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NB: Members are referred to the separate document, Notes and background information, appearing at qls.com.au > Knowledge Centre > Newsletters & Magazines > Legislation Update for general information.

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Primary legislation (Acts of Parliament)

Parliamentary sitting days: 11-13 October 2016

Government Bills introduced

A. The following Bill was introduced into the Legislative Assembly on 11 October 2016

1. Cross River Rail Delivery Authority Bill 2016

The objective of this Bill, as described in its explanatory notes, is “to set up the Cross River Rail Delivery Authority (the Authority) ... to facilitate economic development and deliver the Cross River Rail project and the associated prescribed ‘transport-related projects’. The Authority will be an independent statutory body, operating on a commercial basis, with the power to acquire land connected to the Cross River Rail project and associated prescribed ‘transport-related projects’. It will operate outside of the political framework with an independent board, while still being subject to the oversight of the Queensland Government. It will provide a whole-of-government approach that addresses multiple government priorities, private sector demand, planning, and stakeholder and community engagement, providing project certainty for private sector investment. To the extent that they are required, the Authority will also undertake community service obligations relating to the projects”.

The Bill’s explanatory notes state that the ‘projects’ for the Authority are the Cross River Rail project and any associated prescribed ‘transport-related projects’.

The explanatory notes also provide a rationale for adopting this structure of a statutory body, established under special purpose legislation, rather than, for example, establishing a company incorporated under the *Corporations Act 2001* (Cth).

This Bill, in addition to its central purpose of enacting the *Cross River Rail Delivery Authority Act 2016*, also amends the following legislative provisions:

- Section 169 (Delegations) of the *Economic Development Act 2012*
- Schedule 2 (Entities to which this Act does not apply) of the *Right to Information Act 2009*.

Private members’ Bills introduced

A. The following Bill was introduced into the Legislative Assembly on 13 October 2016

1. Sustainable Queensland Dairy Production (Fair Milk Price Logos) Bill 2016

The long title of this Bill, which was introduced by Shane Knuth MP, the KAP Member for Dalrymple, succinctly describes its rationale thus: “A Bill for An Act to provide for the establishment of logos for containers of fresh milk produced in particular regions and for which fair prices have been paid to dairy farmers, a mechanism for setting fair prices and offences for particular conduct in relation to the logos.” Its aim was outlined by that member in his introductory speech in the following words:

“The policy objectives of this bill are to establish the eligibility criteria and legal protection for voluntary logos to be placed on containers of milk. The logo will inform Queensland consumers that a price which achieves a sustainable gross margin for producing that milk has been paid to the dairy farmer who produced the milk. The logo is a voluntary market mechanism which processors can choose to incorporate into existing milk labels for milk that meets the eligibility criteria for use. This bill requires that a fair milk price logo identifies the region in which the milk was produced as the costs of production vary from region to region. A region-specific logo also enables consumers to support their local dairy industry. Regions are North Queensland, Central Queensland and South-East Queensland. The design and wording of each fair milk price logo must be decided by the minister in consultation with the dairy industry and set out in a gazette notice. This bill provides for the setting of a minimum price to be paid to dairy farmers for the production of milk carrying a fair milk price logo. The fair milk price logo will signify that the farmer who produced that milk has made a sustainable gross margin.” (See *Hansard* of 13 October 2016, at pages 3858-3859)

Government Bills passed

A. The following Bill was passed by the Legislative Assembly on 11 October 2016

1. Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016

This Bill was originally introduced into the Legislative Assembly on 16 August 2016. A synopsis of the contents of the Bill as introduced was contained in *Legislation Update* No.33 of 2016, dated 24 August 2016, at page 4.

During its passage through the Legislative Assembly, the following clauses of the original Bill as introduced were amended:

- Clause 17 [Replacement of s97 (End of protection order)]: This clause was amended by the inserting a new provision, namely, sub-clause (4) which provided as follows: “If the court orders that a protection order continues in force for a period of less than 5 years, the court must give reasons for making the order.” (This was an Opposition amendment made on a motion moved by Ros Bates MP, the LNP Member for Mudgeeraba and Shadow Minister for Communities, Women and Youth, Child Safety and the Prevention of Domestic and Family Violence and Shadow Minister for Disability Services and Seniors, which amendment was accepted by the Government.)
- Clause 63 [Amendment of s610 (Police actions after domestic violence order is made)]: The citation of the Act in the note to s610(4) of the *Police Powers and Responsibilities Act 2000*, which note was inserted by sub-clause (6) of cl.63 of this Bill, was amended by the insertion of the word ‘Protection’ following the word ‘Violence’ in order to correct the title of the *Domestic and Family Violence Act 2012*. (This was a technical government amendment moved by the Minister in charge of the Bill, Shannon Fentiman MP, the ALP Member for Waterford and Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence.)

B. The following Bills were passed by the Legislative Assembly on 12 October 2016

1. Grammar Schools Bill 2016

This Bill was originally introduced into the Legislative Assembly on 16 August 2016. A synopsis of the contents of the Bill as introduced was contained in *Legislation Update* No.33 of 2016, dated 24 August 2016, at page 3.

During its passage through the Legislative Assembly, the following amendments were made to the Bill, all on the motion of the Government Minister in charge of the Bill:

- Clause 21 (Criminal history report) was amended by omitting sub-clause (5) which, in relation to criminal history reports, provided that “(t)he Minister must ensure the report is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested”.
- Clause 22 (Changes in criminal history must be disclosed) was negatived, that is, omitted from the Bill
- After cl.23, a new clause was inserted, namely, cl.23A (Confidentiality of criminal history information).

2. Public Health (Medicinal Cannabis) Bill 2016

This Bill was originally introduced into the Legislative Assembly on 10 May 2016. A synopsis of the contents of the Bill as introduced was contained in *Legislation Update* No.19 of 2016, dated 18 May 2016, at page 3.

During its passage through the Legislative Assembly, the following provisions of this Bill were amended:

- Clause 10 (Suitability of person to hold approval)
- Clause 11 (Suitability of patient to undergo treatment with medicinal cannabis)
- Clause 217 (Regulation-making power)
- Schedule 1 (Dictionary)

In addition, the following clauses were negatived, that is, omitted from the Bill:

- Clause 28 (Criminal history report)
- Clause 29 (Individuals for whom criminal history checks may be conducted)
- Clause 30 (Commissioner of police must notify changes in criminal history)
- Clause 31 [Application of *Criminal Law (Rehabilitation of Offenders) Act 1986*].

All of the above amendments to the Bill were made on the motion of the Minister in charge of it in the House, Cameron Dick MP, the ALP Member for Woodridge and Minister for Health and Minister for Ambulance Services. They all related to issues concerning criminal history reports. The Minister gave the following explanation for them when moving the motions for their amendment:

“These amendments I move this evening respond to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee’s recommendation that the criminal history check provisions in the bill be removed. The bill would allow the chief executive of Queensland Health to request a criminal history report for a health practitioner or pharmacist who applies for an approval under the bill or a patient who wishes to undergo medicinal cannabis treatment. These provisions were intended to enable additional conditions to be imposed to mitigate the risk of unlawful diversion of cannabis products. Some stakeholders have expressed concern that patients may be denied access to medicinal cannabis on the basis of their medical practitioner’s criminal history or their own criminal history. As I have previously explained to the House, this was never the intent of the provisions. However, the amendments respond to these concerns by removing the criminal history provisions from the bill.

“Clause 10 of the bill outlines the suitability matters that a chief executive may give consideration to in deciding the suitability of a person to hold or continue to hold an approval. One of these considerations is the criminal history of the person seeking to hold or continue to hold an approval. The amendment to clause 10 of the bill will remove the chief executive’s ability to consider a person’s criminal history in determining their suitability to hold an approval. Although this discretion will be removed, all medicinal cannabis approvals will still be subject to conditions designed to ensure the safety of patients and the security of cannabis products. Amendments Nos 2, 3, 4 and 5 are necessary to renumber clause 10 of the bill as a result of the omission of the reference to the person’s criminal history.” (See *Hansard* of 12 October 2016, at page 3824)

C. The following Bill was passed by the Legislative Assembly on 13 October 2016

1. Gene Technology (Queensland) Bill 2016

This Bill was originally introduced into the Legislative Assembly on 16 August 2016. A synopsis of the contents of the Bill as introduced was contained in *Legislation Update* No.33 of 2016, dated 24 August 2016, at page 3.

This Bill was not amended during its passage through the Legislative Assembly.

Bills assented to

According to the parliamentary website, none of the Bills passed by the Legislative Assembly during this sitting week of 11-13 October 2016 had been assented to, as at 5pm on Friday 14 October 2016.

Acts/legislation commenced by proclamation

No legislation was commenced by proclamation during the period covered by this *Legislation Update*.

Subordinate legislation

A. Subordinate legislation notified on the Queensland Legislation website on 14 October 2016

1. SL No.184 of 2016: Queensland Building and Construction Commission and Other Legislation Amendment Regulation (No.2) 2016

The objective of this regulation is to amend the *Queensland Building and Construction Commission Regulation 2003* (QBCC Regulation) to facilitate and implement changes made by the *Queensland Building and Construction Commission and Other Legislation Amendment Act 2014* (QBCCOLA Act) to the Queensland Home Warranty Scheme (the scheme).

The main changes to the scheme, as listed in the explanatory notes for this regulation, are:

- the inclusion of cover for the erection, construction or installation of residential swimming pools that are not related to construction of a building
- the inclusion of cover for the installation of manufactured homes
- the expansion of cover to include building work within the ‘building envelope’ (which would include, for example, painting and tiling work on the inside or outside of a residence)
- the inclusion of a process for payment of a premium where contract variations occur
- the inclusion of an option for consumers to pay an increased premium in return for a higher monetary level of cover, known as ‘optional additional cover’
- transferring the scheme’s terms and conditions from a policy document approved by the Queensland Building and Construction Board to the QBCC Regulation.

Further, the amendments to the *Queensland Building and Construction Commission Act 1991* (the QBCC Act) for the scheme will continue some of the existing offences under the QBCC Act. However, the numbering of the offence sections will be changed when the QBCCOLA Act amendments come into effect on 28 October 2016. Accordingly, amendments to the *State Penalties Enforcement Regulation 2014* are being made by this regulation in order to facilitate the issuing of penalty infringement notices for the renumbered offences under the QBCC Act relating to the scheme. Amendments to the QBCC Regulation have also been prepared to prescribe some of these offences as 'demerit offences', the imposition of which may potentially lead to the cancellation of licences. In short, these amendments made by this regulation will ensure that the Queensland Building and Construction Commission can issue infringement notices and impose demerit points for non-compliance with the QBCC Act.

Local laws

A. Queensland Government Gazette of 14 October 2016

Gazettal of the making of local laws by the following council:

1. Flinders Shire Council

Gazettal of the *Flinders Shire Council (Making of Amendment Subordinate Local Law) Notice (No.1) 2016*, pursuant to which the Flinders Shire Council gave notice that, by resolution of 15 September 2016, it had made the *Subordinate Local Law No.15 (Regulated Parking and Heavy Vehicle Parking Amendment) 2015*, which amends the *Subordinate Local Law No.15 (Regulated Parking and Heavy Vehicle Parking) 2015*.

Approved forms/guidelines

A. Queensland Government Gazette of 14 October 2016

Notification of the approval of, or the withdrawal of approval for, forms for use under the following Act:

1. Workers' Compensation and Rehabilitation Act 2003

Gazettal of the approval for the following forms:

- Form No.132.CC (Version 2): Brisbane City Council Workers' Compensation Application
- Form No.132.CC.S (Version 1): Brisbane City Council Workers' Compensation Application – Subsidiary Company
- Form No.132F.CC (Version 2): Brisbane City Council Compensation Application – Fatal Injury.

Other statutory instruments/statutory notices

A. "Extraordinary" edition of the Queensland Government Gazette of 7 October 2016

(Note: Although the date of this edition of the *Government Gazette* is, strictly speaking, outside the period covered by this *Legislation Update*, it is included here because it was published in the weekly consolidated edition of the *Gazette* of 14 October 2016.)

1. State Development and Public Works Organisation Act 1971

Gazettal of the following notifications made by the Minister for State Development:

- declaration of the Adani Combined Project (which comprises of the Carmichael Coal Mine and Rail Project, the North Galilee Basin Rail Project and the North Galilee Water Scheme Project) to be a prescribed project, pursuant to s76E(1)(e)
- repeal of the declaration of the Carmichael Coal Mine and Rail Project as a prescribed project that was published in the *Government Gazette* of 4 July 2014 and extended by notice in the *Government Gazette* of 1 July 2016, pursuant to s76E(1)(e) of the above Act (and s24AA of the *Acts Interpretation Act 1954*)
- declaration of the Adani Combined Project (which comprises of the Carmichael Coal Mine and Rail Project, the North Galilee Basin Rail Project and the North Galilee Water Scheme Project) to be a 'critical infrastructure project', pursuant to s76E(1).

B. “Extraordinary” edition of the *Queensland Government Gazette* of 11 October 2016

1. *Transport Operations (Marine Safety) Act 1994/Transport Operations (Marine Safety) Regulation 2016*

Gazettal of the exemption granted by the general manager, Maritime Safety Queensland, pursuant to s18A of the *Transport Operations (Marine Safety) Act 1994*, to the owners of the ship ‘YWAM PNG’, from complying with s206 of the *Transport Operations (Marine Safety) Regulation 2016* relating to the payment of pilotage fees for the ship’s operations within the ‘Compulsory Pilotage Areas’, namely, the arrival at, and departure from, all Queensland pilotage areas, when the State of Queensland is not levied pilotage charges by the ‘Responsible Pilotage Entity’ for the relevant pilotage area, between October 2016 and September 2018.

C. *Queensland Government Gazette* of 14 October 2016

1. *Electoral Act 1992*

Notification, given pursuant to s63, of the following electoral enrolments and associated statistics as ascertained or determined by the Electoral Commissioner, as at 30 September 2016:

- the number of electors enrolled in each electoral district for the State of Queensland, the average district enrolment and the extent to which the number of electors in each electoral district differs from that average enrolment
- the adjusted enrolment for electoral districts of 100,000m² or more in area, that is, the sum of the number of enrolled electors and the additional large district number as specified in s45 and the extent to which those districts differ from the average district enrolment mentioned above.

2. *Vexatious Proceedings Act 2005*

Gazettal of the orders made by Daubney J in the Supreme Court of Queensland at Brisbane on 5 September 2016 in the matter of *Brian Laurence Jorgensen v Alan Jorgensen* and others which included the following:

- “The applicant Brian Laurence Jorgensen has leave to apply for a vexatious proceedings order under the *Vexatious Proceedings Act 2005*.”
- “Pursuant to s6(2) of the *Vexatious Proceedings Act 2005*, it is ordered that the first respondent Alan Jorgensen, or any entity controlled by the first respondent (including each of the second respondent and the third respondent) shall not without leave of the court institute or cause to be instituted any proceedings with respect to, connected with or arising out of the Rainbow Motor Inn Unit Trust.”

3. *Sustainable Planning Act 2009*

Gazettal of the notice given by the Minister for Education and Minister for Tourism and Major Events that, under Part 2 of Chapter 5, she had made a ministerial designation of land for community infrastructure applying to land located at Bellvista Boulevard, Caloundra West and Bells Creek Road, Bells Creek, Queensland 4551, which has been designated for the Caloundra South State School.

4. *Transport Operations (Marine Safety) Act 1994*

Gazettal of the approval given by the general manager, Maritime Safety Queensland, pursuant to s206A, for the fixing of the speed limit of 6 knots for the specified waters of Maroon Dam and Moogerah Dam for all ships, excluding ships operated by the following:

- Maritime Safety Queensland
- Queensland Police Service
- Queensland Boating and Fisheries Patrol
- SEQWater compliance officers.

5. *Wagering Act 1998*

Gazettal of the notices relating to the following amendment rules, pursuant to s198(2A), given by the Attorney-General and Minister for Justice and Minister for Training and Skills:

- *Wagering Amendment Rule (No.3) 2016* which will define the term ‘cash out’ and which will provide for the introduction of ‘cash out’ and ‘partial cash out’ payments for fixed odds investments
- *Wagering Amendment Rule (No.4) 2016* which provides that, “in terms of totalisator wagering, the result of a football match will not include points scored in extra time”. (This amendment is to become effective from 30 November 2016.)

Miscellaneous

1. Parliamentary sitting dates

As indicated on the parliamentary website, the Queensland Parliament is scheduled to sit from Tuesday 1 November to Thursday 3 November 2016. (The complete list of proposed sitting dates for the remainder of 2016 is available on that site.)