

# Corrective Services and Other Legislation Amendment Bill 2020

Amendments during consideration in detail to be moved by  
The Honourable the Minister for Police and Minister for Corrective  
Services

## 1 Clause 2 (Commencement)

Page 8, lines 7 and 8—

*omit, insert—*

- (1) The following provisions commence on the day immediately after the COVID-19 emergency period under the *COVID-19 Emergency Response Act 2020* ends—
  - (a) sections 36, 37(1), (2) and (4) and 41;
  - (b) section 52, to the extent it inserts section 490ZC;
  - (c) section 53(8).
- (2) Part 3B commences on 1 July 2020 immediately after the commencement of the *Resources Safety and Health Queensland Act 2020*, part 7, division 9.
- (3) The following provisions commence on a day to be fixed by proclamation—

## 2 Clause 15 (Insertion of new s 110A)

Page 12, line 19 to page 13, line 5—

*omit.*

## 3 After clause 17

Page 14, after line 16—

*insert—*

### **17A Insertion of new ch 3, pt 2A**

Chapter 3—

*insert—*

## **Part 2A                      Offences by staff    members**

### **124A Prohibition on intimate relationships between staff members and offenders**

- (1) A person has an *intimate relationship* with another person if the relationship between the persons includes either or both of the following—
  - (a) sexual conduct or other physical expressions of affection or sexual contact;
  - (b) the exchange of written or other forms of communication of a sexual or intimate nature.
- (2) A staff member must not have an intimate relationship with a person who is an offender.

Maximum penalty—100 penalty units or 3 years imprisonment.
- (3) Subsection (2) does not apply to a staff member if—
  - (a) the staff member did not know, or could not reasonably have known, the person was an offender; or
  - (b) the staff member and the person were in an intimate relationship before the person became an offender.

#### **4                      Clause 21 (Insertion of new s 173A)**

Page 15, line 11 to page 16, line 6—

*omit.*

**5 After clause 55**

Page 45, after line 16—

*insert—*

**Part 3A Amendment of Hospital  
and Health Boards Act  
2011**

**55A Act amended**

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

**55B Amendment of pt 3, hdg (Functions of chief  
executive and chief health officer)**

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

*omit, insert—*

**, chief health officer and deputy chief  
health officer**

**55C Amendment of pt 3, div 3, hdg (Chief health  
officer)**

Part 3, division 3, heading, after ‘officer’—

*insert—*

**and deputy chief health officer**

**55D Insertion of new ss 53AA–53AC**

After section 53—

*insert—*

**53AA Deputy chief health officer**

(1) The chief executive may appoint a deputy chief health officer for the State.

- (2) The deputy chief health officer is to be employed as a public service officer or as a health service employee.
- (3) The deputy chief health officer must be a medical practitioner.

### **53AB Functions of deputy chief health officer**

The functions of the deputy chief health officer are—

- (a) to support the chief health officer in the exercise of the chief health officer's functions under this or another Act; and
- (b) any functions given to the deputy chief health officer by the chief health officer or the chief executive; and
- (c) other functions under this or another Act.

### **53AC Delegation by chief health officer**

The chief health officer may delegate the chief health officer's functions or powers under this or another Act to the deputy chief health officer.

### **55E Amendment of s 139A (Meaning of *designated person*)**

Section 139A(1)—

*insert—*

- (ca) the deputy chief health officer; or

### **55F Amendment of s 266 (Appointments and authority)**

- (1) Section 266—

*insert—*

(ba) the deputy chief health officer's appointment;

(2) Section 266(g)—

*insert—*

(iiia) the deputy chief health officer;

### **55G Amendment of s 267 (Signatures)**

Section 267—

*insert—*

(ca) the deputy chief health officer;

### **55H Amendment of sch 2 (Dictionary)**

Schedule 2—

*insert—*

*deputy chief health officer* means the deputy chief health officer under section 53AA.

## **6 After clause 55**

Page 45, after line 16—

*insert—*

## **Part 3B Amendment of Petroleum and Gas (Production and Safety) Act 2004**

### **55I Act amended**

This part amends the *Petroleum and Gas (Production and Safety) Act 2004*.

### **55J Amendment of s 735 (Appointment)**

- (1) Section 735(1)(d), ‘authorised officer’—  
*omit, insert—*  
authorised officer (safety and health)
- (2) Section 735—  
*insert—*
  - (1A) The chief executive may appoint a public service officer as an authorised officer (general).
- (3) Section 735(2), after ‘subsection (1)’—  
*insert—*  
, and the chief executive may appoint a person under subsection (2),
- (4) Section 735(1A) and (2)—  
*renumber* as section 735(2) and (3).

### **55K Amendment of s 736 (Functions)**

- (1) Section 736(2)—  
*omit, insert—*
- (2) The functions of an authorised officer (safety and health) include—
  - (a) conducting audits, investigations and inspections to monitor and enforce compliance with provisions of this Act, the Geothermal Act and the GHG storage Act relating to safety and health; and
  - (b) to provide the advice and help that may be required from time to time during emergencies at operating plants that may affect the safety or health of persons; and

- (c) collecting information for this Act, the Geothermal Act and the GHG storage Act.
- (2A) The functions of an authorised officer (general) include—
  - (a) conducting audits, investigations and inspections to monitor and enforce compliance with provisions of this Act other than royalty provisions, the Geothermal Act and the GHG storage Act, other than the provisions mentioned in subsection (2); and
  - (b) to provide the advice and help that may be required from time to time during emergencies at operating plants that may affect the safety or health of persons; and
  - (c) collecting information for this Act, the Geothermal Act and the GHG storage Act.
- (2) Section 736(2A) and (3)—  
*renumber* as section 736(3) and (4).

**55L Amendment of s 737 (Appointment conditions and limit on powers)**

- (1) Section 737(4), definition *signed notice*, paragraph (c), ‘authorised officer’—  
*omit, insert—*  
authorised officer (safety and health)
- (2) Section 737(4), definition *signed notice*—  
*insert—*
  - (d) for an authorised officer (general)—the chief executive.

**55M Amendment of s 738 (Issue of identity card)**

- (1) Section 738(1), ‘authorised officer’—  
*omit, insert—*  
authorised officer (safety and health)
- (2) Section 738—  
*insert—*
  - (1A) The chief executive must issue an identity card to each person who is an authorised officer (general).
- (3) Section 738(1A) to (3)—  
*renumber* as section 738(2) to (4).

**55N Amendment of s 741 (Resignation)**

- (1) Section 741, ‘authorised officer’—  
*omit, insert—*  
authorised officer (safety and health)
- (2) Section 741—  
*insert—*
  - (2) An authorised officer (general) may resign by a signed notice given to the chief executive.

**55O Replacement of s 742 (Return of identity card)**

Section 742—  
*omit, insert—*

**742 Return of identity card**

- (1) A person who stops being an inspector or authorised officer (safety and health) must return the person’s identity card to the CEO within 20 business days after the person stops being an inspector or authorised officer



(safety and health) unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) A person who stops being an authorised officer (general) must return the person's identity card to the chief executive within 20 business days after the person stops being an authorised officer (general) unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

### **55P Amendment of s 772 (Return of seized things)**

- (1) Section 772(2)—

*omit, insert—*

- (2) If the thing is not returned to its owner within 1 year after it was seized, the owner may apply for its return—

(a) if the thing was seized by an authorised officer (safety and health)—to the chief inspector; or

(b) if the thing was seized by an authorised officer (general)—to the chief executive.

- (2) Section 772(3) and (4), after 'chief inspector'—

*insert—*

or chief executive

### **55Q Amendment of s 773 (Forfeiture of seized things)**

- (1) Section 773(1), 'authorised officer'—

*omit, insert—*

authorised officer (safety and health)

(2) Section 773—

*insert—*

(1A) The chief executive may decide to forfeit a thing seized under this Act if the authorised officer (general) (also the *seizing officer*) who seized the thing—

- (a) can not find its owner, after making reasonable inquiries; or
- (b) can not return it to its owner, after making reasonable efforts; or
- (c) reasonably believes it is necessary to retain the thing to prevent it being used to commit an offence against this Act; or
- (d) reasonably considers it is dangerous to the extent that, to ensure safety, it must be destroyed; or
- (e) reasonably considers it has no intrinsic value and use.

(3) Section 773(2), ‘subsection (1)’—

*omit, insert—*

subsections (1) and (2)

(4) Section 773(3), after ‘forfeit a thing’—

*insert—*

, or the chief executive decides under subsection (2)(c), (d) or (e) to forfeit a thing,

(5) Section 773(4), ‘Subsection (3)’—

*omit, insert—*

Subsection (4)

(6) Section 773(1A) to (5)—

*renumber* as section 773(2) to (6).

### **55R Amendment of s 774 (Dealing with forfeited things)**

Section 774(2) and (3), after ‘CEO or chief inspector’—

*insert*—

, or the chief executive,

### **55S Amendment of sch 1 (Reviews and appeals)**

Schedule 1, table 1, column 1, ‘section 773(1)(c), (d) or (e)’—

*omit, insert*—

section 773(1)(c), (d) or (e) or (2)(c), (d) or (e)

### **55T Amendment of sch 2 (Dictionary)**

(1) Schedule 2, definition *authorised officer*—

*omit*.

(2) Schedule 2—

*insert*—

***authorised officer*** means—

(a) an authorised officer (general); or

(b) an authorised officer (safety and health).

***authorised officer (general)*** means a person who, under section 735, holds appointment as an authorised officer (general).

***authorised officer (safety and health)*** means a person who, under section 735, holds appointment as an authorised officer (safety and health).

**7 After clause 55**

Page 45, after line 16—

*insert—*

**Part 3C Amendment of Public Health Act 2005**

**55U Act amended**

This part amends the *Public Health Act 2005*.

**55V Amendment of s 89 (Functions of contact tracing officer)**

Section 89—

*insert—*

- (2) A contact tracing officer's functions may be exercised within or outside Queensland or in relation to persons within or outside Queensland.
- (3) Without limiting subsection (2), if the chief health officer has made an arrangement under subsection (4) with the corresponding officer for a jurisdiction, a contact tracing officer's functions may be exercised under the arrangement in relation to the jurisdiction or persons connected with the jurisdiction.
- (4) For subsection (3), the chief health officer may make an arrangement with a corresponding officer for a jurisdiction for contact tracing officers to exercise functions in relation to the jurisdiction or persons connected with the jurisdiction.
- (5) In this section—  
*corresponding officer*, for a jurisdiction, means a person who has functions under a law of the jurisdiction that correspond with

the chief health officer's functions.

*jurisdiction* means the Commonwealth or another State.

### **55W Insertion of new s 104A**

After section 104—

*insert—*

#### **104A Extraterritorial operation**

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

### **55X Amendment of s 362D (Failure to comply with public health directions)**

Section 362D, penalty, after 'units'—

*insert—*

or 6 months imprisonment

### **55Y Insertion of new s 362FA**

After section 362F—

*insert—*

#### **362FA Delegation**

- (1) The chief health officer may delegate the chief health officer's functions or powers under this part to—
  - (a) the deputy chief health officer; or
  - (b) an appropriately qualified medical practitioner who is a public service officer or employee, or a health service employee.
- (2) However, the chief health officer must not delegate the chief health officer's power to

give a public health direction.

- (3) Subsection (2) does not prevent the chief health officer delegating a function or power under a public health direction.
- (4) This section has effect despite the *Hospital and Health Boards Act 2011*, section 53AC.

### **55Z Amendment of s 456 (Protecting prescribed persons from liability)**

Section 456(3)(b), note, ‘chief executive’—  
*omit, insert—*

chief executive, chief health officer, deputy chief health officer

### **55ZA Amendment of sch 2 (Dictionary)**

Schedule 2—  
*insert—*

*deputy chief health officer* see the *Hospital and Health Boards Act 2011*, schedule 2.

## **8 After clause 60**

Page 46, after line 11—  
*insert—*

## **Part 4A Amendment of Summary Offences Act 2005**

### **60A Act amended**

This part amends the *Summary Offences Act 2005*.

**60B Amendment of s 11 (Trespass)**

Section 11(3), after ‘entering’—

*insert—*

, or remaining in,

**60C Amendment of s 12 (Persons unlawfully gathering in or on a building or structure)**

Section 12(4), after ‘entering’—

*insert—*

, or remaining in or on,

**60D Amendment of s 13 (Unlawfully entering or remaining on particular land)**

Section 13(4), after ‘entering’—

*insert—*

, or remaining in or on,

**60E Amendment of sch 2 (Dictionary)**

Schedule 2, definition *authorised industrial officer*—

*insert—*

(c) a WHS entry permit holder under the *Work Health and Safety Act 2011*.

**9 Long title**

Long title, from ‘*Penalties and Sentences Act 1992*’ to ‘*Racing Integrity Regulation 2016*’—

*omit, insert—*

***Hospital and Health Boards Act 2011, the Penalties and Sentences Act 1992, the Petroleum and Gas (Production and Safety) Act***

***2004, the Public Health Act 2005, the Racing Integrity Act 2016, the Racing Integrity Regulation 2016, the Summary Offences Act 2005***

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