# 1996-97

# LEGISLATIVE ASSEMBLY OF QUEENSLAND

# **VOTES AND PROCEEDINGS**

NO. 88

# SECOND SESSION OF THE FORTY-EIGHTH PARLIAMENT TUESDAY, 25 NOVEMBER 1997

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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 PETITIONS

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

Mr Horan, from 16,068 petitioners, requesting the House to enforce the existing law on abortion and to take suitable measures to stop the abuse of the law.

Mrs Lavarch, from 135 petitioners, requesting the House to ensure that the public lands located between Todds and Francis Roads, Lawnton remain in public ownership by being held by the Department of Environment and designated a conservation park.

Mr Springborg, from 451 petitioners, requesting the House to recognise the opposition of the residents of Warwick Shire to the proposed SEQ 2 medium to high security prison and remove Warwick Shire from the list of possible shires for the new prison.

Mr Welford, from 1,450 petitioners, requesting the House to (a) retain the Brisbane Institute of TAFE's Horticultural and Rural studies facility at Oxford Park in public ownership, (b) recognise the important value of this facility to the local area as well as the thousands of city-based students who have sought and will continue in the future to seek training in rural skills, (c) acknowledge the opportunities for expanding the role in community based horticulture and associated training courses for the unemployed and other community participants and (d) reject any proposal to dispose of the facility simply to meet the debts of other TAFE Institutes which the Government has failed to ensure operate within adequate budgets.

#### 3 STATUTORY INSTRUMENTS

The following statutory instruments were tabled by The Clerk—

Government Owned Corporations Act 1993—

Government Owned Corporations (QTSC Restructure—Stage 2) Amendment Regulation (No. 1) 1997, No. 390

Justice Legislation (Miscellaneous Provisions) Act 1996—

Justice Legislation (Miscellaneous Provisions) Regulation 1997, No. 392

Nature Conservation Act 1992—

Nature Conservation (Macropod Harvest Period) Notice 1997, No. 398

Petroleum Act 1923-

Petroleum (Entry Permission—Roverton Pty Ltd) Notice (No. 1) 1997, No. 397

Public Trustee Act 1978-

Public Trustee Amendment Regulation (No. 8) 1997, No. 393

Queensland Competition Authority Act 1997—

Queensland Competition Authority Amendment Regulation (No. 1) 1997, No. 391 Transport Infrastructure (Roads) Act 1991—

Transport Infrastructure (Roads) Amendment Regulation (No. 2) 1997, No. 395

Transport Operations (Passenger Transport) Act 1994—

Transport Operations (Passenger Transport) Amendment Regulation (No. 3) 1997, No. 396

Water Resources Act 1989-

Water Resources (Areas and Boards) Amendment Regulation (No. 1) 1997, No. 394

#### 4 GOVERNMENT PAPER

The following paper was tabled—

Minister for Mines and Energy (Mr Gilmore)—

Report on trip to Europe by Minister for Mines and Energy (Mr Gilmore)

#### 5 MINISTERIAL STATEMENTS

- (a) Premier (Mr Borbidge), by leave, made a ministerial statement relating to Cabinet endorsement of the Brisbane Light Rail Project between the University of Queensland and Fortitude Valley.
- (b) Deputy Premier, Treasurer and Minister for the Arts (Mrs Sheldon), by leave, made a ministerial statement relating to a strategic alliance between the Bank of Queensland and the Bank of Hawaii.
- (c) Minister for Families, Youth and Community Care (Mr Lingard), by leave, made a ministerial statement relating to Cabinet endorsement of the Government's Statement on Youth Affairs.

Paper: Mr Lingard, during his statement, tabled the following paper—
Queensland Government Statement on Youth Affairs

- (d) Minister for Police and Corrective Services and Minister for Racing (Mr Cooper), by leave, made a ministerial statement relating to Cabinet endorsement for legislation to boost security at Queensland's correctional centres to prevent the smuggling of drugs into Queensland prisons.
- (e) Minister for Health (Mr Horan), by leave, made a ministerial statement relating to the payment of Stage II Enterprise Bargaining increases to Queensland Health before Christmas.
- (f) Minister for Economic Development and Trade and Minister Assisting the Premier (Mr Slack), by leave, made a ministerial statement relating to the impact assessment study for the proposed Nathan Dam.
- (g) Minister for Tourism, Small Business and Industry (Mr Davidson), by leave, made a ministerial statement relating to the Queensland IT & T Awards for Excellence held at the Brisbane Convention and Exhibition Centre on 8 November.
- (h) Minister for Emergency Services and Minister for Sport (Mr Veivers), by leave, made a ministerial statement relating to statements by the Queensland Ambulance Union.

# 6 Suspension of Standing and Sessional Orders - Hours and order of business for this day's sitting

Leader of Government Business (Mr FitzGerald), by leave, moved – That notwithstanding anything contained in the Standing and Sessional Orders, for this day's sitting, the House will continue to meet past 7.30pm.

Private Members' motions will be debated between 6 and 7pm.

The House will then break for dinner and resume its sitting at 8.30pm.

Government Business will take precedence for the remainder of the day's sitting, except for a 30-minute adjournment debate.

Question put and agreed to.

#### 7 SCRUTINY OF LEGISLATION COMMITTEE - PAPER

Chairman of the Scrutiny of Legislation Committee (Mr Elliott) tabled the following paper—

Scrutiny of Legislation Committee – Alert Digest No. 13 of 1997

Ordered to be printed.

#### 8 PARLIAMENTARY CRIMINAL JUSTICE COMMITTEE - PAPERS

Chairman of the Parliamentary Criminal Justice Committee (Mr Lester) tabled the following paper—

Parliamentary Criminal Justice Committee—

Report No. 41 - Report on the Visit to Washington DC, New York, London and Amsterdam (21 to 31 July 1997)

Report No. 42 - Interim Report in response to recent allegations and comments regarding the Criminal Justice Commission's investigation of matters concerning paedophilia

Ordered to be printed.

#### NOTICE OF MOTION 9

#### PRIVATE MEMBERS' STATEMENTS

Private Members' statements were made.

Paper: Mr Foley, during his statement, tabled the following paper—

> Letter, dated 18 November 1997, from Queensland Law Society to The Editor, The Sunday-Mail regarding the Department of Justice advertisement entitled

"Under 17 and Under Arrest"

Statements continued. Statements concluded.

#### QUESTIONS WITHOUT NOTICE

Questions without notice were asked.

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

following paper—

Tourism and Small Business internal memorandum dated 31 October 1997

relating to the filling of senior management positions

Questions continued.

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

Internal memo relating to staffing of School of Distant Education

Questions continued. Questions concluded.

#### 12 GENERAL BUSINESS - MATTERS OF PUBLIC INTEREST

The following Members addressed the House—

Leader of the Opposition (Mr Beattie), Messrs Bredhauer, Hegarty, McGrady and Tanti and Mrs Wilson

Papers: Leader of the Opposition (Mr Beattie), during his speech, tabled the following papers-

Transcript of ABC News on Monday, 24 November 1997 relating to Wik/native

Article, dated 25 November 1997, from The Australian entitled "Chevron

pipeline deal undermines Howard on Wik"

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

DME Corporate Plan - Diagonal Slice Group Workshop 1 - Thursday, 13

November 1997

DME Corporate Plan - Diagonal Slice Group Workshop 2 - Friday, 14

November 1997

#### 13 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.

Debate adjourned on the motion of Mr Quinn.

Ordered - That the resumption of the debate be made an order of the day for a later hour of the sitting.

#### 14 Notice of Motion - Queensland Ambulance Service

Mr Wells, pursuant to notice, moved – That this Parliament condemns the Borbidge–Sheldon Government for—

- (1) permitting a life threatening blowout in Ambulance response times;
- (2) cutting funding to the Ambulance Service in real terms; and
- (3) failing to respond to the recommendations of its own consultant, Lyn Staib, that Ambulance funds should be increased by \$32m.

#### Debate ensued.

The following amendment was proposed by Mrs Cunningham—

All words after 'Parliament',-

omit. insert-

'acknowledges-

- (1) the excellent contribution of ambulance officers throughout the State;
- (2) the need to ensure response times are constantly monitored; and
- (3) calls on the Minister to continue to work for increased funding which recognises the important role played by members of the Queensland Ambulance Service.

Debate ensued.

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

Various Ambulance Service rosters

Debate continued.

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

#### AYES, 40

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 McElligott	McGrady Milliner Mulherin Nunn Nuttall Palaszczuk Pearce Purcell	Roberts Robertson Rose Spence Sullivan, J Sullivan, T* Welford Wells
		NOES, 41		
Baumann Beanland Borbidge Carroll* Connor Cooper Cunningham Davidson Elliott	FitzGerald Gamin Gilmore Grice Harper Healy Hobbs Horan Johnson	Laming Lester Lingard Littleproud McCauley Malone Mitchell Perrett Ouinn	Radke Rowell Santoro Sheldon Simpson Slack Springborg* Stoneman Tanti	Veivers Warwick Watson Wilson Woolmer

Pairs – Messrs W Goss, Schwarten and Smith (AYES) and Messrs J Goss, Hegarty and Stephan (NOES)
\*Tellers

#### Question negatived.

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

The House divided.

#### AYES, 41

Baumann Beanland Borbidge Carroll* Connor Cooper Cunningham Davidson Elliott	FitzGerald Gamin Gilmore Grice Harper Healy Hobbs Horan Johnson	Laming Lester Lingard Littleproud McCauley Malone Mitchell Perrett Quinn	Radke Rowell Santoro Sheldon Simpson Slack Springborg* Stoneman Tanti	Veivers Warwick Watson Wilson Woolmer
EIIIOU	Johnson	Quinn	ranu	

#### NOES, 40

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

Pairs – Messrs J Goss, Hegarty and Stephan (AYES) and Messrs W Goss, Schwarten and Smith (NOES)

\*Tellers

Question agreed to.

Motion, as amended, agreed to.

#### 15 POSTPONED ORDER - GOVERNMENT BUSINESS

Leader of Government Business (Mr FitzGerald) moved – That Government Business Order of the Day No. 1 be postponed until a later hour of the sitting. Question put and agreed to.

#### 16 ELECTRICITY AMENDMENT BILL (No. 3)

Order of the day read for the adjourned debate on the motion of the Minister for Mines and Energy (Mr Gilmore) – 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 Gilmore.

#### In Committee

In the Chair – The Chairman

Clauses 1 to 5 agreed to.

Clause 6 (Insertion of new s 23A)—

The following amendment was proposed by Mr Gilmore—

At page 14, line 11, 'ending'-

omit, insert—

'ending of'.

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 6, as amended, agreed to.

Clauses 7 to 30 agreed to.

Clause 31 (Amendment of s 60 (Conditions of special approval))—

The following amendment was proposed by Mr Gilmore—

At page 28, line 25—

omit, insert-

'(3) Section 60-'.

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

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

Clause 31, as amended, agreed to.

Clauses 32 to 38 agreed to.

Clause 39 (Insertion of new ch 5, pts 1A and 1B)—

The following amendments were proposed by Mr Gilmore—

At page 42, after line 3—

insert—

#### 'QCA must advise Minister

'120GA. The QCA must advise the Minister immediately after the conduct rules take effect.'.

#### Tabling of conduct rules in Legislative Assembly

'120GB.(1) A copy of the conduct rules must be tabled in the Legislative Assembly by the Minister within 14 sitting days after the conduct rules take effect.

'(2) The copy of the conduct rules is tabled for information only.'.

At page 44, after line 3—

insert-

#### 'QCA must advise Minister

**'120NA.** The QCA must advise the Minister immediately after the amendment of the conduct rules takes effect.'.

## 'Tabling of amendment of conduct rules in Legislative Assembly

- '120NB.(1) A copy of the amendment of the conduct rules must be tabled in the Legislative Assembly by the Minister within 14 sitting days after the amendment takes effect.
- '(2) The copy of the amendment of the conduct rules is tabled for information only.'. At page 51, line 16, 'in which it is'—

omit. insert-

'in which the documents or information are'.

Question - That the words 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 39, as amended, agreed to.

Clauses 40 to 42 agreed to.

Clause 43 (Replacement of s 133 (Types of disciplinary action))—

The following amendment was proposed by Mr Gilmore—

At page 66, after line 18—

insert—

#### "sell" means-

- (a) sell by wholesale, retail or auction; or
- (b) agree, attempt or offer to sell; or
- (c) possess, expose or advertise for sale; or
- (d) cause or permit to be sold.'.

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

Clause 43, as amended, agreed to.

Clauses 44 to 58 agreed to.

Clause 59 (Insertion of new s 204A)—

The following amendment was proposed by Mr Gilmore—

At page 72, line 10, 'in relation to'—
omit.

Question - That the words proposed to be omitted stand part of the clause - put and negatived.

Clause 59, as amended, agreed to.

Clauses 60 to 65 agreed to.

Clause 66 (Amendment of s 254 (Protection from liability))—

The following amendment was proposed by Mr Gilmore—

At page 76, lines 27 to 29 and page 77 lines 1 to 7—omit. insert—

#### 'Amendment of s 254 (Protection from liability)

'66.(1) Section 254(1)(c) to (e)—

renumber as section 254(1)(e) to (g).

'(2) Section 254(1)—

insert-

- '(c) the electricity industry ombudsman and employees in the Office of the Electricity Industry Ombudsman; and
- (d) an operator under section 131 and employees of an operator; and'.'.

Question - That the words 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 66, as amended, agreed to.

New clause-

The following new clause was proposed by Mr Gilmore—

At page 77, after line 7—

insert—

#### 'Insertion of new s 254AA

'66A. After section 254—

insert—

#### 'Protection from liability of member or employee of QCA

**'254AA.** A member or employee of the QCA is not civilly liable for an act done, or omission made, in good faith under this Act.

'(2) If subsection (1) prevents a civil liability attaching to a member or employee, the liability attaches instead to the QCA.'.'.

Question – That new Clause 66A be inserted – put and agreed to.

Clause 67 (Replacement of s 257 (State electricity entities are constructing authorities))—

The following amendment was proposed by Mr Gilmore—

At page 77, after line 16—

insert-

#### Regulation may declare a constructing authority

'257A.(1) This section applies—

- (a) on the expiry of section 257; and
- (b) despite chapter 4, part 5.1
- (2) A regulation may declare a State electricity entity that is a transmission entity or a distribution entity to be a constructing authority under the *Acquisition of Land Act* 1967.

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

Clause 67, as amended, agreed to.

Clause 68 agreed to.

Clause 69 (Replacement of s 257 (State electricity entities to take part in industry superannuation scheme))—

The following amendment was proposed by Mr Gilmore—

At page 77, after line 22—

insert-

'omit. insert—'.

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

Clause 69, as amended, agreed to.

Clauses 70 to 86 agreed to.

Clause 87 (Amendment of s 10 (Authority's functions))—

The following amendment was proposed by Mr Gilmore—

At page 88, lines 5 to 9—

omit, insert-

#### 'Amendment of s 10 (Authority's functions)

'87.(1) Section 10(g), after 'disputes'—

insert-

'or, if asked by the parties to access agreements, to arbitrate to resolve disputes under the agreements'.

'(2) Section 10(j) and (k)-

renumber as section 10(m) and (n).

'(3) Section 10(n), as renumbered, 'paragraphs (a) to (j)'—

òmit, insert-

'paragraphs (a) to (m)'.

(4) Section 10-

insert—

- '(j) to regulate market conduct of electricity entities and holders of special approvals under the *Electricity Act 1994*; and
- (k) to develop the conduct rules with which electricity entities and holders of special approvals under the Electricity Act 1994 must comply; and
  - 1) to monitor the standards of service quality in the electricity industry; and'.'.

Question - That the words 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 87, as amended, agreed to.

Clauses 88 to 97 agreed to.

Clause 98 (Amendment of s 240 (Secrecy))—

The following amendment was proposed by Mr Gilmore—

At page 94, lines 6 to 11—

<sup>1</sup> Chapter 4, part 5 (Entry onto and acquisition of land)

omit, insert-

#### 'Amendment of s 240 (Secrecy)

'98.(1) Section 240(2)(b)-

renumber as section 240(2)(c).

'(2) Section 240(2)-

insert—

'(b) the information is divulged or communicated to an entity that performs similar functions to the authority under a law of the Commonwealth, another State or a foreign country; or'.'.

Question – That the words 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 98, as amended, agreed to.

Clauses 99 to 101 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.

Mr Gilmore, 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 PETROLEUM AND GAS LEGISLATION AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Mines and Energy (Mr Gilmore) – 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 Gilmore.

In Committee

In the Chair – Temporary Chairman (Mr Stephan)

Clauses 1 to 28 agreed to.

Schedule agreed to.

Bill to be reported without amendment.

Mr Speaker resumed the Chair.

Bill reported without amendment.

Mr Gilmore, 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 CENTRAL QUEENSLAND COAL ASSOCIATES AGREEMENT AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Economic Development and Trade and Minister Assisting the Premier (Mr Slack) – 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 Slack.

In Committee

In the Chair - The Chairman

Clauses 1 to 9 agreed to.

Bill to be reported without amendment.

Mr Speaker resumed the Chair.

Bill reported without amendment.

Mr Slack, 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.

## 19 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL (No. 2)

Order of the day read for the adjourned debate on the motion of the Minister for Primary Industries, Fisheries and Forestry (Mr Perrett) – That the Bill be now read a second time. Debate resumed.

And the House having continued to sit till 12 midnight—

#### WEDNESDAY, 26 NOVEMBER 1997

Debate continued.

Question put and passed.

Bill read a second time.

Bill committed on the motion of Mr Perrett.

In Committee

In the Chair – Temporary Chairman (Ms Simpson)

Clauses 1 to 27 agreed to.

New Clauses-

The following amendment was proposed by Mr Perrett—

At page 14, after line 13—

insert-

'Insertion of new s 38A

'27A. After section 38—

insert-

#### 'Management plan to protect things that are not fish

**'38A.** A management plan may be made to protect things that are not fish.

Example-

A management plan may regulate taking or possessing fish in an area to protect dugong in the area.

'Insertion of new s 45A

'27B. After section 45-

insert-

#### 'Declaration to protect things that are not fish

'45A. A declaration under this division may be made to protect things that are not fish.

Example-

A declaration may regulate taking or possessing fish in an area to protect dugong in the area.'.'.

Question – That new clauses 27A and 27B be inserted – put and agreed to. Clauses 28 to 34 agreed to.

New Clauses—

The following amendment was proposed by Mr Perrett—

At page 17, after line 9—

insert-

#### 'PART 6A—AMENDMENT OF GRAIN INDUSTRY (RESTRUCTURING) ACT 1991

'Act amended in pt 6A

'34A. This part amends the Grain Industry (Restructuring) Act 1991.

'Amendment of s 3 (Definitions)

'34B. Section 3, definition "expiry date"—

omit, insert-

"expiry date" means 30 June 1999.'. '.

Question - That new clauses 34A and 34B be inserted - put and agreed to.

Clauses 35 to 42 agreed to.

Bill to be reported with amendments.

Deputy Speaker (Mr Stephan) resumed the Chair.

Bill reported with amendments.

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

Mr Perrett, 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.

## 20 ADJOURNMENT

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

Debate ensued.

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

Documents relating to the redevelopment of the Maryborough Hospital

Debate continued.

Question agreed to.

The House adjourned at 12.51am.

#### 21 ATTENDANCE

The following Members were present—

Ardill Barton	De Lacy Dollin	Hobbs Hollis	Mulherin Nunn
Baumann	Edmond	Horan	Nuttall
Beanland	Elder	Johnson	Palaszczuk
Beattie	Elliott	Laming	Pearce
Bird	FitzGerald	Lavarch	Perrett
Bligh	Foley	Lester	Purcell
Borbidge	Fouras	Lingard	Quinn
Braddy	Gamin	Littleproud	Radke
Bredhauer	Gibbs	Livingstone	Roberts
Briskey	Gilmore	Lucas	Robertson
Campbell	Goss, J	Mackenroth	Rose
Carroll	Grice	McCauley	Rowell
Connor	Hamill	McElligott	Santoro
Cooper	Harper	McGrady	Schwarten
Cunningham	Hayward	Malone	Sheldon
D'Arcy	Healy	Milliner	Simpson
Davidson	Hegarty	Mitchell	Slack

**N J TURNER** 

Speaker

R D DOYLE
The Clerk of the Parliament

Spence Springborg Stephan

Stoneman Sullivan, J Sullivan, T Tanti Veivers Warwick Watson Welford Wells Wilson Woolmer