1996

LEGISLATIVE ASSEMBLY OF QUEENSLAND

VOTES AND PROCEEDINGS

NO. 41

SECOND SESSION OF THE FORTY-EIGHTH PARLIAMENT

WEDNESDAY, 27 NOVEMBER 1996

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1 **Meeting of the House**

The House met at 9.30am pursuant to adjournment. The Speaker (Honourable N J Turner) read prayers.

2 **Matters of Privilege**

(a) Deputy Leader of the Opposition (Mr Elder) rose on a matter of privilege and made the following statement—

“Yesterday in this House the Minister for Environment made a ministerial statement in which he accused me of issuing a media release accusing him of duplicity in the issuing of new whale watching permits. In that press release, I made no such allegation. The release referred only to the duplicity of the Minister for Tourism.

The only reason that the Minister for Environment is showing such sensitivity on this matter is his own incompetence on this and every other environmental issue that he has handled. There is not one group, from the Graingrowers Association, the conservation movement, the Urban Development Institute, the tyre manufacturers and the whale watching industry are united as never before on one issue: the utter incompetence of the Minister. If the cap fits, wear it.”

(b) Mrs Woodgate rose on a matter of privilege and made the following statement—

“Yesterday in this House the Minister for Police and Corrective Services, Mr Cooper, stated that only one Minister from the former State Labor Government had met with the Black Deaths in Custody Overview Committee in six years. His words are also reported in this morning’s *Courier-Mail*.

During my time as Minister for Family and Community Services my policy was to meet with as many groups as possible to discuss their concerns and aspirations in such matters as related to my portfolio. Included among the many meetings I held with relevant groups throughout the State was an official meeting with the Black Deaths in Custody Overview Committee. Unfortunately, today I do not have at my disposal my diary from the time, but a check with departmental officials this morning confirms that I did indeed meet with the committee in Brisbane during October or November last year.

The Minister has made this spurious claim on a previous occasion in the House and I take this opportunity to set the record straight. I recommend to the Minister, in the nicest possible way, that he checks his information before he makes such claims in future.”

3 **Statement by the Speaker — Matters of Privilege and Points of Order**

Mr Speaker made the following statement relating to the raising of Matters of Privilege and Points of Order—

“Honourable Members—

I have become concerned that Members are raising spurious points of Privilege and order during the course of proceedings in the House.

**Privilege**

If a question of Privilege is raised, it must be in connection with something affecting the House or its Members in their capacity as such.

I have already made a statement to the House on how matters of Privilege are to be raised. I advise all Members to read carefully the reports of the Committee of Privileges of 1979 and 1990 concerning the raising of matters of Privilege.

In brief, Standing Order 115 should remain for Members who feel aggrieved and who must raise the matter publicly and suddenly arising. But for all other matters of Privilege, the following practice should be followed—

- A Member should write to the Speaker stating the matter;
- The Speaker may confer with the Chairman of the Committee on Ethics and Privileges;
• The Speaker then informs the House either—
  (i) the matter be referred to the Committee; or
  (ii) that he does not intend to refer the matter to the Committee.

If the Speaker informs the House that he does not intend to refer the matter to the Committee, the Member has the right to move in the House to have the matter referred to the Committee.

I support this procedure because I believe matters being attempted to be raised under Privilege really have nothing to do with Privilege or are trivial in character.

With respect to matters of Privilege suddenly arising, the Speaker must be of the opinion that a *prima facie* case of breach of Privilege has been made out and the matter has been raised at the earliest opportunity.

The Member raising the matter must then be prepared to move a motion either (i) declaring that a breach of Privilege has been committed, or (ii) referring the matter to the Members’ Ethics and Parliamentary Privileges Committee.

**Points of Order**

With respect to this matter the basis of a Point of Order is that it is an appeal or complaint to the Chair in connection with the operation of the House. It should not be too long, frivolous or dubious.

A Member speaking to Order must direct attention to the point complained of and submit it to the decision of the Speaker.

If the Speaker is of the opinion that the words or conduct complained of are disorderly, he will call upon the Member to conform to the rules of the House.

I intend to follow the House of Commons practice and deplore the practice of interruptions of debate by Members who think the only way they can get their word in is by raising a Point of Order or Privilege.

Such interruptions constitute fraudulent points of Privilege and Order and must cease."

4 **Petitions**

The following petitions, lodged with The Clerk by the Members indicated, were received—

Mrs Bird, from 327 petitioners, requesting the House to upgrade the intersection of Wallins Road and Bruce Highway, Kattabul via Mackay, providing safe exit lanes into Wallins Road which is also used by a school bus twice each week day.

Mr Stephan, from 1662 petitioners, requesting the House to ensure the continuation of the availability of Queensland produced quality unpasteurised goat milk from properly licensed goat dairies.

Mr Stephan, from 870 petitioners, requesting the House to introduce a code of practice which would ensure a quality product of unpasteurised milk to be marketed through retail outlets in South East Queensland.

5 **Government Papers**

The following papers were tabled—

(a) *Minister for Health (Mr Horan)*—
  Written statement in accordance with section 46KB of the Financial Administration and Audit Act 1977 relating to late tabling

(b) *Minister for Economic Development and Trade and Minister Assisting the Premier (Mr Slack)*—
  Report on trade mission to Hong Kong and China from 17 to 27 October 1996
  Report on visit to India by Minister for Economic Development and Trade from 4 to 8 November 1996
6 Ministerial Statements

(a) Premier (Mr Borbidge), by leave, made a ministerial statement relating to chemical waste left on a Gold Coast property.

(b) Deputy Premier, Treasurer and Minister for the Arts (Mrs Sheldon), by leave, made a ministerial statement relating to the board for the new Brisbane Festival.

(c) Deputy Premier, Treasurer and Minister for the Arts (Mrs Sheldon), by leave, made a ministerial statement relating to the success of the first Test between Australia and the West Indies.

(d) Minister for Primary Industries, Fisheries and Forestry (Mr Perrett), by leave, made a ministerial statement relating to an increase in the cadmium content of peanut products proposed by the Australia/New Zealand Food Authority.

(e) Minister for Training and Industrial Relations (Mr Santoro), by leave, made a ministerial statement relating to Government reforms for the Workers’ Compensation Fund.

Papers: Mr Santoro, during his statement, tabled the following papers—
- Memorandum, dated 28 October 1996, from Coopers & Lybrand to the Workers’ Compensation Board
- Article from The Courier-Mail of 14 November 1996 entitled “Borbidge Warning on Compo”
- Media release dated 13 November 1996

(f) Minister for Natural Resources (Mr Hobbs), by leave, made a ministerial statement relating to Government initiatives for the management of weeds and animal pests and a review of the Rural Lands Protection Act.

(g) Minister for Public Works and Housing (Mr Connor), by leave, made a ministerial statement relating to the creation of an Aboriginal prison at Lotus Glen.

Papers: Mr Connor, during his statement, tabled the following papers—
- Legal opinion by Prentice Lawyers re construction of a prison for Aboriginal inmates
- Letter, dated 12 March 1996, from Minister for Police to Minister for Public Works and Housing
- Letter, dated 25 October 1996, from Minister for Police and Corrective Services to Public Works and Housing
- Copy of account, dated 30 April 1996, from Prentice Lawyers
- Copy of cheque, dated 14 May 1996, to Prentice Lawyers for $10,133
- Letter, dated 31 October 1995, from Douglas Anderson of Portfolio Strategies Unit to Malcolm Missendon, Q-Build
- Review of Correctional Facilities for Aboriginal and Torres Strait Islander Inmates
- Material relating to Alice Springs Prison

(h) Minister for Education (Mr Quinn), by leave, made a ministerial statement relating to Aboriginal and Torres Strait Islander Education Discussion Paper.

Paper: Mr Quinn, during his statement, tabled the following paper—
- ATSI Discussion Paper – A Strategy plan for Aboriginal Education and Torres Strait Islander Education for the Department of Education

(i) Minister for Health (Mr Horan), by leave, made a ministerial statement relating to the Health Rights Commission Annual Report for 1995–96.

Papers: Mr Horan, during his statement, tabled the following papers—
- Health Rights Commission— Operating Statement for year ended 30 June 1996

7 Personal Explanation

Mr Welford made a personal explanation.
8 **Criminal Justice Commission – Papers**

Chairman of the Parliamentary Criminal Justice Committee (Mr Lester) tabled the following reports—
- Criminal Justice Commission—
- Exposing Corruption – A CJC Guide to Whistleblowing in Queensland
- Defendants’ Perception of the Investigation and Arrest Process

9 **Notice of Motion**

10 **Private Members’ Statements**

Private Members’ statements were made.

11 **Questions without notice**

Questions without notice were asked.

**Papers:** Leader of the Opposition (Mr Beattie) tabled the following papers—
- Transcript of Connor interview on ABC News on 26 November 1996
- Letter, dated 12 June 1996, from Mr P J O’Connor to Minister for Police and Corrective Services and Minister for Racing (Mr Cooper)

Questions continued.

**Paper:** Deputy Leader of the Opposition (Mr Elder) tabled the following paper—
- Statutory Declaration, dated 26 November 1996, of Michael James Hanran

Questions continued.

**Paper:** Mr Mackenroth tabled the following paper—
- Minutes, dated 22 April 1996, of Department of Public Works and Housing meeting

Questions continued.

**Papers:** Minister for Tourism, Small Business and Industry (Mr Davidson) tabled the following papers—
- Letter, dated 10 May 1996, from Akarma Water Cruises to Mr Davidson
- Copy of letter from Mr Davidson to Ms V Starkie and K McTaggart

Questions continued. Questions concluded.

12 **Department of Transport (Variation of Fees) Regulation (No. 3) 1996 – Motion for Disallowance**

Deputy Leader of the Opposition (Mr Elder), pursuant to notice, moved – That the Department of Transport (Variation of Fees) Regulation (No. 3) 1996 made under the Motor Vehicles Control Act 1975, the Transport Infrastructure (Roads) Act 1991 and the Transport Operations (Road Use Management) Act 1995 tabled in the House on 8 October 1996 be disallowed.

Debate ensued.

**Paper:** Mr Elder, during his speech, tabled the following paper—
- List of four ministerial portfolios

Debate continued.

Question put.

The House divided.
## AYES, 42

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## NOES, 42

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*Pairs – Mrs Edmond and Mr Robertson (AYES) and Messrs Connor and Harper (NOES)*

The numbers being equal, Mr Speaker cast his vote with the ‘NOES’.

Question negatived.

### 13 WorkCover Queensland Bill 1996

Minister for Training and Industrial Relations (Mr Santoro), by leave, moved – That leave be granted to bring in a Bill for an Act to provide for the workers’ compensation scheme and for other matters.

Question agreed to.

Message: The following message from Her Excellency the Governor was received and read—

‘MESSAGE
WORKCOVER QUEENSLAND BILL 1996
Constitution Act 1867, section 18

I, LENEEN FORDE, Governor, recommend to the Legislative Assembly a Bill for the appropriation of the consolidated fund that is intituled—

A Bill for an Act to provide for the workers’ compensation scheme and for other matters

Leneen Forde
GOVERNOR

25 November 1996”

Bill and Explanatory Notes presented by Mr Santoro, Bill read a first time and ordered to be printed.

Mr Santoro moved – That the Bill be now read a second time.

Debate ensued.

Mr Braddy moved – That the debate be now adjourned.

Question agreed to.

Resumption of the debate ordered for tomorrow.

### 14 Transport Legislation Amendment Bill 1996

Order of the day read for the adjourned debate on the motion of the Minister for Transport and Main Roads (Mr Johnson) – That the Bill be now read a second time.

Debate resumed.

Debate adjourned on the motion of Mr Lucas.

Ordered – That the resumption of the debate be made an order of the day for a later hour of the sitting.
15 NOTICE OF MOTION – WHALE WATCHING PERMITS IN SOUTHERN QUEENSLAND

Mr Nunn, pursuant to notice, moved – That this House—

(1) notes the number of contradictions made by the Tourism Minister, the Minister for Environment and a senior public servant in the Department of Environment regarding the issue of correspondence exchanged between their Departments over the issuing of new whale watch permits in southern Queensland;

(2) calls upon both Ministers to table all missing correspondence, referral notes and records of phone conversations relating to this issue; and

(3) condemns both Ministers for their deceptive handling of this issue which placed at risk the future of the Hervey Bay whale watching industry.

Debate ensued.

The following amendments were proposed by Minister for Environment (Mr Littleproud)—

Paragraph (1)—

Omit the word “number”, insert “allegation”.
Delete all words after “issue” second occurring, insert “which will clarify the process used to determine new permits;”.

Paragraph (3)—

Omit.

Debate continued.

Papers: Mr Littleproud, during his speech, tabled the following papers—

Departmental file
ABC media transcript of 19 November 1996
Letter, dated 3 June 1996, from Minister for Tourism, Small Business and Industry (Mr Davidson)
Letter, dated 22 November 1996, to Minister for Environment (Mr Littleproud)
from M McTaggart
Letter, dated 22 November 1996, from Des Boyland
Briefing Note, dated 22 November 1996, by Des Boyland

Debate continued.

Paper: Mrs Bird, during her speech, tabled the following paper—

Transcript of 4QR 7.45am News on 20 November 1996 concerning whale watching permits

Debate continued.

Paper: Mr Hegarty, during his speech, tabled the following paper—

Miscellaneous documentation relating to whale watching

Debate continued.

Question put – That the words proposed to be omitted stand part of the question.

The House divided.

AYES, 42

Ardill          D'Arcy          Hayward          Nunn          Spence
Barton         De Lacy        Hollis          Palaszczuk       Sullivan, J
Beattie         Dollin         Livingston*      Pearce          Sullivan, T
Bligh           Elder          Lucas           Purcell          Welford
Braddy          Fouras         Mackenroth      Roberts          Woodgate
Bredhauer       Gibbs          McElligott     Robertson
Briskey          Goss, W       McGrady          Rose
Campbell        Hamill         Milliner        Schwarzen
                Purcell         Mulherin        Smith
The numbers being equal, Mr Speaker cast his vote with the "NOES". Question negatived. Amendment agreed to.

16 Transport Legislation Amendment Bill 1996

Order of the day read for the adjourned debate on the motion of the Minister for Transport and Main Roads (Mr Johnson) – That the Bill be now read a second time. Debate resumed.

Paper: Deputy Leader of the Opposition (Mr Elder), during his speech, tabled the following paper—

Media release, entitled “Statewide boost to road crash research” by Deputy Premier, Treasurer and Minister for the Arts (Mrs Sheldon)

Debate continued. Question put and passed. Bill read a second time. Bill committed on the motion of Mr Johnson.

In Committee

Clauses 1 to 7 agreed to.

Clause 8 (Omission of s 44T (Payment of penalty)—

The following amendment was proposed by Deputy Leader of the Opposition (Mr Elder)—

At page 9, lines 7 to 9—

Third Reading

Amendment agreed to.

Clauses 9 to 20 agreed to.

Bill to be reported with an amendment.
Bill, as amended, ordered to be taken into consideration.

Mr Johnson, by leave, moved – That the Bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

Title agreed to.

17 Transport Operations (Marine Safety) Amendment Bill 1996

Order of the day read for the adjourned debate on the motion of the Minister for Transport and Main Roads (Mr Johnson) – That the Bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

Bill committed on the motion of Mr Johnson.

In Committee

In the Chair – The Chairman

Clauses 1 to 21 agreed to.

Bill to be reported without amendment.

Mr Speaker resumed the Chair.

Bill reported without amendment.

Mr Johnson, by leave, moved – That the Bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

Title agreed to.

18 Adjournment

Leader of Government Business (Mr FitzGerald) moved – That this House do now adjourn.

Debate ensued.

Question put and passed.

The House adjourned at 11.02pm.

19 Attendance

The following Members were present—

N J Turner

Speaker

R D Doyle

The Clerk of the Parliament