

1996–97

LEGISLATIVE ASSEMBLY OF QUEENSLAND

VOTES AND PROCEEDINGS

NO. 87

SECOND SESSION OF THE FORTY–EIGHTH PARLIAMENT

FRIDAY, 21 NOVEMBER 1997

CONTENTS

Adjournment	916
Attendance	916
Education and Other Legislation Amendment Bill	915
Government Papers	908
Integrated Planning Bill	909
Matters of Privilege	908
Meeting of the House	908
Ministerial Statement—	
Late Frank O'Callaghan, Sports Writer	908
Personal Explanation	908
Petitions	908
Queensland Building Services Authority Amendment Bill	915
Questions without notice	909
Statements by the Speaker—	
Standing Order 123A	908
Strangers in Members' Bar	908
Suspension of Standing and Sessional Orders—	
Queensland Building Services Authority Amendment Bill	915

1 MEETING OF THE HOUSE

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

2 MATTER OF PRIVILEGE

Mr Robertson rose on a matter of privilege relating to a question to the Minister for Emergency Services and Minister for Sport (Mr Veivers) concerning the Mt Gravatt Showground Trust.

3 MATTER OF PRIVILEGE

Mr Campbell rose on a matter of privilege relating to Question on Notice No. 1368 to the Minister for Natural Resources (Mr Hobbs) on 20 November 1997 which he asked be ruled out of order.

4 MATTER OF PRIVILEGE

Ms Spence rose on a matter of privilege relating to comments in the House by the Attorney-General and Minister for Justice (Mr Beanland) on 20 November 1997.

5 STATEMENT BY THE SPEAKER – STANDING ORDER 123A

Mr Speaker made a statement relating to an article on page 6 of *The Courier-Mail* dated 21 November 1997 entitled "MP expelled after tirade on 'unjust' youth policy" and Standing Order 123A.

6 STATEMENT BY THE SPEAKER – STRANGERS IN MEMBERS' BAR

Mr Speaker made a statement relating to strangers in the Members' Bar when Members are present.

7 PETITIONS

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

Mrs Edmond, from 1658 petitioners, requesting the House to ensure that the Lady Ramsay Child Care Centre at Royal Women's Hospital (Brisbane), will continue as a public sector service when a new centre is built on campus and that this centre be used as a model for other hospital based child care centres built as part of Queensland Health's capital works agenda.

Mr Turner, from 487 petitioners, requesting the House to ensure the Department of Natural Resources refuses the Maroochy Shire's compulsory acquisition of State Forest, this being plan FTY 1255 being part of State Forest 1239, for waste disposal purposes.

8 GOVERNMENT PAPERS

The following papers were tabled—

- (a) *Minister for Public Works and Housing (Dr Watson)*—
Report on overseas trip to Singapore from 19 to 21 October 1997 and Jakarta from 21 to 25 October 1997
- (b) *Minister for Environment (Mr Littleproud)*—
National Environment Protection Council – Annual Report for 1996–97

9 MINISTERIAL STATEMENT

Minister for Emergency Services and Minister for Sport (Mr Veivers), by leave, made a ministerial statement relating to the late Frank O'Callaghan, sports writer.

10 PERSONAL EXPLANATION

Minister for Primary Industries, Fisheries and Forestry (Mr Perrett) made a personal explanation.

11 QUESTIONS WITHOUT NOTICE

Questions without notice were asked.

Paper: Leader of the Opposition (Mr Beattie) tabled the following paper—
Comments by the Minister for Primary Industries, Fisheries and Forestry (Mr Perrett) reported in the *South Burnett Times* dated 12 September 1997 relating to a goods and services tax (GST)

Questions continued.

Papers: Minister for Police and Corrective Services and Minister for Racing (Mr Cooper) tabled the following papers—
Letters and Media Release relating to the resignation of Mr Jim Kennedy as Chairman, Board of Queensland Corrections

Questions continued.

Questions concluded.

12 INTEGRATED PLANNING BILL

Order of the day read for the further consideration of the Bill in Committee of the Whole House.

In Committee

In the Chair – The Chairman

Clauses 1.3.1 to 1.3.2 agreed to.

Clause 1.3.3 (*Meaning of "ecological sustainability"*)—

The following amendment was proposed by Mr Welford—

At page 29, line 6, after 'systems'—

insert—

'at local, regional, State and wider levels'.

Debate ensued.

Question put – That the words proposed to be inserted be so inserted.

The Committee divided.

AYES, 42

Ardill	Cunningham	Hamill	Mulherin	Schwarten
Barton	D'Arcy	Hayward	Nunn	Spence
Beattie	De Lacy	Hollis	Nuttall	Sullivan, J
Bird	Dollin	Lavarch	Palaszczuk	Sullivan, T*
Bligh	Edmond	Livingstone*	Pearce	Welford
Braddy	Elder	Lucas	Purcell	Wells
Bredhauer	Foley	Mackenroth	Roberts	
Briskey	Fouras	McElligott	Robertson	
Campbell	Gibbs	Milliner	Rose	

NOES, 40

Baumann	Gamin	Horan	Quinn	Stoneman
Beanland	Gilmore	Lester	Radke	Tanti
Borbidge	Goss, J	Lingard	Rowell	Turner
Carroll*	Grice	Littleproud	Sheldon	Veivers
Connor	Harper	McCauley	Simpson	Warwick
Cooper	Healy	Malone	Slack	Watson
Elliott	Hegarty	Mitchell	Springborg*	Wilson
FitzGerald	Hobbs	Perrett	Stephan	Woolmer

Pairs – Messrs W Goss, McGrady and Smith (AYES) and Messrs Davidson, Johnson and Santoro (NOES)

**Tellers*

Question agreed to.

Clause 1.3.3, as amended, agreed to.

Clauses 1.3.4 to 1.4.7 agreed to.

Clause 1.4.8 (*Act binds all persons*)—

The following amendment was proposed by Mrs McCauley—

At page 37, line 14, '1.4.8'—

omit, insert—

'1.5.1'.

Question – That the expression proposed to be omitted stand part of the Clause – put and negatived.

Question – That the expression proposed to be inserted be so inserted – put and agreed to.

Clause 1.4.8, as amended, agreed to.

Clauses 2.1.1 to 3.1.6 (*Preliminary approval may override local planning instrument*) agreed to.

Clause 3.1.6 (*Assessment manager*)—

The following amendment was proposed by Mrs McCauley—

At page 80, line 16, '3.1.6'—

omit, insert—

'3.1.7'.

Question – That the expression proposed to be omitted stand part of the Clause – put and negatived.

Question – That the expression proposed to be inserted be so inserted – put and agreed to.

Clause 3.1.6 (*Assessment Manager*), as amended, agreed to.

Clauses 3.1.8 to 3.3.11 agreed to.

Clause 3.3.12 (*Chief executive may change information request*)—

The following amendment was proposed by Mrs Cunningham—

At page 96, line 12, after 'may'—

insert—

', after consulting with the entity that made the information request,'

Debate ensued.

Question – That the words proposed to be inserted be so inserted – put and agreed to.

The following amendment was proposed by Mr Mackenroth—

At page 96, line 14, 'only if the local government'—

omit, insert—

', assessment manager or concurrence agency only if the local government, assessment manager or concurrence agency'.

Debate ensued.

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

The Committee divided.

AYES, 41

Baumann
Beanland
Borbridge
Carroll*
Connor
Cooper
Cunningham
Elliott
FitzGerald

Gamin
Gilmore
Goss, J
Grice
Harper
Healy
Hegarty
Hobbs
Horan

Lester
Lingard
Littleproud
McCauley
Malone
Mitchell
Perrett
Quinn
Radke

Rowell
Sheldon
Simpson
Slack
Springborg*
Stephan
Stoneman
Tanti
Turner

Veivers
Warwick
Watson
Wilson
Woolmer

NOES, 41

Ardill
Barton
Beattie
Bird
Bligh
Braddy
Bredhauer
Briskey
Campbell

D'Arcy
De Lacy
Dollin
Edmond
Elder
Foley
Fouras
Gibbs
Hamill

Hayward
Hollis
Lavarch
Livingstone*
Lucas
Mackenroth
McElligott
Milliner
Mulherin

Nunn
Nuttall
Palaszczuk
Pearce
Purcell
Roberts
Robertson
Rose
Schwarten

Spence
Sullivan, J
Sullivan, T*
Welford
Wells

Pairs – Messrs W Goss, McGrady and Smith (AYES) and Messrs Davidson, Johnson and Santoro (NOES)

**Tellers*

The numbers being equal, The Chairman cast his vote with the 'AYES'.

Question agreed to.

Clause 3.3.12, as amended, agreed to.

Clauses 3.3.13 to 3.4.4 agreed to.

Clause 3.4.5 (*Notification period for applications*)—

The following amendment was proposed by Mr Mackenroth—

At page 104, line 19, '20'—

omit, insert—

'30'.

Debate ensued.

Question – That the expression proposed to be omitted stand part of the Clause – put and negatived.

Question – That the expression proposed to be inserted be so inserted – put and agreed to.

Clause 3.4.5, as amended, agreed to.

Clauses 3.4.6 to 3.4.8 agreed to.

Clause 3.4.9 (*Making submissions*)—

The following amendment was proposed by Mr Mackenroth—

At page 106, line 8—

omit, insert—

'withdraw the submission; or

(c) if there is a concurrence agency for the application—within 10 business days after the information and referral stage ends, change the submission.'

Debate ensued.

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

The Committee divided.

AYES, 41

Baumann
Beanland
Borbidge
Carroll
Connor
Cooper
Cunningham
Elliott
FitzGerald

Gamin
Gilmore
Goss, J
Grice
Harper
Healy
Hegarty
Hobbs
Horan

Lester
Lingard
Littleproud
McCauley
Malone
Mitchell
Perrett
Quinn
Radke

Rowell
Sheldon
Simpson
Slack
Springborg*
Stephan
Stoneman
Tanti
Turner

Veivers
Warwick
Watson
Wilson
Woolmer

NOES, 41

Ardill
Barton
Beattie
Bird
Bligh
Braddy
Bredhauer
Briskey
Campbell

D'Arcy
De Lacy
Dollin
Edmond
Elder
Foley
Fouras
Gibbs
Hamill

Hayward
Hollis
Lavarch
Livingstone*
Lucas
Mackenroth
McElligott
Milliner
Mulherin

Nunn
Nuttall
Palaszczuk
Pearce
Purcell
Roberts
Robertson
Rose
Schwarten

Spence
Sullivan, J
Sullivan, T*
Welford
Wells

Pairs – Messrs W Goss, McGrady and Smith (AYES) and Messrs Davidson, Johnson and Santoro (NOES)

**Tellers*

The numbers being equal, The Chairman cast his vote with the 'AYES'.

Question agreed to.

Clause 3.4.9, as read, agreed to.

Clause 3.4.10 to 3.5.9 agreed to.

Clause 3.5.10 (*Applicant may stop decision making period to request chief executive's assistance*)—

The following amendment was proposed by Mr Mackenroth—

At page 111, line 24, 'may'—

omit, insert—

'may, after consulting the concurrence agencies,'.

Debate ensued.

At 11.38am: Temporary Chairman (Mr Stephan) took the Chair.

Debate continued.

Question – That the word proposed to be omitted stand part of the Clause – put and negatived.

Question – That the words proposed to be inserted be so inserted – put and agreed to.

Clause 3.5.10, as amended, agreed to.

Clauses 3.5.11 to 3.5.32 agreed to.

Clause 3.5.33 (*Request to change or cancel conditions*)—

The following amendments were proposed by Mrs McCauley—

At page 125, lines 17 to 19—

omit, insert—

'(b) no assessable development would arise from the change or cancellation.'

At page 126, lines 7 and 8—

omit, insert—

'(7) To the extent relevant, the entity must assess and decide the request having regard to—

- (a) the matters the entity would have regard to if the request were a development application; and
- (b) if submissions were made about the application under which the condition was originally imposed—the submissions.'

At page 126, line 10, after "agency"—

insert—

'or the court'.

At page 126, after line 13—

insert—

'(11) Subsections (5) and (6) do not apply if the entity is the court.'

Question – That the words proposed to be omitted stand part of the Clause – put and negated.

Question – That the words proposed to be inserted be so inserted – put and agreed to.

Clause 3.5.33, as amended, agreed to.

Clauses 3.5.34 to 3.6.8 agreed to.

New Clause 3.6.9—

The following new clause was proposed by Mr Mackenroth—

At page 133, after line 15—

insert—

'Report about decision

3.6.9.(1) If the Minister calls in an application, the Minister must, after deciding the application, prepare a report about the Minister's decision.

(2) Without limiting subsection (1), the Minister must include the following in the report—

- (a) a copy of the application;
- (b) a copy of the notice given under section 3.6.6;
- (c) a copy of any referral agency's response;
- (d) an analysis of any submissions made about the application;
- (e) a copy of the decision notice;
- (f) the Minister's reasons for the decision;
- (g) a copy of any notice given under section 3.6.8.

(3) The Minister must cause a copy of the report to be tabled in the Legislative Assembly within 14 sitting days after the Minister's decision is made.'

Debate ensued.

Question – That New Clause 3.6.9 be agreed to – put and agreed to.

Clauses 3.7.1 to 4.1.22.

Clause 4.1.23 (Costs)—

The following amendment was proposed by Mr Mackenroth—

At page 144, after line 24—

insert—

'(fa) if the proceeding is an appeal against a decision on a development application and the appellant did not, in responding to an information request, give all the information requested before the decision was made;'

Debate ensued.

The following amendment to Mr Mackenroth's amendment was proposed by Mrs McCauley—

At line 2, after 'information'—

insert—

'reasonably'.

Debate ensued.

At 11.56am: The Chairman resumed the Chair.

Debate continued.

Mrs McCauley's amendment to Mr Mackenroth's amendment—

Question – That the word proposed to be inserted in Mr Mackenroth's amendment be so inserted – put and agreed to.

Mr Mackenroth's amendment, as amended—

Question – That the words proposed to be inserted, as amended, be so inserted – put and agreed to.

Clause 4.1.23, as amended, agreed to.

Clauses 4.1.24 to 4.1.35 agreed to.

Clause 4.1.36 (*Appeals against disqualification as a private certifier*)—

The following amendment was proposed by Mr Mackenroth—

At page 150, lines 9 to 13—

omit.

Debate ensued.

Question put – That the clause, as read, stand part of the Bill.

The Committee divided.

AYES, 40

Baumann
Beanland
Borbidge
Carroll
Connor
Cooper
Cunningham
Elliott
FitzGerald

Gamin
Gilmore
Goss, J
Grice
Harper
Healy
Hegarty
Hobbs
Horan

Lester
Lingard
Littleproud
McCauley
Malone
Mitchell
Perrett
Quinn
Radke

Rowell
Sheldon
Simpson
Slack
Springborg*
Stoneman
Tanti
Turner
Veivers

Warwick
Watson
Wilson
Woolmer

NOES, 40

Ardill
Barton
Beattie
Bird
Bligh
Braddy
Bredhauer
Briskey
Campbell

De Lacy
Dollin
Edmond
Elder
Foley
Fouras
Gibbs
Hamill
Hayward

Hollis
Lavarch
Livingstone*
Lucas
Mackenroth
McElligott
Milliner
Mulherin
Nunn

Nuttall
Palaszcuk
Pearce
Purcell
Roberts
Robertson
Rose
Schwarten
Spence

Sullivan, J
Sullivan, T*
Welford
Wells

Pairs – Messrs W Goss, McGrady and Smith (AYES) and Messrs Davidson, Johnson and Santoro (NOES)

**Tellers*

The numbers being equal, The Chairman cast his vote with the 'AYES'.

Question agreed to.

Clause 4.1.36, as read, agreed to.

Clauses 4.1.37 to 5.8.2 agreed to.

Clause 5.8.3 (*Application of State Development and Public Works Organization Act 1971, s 29*)—

The following amendment was proposed by Mrs McCauley—

At page 227, lines 15 to 19—

omit, insert—

'Application of State Development and Public Works Organization Act 1971

5.8.3. Nothing in this Act derogates from the powers and functions of the Coordinator General under the State Development and Public Works Organization Act 1971.'

Question – That the words proposed to be omitted stand part of the Clause – put and negated.

Question – That the words proposed to be inserted be so inserted – put and agreed to.

Clause 5.8.3, as amended, agreed to.

Clauses 5.8.4 to 6.1.39 agreed to.

Clause 6.1.40 (*Application of ch 1, pt 5*)—

The following amendment was proposed by Mrs McCauley—

At page 249, line 21 from 'section' to 'development'—

omit, insert—

'section 1.5.1, the development'.

Question – That the words proposed to be omitted stand part of the Clause – put and negated.

Question – That the words proposed to be inserted be so inserted – put and agreed to.

Clause 6.1.40, as amended, agreed to.

Clauses 6.1.41 to 6.3.1 agreed to.

Schedule 1 (*Process for making or amending planning schemes*)—Part 1, clause 4 (*Core matters for planning schemes*)—

The following amendment was proposed by Mr Welford—

At page 258, line 13, after 'constraints'—

insert—

'(including, but not limited to, population and demographic impacts).'

Debate ensued.

Question – That the words proposed to be inserted be so inserted – put and agreed to.

Part 2, clause 12 (*Public notice and access of proposed planning scheme*)—

The following amendment was proposed by Mr Mackenroth—

At page 263, line 17, '40'—

omit, insert—

'60'.

Debate ensued.

Question – That the expression proposed to be omitted stand part of the Schedule – put and negatived.

Question – That the expression proposed to be inserted be so inserted – put and agreed to.

The following amendment was proposed by Mr Mackenroth—

At page 263, line 20, '20'—

omit, insert—

'30'.

Debate ensued.

Question – That the expression proposed to be omitted stand part of the Schedule – put and negatived.

Question – That the expression proposed to be inserted be so inserted – put and agreed to.

Schedule 1, as amended, agreed to.

Schedules 2 and 3 agreed to.

Schedule 4 (*Process for making or amending state planning policies*)—Part 1 – *New Clause 1A(1)*—

The following new clause was proposed by Mr Mackenroth—

At page 275, after line 5—

insert—

'Minister must notify intention to prepare proposed State planning policy

1A.(1) If the Minister intends to prepare a proposed State planning policy, the Minister must publish a notice at least once in a newspaper circulating generally in the State.

(2) The notice may also be published in a regional newspaper the Minister considers appropriate.

(3) The notice must state the following—

- (a) that the Minister intends to prepare a proposed State planning policy;
- (b) the subject matter for the proposed policy;
- (c) if the proposed policy is intended to apply only to a particular area of the State—the name of the area or other information necessary to adequately describe the area;
- (d) that written submissions about the proposed policy may be given to the Minister by any person;
- (e) the period during which the submissions may be given.

(4) The period mentioned in subsection (3)(e) must be for at least 40 business days after the notice is first published under section (1).'

Debate ensued.

Question – That the words proposed to be inserted be so inserted – put and agreed to.

Part 1, clause 1 (*Minister may prepare proposed State planning policy or amendment*)—

The following amendment was proposed by Mr Mackenroth—

At page 275, line 7, 'The'—

omit, insert—

'After the Minister has considered all submissions made under section 1A, the'.

Debate ensued.

Question – That the word proposed to be omitted stand part of the Clause – put and negated.

Question – That the words proposed to be inserted be so inserted – put and agreed to.

Schedule 4, as amended, agreed to.

Schedules 5 to 10 agreed to.

Bill to be reported with amendments.

Mr Speaker resumed the Chair.

Bill reported with amendments.

Bill, as amended, *ordered* to be taken into consideration.

Mrs McCauley, by leave, moved – That the Bill be now read a third time.

Bill read a third time and passed.

Title agreed to.

13 SUSPENSION OF STANDING AND SESSIONAL ORDERS – QUEENSLAND BUILDING SERVICES AUTHORITY AMENDMENT BILL – REMAINING STAGES

Leader of Government Business (Mr FitzGerald), by leave, moved – That so much of the Standing and Sessional Orders be suspended to enable the Queensland Building Services Authority Amendment Bill to pass through its remaining stages at this day's sitting.

Question put and agreed to.

14 QUEENSLAND BUILDING SERVICES AUTHORITY AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Public Works and Housing (Dr Watson) – 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 Dr Watson.

In Committee

In the Chair – Temporary Chairman (Mr J Goss)

Clauses 1 to 3 agreed to.

Bill to be reported without amendment.

Mr Speaker resumed the Chair.

Bill reported without amendment.

Dr Watson moved – That the Bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

Title agreed to.

15 EDUCATION AND OTHER LEGISLATION AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Education (Mr Quinn) – That the Bill be now read a second time.

Debate resumed.

Paper: Leader of the Opposition (Mr Beattie), during his speech, tabled the following paper—
Pamphlet entitled "Let's get Queensland moving again!"

Debate continued.

Paper: Mr Foley, during his speech, tabled the following paper—
Department of Justice advertisement entitled "What happens when you're 17 and under arrest"

Debate continued.

Debate adjourned on the motion of Mr Schwarten.

Ordered – That the resumption of the debate be made an order of the day for tomorrow.

16 ADJOURNMENT

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

Question put and passed.

The House adjourned at 5.58pm.

17 ATTENDANCE

The following Members were present—

Ardill	De Lacy	Hegarty	Mulherin	Spence
Barton	Dollin	Hobbs	Nunn	Springborg
Baumann	Edmond	Hollis	Nuttall	Stephan
Beanland	Elder	Horan	Palaszczyk	Stoneman
Beattie	Elliott	Laming	Pearce	Sullivan, J
Bird	FitzGerald	Lavarch	Perrett	Sullivan, T
Bligh	Foley	Lester	Purcell	Tanti
Borbidge	Fouras	Lingard	Quinn	Veivers
Braddy	Gamin	Littleproud	Radke	Warwick
Bredhauer	Gibbs	Livingstone	Roberts	Watson
Briskey	Gilmore	Lucas	Robertson	Welford
Campbell	Goss, J	Mackenroth	Rose	Wells
Carroll	Grice	McCauley	Rowell	Wilson
Connor	Hamill	McElligott	Schwarten	Woolmer
Cooper	Harper	Malone	Sheldon	
Cunningham	Hayward	Milliner\	Simpson	
D'Arcy	Healy	Mitchell	Slack	

N J TURNER
Speaker

R D DOYLE
The Clerk of the Parliament