



Queensland

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



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Contents

		Page
Part 1	Preliminary	
1	Short title	12
2	Commencement	12
Part 2	Amendment of body corporate and related legislation	
Division 1	Amendment of Body Corporate and Community Management Act 1997	
3	Act amended	12
4	Insertion of new ch 7, pt 3	12
	Part 3 COVID-19 emergency response measures for financial management	
	323A Purpose of part	13
	323B Application of part	13
	323C Definitions for part	13
	323D Sinking fund budgets	13
	323E Contributions levied by body corporate	15
	323F Penalties for late payment	16
	323G Recovery of body corporate debts	16
	323H Power to borrow	17
	323I Expiry of part	18
5	Insertion of new ch 8, pt 14	18
	Part 14 Savings provisions for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020	
	445 Saving of operation of expired ch 7, pt 3	18
	446 Recovery of body corporate debts after expiry of ch 7, pt 3	19

Contents

Division 2	Amendment of Building Units and Group Titles Act 1980	
6	Act amended	19
7	Insertion of new pt 6A	19
	Part 6A COVID-19 emergency response measures for financial management	
	134A Purpose of part	20
	134B Application of part	20
	134C Definition for part	20
	134D Contributions levied by body corporate	20
	134E Expiry of part	21
8	Insertion of new pt 7, div 3	21
	Division 3 Savings provision for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020	
	142 Saving of operation of expired pt 6A	21
Part 3	Amendment of Corrective Services Act 2006	
9	Act amended	22
10	Insertion of new s 110A	22
	110A Chief executive may order early release from corrective services facility	22
11	Insertion of new ch 6, pt 15A	22
	Part 15A COVID-19 emergency provisions	
	351A Definition for part	22
	351B Modification of s 228 (Acting appointments)	23
	351C Modification of s 268 (Declaration of emergency)	23
	351D Modification of s 272 (Engaging service provider)	23
	351E Expiry of part	23
	351F Saving of operation of part	23
Part 4	Amendment of COVID-19 Emergency Response Act 2020	
12	Act amended	24
13	Amendment of s 6 (Statutory instruments under s 12)	24
14	Amendment of s 7 (Meaning of words in extraordinary regulations and instruments under s 12)	24
15	Amendment of s 11 (References to doing a thing)	24
16	Amendment of s 12 (Power of entity to modify statutory time limit)	24
17	Amendment of s 18 (Relationship with pts 3 and 4)	26
Part 5	Amendment of disability services legislation	

Contents

	547E	Effect	37
	547F	When environmental harm or nuisance is unlawful ..	37
	547G	Fees	38
	Part 2	Declarations about exemptions from requirement to comply with particular conditions	
	547H	Definitions for part	38
	547I	Making of declaration	38
	547J	Effect	40
	547K	Non-application of s 515	40
	Part 3	Expiry of chapter	
	547L	Expiry	40
26		Insertion of new ch 13, pt 29	40
	Part 29	Transitional provisions for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020	
	775	Continued effect of temporary authorities under expired ch 11A, pt 1	41
	776	Continuation of exemption given under expired ch 11A, pt 2	41
Part 8	Amendment of gaming legislation		
Division 1	Amendment of Gaming Machine Act 1991		
27		Act amended	41
28		Insertion of new pt 11A	41
	Part 11A	Alleviating financial burden caused by COVID-19 emergency	
	367	Purpose of part	42
	367A	Definitions for part	42
	367B	Application of part	43
	367C	Deferral or waiver of payment of gaming taxes	43
	367D	Obligation to pay deferred gaming tax	44
	367E	Gaming tax notices	45
	367F	Expiry of part	45
29		Insertion of new pt 12, div 21	45
	Division 21	Savings provision for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020	
	491	Application of Acts Interpretation Act 1954, s 20A ..	46
Division 2	Amendment of Casino Control Act 1982		

30	Act amended	46
31	Insertion of new s 57A	46
	57A Deferral or waiver of tax	46
Division 3	Amendment of Keno Act 1996	
32	Act amended	47
33	Insertion of new s 116A	47
	116A Deferral or waiver of tax	47
Division 4	Amendment of Lotteries Act 1997	
34	Act amended	47
35	Insertion of new s 99A	47
	99A Deferral or waiver of tax	47
Part 9	Amendment of Liquor Act 1992	
36	Act amended	48
37	Insertion of new pt 10A	48
	Part 10A Takeaway liquor authorities for COVID-19 emergency response	
	235A Main purposes	48
	235B Definitions for part	48
	235C Grounds for granting authority	49
	235D Commissioner may grant authority	49
	235E Consistency of authority with this Act	50
	235F Amendment or revocation of authority on ground of changed circumstances	51
	235G Amendment, revocation or suspension of authority on ground of contravention	52
	235H Decisions not reviewable	53
	235I Tabling and disallowance of notices	53
	235J Expiry	54
38	Amendment of pt 12, hdg (Further transitional provisions)	54
39	Insertion of new pt 12, div 21	54
	Division 21 Validation provision for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020	
	354 Liquor supplies authorised by retrospective takeaway liquor authority	54
Part 10	Amendment of local government legislation	
Division 1	Amendment of City of Brisbane Act 2010	
40	Act amended	55

Contents

41	Insertion of new s 96A	55
	96A Regulation-making power for additional decisions about levying of rates and charges for 2020–2021 financial year	55
Division 2	Amendment of Local Government Act 2009	
42	Act amended	57
43	Insertion of new s 94A	57
	94A Regulation-making power for additional decisions about levying of rates and charges for 2020–2021 financial year	57
Part 11	Amendment of Manufactured Homes (Residential Parks) Act 2003	
44	Act amended	58
45	Insertion of new s 146A	59
	146A Regulation-making power to modify or suspend particular processes for COVID-19 response measures	59
Part 12	Amendment of Mental Health Act 2016	
46	Act amended	61
47	Insertion of new ch 18B	61
	Chapter 18B COVID-19 emergency provisions	
	800H Definition for chapter	61
	800I Power of chief psychiatrist to approve absences during COVID-19 emergency period	61
	800J Modification of ss 329 and 332	63
	800K Modification of s 336 (Record of relevant patients)	64
	800L Modification of s 363 (Application of div 3)	64
	800M Modification of s 622 (Offences relating to patients absconding)	64
	800N Modification of s 783 (Disclosure of particular information relating to classified patient)	64
	800O Modification of sch 1, s 5 (Information about absences)	65
	800P Expiry of chapter	65
Part 13	Amendment of Police Powers and Responsibilities Act 2000	
48	Act amended	65
49	Insertion of new ch 18B	65
	Chapter 18B COVID-19 testing for persons suspected of committing particular offences	
	Part 1 Preliminary	
	548G Purpose of chapter	66

	548H	Definitions for chapter	66
	Part 2	COVID-19 test orders	
	548I	When application for order may be made	67
	548J	Application for order	68
	548K	Notice to be given of application for order for child . .	68
	548L	Deciding application	69
	548M	What order must state	70
	548N	Appeal against order	70
	Part 3	Taking and testing samples	
	548O	Taking respiratory tract samples	71
	548P	Taking samples from children and persons with impaired capacity	72
	548Q	Testing of samples for COVID-19	72
	Part 4	Results, evidence and records	
	548R	Restriction on disclosure of results	73
	548S	Inadmissibility as evidence	74
	548T	Public Records Act does not apply to chapter	74
	Part 5	Expiry of chapter	
	548U	Expiry	74
50		Insertion of new ch 24, pt 20	75
	Part 20	Transitional provision for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020	
	889	Continuation of particular matters after expiry of ch 18B	75
Part 14		Amendment of portable long service leave legislation	
Division 1		Amendment of Building and Construction Industry (Portable Long Service Leave) Act 1991	
51		Act amended	76
52		Insertion of new pt 7A	76
	Part 7A	Long service leave—special provisions for COVID-19 emergency	
	Division 1	Preliminary	
	65A	Purpose of part	77
	65B	Definition for part	77
	65C	Meaning of affected registered worker	77
	Division 2	Application for, and entitlement to, long service leave	
	65D	Application for payment	79

Contents

	65E	Decision on application for payment	79
	65F	Entitlement to long service leave	80
	Division 3	Calculation and payment of long service leave	
	65G	Application of calculation and payment provisions . .	81
	Division 4	Expiry	
	65H	Expiry of part	81
53		Insertion of new pt 11, div 9	81
	Division 9	Transitional provisions for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020	
	126	Application of division	82
	127	Continued operation of expired pt 7A	82
Division 2		Amendment of Contract Cleaning Industry (Portable Long Service Leave) Act 2005	
54		Act amended	83
55		Insertion of new pt 6A	83
	Part 6A	Long service leave—special provisions for COVID-19 emergency	
	Division 1	Preliminary	
	81A	Purpose of part	83
	81B	Definition for part	83
	81C	Meaning of affected registered worker	83
	Division 2	Application for, and entitlement to, long service leave	
	81D	Application for payment	85
	81E	Decision on application for payment	86
	81F	Entitlement to long service leave	86
	Division 3	Calculation and payment of long service leave	
	81G	Application of calculation and payment provisions . .	87
	Division 4	Expiry	
	81H	Expiry of part	88
56		Insertion of new pt 12, div 3	88
	Division 3	Transitional provisions for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020	
	160	Application of division	88
	161	Continued operation of expired pt 6A	88
Part 15		Amendment of Private Health Facilities Act 1999	
57		Act amended	89

58	Insertion of new pt 11A	89
	Part 11A Provisions for COVID-19 emergency	
	151A Definitions for part	89
	151B Chief health officer may waive or defer fees	90
	151C Expiry of part	90
Part 16	Amendment of Public Health Act 2005	
Division 1	Preliminary	
59	Act amended	90
Division 2	Amendments commencing on assent	
60	Amendment of s 354 (Medical examination and treatment)	91
61	Amendment of s 360 (Obligations of emergency officer (medical) in relation to person detained)	91
62	Amendment of s 362C (When public health directions take effect)	91
63	Amendment of s 362H (Directions to stay at particular places) .	91
64	Insertion of new ch 8, pt 7B	92
	Part 7B Other provisions for COVID-19 emergency	
	362N Definition for part	93
	362O Modification of s 81 (Disclosure of confidential information in the public interest)	93
	362P Modification of s 109 (Disclosure of confidential information in the public interest)	93
	362Q Expiry of part	94
Division 3	Amendments commencing on 19 March 2021	
65	Amendment of s 354 (Medical examination and treatment)	94
66	Amendment of s 360 (Obligations of emergency officer (medical) in relation to person detained)	94
Part 17	Amendment of Youth Justice Act 1992	
67	Act amended	94
68	Insertion of new s 264A	95
	264A Appointment of temporary detention centre employees—COVID-19 emergency	95

2020

A Bill

for

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

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Justice and Other Legislation
(COVID-19 Emergency Response) Amendment Act 2020*. 4
5

Clause 2 Commencement 6

(1) Section 26 commences on 1 January 2021. 7

(2) Part 16, division 3 commences on 19 March 2021. 8

**Part 2 Amendment of body corporate
and related legislation** 9
10

**Division 1 Amendment of Body Corporate and
Community Management Act 1997** 11
12

Clause 3 Act amended 13

This division amends the *Body Corporate and Community
Management Act 1997*. 14
15

Clause 4 Insertion of new ch 7, pt 3 16

Chapter 7— 17

insert— 18

Part 3	COVID-19 emergency response measures for financial management	1 2 3
323A Purpose of part		4
	The purpose of this part is to provide measures to alleviate the financial burden caused by the COVID-19 emergency on bodies corporate for community titles schemes and owners of lots included in the schemes.	5 6 7 8 9
323B Application of part		10
	This part applies despite—	11
	(a) another provision of this Act; or	12
	(b) a regulation or regulation module made under this Act.	13 14
323C Definitions for part		15
	In this part—	16
	<i>COVID-19 emergency</i> see the <i>COVID-19 Emergency Response Act 2020</i> , schedule 1.	17 18
	<i>relevant period</i> means the period that—	19
	(a) starts on the commencement; and	20
	(b) ends on 31 December 2020.	21
323D Sinking fund budgets		22
	(1) For the current financial year, the body corporate for a community titles scheme may, by ordinary resolution, adopt a sinking fund budget—	23 24 25
	(a) if the budget allows for raising a reasonable capital amount to provide for necessary and	26 27

[s 4]

- reasonable spending from the sinking fund 1
for the financial year; and 2
- (b) even if the budget does not include the 3
anticipated major expenditure amount or 4
part of the amount. 5
- (2) The body corporate for a community titles scheme 6
may, by ordinary resolution, adjust the sinking 7
fund budget for the current financial year to 8
remove or reduce the anticipated major 9
expenditure amount, or part of the amount, 10
included in the budget. 11
- (3) If a body corporate adjusts a sinking fund budget 12
under subsection (2)— 13
- (a) the body corporate must refund to an owner 14
of a lot the proportion of a contribution or 15
contribution instalment paid by the owner 16
that is not required for the budget because 17
the anticipated major expenditure amount is 18
removed or reduced; and 19
- (b) an owner of a lot entitled to a refund under 20
paragraph (a) is not required to make a 21
written request or provide evidence of 22
payment for the refund to be made. 23
- (4) In this section— 24
- anticipated major expenditure amount***, for a 25
sinking fund budget for the body corporate of a 26
community titles scheme, means the capital 27
amount the body corporate is, under a regulation 28
module and but for this section, required to 29
reserve in the sinking fund budget to be 30
accumulated to meet anticipated major 31
expenditure in future years. 32
- Note—* 33
- See, for example, the *Body Corporate and Community 34
Management (Standard Module) Regulation 2008*, 35
section 139 which requires a sinking fund to reserve 36
amounts to be accumulated to meet anticipated major 37

expenditure over at least the next 9 years after the 1
financial year. 2

323E Contributions levied by body corporate 3

- (1) This section applies if the body corporate for a 4
community titles scheme has— 5
- (a) fixed the contributions to be paid by the 6
owner of each lot for the current financial 7
year; and 8
- (b) fixed the date (the *due date*) for the payment 9
of— 10
- (i) the contributions; or 11
- (ii) for contributions to be paid in 12
instalments—each instalment of the 13
contributions. 14
- (2) The committee of the body corporate may decide 15
to extend the due date for payment of a 16
contribution or instalment to a day that is no later 17
than the end of the financial year. 18
- (3) The committee may decide to extend the due date 19
under subsection (2)— 20
- (a) for an owner of a particular lot if the 21
committee is reasonably satisfied the owner 22
is suffering financial hardship because of the 23
COVID-19 emergency; or 24
- (b) for all owners of lots included in the scheme 25
regardless of whether all of the owners are 26
suffering financial hardship because of the 27
COVID-19 emergency. 28
- (4) In deciding whether to extend the due date under 29
subsection (2), the committee must consider the 30
body corporate’s ability to meet the necessary and 31
reasonable spending from the body corporate’s 32
administrative fund and sinking fund for the 33
current financial year. 34

[s 4]

- (5) A decision of a committee under this section is not 1
a decision on a restricted issue for the committee. 2

323F Penalties for late payment 3

- (1) An owner of a lot in a community titles scheme 4
does not incur a penalty— 5
- (a) for the late payment of a contribution or 6
contribution instalment that is payable 7
during the relevant period; or 8
- (b) because another contribution or contribution 9
instalment is otherwise in arrears during the 10
relevant period. 11

Example for paragraph (b)— 12

An account requiring payment of a contribution 13
instalment given to an owner of a lot 2 months 14
before the commencement is not paid until 1 15
February 2021. The owner is not liable for a 16
penalty for the contribution instalment being in 17
arrears during the relevant period. However, the 18
owner may be liable for a penalty for the 19
contribution instalment being in arrears before and 20
after the relevant period. 21

- (2) This section applies despite a decision of the body 22
corporate for the community titles scheme that 23
fixes a penalty to be paid for the late payment of 24
the contribution or contribution instalment. 25

323G Recovery of body corporate debts 26

- (1) The body corporate for a community titles scheme 27
is not required to comply with a requirement 28
under a regulation module to commence 29
proceedings to recover an amount of a 30
contribution or contribution instalment that is 31
outstanding from a person liable for the debt. 32
- (2) However, the body corporate may commence 33
proceedings to recover the amount. 34

-
- (3) This section does not affect proceedings to recover an amount started before the commencement. 1
2
3

323H Power to borrow 4

- (1) This section applies to a decision to borrow amounts on security made by the body corporate for a community titles scheme under a regulation module during the relevant period. 5
6
7
8
- (2) However, this section does not apply if— 9
- (a) the body corporate, by a resolution of the type required under a regulation module, has authorised the body corporate to exceed its prescribed borrowing limit; or 10
11
12
13
Examples of types of resolutions— 14
a resolution without dissent or special resolution 15
- (b) the *Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011* applies to the community titles scheme. 16
17
18
19
- (3) In making the decision, the body corporate is not required to comply with the body corporate’s prescribed borrowing limit. 20
21
22
- (4) However, the body corporate must not make the decision if it will result in the body corporate being in debt for a borrowed amount that is greater than— 23
24
25
26
- (a) for a scheme to which the *Body Corporate and Community Management (Small Schemes Module) Regulation 2008* applies—\$6,000; or 27
28
29
30
- (b) for another scheme—the amount that is worked out by multiplying the number of lots included in the scheme by \$500. 31
32
33

[s 5]

	(5) In this section—	1
	<i>prescribed borrowing limit</i> , for the body corporate for a community titles scheme, means the amount of debt for a borrowed amount that, under a regulation module, the body corporate must not exceed without the authority of a resolution of the type required under the regulation module.	2 3 4 5 6 7 8
	323I Expiry of part	9
	This part expires on 31 December 2020.	10
Clause 5	Insertion of new ch 8, pt 14	11
	Chapter 8—	12
	<i>insert—</i>	13
	Part 14 Savings provisions for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020	14 15 16 17 18
	445 Saving of operation of expired ch 7, pt 3	19
	(1) This section applies for the expiry of chapter 7, part 3.	20 21
	<i>Note—</i>	22
	Chapter 7, part 3 expires on 31 December 2020. See section 323I, which also expires on 31 December 2020.	23 24
	(2) Chapter 7, part 3 is declared to be a law to which the <i>Acts Interpretation Act 1954</i> , section 20A applies.	25 26 27

446 Recovery of body corporate debts after expiry of ch 7, pt 3	1 2
(1) This section applies to a body corporate after the expiry day if, but for expired section 323G, the body corporate would have been required under a regulation module to commence proceedings to recover an amount during the relevant period.	3 4 5 6 7
(2) The body corporate must start proceedings to recover the amount within 2 months after the expiry day.	8 9 10
(3) In this section—	11
<i>expired section 323G</i> means section 323G as in force before the expiry day.	12 13
<i>expiry day</i> means 31 December 2020.	14
<i>relevant period</i> see section 323C as in force before the expiry day.	15 16

Division 2	Amendment of Building Units and Group Titles Act 1980	17 18
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Clause 6	Act amended	19
	This division amends the <i>Building Units and Group Titles Act 1980</i> .	20 21

Clause 7	Insertion of new pt 6A	22
	After part 6—	23
	<i>insert</i> —	24

Part 6A	COVID-19 emergency response measures for financial management	25 26 27
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[s 7]

134A Purpose of part	1
The purpose of this part is to provide measures to alleviate the financial burden caused by the COVID-19 emergency on bodies corporate and proprietors of lots.	2 3 4 5
134B Application of part	6
This part applies despite—	7
(a) another provision of this Act; or	8
(b) a regulation made under this Act.	9
134C Definition for part	10
In this part—	11
<i>COVID-19 emergency</i> see the <i>COVID-19 Emergency Response Act 2020</i> , schedule 1.	12 13
134D Contributions levied by body corporate	14
(1) This section applies if a body corporate has determined—	15 16
(a) the contributions payable by the proprietors of lots during the current financial year of the body corporate; and	17 18 19
(b) the date (the <i>due date</i>) for the payment of the contributions.	20 21
(2) The committee of the body corporate may decide to extend the due date for payment of a contribution to a day no later than the end of the current financial year of the body corporate.	22 23 24 25
(3) The committee may extend the due date under subsection (2)—	26 27
(a) for a particular proprietor if the committee is reasonably satisfied the proprietor is	28 29

	suffering financial hardship because of the COVID-19 emergency; or	1 2
	(b) for all proprietors regardless of whether all of the proprietors are suffering financial hardship because of the COVID-19 emergency.	3 4 5 6
	(4) In deciding whether to extend the due date under subsection (2), the committee must consider the body corporate's ability to meet the necessary and reasonable spending from the body corporate's administrative fund and sinking fund for the current financial year of the body corporate.	7 8 9 10 11 12
	134E Expiry of part	13
	This part expires on 31 December 2020.	14
Clause 8	Insertion of new pt 7, div 3	15
	Part 7—	16
	<i>insert—</i>	17
	Division 3 Savings provision for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020	18 19 20 21 22
	142 Saving of operation of expired pt 6A	23
	(1) This section applies for the expiry of part 6A.	24
	<i>Note—</i>	25
	Part 6A expires on 31 December 2020. See section 134E, which also expires on 31 December 2020.	26 27
	(2) Part 6A is declared to be a law to which the <i>Acts Interpretation Act 1954</i> , section 20A applies.	28 29

[s 9]

Part 3	Amendment of Corrective Services Act 2006	1 2
Clause 9	Act amended	3
	This part amends the <i>Corrective Services Act 2006</i> .	4
Clause 10	Insertion of new s 110A	5
	After section 110—	6
	<i>insert—</i>	7
	110A Chief executive may order early release from corrective services facility	8 9
	(1) The chief executive may order the release of a prisoner from a corrective services facility within 7 days immediately before the day on which the prisoner is due to be released on parole.	10 11 12 13
	(2) On release from the corrective services facility and until the parole order starts, the prisoner is subject to the conditions of the parole order as if the parole order had started on the day the prisoner was released from the facility.	14 15 16 17 18
	(3) This section expires on 31 December 2020.	19
Clause 11	Insertion of new ch 6, pt 15A	20
	Chapter 6—	21
	<i>insert—</i>	22
	Part 15A COVID-19 emergency provisions	23 24
	351A Definition for part	25
	In this part—	26

<i>COVID-19 emergency period</i> see the <i>COVID-19 Emergency Response Act 2020</i> , schedule 1.	1 2
351B Modification of s 228 (Acting appointments)	3
For the COVID-19 emergency period, section 228 applies as if a reference in section 228(2) to 3 months were a reference to 1 year.	4 5 6
351C Modification of s 268 (Declaration of emergency)	7 8
For the COVID-19 emergency period, section 268 applies as if a reference in section 268 to a prison were a reference to a corrective services facility.	9 10 11
351D Modification of s 272 (Engaging service provider)	12 13
For the COVID-19 emergency period, section 272 applies as if the following provision were inserted in that section—	14 15 16
(5A) To remove any doubt, it is declared that the chief executive may direct that corrective services officers perform duties under this Act at the corrective services facility administered by the engaged service provider.	17 18 19 20 21 22
351E Expiry of part	23
This part expires on 31 December 2020.	24
351F Saving of operation of part	25
This part is declared to be a law to which the <i>Acts Interpretation Act 1954</i> , section 20A applies.	26 27

[s 12]

Part 4	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
Clause 13	Amendment of s 6 (Statutory instruments under s 12)	6
	(1) Section 6(2) and (5), ‘section 12(3)(a)’—	7
	<i>omit, insert—</i>	8
	section 12(5)(a)	9
	(2) Section 6(7), ‘section 12(7)’—	10
	<i>omit, insert—</i>	11
	section 12(9)	12
Clause 14	Amendment of s 7 (Meaning of words in extraordinary regulations and instruments under s 12)	13 14
	Section 7, ‘section 12(3)(a)’—	15
	<i>omit, insert—</i>	16
	section 12(5)(a)	17
Clause 15	Amendment of s 11 (References to doing a thing)	18
	Section 11, after ‘part’—	19
	<i>insert—</i>	20
	, other than section 12(4)(a),	21
Clause 16	Amendment of s 12 (Power of entity to modify statutory time limit)	22 23
	(1) Section 12—	24

<i>insert—</i>	1
(2A) Subsection (4) applies if, under the Act, the entity’s power to modify the period may be exercised only if another entity—	2 3 4
(a) consents or agrees to the modification; or	5
(b) requests, or makes an application for, the modification.	6 7
(2B) The power to modify the period under subsection (2) may be exercised—	8 9
(a) only if the other entity does the thing mentioned in subsection (3)(a) or (b); and	10 11
(b) by giving the other entity a notice stating the modification and the reasons for the modification.	12 13 14
(2) Section 12(3), ‘The’—	15
<i>omit, insert—</i>	16
If subsection (4) does not apply, the	17
(3) Section 12(3)(a), ‘persons’—	18
<i>omit, insert—</i>	19
entities	20
(4) Section 12(3)(b), ‘person’—	21
<i>omit, insert—</i>	22
entity	23
(5) Section 12(4), ‘subsection (3)(b)’—	24
<i>omit, insert—</i>	25
subsection (5)(b)	26
(6) Section 12(4), ‘person’—	27
<i>omit, insert—</i>	28
entity	29
(7) Section 12(6) and (7), ‘subsection (3)(a)’—	30

[s 17]

omit, insert— 1

subsection (5)(a) 2

(8) Section 12(2A) to (10)— 3

renumber as section 12(3) to (12). 4

Clause 17 Amendment of s 18 (Relationship with pts 3 and 4) 5

Section 18, ‘section 12(3)(a)’— 6

omit, insert— 7

section 12(5)(a) 8

Part 5 Amendment of disability services legislation 9
10

Division 1 Amendment of Disability Services Act 2006 11
12

Clause 18 Act amended 13

This division amends the *Disability Services Act 2006*. 14

Clause 19 Insertion of new pt 8, div 2A 15

Part 8— 16

insert— 17

Division 2A Locking of gates, doors 18

and windows—COVID-19 19

emergency 20

220A Modified application of div 2 21

Despite section 216(1)(b)(ii), division 2 applies in 22

relation to the locking of gates, doors or windows 1
for a reason mentioned in that section even if the 2
gates, doors or windows are also locked for a 3
reason mentioned in section 220B(1)(b). 4

220B Immunity from liability 5

- (1) This section applies if— 6
- (a) a division 2 service provider locks gates, 7
doors or windows at premises where 8
disability services are provided to adults 9
with an intellectual or cognitive disability; 10
and 11
 - (b) the only reason, apart from a reason 12
mentioned in section 216(1)(b)(ii), the 13
gates, doors or windows are locked is to 14
ensure a relevant adult with an intellectual 15
or cognitive disability complies with a 16
relevant public health direction. 17
- (2) The division 2 service provider is not civilly or 18
criminally liable for locking gates, doors or 19
windows if— 20
- (a) the division 2 service provider acts honestly 21
and without negligence; and 22
 - (b) the division 2 service provider implements 23
the policy made by the department under 24
subsection (5); and 25
 - (c) the gates, doors or windows are locked in 26
compliance with the policy made by the 27
department under subsection (5); and 28
 - (d) the division 2 service provider takes 29
reasonable steps to minimise the impact of 30
locking the gates, doors or windows on a 31
person living at the premises who is not a 32
relevant adult with an intellectual or 33
cognitive disability. 34

[s 19]

- (3) Subsection (2) applies to the extent that the locking of the gates, doors or windows prevents the free exit from the premises of—
- (a) a relevant adult with an intellectual or cognitive disability; or
 - (b) any other person living at the premises, other than an adult with an intellectual or cognitive disability who is contained within the meaning of part 6.
- (4) An individual acting for the division 2 service provider is not civilly or criminally liable for locking gates, doors or windows if the individual acts in compliance with, or reasonably believes the individual is acting in compliance with, the policy made by the department under subsection (5).
- (5) The department must—
- (a) have a policy about the locking of gates, doors and windows under this division; and
 - (b) publish the policy on its website.
- (6) In this section—
- adult with an intellectual or cognitive disability*** see section 144.
- relevant adult with an intellectual or cognitive disability*** means an adult with an intellectual or cognitive disability who is at risk of failing to comply with a relevant public health direction because of the adult’s disability.
- relevant public health direction*** means any of the following—
- (a) a public health direction given under the *Public Health Act 2005*, section 362B;
 - (b) a direction given under the *Public Health Act 2005*, chapter 8, part 7A, division 3.

	220C Expiry	1
	This division expires on 31 December 2020.	2
Division 2	Amendment of Forensic Disability Act 2011	3
		4
Clause 20	Act amended	5
	This division amends the <i>Forensic Disability Act 2011</i> .	6
Clause 21	Insertion of new ch 12, pt 2A	7
	Chapter 12—	8
	<i>insert—</i>	9
	Part 2A	10
	Provisions for COVID-19 emergency	11
	149 Purpose of part	12
	(1) The purpose of this part is to protect the health, safety and welfare of forensic disability clients, persons who interact with those clients and persons in the community during the COVID-19 emergency.	13 14 15 16 17
	(2) In this section—	18
	<i>COVID-19 emergency</i> see the <i>COVID-19 Emergency Response Act 2020</i> , schedule 1.	19 20
	149A Limitation of entry by persons under s 32	21
	(1) Section 32 applies subject to the following—	22
	(a) a public health direction given under the <i>Public Health Act 2005</i> , section 362B;	23 24

[s 21]

- (b) a direction given under the *Public Health Act 2005*, chapter 8, part 7A, division 3. 1
2
 - (2) The administrator may refuse entry to a forensic disability service by a person under section 32 if the administrator is satisfied— 3
4
5
 - (a) a public health direction under the *Public Health Act 2005*, section 362B(2)(c) requires persons not to enter or stay at the service; or 6
7
8
9
 - (b) a direction under the *Public Health Act 2005*, section 362I(2)(c) requires the owner or operator of the service to limit access to the service; or 10
11
12
13
 - (c) the refusal is necessary to ensure compliance with another direction under the *Public Health Act 2005*, chapter 8, part 7A; or 14
15
16
17
 - (d) the refusal is otherwise necessary for the purpose of this part. 18
19
- 149B Individual development plans** 20
- (1) Subsection (2) applies if— 21
 - (a) a forensic disability client is authorised to have community treatment under section 20 or is ordered to have community treatment as mentioned in section 21; and 22
23
24
25
 - (b) a senior practitioner considers the community treatment would pose a risk to the health, safety or welfare of the forensic disability client or another person, having regard to the purpose of this part. 26
27
28
29
30
 - (2) The senior practitioner may include in the client's individual development plan, or change the client's individual development plan to include, the following— 31
32
33
34

-
- (a) a requirement that any period of community treatment must end on a stated day, and must not restart until another stated day that is no later than 31 December 2020;
- (b) a requirement that the client must not have community treatment during stated periods, whether or not continuous, ending no later than 31 December 2020;
- (c) the conditions the senior practitioner considers necessary for managing the client's care and support, and protecting the client's health or safety or the safety of others, while the client is undertaking community treatment, having regard to the purpose of this part.
- (3) Also, a senior practitioner may change a forensic disability client's individual development plan to the extent necessary to protect the health, safety or welfare of a person, having regard to the purpose of this part.
- (4) Despite subsections (2) and (3), a senior practitioner must not include in an individual development plan, or change an individual development plan to include, a matter to the extent the matter is inconsistent with an order of the tribunal or Mental Health Court mentioned in section 21.
- (5) If a senior practitioner decides to change an individual development plan under subsection (2) or (3), the senior practitioner must comply with section 17(2), (4) and (5).
- (6) However, the senior practitioner need not comply with section 17(2), (4) or (5) if compliance would pose a risk to the health, safety or welfare of the client or another person, having regard to the purpose of this part.
- (7) A senior practitioner may authorise an authorised

[s 22]

	practitioner to change an individual development plan under subsection (2) or (3).	1 2
(8)	Subsections (4), (5) and (6) apply in relation to an authorised practitioner who is authorised under subsection (7) as if a reference in those subsections to a senior practitioner were a reference to the authorised practitioner.	3 4 5 6 7
	149C Relationship between ch 6 and particular directions under Public Health Act 2005	8 9
	To remove any doubt, it is declared that—	10
(a)	chapter 6 applies subject to a direction to stay at or in a particular place given under the <i>Public Health Act 2005</i> , section 362H; and	11 12 13 14
(b)	a person assisting a forensic disability services client to comply with a direction mentioned in paragraph (a) given to the client is not, of itself, seclusion for chapter 6, part 2, division 3.	15 16 17 18 19
	149D Expiry	20
	This part expires on 31 December 2020.	21
Part 6	Amendment of Disaster Management Act 2003	22 23
Clause 22	Act amended	24
	This part amends the <i>Disaster Management Act 2003</i> .	25
Clause 23	Insertion of new pt 12A	26
	After part 12—	27

insert—

Part 12A COVID-19 emergency provisions

137 Definition for part

In this part—

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

138 Modification of s 72 (Extending disaster situation)

For the COVID-19 emergency period—

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

138A Modification of s 119 (Entitlement to compensation)

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

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

[s 24]

138B Expiry of part 1

This part expires on 31 December 2020. 2

138C Saving of operation of part 3

This part is declared to be a law to which the *Acts Interpretation Act 1954*, section 20A applies. 4
5

Part 7 **Amendment of Environmental Protection Act 1994** 6
7

Clause 24 **Act amended** 8

This part amends the *Environmental Protection Act 1994*. 9

Clause 25 **Insertion of new ch 11A** 10

After chapter 11— 11

insert— 12

Chapter 11A Provisions relating to COVID-19 emergency 13
14
15

Part 1 **Temporary authorities** 16

547A Definitions for part 17

In this part— 18

COVID-19 emergency see the *COVID-19 Emergency Response Act 2020*, schedule 1. 19
20

COVID-19 emergency period see the *COVID-19 Emergency Response Act 2020*, schedule 1. 21
22

-
- existing ERA*** means an environmentally relevant activity—
- (a) for which an environmental authority is in effect; and
 - (b) that has increased in intensity or scale as a result of the effect of the COVID-19 emergency; and
 - (c) for which, apart from this part, either of the following would be required under this Act—
 - (i) an amendment of the environmental authority;
 - (ii) another environmental authority.
- new ERA*** means an activity that—
- (a) before the start of the COVID-19 emergency period, was not an environmentally relevant activity; and
 - (b) as a result of the effect of the COVID-19 emergency, has increased in intensity or scale to become an environmentally relevant activity for which, apart from this part, an environmental authority would be required under this Act.
- relevant ERA*** means—
- (a) an existing ERA; or
 - (b) a new ERA.
- temporary authority*** means an authority under this part to carry out a relevant ERA.

547B Request for issue

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

[s 25]

- 547C Deciding request** 1
- (1) The administering authority must consider the person's request and decide to— 2
3
- (a) issue the temporary authority; or 4
- (b) refuse to issue the temporary authority. 5
- (2) The administering authority may decide to issue the temporary authority only if satisfied— 6
7
- (a) the person's request is in relation to a relevant ERA; and 8
9
- (b) issuing the temporary authority is a necessary and reasonable response to the effect of the COVID-19 emergency on the intensity or scale of the relevant ERA. 10
11
12
13
- (3) If the administering authority is not satisfied of the matters mentioned in subsection (2), the administering authority must— 14
15
16
- (a) decide to refuse to issue the temporary authority; and 17
18
- (b) as soon as practicable after making the decision, give the person written notice of the decision and the reasons for the decision. 19
20
21
22
- 547D Form and content** 23
- (1) This section applies if the administering authority decides under section 547C to issue the temporary authority to the person. 24
25
26
- (2) The administering authority must issue the temporary authority by giving the person a written notice stating— 27
28
29
- (a) the name of the person; and 30
- (b) the relevant ERA that may be carried out under the authority; and 31
32

-
- (c) the conditions the administering authority considers are reasonably necessary, or desirable, to be imposed on the temporary authority to respond to the effect of the COVID-19 emergency on the intensity or scale of the relevant ERA; and
 - (d) the period for which the temporary authority has effect, including—
 - (i) the day the period starts; and
 - (ii) the day, not later than 30 June 2021, the period ends.

547E Effect

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

547F When environmental harm or nuisance is unlawful

To the extent section 493A applies in relation to a relevant act mentioned in section 493A(1)(a),

[s 25]

section 493A applies as if the reference in section 1
493A(2)(d) to an environmental authority 2
included a reference to a temporary authority. 3

547G Fees 4

Despite section 580(2)(a), no fee is payable in 5
relation to a request for, or the issue of, a 6
temporary authority. 7

Part 2 8
Declarations about 8
exemptions from 9
requirement to comply 10
with particular 11
conditions 12

547H Definitions for part 13

In this part— 14

exemption period see section 547I(3)(a). 15

relevant approval means— 16

(a) an approval of a transitional environmental 17
program; or 18

(b) an environmental authority; or 19

(c) a temporary authority under part 1; or 20

(d) a temporary emissions licence. 21

547I Making of declaration 22

(1) The Minister may, by signed notice published on 23
the department’s website, make a declaration— 24

(a) giving a stated holder of a stated relevant 25
approval an exemption from complying with 26
a stated condition of the approval; or 27

-
- (b) giving the holders of a relevant approval of a stated type an exemption from complying with a stated condition of the approval. 1
2
3
- (2) The declaration— 4
- (a) may be made for 1 or more types of relevant approval; and 5
6
- (b) may apply to a relevant approval for an environmentally relevant activity being carried out in all, or part, of the State. 7
8
9
- (3) The declaration must state— 10
- (a) the period (the *exemption period*) for which the exemption has effect, including— 11
12
- (i) the day the period starts; and 13
- (ii) the day, not later than 30 June 2021, the period ends; and 14
15
- (b) for any relevant approval mentioned in subsection (2)(b)—the area to which the declaration relates. 16
17
18
- (4) The Minister may make the declaration only if the Minister is satisfied that— 19
20
- (a) as a result of the COVID-19 emergency, 1 or more holders of a relevant approval of the stated type are unable to comply with a requirement under the Act to comply with a condition of the approval; and 21
22
23
24
25
- (b) the making of the declaration is a necessary and reasonable response to the effect of the COVID-19 emergency. 26
27
28
- (5) In this section— 29
- COVID-19 emergency* see the *COVID-19 Emergency Response Act 2020*, schedule 1. 30
31

[s 26]

547J Effect	1
During the exemption period stated in the declaration—	2 3
(a) the holder of a relevant approval to which the declaration relates is exempt from complying with a condition of the approval to the extent stated in the declaration; and	4 5 6 7
(b) to the extent the holder is exempt from complying with the condition, sections 430 and 431 do not apply to the holder in relation to the condition.	8 9 10 11

547K Non-application of s 515	12
Despite section 515, the Minister may not delegate the Minister's powers under this part to another person.	13 14 15

Part 3 Expiry of chapter

16

547L Expiry	17
This chapter expires on 31 December 2020.	18

Clause 26 Insertion of new ch 13, pt 29	19
Chapter 13—	20
<i>insert—</i>	21

Part 29 Transitional provisions for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020	22 23 24 25 26
--	----------------------------

775 Continued effect of temporary authorities under expired ch 11A, pt 1 1
2

- (1) This section applies if, immediately before the expiry of chapter 11A, part 1, a temporary authority issued under that part was in effect. 3
4
5
- (2) Despite the expiry of that part, the temporary authority continues to have effect for the period stated in the authority. 6
7
8

776 Continuation of exemption given under expired ch 11A, pt 2 9
10

- (1) This section applies if, immediately before the expiry of chapter 11A, part 2, an exemption given under a declaration made under that part was in effect. 11
12
13
14
- (2) Despite the expiry of that part, the exemption continues to have effect for the exemption period stated in the declaration. 15
16
17

Part 8 Amendment of gaming legislation 18
19

Division 1 Amendment of Gaming Machine Act 1991 20
21

Clause 27 Act amended 22
This division amends the *Gaming Machine Act 1991*. 23

Clause 28 Insertion of new pt 11A 24
After part 11— 25
insert— 26

[s 28]

Part 11A	Alleviating financial burden caused by COVID-19 emergency	1
		2
		3
367 Purpose of part		4
	The purpose of this part is to provide for the payment of gaming taxes to be deferred or waived to alleviate the financial burden caused by the COVID-19 emergency on gaming operators.	5 6 7 8
367A Definitions for part		9
	In this part—	10
	<i>COVID-19 emergency</i> see the <i>COVID-19 Emergency Response Act 2020</i> , schedule 1.	11 12
	<i>gaming Act</i> means any of the following Acts—	13
	(a) this Act;	14
	(b) the <i>Casino Control Act 1982</i> ;	15
	(c) the <i>Keno Act 1996</i> ;	16
	(d) the <i>Lotteries Act 1997</i> .	17
	<i>gaming operator</i> means a person who is liable to pay a gaming tax under a gaming Act.	18 19
	<i>gaming tax</i> —	20
	(a) means any of the following—	21
	(i) a gaming machine tax under section 312;	22 23
	(ii) a health services levy under section 316B;	24 25
	(iii) a casino tax under the <i>Casino Control Act 1982</i> , section 51;	26 27

(iv) a keno tax under the <i>Keno Act 1996</i> , section 109;	1 2
(v) a lottery tax under the <i>Lotteries Act 1997</i> , section 94; and	3 4
(b) includes part of a tax or levy mentioned in paragraph (a).	5 6
<i>gaming tax notice</i> see section 367C(1).	7
<i>relevant month</i> means each month—	8
(a) from and including March 2020; and	9
(b) until and including December 2020.	10
367B Application of part	11
This part, and any notice made under this part, applies despite—	12 13
(a) another provision of this Act; and	14
(b) another gaming Act.	15
367C Deferral or waiver of payment of gaming taxes	16 17
(1) The Minister may, by notice (a <i>gaming tax notice</i>), defer for a stated period, or waive, payment of a gaming tax payable for a relevant month.	18 19 20 21
(2) The Minister may defer or waive payment of a gaming tax under subsection (1) only—	22 23
(a) if the Minister is satisfied the deferral or waiver is necessary to alleviate the financial burden caused by the COVID-19 emergency on gaming operators; and	24 25 26 27
(b) with the approval of the Treasurer.	28
(3) The power to defer or waive payment of a gaming tax under subsection (1) includes the power to do	29 30

[s 28]

any of the following—	1
(a) if the gaming tax, for which payment has been deferred or waived, has been paid—	2
refund the gaming tax;	3
(b) if payment of the gaming tax is deferred—	4
decide terms for the payment of the gaming tax, including, for example—	5
(i) when the deferred gaming tax must be paid; and	6
(ii) that the gaming tax may be paid in instalments; and	7
(iii) that instalments of the gaming tax must be paid on the terms decided by the commissioner;	8
(c) provide for another matter relating to the operation of a gaming Act in relation to the deferral or waiver.	9
(4) Without limiting subsection (3)(b), a gaming tax notice must require a gaming tax for which payment is deferred to be paid by a day not later than 30 June 2021.	10
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	12
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	21
367D Obligation to pay deferred gaming tax	22
(1) This section applies if a gaming tax notice defers payment of a gaming tax payable for a relevant month (a <i>deferred gaming tax</i>).	23
(2) A gaming operator must pay the deferred gaming tax for the relevant month to the chief executive in accordance with the gaming tax notice.	24
(3) A provision of a gaming Act that applies to the payment of the deferred gaming tax, or the recovery of an amount of the deferred gaming tax that is payable, applies as if a reference in the provision to when the deferred gaming tax is	25
	26
	27
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	29
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	33

	payable were a reference to when the deferred gaming tax is payable under subsection (1).	1 2	
(4)	The commissioner must withdraw any action to enforce the payment of the deferred gaming tax started before the gaming tax notice was made.	3 4 5	
	367E Gaming tax notices	6	
(1)	A gaming tax notice—	7	
	(a) is subordinate legislation; and	8	
	(b) has effect despite a gaming Act; and	9	
	(c) may have retrospective operation to a day not earlier than 1 March 2020.	10 11	
(2)	The <i>Statutory Instruments Act 1992</i> , section 49(1) applies to the tabling of a notice as if the reference to 14 sitting days were a reference to 14 days.	12 13 14	
(3)	A gaming tax notice expires on 31 December 2020.	15 16	
	367F Expiry of part	17	
	This part expires on 31 December 2020.	18	
Clause 29	Insertion of new pt 12, div 21	19	
	Part 12—	20	
	<i>insert</i> —	21	
	Division 21	Savings provision for	22
		Justice and Other	23
		Legislation (COVID-19	24
		Emergency Response)	25
		Amendment Act 2020	26

[s 30]

491 Application of Acts Interpretation Act 1954, s 20A	1
	2
(1) This section applies for the expiry of part 11A and a gaming tax notice made under part 11A.	3
	4
<i>Note—</i>	5
Part 11A expires on 31 December 2020 under section 367F and a gaming tax notice made under part 11A expires on 31 December 2020 under section 367E(3).	6
	7
	8
(2) A gaming tax notice made under part 11A is declared to be a law to which the <i>Acts Interpretation Act 1954</i> , section 20A, as applied by the <i>Statutory Instruments Act 1992</i> , section 14, applies.	9
	10
	11
	12
	13
(3) Section 367D is declared to be a law to which the <i>Acts Interpretation Act 1954</i> , section 20A applies.	14
	15

Division 2	Amendment of Casino Control Act 1982	16
		17

Clause 30	Act amended	18
	This division amends the <i>Casino Control Act 1982</i> .	19

Clause 31	Insertion of new s 57A	20
	After section 57—	21
	<i>insert—</i>	22
	57A Deferral or waiver of tax	23
	(1) The <i>Gaming Machine Act 1991</i> , part 11A provides for the deferral or waiver of a casino tax.	24
		25
	(2) This section expires on 31 December 2020.	26

Division 3	Amendment of Keno Act 1996	1
Clause 32	Act amended	2
	This division amends the <i>Keno Act 1996</i> .	3
Clause 33	Insertion of new s 116A	4
	After section 116—	5
	<i>insert—</i>	6
	116A Deferral or waiver of tax	7
	(1) The <i>Gaming Machine Act 1991</i> , part 11A provides for the deferral or waiver of a keno tax.	8 9
	(2) This section expires on 31 December 2020.	10
Division 4	Amendment of Lotteries Act 1997	11
Clause 34	Act amended	12
	This division amends the <i>Lotteries Act 1997</i> .	13
Clause 35	Insertion of new s 99A	14
	After section 99—	15
	<i>insert—</i>	16
	99A Deferral or waiver of tax	17
	(1) The <i>Gaming Machine Act 1991</i> , part 11A provides for the deferral or waiver of a lottery tax.	18 19
	(2) This section expires on 31 December 2020.	20

[s 36]

Part 9	Amendment of Liquor Act 1992	1
Clause 36	Act amended	2
	This part amends the <i>Liquor Act 1992</i> .	3
Clause 37	Insertion of new pt 10A	4
	After part 10—	5
	<i>insert—</i>	6
	Part 10A	7
	Takeaway liquor	8
	authorities for	9
	COVID-19 emergency	10
	response	11
	235A Main purposes	12
	The main purposes of this part are—	13
	(a) to support the ongoing viability of	14
	businesses operated in licensed premises	15
	that have been disrupted by the COVID-19	16
	emergency; and	17
	(b) to reduce the risk of harm relating to the	18
	COVID-19 emergency to persons residing	19
	in restricted areas.	20
	235B Definitions for part	21
	In this part—	22
	<i>COVID-19 emergency</i> see the <i>COVID-19</i>	23
	<i>Emergency Response Act 2020</i> , schedule 1.	24
	<i>licence</i> includes permit.	25
	<i>licensed premises</i> includes premises to which a	26
	permit relates.	

<i>licensee</i> includes permittee.	1
<i>public health direction</i> see the <i>Public Health Act 2005</i> , section 362B(1).	2 3
<i>takeaway liquor authority</i> means an authority under section 235D.	4 5

235C Grounds for granting authority 6

- | | |
|---|----------------------------|
| (1) The commissioner may grant a takeaway liquor authority for licensed premises if— | 7
8 |
| (a) the commissioner is satisfied the grant is necessary for a purpose of this part and consistent with the purpose stated in section 3(a); and | 9
10
11
12 |
| (b) the premises are eligible under subsection (2) or (3). | 13
14 |
| (2) Licensed premises are eligible if— | 15 |
| (a) the sale of liquor for consumption on the premises is authorised by a licence; but | 16
17 |
| (b) the operation of a business in the premises, in the way the business was ordinarily operated in the premises immediately before the COVID-19 emergency, would contravene a public health direction. | 18
19
20
21
22 |
| (3) Also, licensed premises are eligible if— | 23 |
| (a) the premises are in a restricted area; or | 24 |
| (b) the commissioner is satisfied the premises are a source of liquor supply for residents of a restricted area. | 25
26
27 |

235D Commissioner may grant authority 28

- | | |
|--|----------------|
| (1) The commissioner may grant an authority under section 235C to a licensee, or licensees of a particular class, to sell takeaway liquor from | 29
30
31 |
|--|----------------|

[s 37]

licensed premises.	1
<i>Examples of licensees of a particular class—</i>	2
• persons holding a licence of a stated class	3
• persons holding a licence of a stated class for licensed premises in a stated area	4 5
(2) The authority may be granted—	6
(a) if it applies generally to licensees of a particular class—by publishing a notice on the department’s website; or	7 8 9
(b) if it applies to a particular licensee—by giving a notice to the licensee.	10 11
(3) The authority—	12
(a) must state—	13
(i) the licensee or class of licensees to whom it applies; and	14 15
(ii) the period for which it applies; and	16
(b) may include conditions the commissioner considers appropriate, including conditions about—	17 18 19
(i) the times at which takeaway liquor may be sold; or	20 21
(ii) the maximum amount of takeaway liquor that may be sold in a transaction.	22 23
(4) The authority may have retrospective operation to a day not earlier than 23 March 2020.	24 25
(5) Unless it ends sooner under this Act, the authority expires on 31 December 2020.	26 27
235E Consistency of authority with this Act	28
(1) A takeaway liquor authority may be inconsistent with another part of this Act to the extent that is necessary to achieve a purpose of this part and	29 30 31

consistent with the purpose stated in section 3(a). 1

- (2) Without limiting subsection (1), to the extent a 2
licensee's supply of takeaway liquor complies 3
with a takeaway liquor authority, the licensee 4
does not commit an offence against section 146 or 5
another provision of this Act for the supply. 6

**235F Amendment or revocation of authority on 7
ground of changed circumstances 8**

- (1) The commissioner must revoke, or appropriately 9
amend, a takeaway liquor authority for licensed 10
premises if— 11
- (a) the commissioner stops being satisfied the 12
continued operation of the authority is 13
necessary for a purpose of this part and 14
consistent with the purpose stated in section 15
3(a); or 16
- (b) the premises become ineligible under 17
section 235C(2) or (3). 18
- (2) The amendment or revocation must be made— 19
- (a) if the authority was granted by notice 20
published on the department's website and 21
the revocation or amendment applies 22
generally to licensees of a particular class— 23
by publishing a notice on the department's 24
website; or 25
- (b) otherwise—by giving a notice to the 26
licensee, or each licensee, whose authority 27
is amended or revoked. 28

Examples— 29

- 1 An authority is granted to the holders of a particular 30
class of licence by notice published on the 31
department's website. The commissioner stops 32
being satisfied it is necessary, for a purpose of this 33
part, for those licensees to hold an authority. The 34

[s 37]

- commissioner must, by notice published on the
department’s website, revoke the authority. 1
2
- 2 An authority is granted to the holders of a particular 3
class of licence by notice published on the 4
department’s website. The authority has a 5
maximum takeaway amount of 2 litres. The 6
commissioner becomes satisfied it is only 7
necessary, for a purpose of this part, for some of the 8
licensees (the *relevant licensees*) to hold an 9
authority with a maximum takeaway amount of 1 10
litre. The commissioner must, by notice given to 11
each of the relevant licensees, amend the authority 12
to state a maximum takeaway amount of 1 litre. 13
- (3) Subsection (1) does not limit the application of 14
the *Acts Interpretation Act 1954*, section 24AA to 15
the commissioner’s power to grant a takeaway 16
liquor authority. 17
- (4) In this section— 18
maximum takeaway amount, for a takeaway 19
liquor authority, means the maximum amount of 20
takeaway liquor that, under a condition of the 21
authority, may be sold in a transaction. 22
- 235G Amendment, revocation or suspension of 23
authority on ground of contravention 24**
- (1) The commissioner may, by notice given to a 25
licensee, revoke or amend a takeaway liquor 26
authority applying to the licensee’s licensed 27
premises if the commissioner is satisfied the 28
licensee has contravened the authority. 29
- (2) Before making the revocation or amendment, the 30
commissioner must— 31
- (a) give the licensee a notice (a *show cause 32
notice*) stating— 33
- (i) the proposed revocation or amendment; 34
and 35

-
- (ii) the ground for the proposed revocation or amendment; and 1
2
- (iii) that the licensee may, within 7 days after the notice is given, give the commissioner a written response; and 3
4
5
- (b) consider any written response received from the licensee within that period. 6
7
- (3) If the commissioner believes harm may be caused to members of the public if urgent action to suspend the authority is not taken, the commissioner may, by notice given to the licensee, immediately suspend the authority for a period of up to 10 days. 8
9
10
11
12
13
- (4) This section does not limit the application of section 146 or another provision of this Act to a supply of liquor in contravention of a takeaway liquor authority. 14
15
16
17
- 235H Decisions not reviewable** 18
- Part 2 does not apply to a decision of the commissioner under this part. 19
20
- 235I Tabling and disallowance of notices** 21
- (1) This section applies to a notice under section 235D(2)(a) or 235F(2)(a). 22
23
- (2) The *Statutory Instruments Act 1992*, sections 49, 50 and 51 apply to the notice as if the notice were subordinate legislation. 24
25
26
- (3) However, despite the *Statutory Instruments Act 1992*, section 49(1), the notice must be tabled in the Legislative Assembly within 14 days after it is published on the department's website. 27
28
29
30
- (4) To remove any doubt, it is declared that a provision mentioned in the notes to the *Statutory* 31
32

[s 38]

	<i>Instruments Act 1992</i> , section 49(1) does not apply to the notice.	1 2
	235J Expiry	3
	This part expires on 31 December 2020.	4
Clause 38	Amendment of pt 12, hdg (Further transitional provisions)	5 6
	Part 12, heading, after ‘transitional’—	7
	<i>insert—</i>	8
	and validation	9
Clause 39	Insertion of new pt 12, div 21	10
	Part 12—	11
	<i>insert—</i>	12
	Division 21	Validation provision for 13
		Justice and Other 14
		Legislation (COVID-19 15
		Emergency Response) 16
		Amendment Act 2020 17
	354 Liquor supplies authorised by retrospective takeaway liquor authority	18 19
	(1) This section applies if, under section 235D(4), a takeaway liquor authority is made with retrospective operation.	20 21 22
	(2) A supply of liquor during the validation period is, and is taken to have been from the time the supply was made, as lawful as it would have been if the takeaway liquor authority were in force at the time of supply.	23 24 25 26 27

(3)	In this section—	1
	<i>authority commencement day</i> means the day from which the takeaway liquor authority is given retrospective operation.	2 3 4
	<i>validation period</i> means the period from the authority commencement day to the day the takeaway liquor authority is made.	5 6 7
Part 10	Amendment of local government legislation	8 9
Division 1	Amendment of City of Brisbane Act 2010	10 11
Clause 40	Act amended	12
	This division amends the <i>City of Brisbane Act 2010</i> .	13
Clause 41	Insertion of new s 96A	14
	After section 96—	15
	<i>insert—</i>	16
	96A Regulation-making power for additional decisions about levying of rates and charges for 2020–2021 financial year	17 18 19
(1)	A regulation may provide for the council to decide, by resolution made other than at the council budget meeting for the 2020–2021 financial year, what rates and charges are to be levied for a relevant part of that financial year.	20 21 22 23 24
(2)	For this section, a <i>relevant part</i> of the 2020–2021 financial year is a period—	25 26
(a)	starting on a day not earlier than the day the resolution is made; and	27 28

[s 41]

- (b) ending on 30 June 2021. 1
- (3) A decision mentioned in subsection (1) made 2
under the regulation is an *extraordinary decision*. 3
- (4) Without limiting subsection (1), the regulation 4
may also make provision about requirements— 5
- (a) for the council’s annual budget for the 6
2020–2021 financial year to be amended to 7
take account of an extraordinary decision; 8
and 9
- (b) for any amended annual budget to be 10
adopted. 11
- (5) The *Statutory Instruments Act 1992*, section 49(1) 12
applies to the tabling of the regulation as if the 13
reference in that provision to 14 sitting days were 14
a reference to 14 days. 15
- (6) Subsections (1) to (5) do not limit section 96(2). 16
- (7) Subsection (8) applies if the council makes an 17
extraordinary decision in relation to a relevant 18
part of the 2020–2021 financial year. 19
- (8) To the extent a relevant decision previously made 20
by the council would otherwise be inconsistent 21
with the extraordinary decision, the relevant 22
decision ceases to have effect in relation to the 23
relevant part of the 2020–2021 financial year. 24
- (9) This section expires on 30 June 2021. 25
- (10) In this section— 26
- 2020–2021 financial year* means the financial 27
year ending on 30 June 2021. 28
- relevant decision* means— 29
- (a) a decision made under section 96(2); or 30
- (b) an extraordinary decision. 31

Division 2	Amendment of Local Government Act 2009	1 2
Clause 42	Act amended	3
	This division amends the <i>Local Government Act 2009</i> .	4
Clause 43	Insertion of new s 94A	5
	After section 94—	6
	<i>insert—</i>	7
	94A Regulation-making power for additional decisions about levying of rates and charges for 2020–2021 financial year	8 9 10
	(1) A regulation may provide for a local government to decide, by resolution made other than at the local government’s budget meeting for the 2020–2021 financial year, what rates and charges are to be levied for a relevant part of that financial year.	11 12 13 14 15
	(2) For this section, a <i>relevant part</i> of the 2020–2021 financial year is a period—	16 17
	(a) starting on a day not earlier than the day the resolution is made; and	18 19
	(b) ending on 30 June 2021.	20
	(3) A decision mentioned in subsection (1) made under the regulation is an <i>extraordinary decision</i> .	21 22
	(4) Without limiting subsection (1), the regulation may also make provision about requirements—	23 24
	(a) for the annual budget of the local government for the 2020–2021 financial year to be amended to take account of an extraordinary decision of the local government; and	25 26 27 28 29
	(b) for any amended annual budget to be adopted.	30 31

[s 44]

- (5) The *Statutory Instruments Act 1992*, section 49(1) applies to the tabling of the regulation as if the reference in that provision to 14 sitting days were a reference to 14 days.
- (6) Subsections (1) to (5) do not limit section 94(2).
- (7) Subsection (8) applies if a local government makes an extraordinary decision in relation to a relevant part of the 2020–2021 financial year.
- (8) To the extent a relevant decision previously made by the local government would otherwise be inconsistent with the extraordinary decision, the relevant decision ceases to have effect in relation to the relevant part of the 2020–2021 financial year.
- (9) This section expires on 30 June 2021.
- (10) In this section—
2020–2021 financial year means the financial year ending on 30 June 2021.
relevant decision means—
(a) a decision made under section 94(2); or
(b) an extraordinary decision.

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

Clause 44 **Act amended**
This part amends the *Manufactured Homes (Residential Parks) Act 2003*.

Clause 45	Insertion of new s 146A	1
	After section 146—	2
	<i>insert—</i>	3
	146A Regulation-making power to modify or suspend particular processes for COVID-19 response measures	4
		5
		6
	(1) A regulation may—	7
	(a) modify or suspend the processes for increasing or reducing site rent; or	8
		9
	(b) modify the processes for disputing a proposed increase in site rent.	10
		11
	(2) The Minister may recommend to the Governor in Council the making of a regulation mentioned in subsection (1) only if the Minister is satisfied the modification or suspension is necessary for responding to the COVID-19 emergency, including—	12
		13
		14
		15
		16
		17
	(a) ensuring the processes operate appropriately having regard to COVID-19 response measures; and	18
		19
		20
	(b) assisting in achieving the objectives of COVID-19 response measures.	21
		22
	(3) A regulation made under this section may—	23
	(a) be inconsistent with this Act or another Act or law, other than the <i>Human Rights Act 2019</i> , to the extent necessary to achieve a purpose of the regulation; and	24
		25
		26
		27
	(b) have retrospective operation to a day not earlier than 19 March 2020; and	28
		29
	(c) impose a penalty of not more than 100 penalty units for a contravention of the regulation.	30
		31
		32
	(4) Without limiting subsection (3)(a), to the extent a person's act or omission complies with a	33
		34

[s 45]

- regulation made under this section that is inconsistent with this Act, the person does not incur civil or criminal liability under this Act for the act or omission.
- (5) A regulation made under this section must declare it is made under this section.
- (6) This section does not limit a regulation-making power under this Act or the *COVID-19 Emergency Response Act 2020*.
- (7) If there is an inconsistency between a regulation made under this section and any of the following, the regulation prevails to the extent of the inconsistency—
- (a) a provision of this Act or another Act or law, other than the *Human Rights Act 2019*;
 - (b) another regulation made under this Act;
 - (c) a term of any of the following agreements—
 - (i) a site agreement;
 - (ii) a sale agreement;
 - (iii) a site rent agreement.
- (8) This section, and any regulation made under this section, expires on 31 December 2020.
- (9) The *Statutory Instruments Act 1992*, section 49(1) applies to the tabling of a regulation made under this section as if the reference to 14 sitting days were a reference to 14 days.
- (10) In this section—
- COVID-19 emergency*** see the *COVID-19 Emergency Response Act 2020*, schedule 1.
- COVID-19 response measures*** see the *COVID-19 Emergency Response Act 2020*, schedule 1.

Part 12	Amendment of Mental Health Act 2016	1 2
Clause 46	Act amended	3
	This part amends the <i>Mental Health Act 2016</i> .	4
Clause 47	Insertion of new ch 18B	5
	After chapter 18A—	6
	<i>insert—</i>	7
	Chapter 18B COVID-19 emergency provisions	8 9 10
	800H Definition for chapter	11
	In this chapter—	12
	<i>COVID-19 emergency period</i> see the <i>COVID-19 Emergency Response Act 2020</i> , schedule 1.	13 14
	800I Power of chief psychiatrist to approve absences during COVID-19 emergency period	15 16
	(1) This section applies in relation to each of the following patients—	17 18
	(a) a patient subject to a forensic order if the category is inpatient;	19 20
	(b) a classified patient;	21
	(c) a patient subject to a judicial order;	22
	(d) a patient subject to a treatment authority if the category is inpatient;	23 24

[s 47]

- | | | |
|------|--|----------------------|
| (e) | a patient subject to a treatment support order if the category is inpatient; | 1
2 |
| (f) | a person detained in an authorised mental health service under section 368. | 3
4 |
| (2) | During the COVID-19 emergency period, the chief psychiatrist may approve the person's absence from an authorised mental health service if satisfied— | 5
6
7
8 |
| (a) | the absence is reasonably necessary to comply with— | 9
10 |
| (i) | a detention order made under the <i>Public Health Act 2005</i> , section 349 in relation to the COVID-19 emergency; or | 11
12
13
14 |
| (ii) | a public health direction given under the <i>Public Health Act 2005</i> , section 362B; and | 15
16
17 |
| (b) | the treatment and care needs of the person can reasonably be met for the period of the absence; and | 18
19
20 |
| (c) | the absence will not— | 21 |
| (i) | result in an unacceptable risk to the person's safety and welfare; or | 22
23 |
| (ii) | result in an unacceptable risk to the safety of the community. | 24
25 |
| (3) | The period of the approved absence must end no later than the earlier of the following days— | 26
27 |
| (a) | the day the chief psychiatrist becomes aware the requirements mentioned in subsection (2)(a), (b) or (c) stop being met; | 28
29
30 |
| (b) | 31 December 2020. | 31 |
| (4) | The approval— | 32 |
| (a) | must be in writing; and | 33 |

-
- (b) may include any conditions the chief psychiatrist considers appropriate, including, for example, that the person remain in the physical presence of a stated person for the period of the absence. 1
2
3
4
5
- (5) As soon as practicable after approving the absence, the chief psychiatrist must give written notice of the approval— 6
7
8
- (a) to the administrator of the authorised mental health service; and 9
10
- (b) for a person who is subject to a forensic order, treatment support order or treatment authority—to the tribunal; and 11
12
13
- (c) for a person who is subject to a judicial order—to the court that made the order. 14
15
- (6) If the administrator of the authorised mental health service receives a written notice of an approval under subsection (5)(a), the administrator must notify the following persons of the approval— 16
17
18
19
20
- (a) the person the subject of the approval; 21
- (b) any nominated support person for the person the subject of the approval. 22
23
- (7) In this section— 24
- COVID-19 emergency* see the *COVID-19 Emergency Response Act 2020*, schedule 1. 25
26

800J Modification of ss 329 and 332 27

During the COVID-19 emergency period, sections 329(1) and 332(1) apply as if a reference in the sections to a gazette notice included a reference to a notice published on the department's website. 28
29
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[s 47]

800K Modification of s 336 (Record of relevant patients)	1 2
During the COVID-19 emergency period, section 336(2)(g) applies as if a reference in the section to temporary absences approved under section 221 included a reference to absences approved under section 800I.	3 4 5 6 7
800L Modification of s 363 (Application of div 3)	8
During the COVID-19 emergency period, section 363(g) applies as if a reference in the section to temporarily absent under section 221 included a reference to absent under section 800I.	9 10 11 12
800M Modification of s 622 (Offences relating to patients absconding)	13 14
During the COVID-19 emergency period, section 622(1)(b) applies as if a reference in the section to temporarily absent under section 221 included a reference to absent under section 800I.	15 16 17 18
800N Modification of s 783 (Disclosure of particular information relating to classified patient)	19 20 21
During the COVID-19 emergency period, section 783(2) applies as if the following provision were inserted in that subsection—	22 23 24
(e) if the chief psychiatrist considers the information is relevant to the safety and welfare of the person—the fact that the patient is absent from an authorised mental health service under an approval granted under section 800I.	25 26 27 28 29 30

800O Modification of sch 1, s 5 (Information about absences)	1
	2
During the COVID-19 emergency period,	3
schedule 1, section 5 applies as if the following	4
provision were inserted in that section—	5
(3) The fact that the relevant patient is absent	6
from an authorised mental health service	7
under an approval granted under section	8
800I, only if the chief psychiatrist is satisfied	9
the information is relevant to the safety and	10
welfare of the person entitled to receive	11
information under the information notice.	12

800P Expiry of chapter	13
This chapter expires on 31 December 2020.	14

Part 13	Amendment of Police Powers and Responsibilities Act 2000	15
		16

Clause 48	Act amended	17
	This part amends the <i>Police Powers and Responsibilities Act 2000</i> .	18
		19

Clause 49	Insertion of new ch 18B	20
	After section 548F—	21
	<i>insert—</i>	22

Chapter 18B COVID-19 testing for persons suspected of committing particular offences	23
	24
	25
	26

Part 1	Preliminary	1
548G Purpose of chapter		2
	The purpose of this chapter is to protect the health, safety and welfare of persons potentially exposed to COVID-19 during the suspected commission by others of particular offences by authorising—	3 4 5 6 7
	(a) the taking of respiratory tract samples from persons arrested in circumstances relating to the particular offences; and	8 9 10
	(b) the testing of the samples for COVID-19.	11
548H Definitions for chapter		12
	In this chapter—	13
	<i>affected person</i> see section 548I(b).	14
	<i>COVID-19</i> means the virus known as novel coronavirus (COVID-19).	15 16
	<i>COVID-19 test</i> , of a respiratory tract sample, means testing the sample for COVID-19.	17 18
	<i>COVID-19 test order</i> , for a person, means an order authorising the taking of a respiratory tract sample from the person for a COVID-19 test.	19 20 21
	<i>relevant offence</i> means an offence against any of the following sections of the Criminal Code—	22 23
	(a) section 317 (Acts intended to cause grievous bodily harm and other malicious acts);	24 25
	(b) section 335 (Common assault);	26
	(c) section 340 (Serious assaults).	27
	<i>relevant person</i> see section 548I(a).	28
	<i>respiratory tract sample</i> , for a person, means 1 or more of the following types of samples taken	29 30

-
- from the person— 1
- (a) a nasopharyngeal swab; 2
 - (b) an oropharyngeal swab; 3
 - (c) a sputum sample. 4

Part 2 COVID-19 test orders 5

548I When application for order may be made 6

An application for a COVID-19 test order may be 7
made under this part if— 8

- (a) a police officer arrests a person (a *relevant person*) for— 9
 - (i) a relevant offence; or 10
 - (ii) another offence, if the person is also 12
charged by a police officer with a 13
relevant offence while the person is 14
under arrest; and 15
- (b) in the suspected commission of the relevant 16
offence, the relevant person coughs, sneezes 17
or spits on or at a police officer or another 18
person (an *affected person*); and 19
- (c) given the circumstances mentioned in 20
paragraph (b), the affected person is 21
potentially exposed to COVID-19. 22

Examples for paragraphs (b) and (c)— 23

- 1 A patient attending a hospital spits in the face of a 24
nurse. 25
- 2 A shopper at a supermarket claiming to have 26
COVID-19 confronts and forcefully coughs on a 27
supermarket worker. 28
- 3 A person being arrested by a police officer refers to 29
COVID-19 and spits on the officer. 30

[s 49]

548J Application for order

- | | |
|---|----------------------------|
| | 1 |
| (1) A police officer may apply for a COVID-19 test order for the relevant person to— | 2
3 |
| (a) if the person is a child—the Childrens Court; or | 4
5 |
| (b) otherwise—a magistrate. | 6 |
| (2) The application must be written and state the grounds on which it is made. | 7
8 |
| (3) Before the application is made, the police officer must— | 9
10 |
| (a) give the relevant person a copy of the application; and | 11
12 |
| (b) inform the person of the person’s right to be represented by a lawyer at the hearing of the application. | 13
14
15 |
| (4) The magistrate may refuse to consider the application unless the police officer gives the magistrate all the information the magistrate requires about the application, in the way the magistrate requires. | 16
17
18
19
20 |

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

- | | |
|---|----------------|
| | 21 |
| | 22 |
| (1) This section applies if the application for the COVID-19 test order is for a child. | 23
24 |
| (2) The police officer must give notice of the application to— | 25
26 |
| (a) the child; and | 27 |
| (b) either of the following persons— | 28 |
| (i) a parent of the child, unless a parent can not be found after reasonable inquiry; | 29
30
31 |

-
- (ii) if the chief executive (child safety) has custody or guardianship of the child under the *Child Protection Act 1999*, that chief executive or a person, nominated by that chief executive for the purpose, who holds an office in the department for which the chief executive has responsibility; and
- (c) the chief executive (communities) or a person, nominated by that chief executive for the purpose, who holds an office within the department for which that chief executive has responsibility.

548L Deciding application

- (1) The magistrate or Childrens Court must hear and decide the application with as little delay as possible and in the absence of the public.
- (2) The magistrate or Childrens Court may, in extraordinary circumstances, adjourn the application for no more than 24 hours to allow further evidence to be put before the magistrate or Childrens Court.
- (3) However, the application must not be heard unless the magistrate or Childrens Court is satisfied the relevant person has been informed of the right to be represented by a lawyer at the hearing.
- (4) An affected person can not be compelled to give evidence at the hearing.
- (5) If the relevant person, or the person's lawyer, is present when the application is being heard, the person or lawyer may make submissions to the magistrate or Childrens Court, but not submissions that will unduly delay the consideration of the application.

[s 49]

- (6) The magistrate or Childrens Court may make a COVID-19 test order for the relevant person if the magistrate or Childrens Court is satisfied, given the circumstances of the suspected relevant offence, that a respiratory tract sample should be taken from the person for a COVID-19 test.
- (7) If the magistrate or Childrens Court makes the COVID-19 test order without the relevant person or the person’s lawyer present, a police officer must give the order to the person or lawyer without delay.

548M What order must state

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

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

548N Appeal against order

- (1) The relevant person may appeal to the District Court against a COVID-19 test order for the person.
- (2) The appeal must be filed without delay and no

later than 24 hours after the COVID-19 test order
is made. 1 2

(3) The appeal does not stay the operation of the
COVID-19 test order, unless the court orders a
stay under subsection (4). 3 4 5

(4) The court may order a stay of the COVID-19 test
order of not more than 72 hours after the order is
made. 6 7 8

(5) The court must hear and decide the appeal— 9

(a) within 48 hours after the appeal is filed with
the court; and 10 11

(b) in the absence of the public; and 12

(c) without adjourning the appeal. 13

(6) If the relevant person, or the person’s lawyer, is
present when the appeal is being heard, the person
or lawyer may make submissions to the court, but
not submissions that will unduly delay the
consideration of the appeal. 14 15 16 17 18

Part 3 Taking and testing samples 19 20

5480 Taking respiratory tract samples 21

(1) A police officer may ask a doctor or prescribed
nurse to take a respiratory tract sample from a
relevant person under a COVID-19 test order for
the person. 22 23 24 25

(2) When asking the doctor or prescribed nurse to
take the sample, the police officer must produce
for the doctor’s or nurse’s inspection a copy of the
COVID-19 test order for the relevant person. 26 27 28 29

(3) The doctor or nurse may take a respiratory tract
sample from the relevant person or ask the person 30 31

[s 49]

- to provide a respiratory tract sample. 1
- (4) If help is needed for taking the respiratory tract 2
sample, the doctor or prescribed nurse may ask 3
other persons to give reasonably necessary help. 4
- (5) The doctor or prescribed nurse, and a person 5
helping the doctor or nurse, may use reasonably 6
necessary force for taking the respiratory tract 7
sample. 8
- (6) The doctor or prescribed nurse must immediately 9
send the respiratory tract sample to a laboratory 10
with appropriate facilities for testing the sample 11
for COVID-19. 12
- 548P Taking samples from children and persons 13
with impaired capacity 14**
- (1) This section applies if a COVID-19 test order 15
authorises a respiratory tract sample to be taken 16
from a relevant person who is— 17
- (a) a child; or 18
- (b) a person with impaired capacity. 19
- (2) A police officer must ensure a support person is 20
present when the respiratory tract sample is being 21
taken from the relevant person, if it is reasonably 22
practicable to do so. 23
- 548Q Testing of samples for COVID-19 24**
- (1) A person given a respiratory tract sample under 25
section 548O may conduct a COVID-19 test of 26
the sample. 27
- (2) The person may destroy the respiratory tract 28
sample, or any part of the sample, if it is not used 29
to conduct the COVID-19 test or a further 30
COVID-19 test. 31

[s 49]

548S Inadmissibility as evidence	1
In a proceeding in relation to a relevant person, the following matters are not admissible in evidence—	2 3 4
(a) the making of an application for a COVID-19 test order for the person;	5 6
(b) a COVID-19 test order made for the person;	7
(c) the results of a COVID-19 test conducted on a respiratory tract sample taken from the person under part 3.	8 9 10
548T Public Records Act does not apply to chapter	11
The Public Records Act does not apply to actions done, or records made, under this chapter, to the extent that Act would otherwise enable the identity of a relevant person or an affected person to be disclosed.	12 13 14 15 16
Part 5	
Expiry of chapter	17
548U Expiry	18
(1) This chapter expires on the later of the following days—	19 20
(a) the day the COVID-19 emergency ends;	21
(b) 31 December 2020.	22
(2) In this section—	23
COVID-19 emergency means the declared public health emergency under the <i>Public Health Act</i> 2005, section 319(2) for COVID-19 declared on 29 January 2020, as extended and further extended under that Act.	24 25 26 27 28

Clause 50	Insertion of new ch 24, pt 20	1
	Chapter 24—	2
	<i>insert—</i>	3
	Part 20	4
	Transitional provision	5
	for Justice and Other	6
	Legislation (COVID-19	7
	Emergency Response)	8
	Amendment Act 2020	8
	889 Continuation of particular matters after expiry	9
	of ch 18B	10
	(1) This section applies immediately after the expiry	11
	day if—	12
	(a) immediately before the expiry day, an	13
	application made under former section 548J	14
	had not been decided; or	15
	(b) immediately before the expiry day, the	16
	period for appealing a COVID-19 test order	17
	under former section 548N had not ended;	18
	or	19
	(c) immediately before the expiry day, an	20
	appeal filed under former section 548N had	21
	not been decided; or	22
	(d) immediately before the expiry day, a	23
	respiratory tract sample authorised to be	24
	taken under a COVID-19 test order made	25
	under former section 548L had not been	26
	taken; or	27
	(e) immediately before the expiry day, a	28
	respiratory tract sample taken from a person	29
	under former section 548O had not been	30
	tested for COVID-19.	31
	(2) Former chapter 18B continues to apply to a matter	32

[s 51]

	mentioned in subsection (1) as if the chapter had not expired.	1 2	
(3)	In this section—	3	
	<i>expiry day</i> means the day on which former chapter 18B expires.	4 5	
	<i>former</i> , for a provision, means the provision as in force from time to time before its expiry.	6 7	
Part 14	Amendment of portable long service leave legislation	8 9	
Division 1	Amendment of Building and Construction Industry (Portable Long Service Leave) Act 1991	10 11 12	
Clause 51	Act amended	13	
	This division amends the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i> .	14 15	
Clause 52	Insertion of new pt 7A	16	
	After part 7—	17	
	<i>insert—</i>	18	
	Part 7A	Long service leave— special provisions for COVID-19 emergency	19 20 21
	Division 1	Preliminary	22

65A Purpose of part

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

65B Definition for part

In this part—

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

65C Meaning of *affected registered worker*

- (1) A registered worker is an ***affected registered worker*** if the worker—
- (a) has accrued a minimum of 1,100 days service in the register of workers; and
 - (b) has experienced, or is experiencing, financial hardship because of the COVID-19 emergency; and
 - (c) is not entitled to long service leave under section 57.
- (2) Without limiting subsection (1)(b), a registered worker has experienced, or is experiencing, financial hardship because of the COVID-19 emergency if any of the following circumstances apply to the worker—
- (a) the worker, or another person under the worker's care, has suffered, or suffers, from COVID-19;
 - (b) the worker has been, or is, subject to a quarantine direction;
 - (c) the worker's place of employment has been, or is, closed, or the trade or business

[s 52]

- conducted by the worker's employer is 1
restricted, because of a public health 2
direction, including, for example, because a 3
public health direction has closed a major 4
supplier or customer of the worker's 5
employer; 6
- (d) the worker has been, or is, stood down or 7
unemployed because of the COVID-19 8
emergency; 9
- (e) the worker has been, or is, self-isolating 10
because the worker is a vulnerable person, 11
lives with a vulnerable person or is the 12
primary carer for a vulnerable person; 13
- (f) a restriction on travel, imposed under a 14
public health direction or other law, prevents 15
the worker working; 16
- (g) the COVID-19 emergency prevents the 17
worker returning to Australia. 18
- (3) In this section— 19
- public health direction** see the *Public Health Act* 20
2005, section 362B(1). 21
- quarantine direction** means— 22
- (a) a public health direction requiring a person 23
to stay at a place for a stated period in 24
isolation; or 25
- (b) a direction, under the *Public Health Act* 26
2005, section 362H, requiring a person to 27
stay at a place for a stated period in 28
isolation. 29
- vulnerable person** means any of the following 30
persons— 31
- (a) an individual over 70 years of age; 32

-
- (b) an individual over 65 years of age who has an existing health condition or comorbidities; 1
2
3
 - (c) an Aboriginal person or Torres Strait Islander over 50 years of age who has an existing health condition or comorbidities; 4
5
6
 - (d) an individual whose immune system is compromised. 7
8

Division 2 Application for, and 9
entitlement to, long 10
service leave 11

65D Application for payment 12

- (1) An affected registered worker may apply in writing to the authority for payment of all or part of the worker's entitlement to long service leave under section 65F. 13
14
15
16
- (2) An application under subsection (1) must— 17
 - (a) be made before 31 December 2020; and 18
 - (b) include documents or information to satisfy the authority that the affected registered worker has experienced, or is experiencing, financial hardship because of the COVID-19 emergency. 19
20
21
22
23

65E Decision on application for payment 24

- (1) This section applies if an application is made under section 65D. 25
26
- (2) The authority must consider the application and decide whether to approve, or refuse to approve, the application. 27
28
29

[s 52]

(3)	The authority may approve the application only if—	1 2
(a)	the authority is satisfied there is sufficient evidence that the applicant has experienced, or is experiencing, financial hardship because of the COVID-19 emergency; and	3 4 5 6
(b)	the applicant has accrued a minimum of 1,100 days service in the register of workers; and	7 8 9
(c)	the applicant is not entitled to long service leave under section 57.	10 11
(4)	If the authority decides to refuse the application, the authority must give the applicant written notice of the decision.	12 13 14
65F Entitlement to long service leave		15
(1)	An affected registered worker's entitlement to long service leave is—	16 17
(a)	for each period of 1,100 days of service— 4,335 weeks; and	18 19
(b)	for each day of service not included in a period of service under paragraph (a)—the proportion of 4,335 weeks that the number of days of service bears to 1,100 days.	20 21 22 23
(2)	Long service leave does not include a public holiday that happens during the affected registered worker's long service leave.	24 25 26
Division 3	Calculation and payment of long service leave	27 28

65G Application of calculation and payment provisions	1
	2
(1) Sections 59 to 65 apply in relation to the calculation and payment of all or part of an affected registered worker's long service leave entitlement under section 65F.	3 4 5 6
(2) For applying subsection (1)—	7
(a) a reference in sections 59 to 65 to a registered worker is taken to be a reference to an affected registered worker; and	8 9 10
(b) a reference in sections 59 to 65 to section 56 is taken to be a reference to section 65D; and	11 12 13
(c) a reference in sections 59 to 65 to section 57 is taken to be a reference to section 65F.	14 15

Division 4	Expiry	16
-------------------	---------------	----

65H Expiry of part	17
This part expires on 31 December 2020.	18

Clause 53	Insertion of new pt 11, div 9	19	
	Part 11—	20	
	<i>insert—</i>	21	
	Division 9	Transitional provisions for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020	22 23 24 25 26

[s 53]

126 Application of division	1
This division applies on the expiry of part 7A.	2
127 Continued operation of expired pt 7A	3
(1) This section applies if, before the expiry of part 7A—	4 5
(a) an application for payment of long service leave was made under expired section 65D but not decided under expired section 65E; or	6 7 8 9
(b) an application for payment of long service leave was approved under expired section 65E but the payment was not made to the applicant.	10 11 12 13
(2) Expired part 7A continues to apply for the purpose of the authority—	14 15
(a) if subsection (1)(a) applies—	16
(i) deciding the application under expired section 65E; and	17 18
(ii) if the application is approved, making the payment under expired section 65E; or	19 20 21
(b) if subsection (1)(b) applies—making the payment.	22 23
(3) In this section—	24
<i>expired</i> , in relation to a provision of part 7A, means as in force immediately before the expiry of part 7A.	25 26 27

Division 2	Amendment of Contract Cleaning Industry (Portable Long Service Leave) Act 2005	1 2 3	
Clause 54	Act amended	4	
	This division amends the <i>Contract Cleaning Industry (Portable Long Service Leave) Act 2005</i> .	5 6	
Clause 55	Insertion of new pt 6A	7	
	After part 6—	8	
	<i>insert—</i>	9	
	Part 6A	Long service leave— special provisions for COVID-19 emergency	10 11 12
	Division 1	Preliminary	13
	81A Purpose of part		14
	The purpose of this part is to allow an affected registered worker to apply to the authority for payment of all or part of the worker’s long service leave.		15 16 17 18
	81B Definition for part		19
	In this part—		20
	<i>COVID-19 emergency</i> see the <i>COVID-19 Emergency Response Act 2020</i> , schedule 1.		21 22
	81C Meaning of <i>affected registered worker</i>		23
	(1) A registered worker is an <i>affected registered</i>		24

[s 55]

- worker* if the worker— 1
- (a) has accrued a minimum of 1,825 days 2
service in the register of workers; and 3
 - (b) has experienced, or is experiencing, 4
financial hardship because of the 5
COVID-19 emergency; and 6
 - (c) is not entitled to long service leave under 7
section 72. 8
- (2) Without limiting subsection (1)(b), a registered 9
worker is experiencing financial hardship because 10
of the COVID-19 emergency if any of the 11
following circumstances apply to the worker— 12
- (a) the worker, or another person under the 13
worker’s care, has suffered, or suffers, from 14
COVID-19; 15
 - (b) the worker has been, or is, subject to a 16
quarantine direction; 17
 - (c) the worker’s place of employment has been, 18
or is, closed, or the trade or business 19
conducted by the worker’s employer is 20
restricted, because of a public health 21
direction, including, for example, because a 22
public health direction has closed a major 23
supplier or customer of the worker’s 24
employer; 25
 - (d) the worker has been, or is, stood down or 26
unemployed because of the COVID-19 27
emergency; 28
 - (e) the worker has been, or is, self-isolating 29
because the worker is a vulnerable person, 30
lives with a vulnerable person or is the 31
primary carer for a vulnerable person; 32
 - (f) a restriction on travel, imposed under a 33
public health direction or other law, prevents 34
the worker working; 35

(g) the COVID-19 emergency prevents the worker returning to Australia.	1 2
(3) In this section—	3
<i>public health direction</i> see the <i>Public Health Act 2005</i> , section 362B(1).	4 5
<i>quarantine direction</i> means—	6
(a) a public health direction requiring a person to stay at a place for a stated period in isolation; or	7 8 9
(b) a direction, under the <i>Public Health Act 2005</i> , section 362H, requiring a person to stay at a place for a stated period in isolation.	10 11 12 13
<i>vulnerable person</i> means any of the following persons—	14 15
(a) an individual over 70 years of age;	16
(b) an individual over 65 years of age who has an existing health condition or comorbidities;	17 18 19
(c) an Aboriginal person or Torres Strait Islander over 50 years of age who has an existing health condition or comorbidities;	20 21 22
(d) an individual whose immune system is compromised.	23 24
 Division 2	
Application for, and entitlement to, long service leave	25 26 27
 81D Application for payment	28
(1) An affected registered worker may apply in writing to the authority for payment of all or part	29 30

[s 55]

of the worker's entitlement to long service leave 1
under section 81F. 2

(2) An application under subsection (1) must— 3

(a) be made before 31 December 2020; and 4

(b) include documents or information to satisfy 5
the authority that the affected registered 6
worker has experienced, or is experiencing, 7
financial hardship because of the 8
COVID-19 emergency. 9

81E Decision on application for payment 10

(1) This section applies if an application is made 11
under section 81D. 12

(2) The authority must consider the application and 13
decide whether to approve, or refuse to approve, 14
the application. 15

(3) The authority may approve the application only 16
if— 17

(a) the authority is satisfied there is sufficient 18
evidence that the applicant has experienced, 19
or is experiencing, financial hardship 20
because of the COVID-19 emergency; and 21

(b) the applicant has accrued a minimum of 22
1,825 days service in the register of 23
workers; and 24

(c) the applicant is not entitled to long service 25
leave under section 72. 26

(4) If the authority decides to refuse the application, 27
the authority must give the applicant written 28
notice of the decision. 29

81F Entitlement to long service leave 30

(1) An affected registered worker's entitlement to 31

long service leave is—	1
(a) for each period of 1,825 days of service—	2
4,335 weeks; and	3
(b) for each day of service not included in a	4
period of service under paragraph (a)—the	5
proportion of 4,335 weeks that the number	6
of days of service bears to 1,825 days.	7
(2) Long service leave does not include a public	8
holiday that happens during the affected	9
registered worker’s long service leave.	10
Division 3	
Calculation and payment	11
of long service leave	12
81G Application of calculation and payment	13
provisions	14
(1) Sections 73 to 81 apply to the calculation and	15
payment of all or part of an affected registered	16
worker’s long service leave entitlement under	17
section 81F.	18
(2) For applying subsection (1)—	19
(a) a reference in sections 73 to 81 to a	20
registered worker is taken to be a reference	21
to an affected registered worker; and	22
(b) a reference in sections 73 to 81 to section 71	23
is taken to be a reference to section 81D;	24
and	25
(c) a reference in sections 73 to 81 to section 72	26
is taken to be a reference to section 81F.	27
Division 4	
Expiry	28

[s 56]

81H Expiry of part

This part expires on 31 December 2020.

Clause 56 Insertion of new pt 12, div 3

Part 12—

insert—

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

160 Application of division

This division applies on the expiry of part 6A.

161 Continued operation of expired pt 6A

- (1) This section applies if, before the expiry of part 6A—
 - (a) an application for payment of long service leave was made under expired section 81D but not decided under expired section 81E; or
 - (b) an application for payment of long service leave was approved under expired section 81E but the payment was not made to the applicant.
- (2) Expired part 6A continues to apply for the purpose of the authority—
 - (a) if subsection (1)(a) applies—
 - (i) deciding the application under expired section 81E; and

[s 59]

- 151B Chief health officer may waive or defer fees** 1
- (1) During the COVID-19 emergency period, the 2
chief health officer may waive or defer payment 3
of all or part of a fee payable by a person under 4
this Act. 5
- (2) The chief health officer may waive or defer all or 6
part of a fee under subsection (1)— 7
- (a) on an application by the person; and 8
- (b) if the chief health officer is satisfied that— 9
- (i) the applicant is experiencing financial 10
hardship because of the COVID-19 11
emergency; or 12
- (ii) it is otherwise appropriate to waive or 13
defer the fee in response to the 14
COVID-19 emergency. 15
- (3) However, the chief health officer may not defer 16
payment of a fee beyond 31 December 2020. 17

151C Expiry of part 18

This part expires on 31 December 2020. 19

Part 16 **Amendment of Public Health** 20
Act 2005 21

Division 1 **Preliminary** 22

Clause 59 **Act amended** 23

This part amends the *Public Health Act 2005*. 24

Division 2	Amendments commencing on assent	1 2
Clause 60	Amendment of s 354 (Medical examination and treatment)	3
	Section 354(5)(b), ‘96 hours’—	4
	<i>omit, insert</i> —	5
	14 days	6
Clause 61	Amendment of s 360 (Obligations of emergency officer (medical) in relation to person detained)	7 8
	Section 360(a)(iii), ‘96 hours’—	9
	<i>omit, insert</i> —	10
	14 days	11
Clause 62	Amendment of s 362C (When public health directions take effect)	12 13
	Section 362C(1) and (2)—	14
	<i>omit, insert</i> —	15
	(1) A public health direction takes effect—	16
	(a) when the direction is given; or	17
	(b) if the direction fixes a later day or time—on the later day or at the later time.	18 19
	(2) For subsection (1)(a), if the public health direction is published on the department’s website and in the gazette, the direction is given when it is first published.	20 21 22 23
Clause 63	Amendment of s 362H (Directions to stay at particular places)	24 25
	(1) Section 362H—	26

[s 64]

- insert—* 1
- (1A) Also, an emergency officer may give a parent of a 2
child a direction to— 3
- (a) keep the child at or in a stated place for a 4
stated period of not more than 14 days (also 5
the *isolation period*) unless the child is 6
permitted under the direction to leave the 7
place for stated purposes or in stated 8
circumstances; and 9
- (b) ensure the child complies with stated 10
conditions during the isolation period. 11
- (2) Section 362H(2), after ‘subsection (1)(a)’— 12
insert— 13
or (1A)(a) 14
- (3) Section 362H(3), after ‘subsection (1)(b)’— 15
insert— 16
or (1A)(b) 17
- (4) Section 362H— 18
insert— 19
- (4) For subsection (1A), a person is a parent of a child 20
if the person is— 21
- (a) the child’s mother; or 22
- (b) the child’s father; or 23
- (c) someone else, other than the chief executive 24
(child safety), having or exercising parental 25
responsibility for the child. 26
- (5) In this section— 27
chief executive (child safety) see section 158. 28

Clause 64 **Insertion of new ch 8, pt 7B** 29
Chapter 8— 30

insert—

Part 7B Other provisions for COVID-19 emergency

362N Definition for part

In this part—

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

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

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

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

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

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

- (a) the chief health officer;
- (b) another person who—

[s 65]

	(i) is a public service officer or employee, or a health service employee; and	1 2
	(ii) the chief executive is satisfied has the expertise or experience in public health issues necessary to exercise the powers.	3 4 5 6
	362Q Expiry of part	7
	This part expires on 31 December 2020.	8
Division 3	Amendments commencing on 19 March 2021	9 10
Clause 65	Amendment of s 354 (Medical examination and treatment)	11
	Section 354(5)(b), ‘14 days’—	12
	<i>omit, insert—</i>	13
	96 hours	14
Clause 66	Amendment of s 360 (Obligations of emergency officer (medical) in relation to person detained)	15 16
	Section 360(a)(iii), ‘14 days’—	17
	<i>omit, insert—</i>	18
	96 hours	19
Part 17	Amendment of Youth Justice Act 1992	20 21
Clause 67	Act amended	22
	This part amends the <i>Youth Justice Act 1992</i> .	23

Clause 68	Insertion of new s 264A	1
	After section 264—	2
	<i>insert—</i>	3
	264A Appointment of temporary detention centre employees—COVID-19 emergency	4
		5
	(1) The chief executive may, during the COVID-19 emergency period, appoint an appropriately qualified person as a temporary detention centre employee.	6 7 8 9
	(2) However, subsection (1) applies only if the chief executive is satisfied the appointment is reasonably necessary for the security and management of detention centres and the safe custody and wellbeing of children detained in detention centres.	10 11 12 13 14 15
	(3) A temporary detention centre employee is appointed under this Act and not the <i>Public Service Act 2008</i> .	16 17 18
	(4) A temporary detention centre employee holds office on the terms and conditions, not provided for by this Act, decided by the chief executive.	19 20 21
	(5) An appointment under subsection (1) ends on 31 December 2020, or an earlier day stated in the instrument of appointment, unless the appointment is earlier revoked.	22 23 24 25
	(6) If the chief executive is satisfied an appointment under subsection (1) is no longer reasonably necessary for the purpose mentioned in subsection (2), the chief executive must revoke the appointment.	26 27 28 29 30
	(7) A person appointed as a temporary detention centre employee under this section is taken to be a detention centre employee under this Act.	31 32 33
	(8) This section expires on 31 December 2020.	34

[s 68]

- (9) In this section— 1
COVID-19 emergency period see the *COVID-19* 2
Emergency Response Act 2020, schedule 1. 3

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