insert—

(4) This section is subject to section 362ME.

42 Renumbering of s 362MG (Expiry of part)

Section 362MG—

renumber as section 362MP.

43 Replacement of ss 362ME and 362MF

Sections 362ME and 362MF—

omit, insert—

**362ME Liability of particular third parties to pay
quarantine fees**

(1) This section applies if—

- (a) a person (a *third party*) wishes to accept liability for payment of the quarantine fees that another person (the *primary party*) is, or may become, liable to pay under section 362MD; and

- (b) the third party gives the chief executive notice (an *acceptance notice*), in the approved way, that the third party accepts liability for payment of the quarantine fees; and
 - (c) the third party is approved by the chief executive, under subsection (2), as an approved person in relation to the primary party.
- (2) The chief executive may approve the third party as an *approved person* in relation to the primary party—
- (a) if the approval applies generally to third parties of a particular class—by notice published on the department’s website; or
 - (b) if the approval applies only to the third party—by notice given to the third party.
- (3) On the happening of the relevant event—
- (a) the primary party ceases to be, or does not become, liable under section 362MD to pay the quarantine fees; and
 - (b) the third party becomes liable under this section to pay the fees.
- (4) This section does not affect the liability of any other person who, under section 362MD, is jointly and severally liable with the primary party to pay the quarantine fees.
- (5) Also, this section does not affect any amount paid on account of the quarantine fees, before the relevant event, under a prepayment notice.

Note—

See section 362MM in relation to refunds.

- (6) For this section, the *relevant event* is the latest of the following events to happen—

- (a) the event mentioned in subsection (1)(b);
- (b) the event mentioned in subsection (1)(c);
- (c) if, immediately before the acceptance notice is given, the primary party may become liable under section 362MD to pay the quarantine fees—the event that would, but for this section, make the primary party liable under that section to pay the fees.

362MF Chief executive may require prepayment of amount for quarantine of particular persons

- (1) This section applies if—
 - (a) either—
 - (i) a prescribed person proposes to travel to Queensland; or
 - (ii) an adult proposes to travel to Queensland with a prescribed person who is a child; and
 - (b) it is likely that—
 - (i) on arriving in Queensland, the prescribed person will be required to quarantine; and
 - (ii) quarantine fees will be payable for the prescribed person’s quarantine; and
 - (iii) the prescribed person or another person (in either case the *relevant person*) will be, or will become, liable, under section 362MD or 362ME, to pay the quarantine fees.
- (2) The chief executive may, by notice (a *prepayment notice*) given under this section, require the relevant person to pay an amount on account of the quarantine fees that are likely to be payable for the prescribed person’s quarantine.

- (3) The prepayment notice—
- (a) must state the following matters, as decided by the chief executive—
 - (i) the amount to be paid, or a way of working out the amount to be paid;
 - (ii) the way the amount is to be paid;
 - (iii) the day, or a way of working out the day, before the prescribed person arrives in Queensland, by which the amount is required to be paid;
 - (iv) the day, or a way of working out the day, by which any application under section 362MH for waiver of payment of the quarantine fees must be made; and
 - (b) may be given—
 - (i) if the notice applies generally in relation to prescribed persons of a particular class—by notice published on the department’s website; or
 - (ii) if the notice applies only in relation to the prescribed person—by notice given to the relevant person.

362MG Chief executive must give invoice for quarantine fees

- (1) This section applies in relation to a person who is liable, under section 362MD or 362ME, to pay the quarantine fees for the quarantine of 1 or more persons who have been required to quarantine.
- (2) The chief executive must give the person an invoice (a *relevant invoice*) stating—
 - (a) the date of the invoice; and

- (b) for each person to whom the invoice relates—
 - (i) the name of the person; and
 - (ii) the period for which the person was required to quarantine; and
 - (iii) the amount of the quarantine fees payable for the person's quarantine; and
 - (iv) any amount paid on account of the person's quarantine fees under a prepayment notice; and
 - (v) the amount owing in relation to the person's quarantine fees, after deducting any amount paid as mentioned in subparagraph (iv) or payment of which is waived under division 3; and
- (c) if the invoice relates to more than 1 person—the total amount owing under the invoice.
- (3) However, if 2 or more adults are jointly and severally liable to pay the quarantine fees under section 362MD(2) or (3)—
 - (a) the chief executive may give any 1 of the adults a relevant invoice for the fees; and
 - (b) for subsection (2), the invoice is taken to have been given to each of the adults.

Division 3 Waiver of payment of quarantine fees

362MH Application for waiver

- (1) This section applies to a person, other than an

excluded person, who is liable, or who may become liable, under section 362MD to pay the quarantine fees for the quarantine of the person or another person (in either case the *affected person*).

Note—

This section does not apply to a person who is, or may become, liable to pay quarantine fees under section 362ME.

- (2) The person may apply to the chief executive, in the approved way, for the waiver of payment of all or part of the quarantine fees for the affected person's quarantine.
- (3) If the person has been required, under a prepayment notice, to pay an amount on account of the quarantine fees that are likely to be payable for the affected person's quarantine—
 - (a) the application must be made by the day stated, or worked out in the way stated, in the prepayment notice under section 362MF(3)(a)(iv); but
 - (b) the chief executive may accept and consider an application made by the person after the day mentioned in paragraph (a) if the chief executive considers it appropriate in the circumstances.
- (4) If subsection (3) does not apply, the application may be made—
 - (a) at any time before the relevant invoice is given for the quarantine fees; or
 - (b) within 30 days after the date of the relevant invoice for the quarantine fees, or a longer period agreed by the chief executive and the person.
- (5) In this section—

excluded person means a person prescribed by regulation to be an excluded person.

362MI Deciding application for waiver

- (1) The chief executive may, by notice given to the applicant, ask the applicant to give any further information the chief executive reasonably needs to decide the application.
- (2) The chief executive must decide to—
 - (a) waive payment of all or part of the quarantine fees; or
 - (b) refuse to waive payment of the quarantine fees.
- (3) However, the chief executive may decide to waive payment of all or part of the quarantine fees only if the chief executive considers it appropriate having regard to the circumstances of—
 - (a) the applicant; or
 - (b) if the applicant is not also the affected person—the affected person.

Examples of a person's circumstances—

- experiencing financial hardship
- being a vulnerable person

362MJ Notice of decision

- (1) If the chief executive decides under section 362MI to waive payment of the quarantine fees to the extent sought under the application, the chief executive must give the applicant a notice stating—
 - (a) if the application is for the waiver of payment of all of the fees—that payment of all of the fees is waived under section 362MI; or

- (b) if the application is for the waiver of payment of part of the fees—that payment of that part of the fees is waived under section 362MI.
- (2) If the chief executive decides under section 362MI to refuse to waive payment of the quarantine fees to the extent sought under the application, the chief executive must give the applicant a notice stating—
 - (a) the decision; and
 - (b) the reasons for the decision; and
 - (c) if payment of any part of the fees is waived—that payment of that part of the fees is waived under section 362MI.

362MK When prepayment notice ceases to have effect

- (1) This section applies if—
 - (a) the applicant is required, under a prepayment notice, to pay an amount on account of the quarantine fees that are likely to be payable for the affected person’s quarantine; and
 - (b) either—
 - (i) the application is not decided under section 362MI at least 1 clear day before the day the affected person proposes to travel to Queensland; or
 - (ii) the applicant is not given notice under section 362MJ of the chief executive’s decision on the application at least 1 clear day before the day the affected person proposes to travel to Queensland.
- (2) The prepayment notice ceases to have effect and

is taken never to have been given.

Division 4 Payment and recovery of quarantine fees and refunds

362ML Payment and recovery of quarantine fees

- (1) A person liable to pay quarantine fees under section 362MD or 362ME must pay, by the due date, the amount owing under the relevant invoice for the fees, less the amount of any part of the fees payment of which is waived after the date of the invoice.
- (2) An amount not paid by the person under subsection (1) may be recovered from the person as a debt due to the State.
- (3) In this section—
due date, in relation to the payment of quarantine fees by a person, means the later of the following days—
 - (a) if the person has made an application under section 362MH in relation to the fees—the day that is 14 days after the day the person is given a notice under section 362MJ(1)(b) or (2) stating the chief executive’s decision on the application;
 - (b) the day that is 30 days after the date of the relevant invoice for the fees.

362MM Refunds

- (1) This section applies if—
 - (a) a person to whom a prepayment notice is given pays the amount required under the

notice on account of the quarantine fees that are likely to be payable for a prescribed person's quarantine; and

- (b) 1 of the following applies—
 - (i) the prescribed person does not travel to Queensland within 120 days after the amount is paid under the prepayment notice;
 - (ii) the prescribed person is not required to quarantine on arriving in Queensland;
 - (iii) the prescribed person is required to quarantine on arriving in Queensland, but the amount of the quarantine fees for the prescribed person's quarantine is less than the amount paid under the prepayment notice.
- (2) The chief executive must refund the following amount to the person—
 - (a) if subsection (1)(b)(i) or (ii) applies—the amount paid under the prepayment notice;
 - (b) if subsection (1)(b)(iii) applies—the difference between the amount of the quarantine fees and the amount paid under the prepayment notice.

Division 5 Miscellaneous

362MN Chief executive may approve way of giving notices or making applications

- (1) This section applies if, under or for a provision of this part, a person may give a notice, or make an application, to the chief executive in the approved way.
- (2) The chief executive must, by notice published on

the department's website, approve a way for giving the notice, or making the application, under or for the provision.

- (3) The notice—
- (a) must state the way the notice is to be given or the application is to be made; and

Examples of ways a notice may be given or an application may be made—

- through a stated online portal
- by email to a stated email address

- (b) may require stated information to be given in or with the notice or application.

- (4) However, the notice may only require information under subsection (3)(b) that is reasonably necessary—

- (a) for the chief executive to consider the notice or decide the application; or
- (b) for another purpose related to the notice or the application.

Examples of information that is not reasonably necessary—

- irrelevant personal information
- relevant personal information if the provision of the information would be excessively intrusive to personal privacy

362MO How chief executive may give particular documents

- (1) This section applies if, under a provision of this part, the chief executive is authorised or required to give a person a relevant document.
- (2) The relevant document may be given—
- (a) as provided for under the *Acts Interpretation Act 1954*, part 10; or

- (b) if the person consents to the chief executive using a unique electronic address for giving the person relevant documents under this part—by sending the document by electronic communication to the unique electronic address nominated by the person for that purpose.
- (3) Unless the contrary is proved, a relevant document given to a person under subsection (2)(b) is taken to have been received by the person on the day and at the time the document is sent to the unique electronic address nominated by the person.
- (4) In this section—
relevant document means a notice or relevant invoice.

Division 6 Expiry

44 Amendment of ch 12, pt 7, hdg (Transitional provisions for Community Services Industry (Portable Long Service Leave) Act 2020)

Chapter 12, part 7, heading, ‘provisions’—

omit, insert—

provision

45 Omission of ch 12, pt 7, div 1, hdg (Provision applying on commencement)

Chapter 12, part 7, division 1, heading—

omit.

46 Amendment of s 499 (Application of s 362MD)

Section 499—

insert—

Note—

For transitional provisions relating to the expiry of chapter 8, part 7AA, see chapter 12, part 8, division 3.

47 Omission of ch 12, pt 7, div 2 (Provisions applying on expiry of chapter 8, part 7AA)

Chapter 12, part 7, division 2—

omit.

48 Insertion of new ch 12, pt 8, divs 2 and 3

Chapter 12, part 8, as inserted by this Act—

insert—

Division 2 Provision for amendments commencing by proclamation

508 Application of s 362ME

Section 362ME, as in force on the commencement, applies in relation to the quarantine fees a person is liable to pay under section 362MD whether the person's liability under that section arose before, or arises after, the commencement.

Division 3 Provisions applying on expiry of chapter 8, part 7AA

509 Application of division

- (1) This division applies on the expiry of chapter 8, part 7AA.
- (2) This division does not limit the *Acts Interpretation Act 1954*, section 20.

510 Interpretation

- (1) In this division—
former, for a provision of this Act, means the provision as in force from time to time before the expiry.
- (2) A reference in a provision of this division to the expiry generally is a reference to the expiry of chapter 8, part 7AA.
- (3) Words defined under former chapter 8, part 7AA and used in this division have the same meaning as they had under the former part.

511 Continuation of liability under former s 362MD or 362ME arising before expiry

- (1) This section applies if, immediately before the expiry, a person was liable under former section 362MD or 362ME to pay the quarantine fees for a person's quarantine.
- (2) The expiry of former section 362MD or 362ME does not affect the person's liability under either provision.
- (3) Despite its expiry, former chapter 8, part 7AA continues to apply in relation to the person.

512 Liability under s 362ME arising on or after expiry

- (1) Despite its expiry, section 362ME as in force

immediately before the expiry continues to apply in relation to a third party who wishes to accept liability for payment of the quarantine fees that a primary party was, immediately before the expiry, liable to pay under former section 362MD.

- (2) Without limiting subsection (1)—
 - (a) the third party may, on or after the expiry, give an acceptance notice, as mentioned in section 362ME(1)(b), in relation to the quarantine fees; and
 - (b) the chief executive may, on or after the expiry, approve the third party under section 362ME(2) as an approved person in relation to the primary party.
- (3) Despite its expiry, chapter 8, part 7AA as in force immediately before the expiry continues to apply in relation to a third party who, on or after the expiry, becomes liable under section 362ME, as applied under subsection (1), to pay the quarantine fees for a person's quarantine.

513 Continued application of former s 362MM

- (1) This section applies in relation to a person who, before the expiry—
 - (a) was given a prepayment notice in relation to a prescribed person; and
 - (b) paid the amount required under the notice.
- (2) Despite its expiry, former section 362MM continues to apply in relation to the person.
- (3) However, former section 362MM applies as if the reference in former section 362MM(1)(b)(i) to the prescribed person not travelling to Queensland within 120 days after the amount is paid under the prepayment notice were a reference to the prescribed person not travelling to Queensland

before the expiry.

514 Continued application of ss 362MN and 362MO

- (1) Despite its expiry, section 362MN as in force immediately before the expiry continues to apply for giving a notice, or making an application, in the approved way under, or for, a provision of chapter 8, part 7AA that is continued in effect under this division.
- (2) Despite its expiry, section 362MO as in force immediately before the expiry continues to apply for giving a person a relevant document, within the meaning of that section, under a provision of chapter 8, part 7AA that is continued in effect under this division.

Part 13

Amendment of Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Act 2021

49 Act amended

This part amends the *Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Act 2021*.

Editor's note—

The legislation ultimately amended is the *Public Health Act 2005*.

50 Amendment of s 2 (Commencement)

Section 2, '1 October 2021'—

omit, insert—

1 May 2022

51 Amendment of pt 4, div 3, hdg (Amendment commencing on 1 October 2021)

Part 4, division 3, heading, ‘1 October 2021’—

omit, insert—

1 May 2022

Part 14 Amendment of Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020

52 Act amended

This part amends the *Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020*.

Editor’s note—

The legislation ultimately amended is the *Public Health Act 2005*.

53 Amendment of s 2 (Commencement)

Section 2, ‘1 October 2021’—

omit, insert—

1 May 2022

54 Amendment of pt 11, div 3, hdg (Amendments commencing on 1 October 2021)

Part 11, division 3, heading, ‘1 October 2021’—

omit, insert—

1 May 2022

Part 15 **Amendment of Right to Information Act 2009**

55 **Act amended**

This part amends the *Right to Information Act 2009*.

56 **Amendment of sch 3 (Exempt information)**

Schedule 3, section 12(1)—

insert—

- *Public Health Act 2005*, chapter 8, part 7A, division 6 and chapter 12, part 8, division 1A

Part 16 **Amendment of Transport Operations (Passenger Transport) Act 1994**

57 **Act amended**

This part amends the *Transport Operations (Passenger Transport) Act 1994*.

58 **Amendment of sch 3 (Dictionary)**

Schedule 3, definition *relevant offence*, paragraph (b)(ii), from ‘the commencement’—

omit, insert—

9 March 2020.

Part 17 Repeal

59 Repeal

The Personalised Transport Ombudsman Act 2019, No. 24 is repealed.

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