



Queensland

Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2022



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2022

A Bill

for

An Act to amend the Acts Interpretation Act 1954, the Corrective Services Act 2006, the Corrective Services and Other Legislation Amendment Act 2020, the COVID-19 Emergency Response Act 2020, the Disaster Management Act 2003, 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 and the Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020 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 (Extension of Expiring Provisions) Amendment Act 2022*. 4
5
6

Clause 2 Commencement 7

(1) The following provisions commence on the day after the COVID-19 legislation expiry day— 8
9

(a) sections 7 and 8; 10

(b) part 12; 11

(c) schedule 1, part 1. 12

(2) Schedule 1, part 2 commences on the day that is 2 days after the day the *Public Health Act 2005*, chapter 8, part 7A expires. 13
14
15

Part 2 Amendment of Acts Interpretation Act 1954 16
17

Clause 3 Act amended 18

This part amends the *Acts Interpretation Act 1954*. 19

Note— 20

See also the amendment in schedule 1, part 2. 21

Clause 4	Amendment of sch 1 (Meaning of commonly used words and expressions)	1 2
	Schedule 1—	3
	<i>insert</i> —	4
	<i>COVID-19 public health legislation expiry day</i>	5
	see the <i>Public Health Act 2005</i> , section 315.	6
Part 3	Amendment of Corrective Services Act 2006	7 8
Clause 5	Act amended	9
	This part amends the <i>Corrective Services Act 2006</i> .	10
Clause 6	Omission of s 351B (Modification of s 228 (Acting appointments))	11 12
	Section 351B—	13
	<i>omit</i> .	14
Clause 7	Amendment of s 351C (Modification of s 268 (Declaration of emergency))	15 16
	Section 351C, from ‘as if’—	17
	<i>omit, insert</i> —	18
	as if—	19
	(a) a reference in section 268 to a prison were a reference to a corrective services facility; and	20 21 22
	(b) a reference in section 268(2) to 3 days were a reference to 90 days; and	23 24
	(c) section 268(3) were replaced by—	25

[s 8]

- (3) The declaration lapses on the earlier of the following days unless it is sooner revoked by the chief executive or another declaration is made to take effect—
- (a) the day that is the end of the stated period;
 - (b) the day that is the end of the COVID-19 emergency period.

Clause 8 Insertion of new s 351D 10

After section 351C— 11

insert— 12

351D Additional procedure for entry to corrective services facility 13
14

- (1) This section applies if a declaration of emergency is in force for a corrective services facility under section 268, as applied under section 351C. 15
16
17
- (2) The chief executive may require any person entering, or attempting to enter, the corrective services facility to be screened for COVID-19, including by taking the temperature of the person. 18
19
20
21
- (3) Subsection (4) applies if the person conducting the screening (the *examiner*) is of the opinion that— 22
23
24
- (a) the person is exhibiting flu-like symptoms; or 25
26
 - (b) the person’s temperature, when taken under subsection (2), is more than 37.5 degrees Celsius. 27
28
29
- (4) The chief executive may, on the advice of the examiner, refuse to allow the person to enter the corrective services facility. 30
31
32

Clause 9	Amendment of s 351E (Expiry of part)	1
	Section 351E, ‘COVID-19 legislation expiry day’—	2
	<i>omit, insert—</i>	3
	COVID-19 public health legislation expiry day	4
Part 4	Amendment of Corrective Services and Other Legislation Amendment Act 2020	5
		6
		7
Clause 10	Act amended	8
	This part amends the <i>Corrective Services and Other Legislation Amendment Act 2020</i> .	9
	<i>Editor’s note—</i>	10
	The legislation ultimately amended is the <i>Corrective Services Act 2006</i> .	11
		12
Clause 11	Amendment of s 2 (Commencement)	13
	(1) Section 2, before subsection (1)—	14
	<i>insert—</i>	15
	(1AA) Section 36 commences on the day the <i>Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Act 2022</i> , section 6 commences.	16
		17
		18
		19
	(2) Section 2(1)(a)—	20
	<i>omit, insert—</i>	21
	(a) section 41;	22

[s 12]

Part 5	Amendment of COVID-19 Emergency Response Act 2020	1 2
Clause 12	Act amended	3
	This part amends the <i>COVID-19 Emergency Response Act 2020</i> .	4 5
	<i>Note—</i>	6
	See also the amendment in schedule 1, part 1.	7
Clause 13	Insertion of new pt 8AA	8
	After part 8—	9
	<i>insert—</i>	10
	Part 8AA Expiry	11
	24AA Expiry	12
	(1) Parts 2 to 5 and 8 expire on the COVID-19 legislation expiry day.	13 14
	(2) This Act expires on the day that is 2 years after the COVID-19 public health legislation expiry day.	15 16
Clause 14	Amendment of s 25 (Transitional regulation-making power)	17 18
	Section 25(7)—	19
	<i>omit, insert—</i>	20
	(7) The transitional regulation for a COVID-19 law expires on the earlier of the following days—	21 22
	(a) the day that is 2 years after the day the COVID-19 law expires;	23 24
	(b) the day this Act expires under section 24AA(2).	25 26

Clause 15	Insertion of new pt 9, div 4	1	
	Part 9—	2	
	<i>insert—</i>	3	
	Division 4	Transitional provision for	4
		Public Health and Other	5
		Legislation (Extension of	6
		Expiring Provisions)	7
		Amendment Act 2022	8
	28 Application of s 25	9	
	(1) This section applies on the expiry of parts 2 to 5 and 8.	10 11	
	<i>Note—</i>	12	
	See section 24AA(1) in relation to the expiry of parts 2 to 5 and 8.	13 14	
	(2) Section 25 applies as if—	15	
	(a) a reference in section 25(8), definitions <i>affected law</i> , paragraph (a) and <i>COVID-19 law</i> , paragraph (a) to an extraordinary regulation were a reference to—	16 17 18 19	
	(i) an extraordinary regulation within the meaning of former section 5; or	20 21	
	(ii) a regulation taken to be an extraordinary regulation under former section 16(3); and	22 23 24	
	(b) a reference in section 25(8), definition <i>COVID-19 law</i> , paragraph (b) to section 24 were a reference to former section 24.	25 26 27	
	(3) In this section—	28	
	<i>former</i> , for a provision of this Act, means the provision as in force from time to time before its expiry under section 24AA(1).	29 30 31	

[s 16]

Part 6	Amendment of Disaster Management Act 2003	1 2
Clause 16	Act amended	3
	This part amends the <i>Disaster Management Act 2003</i> .	4
Clause 17	Amendment of s 138B (Expiry of part)	5
	Section 138B, ‘COVID-19 legislation expiry day’—	6
	<i>omit, insert—</i>	7
	COVID-19 public health legislation expiry day	8
Part 7	Amendment of Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020	9 10 11 12
Clause 18	Act amended	13
	This part amends the <i>Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020</i> .	14 15
	<i>Editor’s note—</i>	16
	The legislation ultimately amended is the <i>Public Health Act 2005</i> .	17
Clause 19	Amendment of s 2 (Commencement)	18
	Section 2(2), ‘1 May 2022’—	19
	<i>omit, insert—</i>	20
	the day after the COVID-19 public health legislation expiry day	21 22

Clause 20	Amendment of pt 16, div 3, hdg (Amendments commencing on 1 May 2022)	1 2
	Part 16, division 3, heading, ‘1 May 2022’—	3
	<i>omit, insert—</i>	4
	day after COVID-19 public health legislation expiry day	5 6
Part 8	Amendment of Mental Health Act 2016	7 8
Clause 21	Act amended	9
	This part amends the <i>Mental Health Act 2016</i> .	10
Clause 22	Amendment of s 800I (Power of chief psychiatrist to approve absences during COVID-19 emergency period)	11 12
	Section 800I(3)(b), ‘30 April 2022’—	13
	<i>omit, insert—</i>	14
	the COVID-19 public health legislation expiry day	15 16
Clause 23	Amendment of s 800P (Expiry of chapter)	17
	Section 800P, ‘30 April 2022’—	18
	<i>omit, insert—</i>	19
	the COVID-19 public health legislation expiry day	20 21

[s 24]

Part 9	Amendment of Public Health Act 2005	1 2
Clause 24	Act amended	3
	This part amends the <i>Public Health Act 2005</i> .	4
	<i>Note—</i>	5
	See also the amendments in schedule 1, part 2.	6
Clause 25	Amendment of s 315 (Definitions for ch 8)	7
	Section 315—	8
	<i>insert—</i>	9
	<i>COVID-19 public health legislation expiry day</i>	10
	means the earlier of the following days—	11
	(a) the day the COVID-19 emergency ends under section 324(1);	12 13
	(b) 31 October 2022.	14
Clause 26	Insertion of new ch 8, pt 7A, div 7	15
	Chapter 8, part 7A—	16
	<i>insert—</i>	17
	Division 7 Expiry of part	18
	362MAJ Expiry of part	19
	This part expires on the COVID-19 public health legislation expiry day.	20 21
Clause 27	Amendment of s 362MG (Expiry of part)	22
	Section 362MG, ‘30 April 2022’—	23
	<i>omit, insert—</i>	24

	the COVID-19 public health legislation expiry day	1 2
Clause 28	Amendment of s 362Q (Expiry of part)	3
	Section 362Q, ‘30 April 2022’—	4
	<i>omit, insert—</i>	5
	the COVID-19 public health legislation expiry day	6 7
Clause 29	Amendment of sch 2 (Dictionary)	8
	Schedule 2—	9
	<i>insert—</i>	10
	<i>COVID-19 public health legislation expiry day,</i> for chapter 8, see section 315.	11 12
Part 10	Amendment of Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Act 2021	13 14 15 16 17
Clause 30	Act amended	18
	This part amends the <i>Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Act 2021</i> .	19 20
	<i>Editor’s note—</i>	21
	The legislation ultimately amended is the <i>Public Health Act 2005</i> .	22
Clause 31	Amendment of s 2 (Commencement)	23
	Section 2, ‘1 May 2022’—	24
	<i>omit, insert—</i>	25

	the day after the COVID-19 public health legislation expiry day	1 2
Clause 32	Amendment of pt 4, div 3, hdg (Amendment commencing on 1 May 2022)	3 4
	Part 4, division 3, heading, ‘1 May 2022’—	5
	<i>omit, insert—</i>	6
	day after COVID-19 public health legislation expiry day	7 8
Part 11	Amendment of Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020	9 10 11 12
Clause 33	Act amended	13
	This part amends the <i>Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020</i> .	14 15
	<i>Editor’s note—</i>	16
	The legislation ultimately amended is the <i>Public Health Act 2005</i> .	17
Clause 34	Amendment of s 2 (Commencement)	18
	Section 2, ‘1 May 2022’—	19
	<i>omit, insert—</i>	20
	the day after the COVID-19 public health legislation expiry day	21 22
Clause 35	Amendment of pt 11, div 3, hdg (Amendments commencing on 1 May 2022)	23 24
	Part 11, division 3, heading, ‘1 May 2022’—	25

omit, insert— 1
day after COVID-19 public health legislation 2
expiry day 3

Clause 36 Omission of s 45 (Omission of ch 8, pt 7A (Particular powers for COVID-19 emergency)) 4
5
Section 45— 6
omit. 7

Clause 37 Amendment of s 46 (Insertion of new s 498) 8
(1) Section 46, inserted section 498(2), from ‘as if’— 9
omit, insert— 10
as if chapter 8, part 7A had not expired. 11
(2) Section 46, inserted section 498(4), definition *amendment Act—* 12
13
omit. 14

Part 12 Minor and consequential amendments 15
16

Clause 38 Legislation amended 17
Schedule 1 amends the legislation it mentions. 18

Schedule 1

Schedule 1	Minor and consequential amendments	1 2
	section 38	3
Part 1	Amendment commencing on day after COVID-19 legislation expiry day	4 5 6
	COVID-19 Emergency Response Act 2020	7
1	Section 4(2), '5(5), 6(3) or'— <i>omit.</i>	8 9
Part 2	Other amendments	10
	Acts Interpretation Act 1954	11
1	Schedule 1, definition <i>COVID-19 public health legislation expiry day</i> — <i>omit.</i>	12 13 14

Public Health Act 2005

		1
1	Section 315, definition <i>COVID-19 public health legislation expiry day</i>—	2
	<i>omit.</i>	3
		4
2	Schedule 2, definition <i>COVID-19 public health legislation expiry day</i>—	5
	<i>omit.</i>	6
		7

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