

*I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.*

*Legislative Assembly Chamber,
Brisbane,*

The Clerk of the Parliament.

8 April 2022.

In the name and on behalf of the Queen, I assent to this Bill.

John Lang

Government House,

Brisbane, 8th APRIL

2022



Queensland

No. 6 of 2022

A BILL for

An Act to amend the Acts Interpretation Act 1954, the Corrective Services Act 2006, the Corrective Services and Other Legislation Amendment Act 2020, the COVID-19 Emergency Response Act 2020, the Disaster Management Act 2003, the Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020, the Mental Health Act 2016, the Public Health Act 2005, the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Act 2021 and the Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020 for particular purposes



Queensland

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

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2022

A Bill

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An Act to amend the Acts Interpretation Act 1954, the Corrective Services Act 2006, the Corrective Services and Other Legislation Amendment Act 2020, the COVID-19 Emergency Response Act 2020, the Disaster Management Act 2003, the Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020, the Mental Health Act 2016, the Public Health Act 2005, the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Act 2021 and the Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020 for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Act 2022*.

2 Commencement

- (1) The following provisions commence on the day after the COVID-19 legislation expiry day—
 - (a) sections 7 and 8;
 - (b) part 12;
 - (c) schedule 1, part 1.
- (2) Schedule 1, part 2 commences on the day that is 2 days after the day the *Public Health Act 2005*, chapter 8, part 7A expires.

Part 2 Amendment of Acts Interpretation Act 1954

3 Act amended

This part amends the *Acts Interpretation Act 1954*.

Note—

See also the amendment in schedule 1, part 2.

4 Amendment of sch 1 (Meaning of commonly used words and expressions)

Schedule 1—

insert—

COVID-19 public health legislation expiry day
see the *Public Health Act 2005*, section 315.

Part 3 Amendment of Corrective Services Act 2006

5 Act amended

This part amends the *Corrective Services Act 2006*.

6 Omission of s 351B (Modification of s 228 (Acting appointments))

Section 351B—

omit.

7 Amendment of s 351C (Modification of s 268 (Declaration of emergency))

Section 351C, from ‘as if’—

omit, insert—

as if—

- (a) a reference in section 268 to a prison were a reference to a corrective services facility; and
- (b) a reference in section 268(2) to 3 days were a reference to 90 days; and
- (c) section 268(3) were replaced by—

[s 8]

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

8 Insertion of new s 351D

After section 351C—

insert—

351D Additional procedure for entry to corrective services facility

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

9 Amendment of s 351E (Expiry of part)

Section 351E, ‘COVID-19 legislation expiry day’—

omit, insert—

COVID-19 public health legislation expiry day

Part 4 Amendment of Corrective Services and Other Legislation Amendment Act 2020

10 Act amended

This part amends the *Corrective Services and Other Legislation Amendment Act 2020*.

Editor’s note—

The legislation ultimately amended is the *Corrective Services Act 2006*.

11 Amendment of s 2 (Commencement)

(1) Section 2, before subsection (1)—

insert—

(1AA) Section 36 commences on the day the *Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Act 2022*, section 6 commences.

(2) Section 2(1)(a)—

omit, insert—

(a) section 41;

[s 12]

Part 5 **Amendment of COVID-19 Emergency Response Act 2020**

12 Act amended

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

Note—

See also the amendment in schedule 1, part 1.

13 Insertion of new pt 8AA

After part 8—

insert—

Part 8AA Expiry

24AA Expiry

- (1) Parts 2 to 5 and 8 expire on the COVID-19 legislation expiry day.
- (2) This Act expires on the day that is 2 years after the COVID-19 public health legislation expiry day.

14 Amendment of s 25 (Transitional regulation-making power)

Section 25(7)—

omit, insert—

- (7) The transitional regulation for a COVID-19 law expires on the earlier of the following days—
 - (a) the day that is 2 years after the day the COVID-19 law expires;
 - (b) the day this Act expires under section 24AA(2).

15 Insertion of new pt 9, div 4

Part 9—

insert—

**Division 4 Transitional provision for
Public Health and Other
Legislation (Extension of
Expiring Provisions)
Amendment Act 2022**

28 Application of s 25

- (1) This section applies on the expiry of parts 2 to 5 and 8.

Note—

See section 24AA(1) in relation to the expiry of parts 2 to 5 and 8.

- (2) Section 25 applies as if—
- (a) a reference in section 25(8), definitions *affected law*, paragraph (a) and *COVID-19 law*, paragraph (a) to an extraordinary regulation were a reference to—
 - (i) an extraordinary regulation within the meaning of former section 5; or
 - (ii) a regulation taken to be an extraordinary regulation under former section 16(3); and
 - (b) a reference in section 25(8), definition *COVID-19 law*, paragraph (b) to section 24 were a reference to former section 24.
- (3) In this section—
- former*, for a provision of this Act, means the provision as in force from time to time before its expiry under section 24AA(1).

[s 16]

Part 6 **Amendment of Disaster Management Act 2003**

16 **Act amended**

This part amends the *Disaster Management Act 2003*.

17 **Amendment of s 138B (Expiry of part)**

Section 138B, 'COVID-19 legislation expiry day'—
omit, insert—

COVID-19 public health legislation expiry day

Part 7 **Amendment of Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020**

18 **Act amended**

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

Editor's note—

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

19 **Amendment of s 2 (Commencement)**

Section 2(2), '1 May 2022'—

omit, insert—

the day after the COVID-19 public health
legislation expiry day

20 Amendment of pt 16, div 3, hdg (Amendments commencing on 1 May 2022)

Part 16, division 3, heading, ‘1 May 2022’—

omit, insert—

day after COVID-19 public health legislation expiry day

Part 8 Amendment of Mental Health Act 2016

21 Act amended

This part amends the *Mental Health Act 2016*.

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

Section 800I(3)(b), ‘30 April 2022’—

omit, insert—

the COVID-19 public health legislation expiry day

23 Amendment of s 800P (Expiry of chapter)

Section 800P, ‘30 April 2022’—

omit, insert—

the COVID-19 public health legislation expiry day

[s 24]

Part 9 Amendment of Public Health Act 2005

24 Act amended

This part amends the *Public Health Act 2005*.

Note—

See also the amendments in schedule 1, part 2.

25 Amendment of s 315 (Definitions for ch 8)

Section 315—

insert—

COVID-19 public health legislation expiry day
means the earlier of the following days—

- (a) the day the COVID-19 emergency ends under section 324(1);
- (b) 31 October 2022.

26 Insertion of new ch 8, pt 7A, div 7

Chapter 8, part 7A—

insert—

Division 7 Expiry of part

362MAJ Expiry of part

This part expires on the COVID-19 public health legislation expiry day.

27 Amendment of s 362MG (Expiry of part)

Section 362MG, ‘30 April 2022’—

omit, insert—

the COVID-19 public health legislation expiry
day

28 Amendment of s 362Q (Expiry of part)

Section 362Q, ‘30 April 2022’—

omit, insert—

the COVID-19 public health legislation expiry
day

29 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

COVID-19 public health legislation expiry day,
for chapter 8, see section 315.

**Part 10 Amendment of Public Health
and Other Legislation
(Extension of Expiring
Provisions) Amendment Act
2021**

30 Act amended

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

Editor’s note—

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

31 Amendment of s 2 (Commencement)

Section 2, ‘1 May 2022’—

omit, insert—

[s 32]

the day after the COVID-19 public health
legislation expiry day

32 Amendment of pt 4, div 3, hdg (Amendment commencing on 1 May 2022)

Part 4, division 3, heading, ‘1 May 2022’—

omit, insert—

**day after COVID-19 public health legislation
expiry day**

**Part 11 Amendment of Public Health
and Other Legislation (Public
Health Emergency)
Amendment Act 2020**

33 Act amended

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

Editor’s note—

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

34 Amendment of s 2 (Commencement)

Section 2, ‘1 May 2022’—

omit, insert—

the day after the COVID-19 public health
legislation expiry day

35 Amendment of pt 11, div 3, hdg (Amendments commencing on 1 May 2022)

Part 11, division 3, heading, ‘1 May 2022’—

omit, insert—

**day after COVID-19 public health legislation
expiry day**

36 Omission of s 45 (Omission of ch 8, pt 7A (Particular powers for COVID-19 emergency))

Section 45—

omit.

37 Amendment of s 46 (Insertion of new s 498)

(1) Section 46, inserted section 498(2), from ‘as if’—

omit, insert—

as if chapter 8, part 7A had not expired.

(2) Section 46, inserted section 498(4), definition *amendment Act*—

omit.

**Part 12 Minor and consequential
amendments**

38 Legislation amended

Schedule 1 amends the legislation it mentions.

Schedule 1 Minor and consequential amendments

section 38

Part 1 Amendment commencing on day after COVID-19 legislation expiry day

COVID-19 Emergency Response Act 2020

- 1 **Section 4(2), ‘5(5), 6(3) or’—**
omit.

Part 2 Other amendments

Acts Interpretation Act 1954

- 1 **Schedule 1, definition *COVID-19 public health legislation expiry day*—**
omit.

Public Health Act 2005

1 Section 315, definition *COVID-19 public health legislation expiry day*—

omit.

2 Schedule 2, definition *COVID-19 public health legislation expiry day*—

omit.

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