

Community Services Industry (Portable Long Service Leave) Bill 2019

Amendments during consideration in detail to be moved by
The Honourable the Minister for Education and Minister for Industrial
Relations

1 Clause 2 (Commencement)

Page 8, line 7, before ‘This’—

insert—

(1)

2 Clause 2 (Commencement)

Page 8, line 8, ‘1 July 2020’—

omit, insert—

a day to be fixed by proclamation

3 Clause 2 (Commencement)

Page 8, line 11, after ‘part 13’—

insert—

, divisions 2 to 7

4 Clause 2 (Commencement)

Page 8, after line 12—

insert—

(2) Part 13, divisions 5 and 6 commence on 1 July 2020.

5 Part 13, heading (Amendment of Acts)

Page 69, line 13, ‘Acts’—

omit, insert—

legislation

6 After clause 128

Page 69, after line 19—

insert—

**Division 1A Amendment of Bail Act
1980**

128A Act amended

This division amends the *Bail Act 1980*.

**128B Amendment of s 19B (Review of particular
decisions)**

Section 19B(7), ‘48AD’—

omit, insert—

48AAA

**128C Amendment of s 19C (Review by Supreme
Court of magistrate’s decision on a review)**

Section 19C(6), ‘48AD’—

omit, insert—

48AAA

7 After clause 132

Page 71, after line 4—

insert—

**Division 3A Amendment of COVID-19
Emergency Response Act
2020**

132A Act amended

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

132B Insertion of new pt 8A

After section 24—

insert—

Part 8A Validation provision

24A Validation of particular regulations

- (1) This section applies to each of the following regulations—
 - (a) the *Justice Legislation (COVID-19 Emergency Response—Wills and Enduring Documents) Amendment Regulation 2020*;
 - (b) the *Residential Tenancies and Rooming Accommodation (COVID-19 Emergency Response) Regulation 2020*.
- (2) The regulation is taken—
 - (a) to have been validly made, notified and tabled in the Legislative Assembly; and
 - (b) not to have ceased having effect under the *Statutory Instruments Act 1992*, section 49, as modified under this Act, section 5(9) or 24(9).
- (3) All acts, matters and things done before the commencement in reliance on the regulation are taken to be as lawfully done as they would have been if the regulation had not ceased having effect as mentioned in subsection (2)(b).

- (4) To remove any doubt, it is declared that—
- (a) the limitation for passing a resolution disallowing the regulation under the *Statutory Instruments Act 1992*, section 50(1) continues to apply in relation to the day the regulation was tabled in the Legislative Assembly; and
 - (b) the *Statutory Instruments Act 1992*, section 51 does not apply to the regulation; and
 - (c) a document made before the commencement in compliance with the regulation is taken to be as valid as it would have been if the regulation had not ceased having effect as mentioned in subsection (2)(b).

8 After clause 132

Page 71, after line 4—

insert—

**Division 3B Amendment of Holidays
Act 1983**

132C Act amended

This division amends the *Holidays Act 1983*.

132D Insertion of new s 13

After section 12—

insert—

**13 Particular public holiday in 2020—
People’s long weekend**

- (1) A public holiday is to be observed on 14 August 2020 in a participating district.

(2) To remove any doubt, it is declared that a reference in an industrial instrument under the *Industrial Relations Act 2016* to a public holiday is taken, in a participating district, for 2020, to include 14 August 2020.

(3) In this section—

Bowen area means an area of the Whitsunday local government area shown on map LGB20 edition 2 under the repealed *Local Government (Areas) Regulation 2005* as any of the following divisions of the former Bowen local government area—

- (a) division 1;
- (b) division 2;
- (c) division 3, to the extent it is north of the Bogie River from its confluence with the Burdekin River to its source and then easterly by the Clark Range to the eastern boundary of the former shire.

Editor's note—

A copy of the map is available for inspection from the department in which the *Local Government Act 2009* is administered.

participating district means—

- (a) each of the following local government areas—
 - (i) Burdekin;
 - (ii) Charters Towers;
 - (iii) Cloncurry;
 - (iv) Gold Coast;
 - (v) Livingstone;
 - (vi) Logan;
 - (vii) Mackay;

- (viii) Rockhampton; or
- (b) the area of Brisbane under the *City of Brisbane Act 2010*; or
- (c) the area, known as the Weipa Town Area, excluded from the Cook local government area under the agreement made under the *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957*; or
- (d) the Bowen area.

9 After clause 135

Page 72, after line 19—

insert—

136 Insertion of new ch 15A

After chapter 15—

insert—

**Chapter 15A Public sector
response to
COVID-19
emergency—
maximising
employment
security**

Part 1 Preliminary

952A Main purpose of chapter

The main purpose of this chapter is to maximise the protection of public sector

employment and respond to the financial impact of the COVID-19 emergency by—

- (a) deferring the payment of wage increases that would otherwise be payable under certified agreements during—
 - (i) the 2020–2021 financial year; and
 - (ii) the following financial year; and
- (b) providing for 2019 wage adjustments and other variations to certified agreements; and
- (c) temporarily modifying the collective bargaining process under chapter 4.

952B Application of chapter

This chapter does not apply in relation to—

- (a) an employer that is—
 - (i) a local government sector employer within the meaning of the *Fair Work (Commonwealth Powers) and Other Provisions Act 2009*; or
 - (ii) a parents and citizens association under the *Education (General Provisions) Act 2006*; or
 - (iii) the Darling Downs–Moreton Rabbit Board established under the *Stock Route Management Act 2002*; or
- (b) employees of an entity mentioned in paragraph (a).

952C Definitions for chapter

In this chapter—

2020–2021 financial year means the financial year ending on 30 June 2021.

2020–2021 wage increase, for part 2, see section 952E(3).

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

relevant agreement, for part 4, division 3, see section 952M(1).

wage increase—

- (a) for part 2, see section 952D; or
- (b) for part 4, see section 952J.

Part 2 Deferral of wage increases

952D Meaning of *wage increase* for part

- (1) For this part, a *wage increase*, under a certified agreement, is any of the following provided for under the agreement—
 - (a) an increase to wage rates by an amount equivalent to 2.5% effective from a stated day after the commencement;

Examples for paragraph (a)—

- Stadiums Queensland Staff Certified Agreement 2019, clause 4.2.1, to the extent it provides for wage increases on 1 August 2020, 1 August 2021 and 1 August 2022
- Department of Education State School Teachers' Certified Agreement 2019, clause 4.1.1(b) and (c)
- Queensland Police Service Certified Agreement 2019, clause 12(1), to the extent it provides for wage increases on 1 July 2020 and 1 July 2021

- (b) an increase in an allowance payable to employees that takes effect in conjunction with an increase mentioned in paragraph (a).

Examples for paragraph (b)—

- Stadiums Queensland Staff Certified Agreement 2019, clause 6.1.3
- Department of Education State School Teachers' Certified Agreement 2019, clause 4.2
- Queensland Police Service Certified Agreement 2019, clause 26

- (2) To remove any doubt, it is declared that the following matters provided for under a certified agreement are not a *wage increase* for this part—

- (a) an increase in wages that takes effect only because of a change to wage rates under a modern award that applies to the employees covered by the agreement;
- (b) an increase in wages of an agreed amount or an amount decided under a wages determination;

Example for paragraph (b)—

State Government Entities Certified Agreement 2019, clause 2.10

- (c) the introduction of a new allowance, classification or pay point;
- (d) a reclassification of a position.

952E Application of part

- (1) This part applies if a certified agreement provides for a wage increase to take effect during the 2020–2021 financial year.

Examples of certified agreements that provide for wage increases to which this part applies—

- Stadiums Queensland Staff Certified Agreement 2019, clause 4.2.1, to the extent it provides for a wage increase on 1 August 2020
 - Department of Education State School Teachers' Certified Agreement 2019, clause 4.1.1(b)
 - Queensland Police Service Certified Agreement 2019, clause 12(1) to the extent it provides for a wage increase on 1 July 2020
- (2) For subsection (1), it does not matter whether the certified agreement—
- (a) was certified before the commencement; or
 - (b) is certified after the commencement under chapter 4 as modified by part 5.
- (3) For this part, a wage increase mentioned in subsection (1) is a ***2020–2021 wage increase***.

952F Deferral of 2020–2021 wage increase

The certified agreement is taken to be varied to provide that—

- (a) no wage increase is payable under the agreement during the 2020–2021 financial year; and
- (b) the 2020–2021 wage increase takes effect on the day that is 1 year from the day the wage increase would, but for this part, have taken effect under the agreement.

952G Deferral of subsequent wage increase

- (1) This section applies if the certified

agreement provides for 1 or more further wage increases after the 2020–2021 wage increase.

- (2) The certified agreement is taken to be varied to provide that the wage increase immediately after the 2020–2021 wage increase—
- (a) is not payable on the day provided for under the agreement; and
 - (b) takes effect on the day that is 6 months from the day the wage increase would, but for this part, have taken effect under the agreement.

Examples of certified agreements varied under subsection (2)—

- Stadiums Queensland Staff Certified Agreement 2019, clause 4.2.1, to the extent it provides for a wage increase on 1 August 2021
- Department of Education State School Teachers' Certified Agreement 2019, clause 4.1.1(c)
- Queensland Police Service Certified Agreement 2019, clause 12(1) to the extent it provides for a wage increase on 1 July 2021

- (3) This section does not affect any wage increase after the wage increase mentioned in subsection (2) that is provided for under the certified agreement.

Example for subsection (3)—

Stadiums Queensland Staff Certified Agreement 2019, clause 4.2.1, to the extent it provides for a wage increase on 1 August 2022

Part 3 **2019 wage adjustments**

952H Application of part

- (1) This part applies in relation to a certified agreement mentioned in schedule 4A, column 1.
- (2) For subsection (1), it does not matter whether the nominal expiry date for the certified agreement had passed before the commencement.

952I Variation of certified agreement on commencement

- (1) On the commencement, the certified agreement is taken to be varied to provide for a 2.5% wage increase effective from the date stated for the agreement in schedule 4A, column 2.
- (2) The wage increase is payable only to employees who are covered by the agreement on the commencement.
- (3) In this section—

relevant terms, of a certified agreement, means the terms of the agreement mentioned in schedule 4A, column 3.

wage increase, in relation to a certified agreement, is an increase to both of the following—

- (a) the wage rates (however described), provided for under the relevant terms of the agreement, effective immediately before the commencement;
- (b) an allowance payable to employees under the agreement immediately before the commencement, if the agreement provides for the amount of the allowance to be increased in

conjunction with increases to wage rates.

Part 4 Other variations of certified agreements

Division 1 Preliminary

952J Meaning of *wage increase* for part

- (1) In this part, a *wage increase*, in relation to a certified agreement mentioned in schedule 4B, part 1, column 1 or part 2, column 1, is a 2.5% increase to both of the following—
 - (a) the wage rates (however described), provided for under the relevant terms of the agreement, effective immediately before the wage increase is payable;
 - (b) an allowance payable to employees under the agreement, at the time mentioned in paragraph (a), if the agreement provides for the amount of the allowance to be increased in conjunction with increases to wage rates.
- (2) In this section—

relevant terms, of a certified agreement mentioned in schedule 4B, part 1, column 1 or part 2, column 1, means the terms of the agreement mentioned in column 4 of that schedule.

Division 2 Variations on commencement

952K Application of division

- (1) This division applies in relation to a certified agreement mentioned in schedule 4B, part 1, column 1.
- (2) For subsection (1), it does not matter whether the nominal expiry date for the certified agreement had passed before the commencement.

952L Variation of certified agreement

On the commencement, the certified agreement is taken to be varied—

- (a) if a date is stated for the agreement in schedule 4B, part 1, column 2—to extend the nominal expiry date for the agreement to the stated date; and
- (b) to provide for a wage increase that is—
 - (i) effective from each date stated for the agreement in schedule 4B, part 1, column 3; and
 - (ii) payable to all employees covered by the agreement on the stated date.

Division 3 Deferred variations

952M Application of division

- (1) This division applies in relation to a certified agreement mentioned in schedule 4B, part 2, column 1 (the *relevant agreement*) if—

- (a) an application to certify a new agreement covering all of the employees covered by the relevant agreement is not made on or before 31 August 2020; or

Examples for paragraph (a)—

- an application to certify a new agreement that has the same scope as the relevant agreement
- an application to certify 2 agreements that collectively have the same scope as the relevant agreement

- (b) both of the following apply—

- (i) an application to certify a new agreement, covering all of the employees covered by the relevant agreement, is made on or before 31 August 2020;
- (ii) the new agreement is not certified by the commission on or before 14 September 2020.

- (2) For subsection (1), it does not matter whether the nominal expiry date for the certified agreement had passed before the commencement.

952N Variation of certified agreement

- (1) On the variation day for the relevant agreement, the agreement is taken to be varied—
- (a) if a date is stated for the agreement in schedule 4B, part 2, column 2—to extend the nominal expiry date for the agreement to the stated date; and
- (b) to provide for a wage increase that is—

- (i) effective from each date stated for the agreement in schedule 4B, part 2, column 3; and
 - (ii) payable to all employees covered by the agreement on the stated date.
- (2) In this section—
- variation day*, for a relevant agreement, means—
- (a) if section 952M(1)(a) applies in relation to the agreement—1 September 2020; or
 - (b) if section 952M(1)(b) applies in relation to the agreement—15 September 2020.

Division 4 Other provisions

952O Effect of extension of nominal expiry date of nominally expired agreement

- (1) This section applies if—
 - (a) the nominal expiry date of a certified agreement is extended under this part; and
 - (b) before the extension takes effect, the agreement had nominally expired.
- (2) On the extension taking effect—
 - (a) the certified agreement stops being nominally expired; and
 - (b) if the parties to the agreement were bargaining under chapter 4 immediately before the extension takes effect—

- (i) any steps taken in relation to the bargaining process are of no effect; and
 - (ii) without limiting chapter 4, part 8, the parties can no longer take protected industrial action.
- (3) To remove any doubt, it is declared that, if subsection (2)(b) applies, this section does not affect the validity of protected industrial action taken while the agreement was nominally expired.
- (4) This section applies despite section 223.

Part 5 Modified bargaining provisions

Division 1 Preliminary

952P Interpretation

A term used in this part that is defined in chapter 4 has the meaning given in chapter 4.

952Q Modified application of ch 4

Chapter 4 applies subject to the modifications provided for under this part during the period—

- (a) starting on the commencement; and
- (b) ending on 30 September 2020.

Division 2 Modification of ch 4, pt 5, div 1

952R Modification of s 189 (Application for certification of agreement)

- (1) Section 189(1) and (2) does not apply.
- (2) An application to certify an agreement may be made only by a negotiating party who is an employer.
- (3) An application to certify an agreement may be made even though it has not been signed by or for all of the parties if—
 - (a) all employers who are negotiating parties have agreed on the terms of the agreement; and
 - (b) a majority of the negotiating parties have agreed on the terms of the agreement.
- (4) For subsection (3)(b), all employers who are negotiating parties are collectively to be counted as 1 negotiating party.

952S Commission must decide application without hearing

- (1) Sections 191 and 192 do not apply in relation to an application to certify an agreement.
- (2) The commission must decide the application without a hearing.

Division 3 Modification of ch 4, pt 5, div 2

952T Application of division (Deciding applications)

- (1) This division applies in relation to a part 5 application for certification of an agreement.
- (2) Chapter 4, part 5, division 2 applies subject

to the modifications provided for under this division.

952U Commission's decision on applications

Sections 193(1)(b) and (3) and 194 do not apply.

952V Compliance with bargaining process requirements

Section 195 does not apply.

952W Agreement to be signed or agreed to by parties

- (1) Section 196 does not apply.
- (2) The commission must be satisfied the agreement—
 - (a) is in writing; and
 - (b) has been signed by or for all the parties.
- (3) Subsection (2)(b) does not apply if the commission is satisfied that—
 - (a) all employers who are negotiating parties have agreed on the terms of the agreement; and
 - (b) a majority of the negotiating parties have agreed on the terms of the agreement.
- (4) For subsection (3)(b), all employers who are negotiating parties are collectively to be counted as 1 negotiating party.

952X Approval by relevant employees

Section 197 does not apply.

952Y Other provision that does not apply

Chapter 4, part 5, division 2, subdivision 3 does not apply.

Division 4 Modification of ch 4, pt 7

952Z Extension of nominal expiry date of certified agreement

Section 223(2)(b) and (4) does not apply in relation to an application to extend the nominal expiry date of a certified agreement.

952ZA Modification of s 225 (Amendment on application)

- (1) Section 225(1) to (3) and (5)(c) does not apply to an application to amend a certified agreement.
- (2) The application may be made only by an employer who is a party to the certified agreement.
- (3) The commission must approve the application if—
 - (a) all employers who are parties to the certified agreement have agreed on the terms of the amendment; and
 - (b) a majority of the employers and employee organisations who are parties to the agreement have agreed on the terms of the amendment.
- (4) For subsection (3)(b), all employers who are parties are collectively to be counted as 1 party.

952ZB Modification of s 228 (Termination after nominal expiry date)

- (1) Section 228(1)(b) and (c) does not apply to an application to terminate a certified agreement.
- (2) Section 228(3)(b)(i) applies in relation to the application as if the reference in the section to the other parties to the agreement were a reference to a majority of the employers and employee organisations who are parties to the agreement.
- (3) For subsection (2), all employers who are parties are collectively to be counted as 1 party.

Part 6 Miscellaneous

952ZC Particular terms of certified agreements of no effect

To the extent a term of a certified agreement is inconsistent with this chapter, the term is of no effect.

952ZD Entitlements relating to deferred payments

- (1) This section applies in relation to a payment deferred under this chapter.
- (2) A person is entitled to receive the payment only if the person is an employee on the date to which the payment is deferred.
- (3) An employee is not entitled to be paid any amount relating to the period of the deferral.

952ZE Relationship of chapter with other provisions about variations

- (1) This chapter applies despite section 224.
- (2) The variation of a certified agreement under this chapter does not of itself prevent the agreement being terminated under chapter 4, part 7, division 3.

952ZF Publication of certified agreement as varied

- (1) This section applies if a certified agreement is varied under this chapter.
- (2) As soon as practicable after the variation takes effect, the registrar must—
 - (a) publish the certified agreement, as varied, on the QIRC website; and
 - (b) give the parties to the agreement notice of the variation.
- (3) For complying with subsection (2), the registrar may ask an employer covered by the certified agreement for information reasonably required by the registrar.

Part 7 Expiry

952ZG Expiry of chapter and schs 4A and 4B

This chapter, and schedules 4A and 4B, expire on 30 September 2020.

137 Insertion of new ch 18, pt 4

Chapter 18—

insert—

Part 4

Transitional provisions for Community Services Industry (Portable Long Service Leave) Act 2019

1087 Existing proceedings not affected by ch 15A, pt 2

- (1) This section applies in relation to a proceeding that—
 - (a) started, but was not completed, before the commencement; and
 - (b) relates to employees' wage entitlements before the commencement.
- (2) Chapter 15A, part 2 does not affect the outcome of the proceeding.

1088 No double payment of 2019 wage adjustment

- (1) This section applies if—
 - (a) on the commencement, a certified agreement is varied under chapter 15A, part 3; and
 - (b) after the commencement, another agreement (the *replacement agreement*) is certified under chapter 4 that covers the employees who were covered by the certified agreement mentioned in paragraph (a).
- (2) The replacement agreement must not provide for an additional wage increase in

relation to 2019.

- (3) This section applies despite chapter 4.

1089 Application of modified collective bargaining process

Chapter 15A, part 5 applies in relation to an application to certify an agreement if the application is made on or after the commencement, regardless of when the agreement was made.

1090 Transitional regulation-making power

- (1) A regulation may make provision about a matter for which—
- (a) it is necessary to make provision to allow or facilitate the operation of chapter 15A; and
 - (b) this Act does not make provision or sufficient provision.
- (2) The regulation may have retrospective operation to a day not earlier than the commencement.
- (3) The regulation must declare it is a transitional regulation made under subsection (1).
- (4) This section and the regulation expire on 30 September 2020.

138 Insertion of new schs 4A and 4B

After schedule 4—

insert—

Schedule 4A 2019 wage adjustments

sections 952H and 952I

Column 1	Column 2	Column 3
Name of certified agreement	Effective date for 2019 wage increase	Relevant terms of agreement—wage rates
Building and Asset Services Field Staff Certified Agreement 2016	1 September 2019	Clause 3.1 Appendix 1
Building and Asset Services Office Staff Certified Agreement 2016	1 June 2019	Clause 2.1 Appendices 2 and 3
CITEC Certified Agreement 2016	1 November 2019	Clause 2.1 Appendix 1
Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 2) 2016	17 October 2019	Clause 20.1 Schedule 3
Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 6) 2016	1 September 2019	Clause 2.4 Schedule 1
Queensland Public Health Sector Certified Agreement (No. 9) 2016	1 September 2019	Clause 2.1 Schedule 1
State Government Entities Certified Agreement 2015	1 September 2019	Clause 2.1 Appendix 3
State Government Security Certified Agreement 2016	1 May 2019	Clause 2.1 Appendix 1

Column 1	Column 2	Column 3
Name of certified agreement	Effective date for 2019 wage increase	Relevant terms of agreement—wage rates
TAFE Queensland (TAFE Services Employees) Certified Agreement 2016	1 September 2019	Clause 10 Appendix 1
Transport and Main Roads Enterprise Bargaining Certified Agreement 2016	1 July 2019	Clause 5.1 Appendix 1
Transport and Main Roads Operational Employees' Certified Agreement 2016	1 September 2019	Clause 5.1 Appendix 1

Schedule 4B Variations of certified agreements

sections 952J to 952N

Part 1 Variations on commencement

Column 1	Column 2	Column 3	Column 4
Name of certified agreement	Nominal expiry date	Effective dates for wage increases	Relevant terms of agreement—wage rates
Department of Education Cleaners' Certified Agreement 2018	31 August 2022	1 March 2022	Clause 3.1(a) and (d)
Department of Education Teacher Aides' Certified Agreement 2018	31 August 2022	1 March 2022	Clauses 11.1(a) and 11.2
Maritime Safety Queensland Maritime Operations Certified Agreement 2018	30 September 2022	1 April 2022	Clause 5.1 Appendix 1
Medical Officers' (Queensland Health) Certified Agreement (No. 5) 2018	30 June 2022	1 January 2022	Clause 2.1.1 Schedule 1
Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018	31 March 2022	1 October 2021	Clause 13.1 Schedule 1 Schedule 9, clause 7.1
Office of the Information Commissioner Certified Agreement 2018	31 October 2022	1 May 2022	Clause 2.1 Appendix 2
QFleet Certified Agreement 2018	31 August 2022	1 March 2022	Clause 2.1 Appendix 1

Column 1 Name of certified agreement	Column 2 Nominal expiry date	Column 3 Effective dates for wage increases	Column 4 Relevant terms of agreement—wage rates
Queensland Ambulance Service Certified Agreement 2017	31 August 2022	<ul style="list-style-type: none"> • 1 September 2021 • 1 March 2022 	Clause 13 Schedule 1
South Bank Employing Office Employees' Certified Agreement 2019	28 February 2023	1 September 2022	Clause 4.1 Appendix 1
WorkCover Employing Office – Certified Agreement 2018	30 September 2022	1 April 2022	Clauses 3.1 and 3.3

Part 2 Deferred variations

Column 1 Name of certified agreement	Column 2 Nominal expiry date	Column 3 Effective dates for wage increases	Column 4 Relevant terms of agreement—wage rates
Building and Asset Services Field Staff Certified Agreement 2016	31 August 2022	<ul style="list-style-type: none"> • 1 September 2021 • 1 March 2022 	Clause 3.1 Appendix 1

Column 1	Column 2	Column 3	Column 4
Name of certified agreement	Nominal expiry date	Effective dates for wage increases	Relevant terms of agreement—wage rates
Building and Asset Services Office Staff Certified Agreement 2016	31 May 2022	<ul style="list-style-type: none"> • 1 June 2020 • 1 December 2021 	Clause 2.1 Appendices 2 and 3
CITEC Certified Agreement 2016	31 October 2022	<ul style="list-style-type: none"> • 1 November 2021 • 1 May 2022 	Clause 2.1 Appendix 1
Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 2) 2016	16 October 2022	<ul style="list-style-type: none"> • 17 October 2021 • 17 April 2022 	Clause 20.1 Schedule 3
Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 6) 2016	31 August 2022	<ul style="list-style-type: none"> • 1 September 2021 • 1 March 2022 	Clause 2.4 Schedule 1
Queensland Public Health Sector Certified Agreement (No. 9) 2016	31 August 2022	<ul style="list-style-type: none"> • 1 September 2021 • 1 March 2022 	Clause 2.1 Schedule 1
State Government Entities Certified Agreement 2015	31 August 2022	<ul style="list-style-type: none"> • 1 September 2021 • 1 March 2022 	Clause 2.1 Appendix 3
State Government Security Certified Agreement 2016	30 April 2022	<ul style="list-style-type: none"> • 1 May 2020 • 1 November 2021 	Clause 2.1 Appendix 1

Column 1 Name of certified agreement	Column 2 Nominal expiry date	Column 3 Effective dates for wage increases	Column 4 Relevant terms of agreement—wage rates
TAFE Queensland (TAFE Services Employees) Certified Agreement 2016	31 August 2022	<ul style="list-style-type: none"> • 1 September 2021 • 1 March 2022 	Clause 10 Appendix 1
Transport and Main Roads Enterprise Bargaining Certified Agreement 2016	30 June 2022	<ul style="list-style-type: none"> • 1 July 2021 • 1 January 2022 	Clause 5.1 Appendix 1
Transport and Main Roads Operational Employees' Certified Agreement 2016	31 August 2022	<ul style="list-style-type: none"> • 1 September 2021 • 1 March 2022 	Clause 5.1 Appendix 1

10 After clause 135

Page 72, after line 19—

insert—

139 Amendment of sch 5 (Dictionary)

Schedule 5, definition *public holiday*, last dot point, 'section 2, 11 or 12'—

omit, insert—

sections 2 and 11 to 13

11 After clause 135

Page 72, after line 19—

insert—

Division 5 Amendment of Public Health Act 2005

140 Act amended

This division amends the *Public Health Act 2005*.

141 Insertion of new ch 8, pt 7AA

Chapter 8, after part 7A—

insert—

Part 7AA Fees for quarantine during COVID-19 emergency

362MA Definitions for part

In this part—

parent, of a child, has the meaning given by section 362H(4).

quarantine see section 362MB.

relevant invoice see section 362MD(4).

362MB Meaning of *quarantine*

A person is required to *quarantine* if—

- (a) the person is required, under a public health direction or a direction given under section 362H(1)(a), to stay at or in a stated place; or
- (b) the person is a child and a parent of the child is given a direction under section 362H(1A)(a) to keep the child at or in a stated place.

362MC Fees payable

- (1) A regulation may prescribe the fees payable for a person who is required to quarantine at a place other than the person's home.

Examples of a place other than a person's home—

a hotel, a motel

(2) Without limiting subsection (1), a regulation may prescribe amounts as fees by reference to—

(a) the types of costs associated with a person's quarantine; or

Examples of types of costs—

cost of accommodation, cost of meals

(b) whether a person is required or permitted to quarantine with 1 or more other persons in shared accommodation.

Examples of persons in shared accommodation—

- 2 persons in a hotel room
- 4 persons in an apartment

362MD Persons liable to pay fees

- (1) A person required to quarantine is liable to pay the fees prescribed by regulation for the person's quarantine.
- (2) However, if the person is a child, the parents of the child are jointly and severally liable to pay the fees prescribed by regulation for the child's quarantine.
- (3) Despite subsections (1) and (2), if 2 or more adults are required or permitted to quarantine together in shared accommodation, whether or not with any children, all the adults are jointly and severally liable to pay the fees prescribed by regulation for the quarantine of each person quarantined in the shared accommodation.
- (4) The chief executive must give a person liable to pay fees under this section an invoice (a

relevant invoice) stating—

- (a) the date of the invoice; and
 - (b) the name of the person to whom the invoice relates or, if it relates to more than 1 person, the name of each person; and
 - (c) the amount of the fees owing for the quarantine of the person or persons to whom the invoice relates.
- (5) However, if 2 or more adults are jointly and severally liable to pay fees under subsection (2) or (3)—
- (a) the chief executive may give any 1 of the adults a relevant invoice; and
 - (b) for section 362MF, the invoice is taken to have been given to each of the adults.

362ME Waiver of fees

- (1) A person liable to pay fees under section 362MD may apply to the chief executive, as provided under subsection (2), for the waiver of payment of all or part of the fees.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) be made within—
 - (i) 30 days after the date of the relevant invoice for the fees; or
 - (ii) a longer period agreed by the chief executive and the person.
- (3) The chief executive may ask the person to give any further information the chief executive reasonably needs to decide the application.

- (4) The chief executive must decide to—
- (a) waive payment of all or part of the fees; or
 - (b) refuse to waive payment of the fees.

- (5) However, the chief executive may decide to waive payment of the fees as mentioned in subsection (4)(a) only if the chief executive considers it appropriate having regard to the circumstances of the person or of another person to whom the relevant invoice relates.

Examples of when waiver of payment of fees for which a person is liable may be appropriate—

- 1 The person is experiencing financial hardship.
 - 2 The person is a vulnerable person.
- (6) If the chief executive decides to waive payment of the fees to the extent sought under the application, the chief executive must give the person a notice stating—
- (a) if the application is for the waiver of payment of all of the fees—that payment of the fees is waived under this section; or
 - (b) if the application is for the waiver of payment of part of the fees—that payment of that part is waived under this section.
- (7) If the chief executive decides to refuse to waive payment of the fees to the extent sought under the application, the chief executive must give the person a notice stating—
- (a) the decision; and
 - (b) the reasons for the decision; and

- (c) if payment of any part of the fees is waived—that payment of that part is waived under this section.

362MF Payment and recovery of fees

- (1) A person liable to pay fees under section 362MD must pay the fees, or any part of the fees not waived under section 362ME, within the later of the following periods to end—
 - (a) 30 days after the date of the relevant invoice for the fees;
 - (b) if the person has made an application under section 362ME(1) in relation to the fees—14 days after the person receives a notice under section 362ME(6)(b) or (7) in relation to the application.
- (2) An amount not paid by the person under subsection (1) may be recovered from the person as a debt due to the State.

362MG Expiry of part

This part expires on 18 March 2021.

142 Insertion of new ch 12, pt 7

Chapter 12—

insert—

Part 7 **Transitional provisions for Community Services Industry (Portable Long Service Leave) Act 2019**

Division 1 **Provision applying on commencement**

499 Application of s 362MD

- (1) Section 362MD applies in relation to a person required to quarantine only if the requirement for the person's quarantine is made on or after the commencement.
- (2) However, if the requirement for the person's quarantine is made on the person's arrival in Queensland from overseas, section 362MD does not apply in relation to the person if the chief executive—
 - (a) is satisfied, having regard to documentary evidence given by or for the person, that the arrival date for the person's travel to Queensland was confirmed on or before midnight on 17 June 2020; and
 - (b) gives the person, or a person who would otherwise be liable to pay fees under that section for the person's quarantine, a notice that payment of the fees is waived under this section.

Division 2 Provisions applying on expiry of chapter 8, part 7AA

500 Application of division

This division applies on the expiry of chapter 8, part 7AA.

501 Definitions for division

In this division—

expiry means the expiry of chapter 8, part 7AA under former section 362MG.

former, in relation to a provision of this Act, means the provision as in force immediately before the expiry.

502 Words have meaning given by former ch 8, pt 7AA

Words defined under former chapter 8, part 7AA and used in this division have the same meaning as they had under the former part.

503 Continued application of former s 362MD

- (1) Former section 362MD continues to apply in relation to a person who was required, before the expiry, to quarantine.
- (2) Without limiting subsection (1), a relevant invoice may be given under former section 362MD(4), on or after the expiry, in relation to a person mentioned in subsection (1).

504 Existing entitlement to apply for waiver under former s 362ME

- (1) This section applies if, immediately before the expiry—
 - (a) a person was entitled to apply under former section 362ME(1) for the waiver of payment of fees, but had not applied; and
 - (b) the period under former section 362ME(2)(b) for applying had not ended.
- (2) The application may be made under former section 362ME as if that section had not expired.

505 Deciding applications for waiver under former s 362ME

- (1) This section applies if—
 - (a) an application for the waiver of payment of fees was made under former section 362ME; and
 - (b) immediately before the expiry, the chief executive had not given a notice in relation to the application under former section 362ME(6) or (7).
- (2) This section also applies if an application for the waiver of payment of fees is made on or after the commencement under former section 362ME, as provided for under section 504.
- (3) The chief executive may deal or continue to deal with the application under former section 362ME as if that section had not expired.

506 Application of former s 362MF

- (1) Despite its expiry, former section 362MF continues to apply in relation to a person liable to pay fees—
 - (a) before the expiry under former section 362MD; or
 - (b) under former section 362MD as applied under section 503.
- (2) For applying subsection (1), a reference in former section 362MF to particular matters under section 362ME includes a reference to those matters under former section 362ME as applied under section 505.

Division 6 Amendment of Public Health Regulation 2018

143 Regulation amended

This division amends the *Public Health Regulation 2018*.

144 Insertion of new s 61A

After section 61—

insert—

61A Fees for quarantine during COVID-19 emergency—Act, s 362MC

- (1) For section 362MC of the Act, this section prescribes the fees for a person's quarantine.
- (2) For an adult, the fees are—
 - (a) for accommodation, including cleaning, for each night of quarantine—\$135; and

- (b) for meals, for each day of quarantine—
\$65.
- (3) For a child, the fees are—
 - (a) for accommodation, including cleaning, for each night of quarantine—\$135; and
 - (b) for meals, for each day of quarantine—
\$32.50.
- (4) However, if 2 or more persons are required or permitted to quarantine together in shared accommodation—
 - (a) the fee under subsection (2)(a) or (3)(a) applies for only 1 of the persons; and
 - (b) the fee under subsection (2)(a) or (3)(a) for each additional person is nil.
- (5) This section expires on 18 March 2021.

12 After clause 135

Page 72, after line 19—

insert—

**Division 7 Amendment of Work
Health and Safety Act 2011**

145 Act amended

This division amends the *Work Health and Safety Act 2011*.

**146 Omission of s 141A (Powers of inspector
asked to assist in resolving dispute)**

Section 141A—

omit.

147 Omission of s 142A (Review by commission of decision made by inspector under s 141A)

Section 142A—

omit.

148 Amendment of s 144 (Person must not refuse or delay entry of WHS entry permit holder)

Section 144(1), penalty, ‘100 penalty units’—

omit, insert—

500 penalty units

149 Amendment of s 145 (Person must not hinder or obstruct WHS entry permit holder)

Section 145, penalty, ‘100 penalty units’—

omit, insert—

500 penalty units

150 Amendment of s 146 (WHS entry permit holder must not delay, hinder or obstruct any person or disrupt work at workplace)

Section 146, penalty, ‘100 penalty units’—

omit, insert—

500 penalty units

151 Amendment of s 147 (Misrepresentations about things authorised by this part)

Section 147(1), penalty, ‘100 penalty units’—

omit, insert—

500 penalty units

152 Amendment of s 148 (Unauthorised use or disclosure of information or documents)

Section 148, penalty, ‘100 penalty units’—

omit, insert—

500 penalty units

153 Amendment of s 188 (Offence to hinder or obstruct inspector)

Section 188, penalty, ‘100 penalty units’—

omit, insert—

500 penalty units

154 Amendment of s 189 (Offence to impersonate inspector)

Section 189, penalty, ‘100 penalty units’—

omit, insert—

500 penalty units

155 Amendment of s 190 (Offence to assault, threaten or intimidate inspector)

Section 190, penalty, ‘500 penalty units’—

omit, insert—

1,000 penalty units

156 Insertion of new pt 16, div 6

Part 16—

insert—

Division 6

**Transitional provisions
for Community
Services Industry**

(Portable Long Service Leave) Act 2019

321 Definitions for division

In this division—

amending Act means the *Community Services Industry (Portable Long Service Leave) Act 2019*.

former, for a provision of this Act, means the provision as in force from time to time before the commencement.

322 Application of former s 142A to decision made before commencement

- (1) This section applies if—
 - (a) an inspector made a decision, before the commencement, under former section 141A in relation to a dispute; and
 - (b) immediately before the commencement, the dispute had not been dealt with by the commission.
- (2) From the commencement, the commission may review the decision under section 142A, as in force immediately before the commencement, as if the amending Act had not commenced.

323 Review proceedings under former s 142A

- (1) This section applies if, before the commencement—
 - (a) the commission was dealing with a dispute under section 142; and

- (b) an inspector had made a decision under former section 141A in relation to the dispute.
- (2) If, immediately before the commencement, the proceeding had not been finally dealt with, the commission may continue to review the decision as if the amending Act had not commenced.
- (3) A person dissatisfied with the commission's decision on the review may appeal the commission's decision under section 142A(4), as in force immediately before the commencement, as if the amending Act had not commenced.

324 Application of amended WHS civil penalty provisions

- (1) This section applies if—
 - (a) the maximum penalty for a WHS civil penalty provision is amended by the amending Act; and
 - (b) a monetary penalty for contravention is imposed under section 259(1) after the commencement.
- (2) For section 259(2), the maximum amount of the monetary penalty for the provision is the penalty for the former WHS civil penalty provision in effect at the time of the contravention.

13 After clause 135

Page 72, after line 19—

insert—

Division 8

Amendment of Youth Justice Act 1992

157 Act amended

This division amends the *Youth Justice Act 1992*.

158 Amendment of s 48 (Releasing children in custody in connection with a charge of an offence)

Section 48(2) to (7)—

omit, insert—

- (2) The court or police officer must decide to release the child unless required under this Act or another Act to keep the child in custody or exercising a discretion under this or another Act to keep the child in custody.

Notes—

- 1 See, for example, sections 48AAA(2), 48AE and 48A for when a child must not be released from custody.
- 2 See also the *Bail Act 1980*, section 13 for when only particular courts may grant a person bail.

159 Insertion of new s 48AAA

After section 48—

insert—

48AAA Releasing children in custody—risk assessment

- (1) This section applies if a court or police officer is deciding whether to release a child in custody in connection with a charge of an offence or keep the child in custody.
- (2) The court or police officer must decide to keep the child in custody if satisfied—
 - (a) if the child is released, there is an unacceptable risk that the child will commit an offence that endangers the

- safety of the community or the safety or welfare of a person; and
- (b) it is not practicable to adequately mitigate that risk by imposing particular conditions of release on bail.
- (3) Also, the court or police officer may decide to keep the child in custody if satisfied that, if the child is released, there is an unacceptable risk that—
- (a) the child will not surrender into custody in accordance with a condition imposed on the release or a grant of bail to the child; or
- (b) the child will commit an offence, other than an offence mentioned in subsection (2)(a); or
- (c) the child will interfere with a witness or otherwise obstruct the course of justice, whether for the child or another person.
- (4) Subsection (5) applies if—
- (a) the child is before a court; and
- (b) the court has information indicating there may be an unacceptable risk of a matter mentioned in subsection (2) or (3), but does not have enough information to properly consider the matter.
- (5) The court may remand the child in custody while further information about the matter is obtained.

160 Amendment of s 48AA (Matters to be considered in making particular decisions about release and bail)

- (1) Section 48AA(1)(a), '48(4)'—

omit, insert—

48AAA(2)

(2) Section 48AA(1)(b)—

omit, insert—

(b) whether there is an unacceptable risk of a matter mentioned in section 48AAA(3);

(ba) whether to release the child despite being satisfied there is an unacceptable risk of a matter mentioned in section 48AAA(3);

(3) Section 48AA(4) and (5)—

omit, insert—

(4) In making a decision mentioned in subsection (1)—

(a) the court or police officer may have regard to any of the following matters of which the court or police officer is aware—

(i) the nature and seriousness of the alleged offence;

(ii) the child's criminal history and other relevant history, associations, home environment, employment and background;

(iii) the history of a previous grant of bail to the child;

(iv) the strength of the evidence against the child relating to the alleged offence;

(v) the child's age, maturity level, cognitive ability and developmental needs;

- (vi) if the child is an Aboriginal person or Torres Strait Islander—
a submission made by a representative of the community justice group in the child's community, including, for example, a submission about—
 - (A) the child's connection with the child's community, family or kin; or
 - (B) cultural considerations; or
 - (C) considerations relating to programs and services established for offenders in which the community justice group participates;

Note—

See also section 48AC.

- (vii) any other relevant matter; and
- (b) for a decision mentioned in subsection (1)(c)—the court or police officer may have regard to any of the following—
 - (i) principle 18 of the youth justice principles;
 - (ii) the desirability of strengthening and preserving the relationship between the child and the child's parents and family;
 - (iii) the desirability of not interrupting or disturbing the child's living arrangements, education, training or employment;
 - (iv) the desirability of minimising adverse effects on the child's reputation that may arise from being kept in custody;

- (v) the child’s exposure to, experience of and reaction to trauma;
 - (vi) the child’s health, including the child’s need for medical assessment or medical treatment;
 - (vii) for a child with a disability—the disability and the child’s need for services and supports in relation to the disability;
 - (viii) if the child is an Aboriginal person or Torres Strait Islander—the desirability of maintaining the child’s connection with the child’s community, family and kin;
 - (ix) if the child is under 14 years—the particular desirability of releasing children under 14 years from custody due to their vulnerability and community expectations that children under 14 years are entitled to special care and protection.
- (4) Section 48AA(6), ‘48(4)(b)’—
omit, insert—
48AAA(3)
- (5) Section 48AA(7), ‘a risk or unacceptable risk of a matter mentioned in section 48(4)’—
omit, insert—
an unacceptable risk of a matter mentioned in section 48AAA(2) or (3)

161 Amendment of s 48AC (Representatives of community justice groups must advise of particular matters)

Section 48AC(1), ‘48AA(5)(f)’—

omit, insert—

48AA(4)(a)(vi)

162 Omission of s 48AD (When children may be released from custody despite unacceptable risk)

Section 48AD—

omit.

163 Amendment of s 48A (Releasing children found guilty of terrorism offences or subject to Commonwealth control orders)

Section 48A(5), ‘48(4)’—

omit, insert—

48AAA(2) or (3)

164 Amendment of s 50 (Dealing with children not brought before Childrens Court in accordance with s 49)

Section 50(4)(a), ‘48AD’—

omit, insert—

48AAA

165 Amendment of s 52A (Other conditions of release on bail)

Section 52A(2)(a)—

omit, insert—

- (a) there is a risk of the child doing a thing mentioned in section 48AAA(2)(a) or (3); and

166 Amendment of s 289 (Recording, use or disclosure for authorised purpose)

Section 289(c)(i), ‘48AA(5)(f)’—

omit, insert—

48AA(4)(a)(vi)

167 Amendment of s 301A (Protection from liability)

Section 301A(1)(b)(i), ‘48AA(5)(f)’—

omit, insert—

48AA(4)(a)(vi)

168 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

keep the child in custody includes, for a court, remand the child in custody.

14 Long title

Long title, from ‘this Act,’—

omit, insert—

this Act, the *Bail Act 1980*, the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*, the *COVID-19 Emergency Response Act 2020*, the *Holidays Act 1983*, the *Industrial Relations Act 2016*, the *Public Health Act 2005*, the *Public Health Regulation 2018*, the *Work Health and Safety Act 2011* and the *Youth Justice Act 1992* for particular purposes