

1996–97

LEGISLATIVE ASSEMBLY OF QUEENSLAND

VOTES AND PROCEEDINGS

NO. 90

SECOND SESSION OF THE FORTY–EIGHTH PARLIAMENT

THURSDAY, 27 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 Beattie, from 23 petitioners, requesting the House to immediately cease politically motivated, taxpayer funded advertising being used solely to promote the National and Liberal Parties and request instead that the money go toward (a) improving funding for TAFE to give young people an opportunity to gain important skills training, (b) increasing resources to improve the police presence in Queensland towns and communities and (c) improving health services to reduce accident and emergency waiting times and ballooning waiting lists in our public hospitals.

Mr Beattie, from 4 petitioners, requesting the House to agree in principle to fund the inner city rail loop service connecting the central business district of the City to the Valley, Bowen Hills, RNA Showgrounds and RBH and on via Normanby Terrace to the CBD by the year 2000 and instruct Q Rail accordingly.

Mr Springborg, from 81 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 219 petitioners, requesting the House to (a) recognise the rights of local residents in the decision making process of the intended construction of a large community hall on Education Queensland property at the Albany Hills State School, (b) ensure that proper community consultation is undertaken with regard to the environmental impact on adjoining and local residential properties and (c) not permit the project to proceed without full community support.

3 GOVERNMENT PAPERS

The following papers were tabled—

- (a) *Attorney-General and Minister for Justice (Mr Beanland)*—
Letter, dated 10 September 1997, to Mr Beanland from Sir James Killen relating to the Salaries and Allowances Tribunal
Letter, dated 24 November 1997, from the Solicitor-General relating to the Salaries and Allowances Tribunal
- (b) *Minister for Emergency Services and Minister for Sport (Mr Veivers)*—
Response to Public Accounts Committee Report No. 41 – Fire Levies

4 MINISTERIAL STATEMENTS

- (a) Deputy Premier, Treasurer and Minister for the Arts (Mrs Sheldon), by leave, made a ministerial statement relating to the current financial market crisis in Asia.
- (b) Minister for Families, Youth and Community Care (Mr Lingard), by leave, made a ministerial statement relating to Unmet needs, the International Day of the Disabled to be held on 3 December 1997 and the Commonwealth/State Disability Agreement..
- (c) Minister for Police and Corrective Services and Minister for Racing (Mr Cooper), by leave, made a ministerial statement relating to a new blueprint for community policing and crime prevention.
- (d) Minister for Health (Mr Horan), by leave, made a ministerial statement relating to Commonwealth/State agreement for the development of a centre for rural and remote health.
- (e) Minister for Environment (Mr Littleproud), by leave, made a ministerial statement relating to the Greenhouse Challenge Program.

5 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.

Question put and agreed to.

6 PERSONAL EXPLANATION

Mr Mulherin made a personal explanation.

Papers: Mr Mulherin, during his explanation, tabled the following papers—
Extract from *Hansard* regarding the Ron Camm Bridge, Mackay electorate
Letter, dated 13 June 1997, to Mr Mulherin from Minister for Transport and
Main Roads (Mr Johnson) regarding the Ron Camm Bridge

7 LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE – PAPERS

Chairman of the Legal, Constitutional and Administrative Review Committee (Mrs Gamin) tabled the following papers—

Legal, Constitutional and Administrative Review Committee—
Additional submissions received re Privacy in Queensland
Submissions received re The Preservation and Enhancement of Individuals' Rights
and Freedoms: Should Queensland Adopt a Bill of Rights?
Information Paper No. 1 – Upper Houses

8 MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE – PAPER

Chairman of the Members' Ethics and Parliamentary Privileges Committee (Mrs Warwick) tabled the following paper—

Members' Ethics and Parliamentary Privileges Committee—
Report No. 12 – Report on a matter of privilege – A matter arising in the Anti-Discrimination Tribunal – Freedom of Speech

9 NOTICE OF MOTION

10 NOTICE OF MOTION – HOUSE TO TAKE NOTE OF PUBLIC ACCOUNTS COMMITTEE REPORTS

Chairman of the Public Accounts Committee (Mr Woolmer), pursuant to notice, moved – That the House take note of Public Accounts Committee Report No. 42 – Aboriginal Councils and Torres Strait Island Councils: Review of Financial Reporting Requirements, together with transcripts of proceedings relating to public hearings held during the inquiry; and Report No. 43 – State Government Grant Funding Supplied to 99 FM Community Radio Association Inc.

Debate ensued.

Question put and agreed to.

11 PRIVATE MEMBERS' STATEMENTS

Private Members' statements were made.

12 QUESTIONS WITHOUT NOTICE

Questions without notice were asked.

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

Chart showing ambulance response times (Queensland and Brisbane)

Questions continued.

Paper: Premier (Mr Borbidge) tabled the following paper—
ALP New Directions Statement entitled 'Crime prevention that works'

Questions continued.

Paper: Minister for Emergency Services and Minister for Sport (Mr Veivers) tabled the following paper—
Briefing paper relating to Queensland Ambulance Service response to a Gold Coast skateboarding accident

Questions continued.

Paper: Minister for Transport and Main Roads (Mr Johnson), during his speech, tabled the following paper—
Letter, dated 18 November 1997, from the Taxi Council of Queensland Incorporated relating to the National Competition Policy

Questions continued.

Matter of Privilege: Deputy Leader of the Opposition (Mr Elder) rose on a matter of privilege relating to the document tabled by the Minister for Emergency Services and Minister for Sport (Mr Veivers), alleging that this was not the document that he asked the Minister to table.

Questions continued.

Questions concluded.

13 ARTS LEGISLATION AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Deputy Premier, Treasurer and Minister for the Arts (Mrs Sheldon) – That the Bill be now read a second time.

Debate resumed.

Papers: Leader of the Opposition (Mr Beattie), during his speech, tabled the following papers—
ALP New Directions Statement – "Crime prevention that works"
ALP New Directions Statement – "The Arts"

Debate continued.

Question put and passed.

Bill read a second time.

Bill committed on the motion of Mrs Sheldon.

In Committee

In the Chair – Temporary Chairman (Mr Stephan)

Clauses 1 to 11 agreed to.

Clause 12 (*Amendment of s 21 (Functions of board)*)—

The following amendment was proposed by Mr Foley—

At page 24, line 11—

omit, insert—

'12.(1) Section 21(1)(g), after 'Queensland'—

insert—

'or produced by Queensland authors'.

'(1A) Section 21(1)(j) and (k)—'.

Debate ensued.

Papers: Mr Foley, during his speech, tabled the following papers—
Letter, dated 7 March 1997, to the Treasurer from Chris Stannard relating to restructuring within the Arts portfolio
Letter, dated 10 March 1997, from Philip Pike relating to restructuring within the Arts portfolio

Debate continued.

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 12, as amended, agreed to.
 Clauses 13 to 30 agreed to.

Clause 31 (*Amendment of s 20 (Functions)*)—

The following amendment was proposed by Mr Foley—

At page 51, after line 7—

insert—

‘(ea)to encourage artistic achievement by artists resident in Queensland; and’.

Debate ensued.

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

Clause 31, as amended, agreed to.

Clauses 32 to 43 agreed to.

Clause 44 (*Amendment of s 12 (Functions of board)*)—

The following amendment was proposed by Mr Foley—

At page 76, after line 1—

insert—

‘(1A) In performing the function mentioned in subsection (1)(b), the board is to have regard to the desirability of providing for the storage of items and the promotion of research relating to Queensland.’.

Debate ensued.

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

Clause 44, as amended, agreed to.

Clauses 45 to 53 agreed to.

Clause 54 (*Amendment of s 16 (Objects of trust)*)—

The following amendment was proposed by Mr Foley—

At page 103, after line 23—

insert—

‘(ga)to encourage, for persons resident in Queensland—

- (i) participation as performers for the performing arts; and
- (ii) involvement in other aspects of the performing arts;’.

Debate ensued.

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

Clause 54, as amended, agreed to.

Clauses 55 to 66 agreed to.

Clause 67 (*Amendment of s 5 (Objects of the theatre company)*)—

The following amendment was proposed by Mr Foley—

At page 128, after line 26—

insert—

‘(ga)to encourage the involvement of persons resident in Queensland in the writing of plays and other aspects of the arts of the theatre;’.

Debate ensued.

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

Clause 67, as amended, agreed to.

Clauses 68 to 90 agreed to.

Schedules 1 to 5 agreed to.

Bill to be reported with amendments.

Deputy Speaker (Mr J Goss) resumed the Chair.

Bill reported with amendments.

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

Mrs Sheldon, 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.

14 GOVERNMENT PAPER

The following paper was tabled—

Minister for Mines and Energy (Mr Gilmore), on behalf of the Minister for Economic Development and Trade and Minister Assisting the Premier (Mr Slack)—

Report on ministerial visit to South Korea and Japan from 2 to 12 November 1997

15 ENVIRONMENTAL AND OTHER LEGISLATION AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Environment (Mr Littleproud) – That the Bill be now read a second time.
Debate resumed.

Quorum: At 3.59pm, a quorum was called.

Debate continued.

Paper: Mr Welford, during his speech, tabled the following paper—
A document entitled 'Australian people's declaration on global warming'

Debate continued.

Question put.

The House divided.

AYES, 41

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

NOES, 40

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

Pairs – Messrs Hobbs, Lingard and Slack(AYES) and Messrs Hamill, Pearce and Smith (NOES)

**Tellers*

Question agreed to.

Bill read a second time.

Bill committed on the motion of Mr Littleproud.

In Committee

In the Chair – The Chairman

Clauses 1 to 5 agreed to.

Clause 6—

Debate ensued.

Question put – That Clause 6, as read, stand part of the Bill.

The Committee divided.

AYES, 41

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

NOES, 41

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

Pairs – Messrs Hobbs, Lingard and Slack (AYES) and Messrs Hamill, Nunn and Smith (NOES)

**Tellers*

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

Question agreed to.

Clauses 7 to 45 agreed to.

Bill to be reported without amendment.

Deputy Speaker (Miss Simpson) resumed the Chair.

Bill reported without amendment.

Mr Littleproud, 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.

16 NOTICE OF MOTION – REVOCATION OF NATIONAL PARK

Minister for Environment (Mr Littleproud), pursuant to notice, moved—

- (a) That this House requests the Governor in Council to revoke by a regulation the dedication as protected area under the *Nature Conservation Act 1992* of part of Great Sandy National Park, Counties of Fraser and March containing an area of about 8.598 hectares; and
- (b) That Mr Speaker convey a copy of this Resolution to the Minister for submission to His Excellency the Governor in Council.

Debate ensued.

Question put.

The House divided.

AYES, 40

Baumann	FitzGerald	Johnson	Radke	Warwick
Beanland	Gamin	Laming	Rowell	Watson
Borbidge	Gilmore	Lester	Santoro	Wilson
Carroll*	Goss, J	Littleproud	Simpson	Woolmer
Connor	Grice	McCauley	Springborg*	
Cooper	Harper	Malone	Stephan	
Cunningham	Healy	Mitchell	Stoneman	
Davidson	Hegarty	Perrett	Tanti	
Elliott	Horan	Quinn	Veivers	

NOES, 40

Ardill	De Lacy	Hollis	Nuttall	Sullivan, J
Barton	Dollin	Lavarch	Palaszczuk	Sullivan, T*
Beattie	Edmond	Livingstone*	Pearce	Welford
Bird	Elder	Lucas	Purcell	Wells
Bligh	Foley	Mackenroth	Roberts	
Braddy	Fouras	McElligott	Robertson	
Bredhauer	Gibbs	McGrady	Rose	
Briskey	Goss, W	Milliner	Schwarten	
Campbell	Hayward	Mulherin	Spence	

Pairs – Messrs Hobbs, Lingard, Mrs Sheldon and Mr Slack (AYES) and Messrs D'Arcy, Hamill, Nunn and Smith (NOES)

**Tellers*

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

Question agreed to.

17 STATEMENT BY MR SPEAKER – MATTER OF PRIVILEGE

Mr Speaker made a statement relating to the matter of privilege raised earlier today by Deputy Leader of the Opposition (Mr Elder) concerning the paper tabled by the Minister for Emergency Services and Minister for Sport (Mr Veivers) during Question Time.

18 NOTICE OF MOTION – CENSURE OF MINISTER FOR EMERGENCY SERVICES

Leader of the Opposition (Mr Beattie), pursuant to notice, moved – That this House censures the Minister for Emergency Services for his failure to properly fund the State Ambulance Service, resulting in—

- average response times to all emergency calls worsening since the Coalition Government was handed power in February 1996, so that desperately ill and injured Queenslanders are faced with having to wait an unnecessarily long time for an ambulance;
- a shortage of ambulance personnel which has resulted in waits of 20 minutes or more for many people;
- an ambulance fleet in which an insufficient number of cars are maintained in working order;
- a service in such crisis that fire brigade personnel are sometimes despatched to medical emergencies;

And calls on the Government to appoint a competent Minister and sufficient funding to provide an ambulance service which will meet the needs of Queensland.

Debate ensued.

The following amendment was proposed by Mrs Cunningham—

All words after 'House'—

omit, insert—

'calls on the Minister for Emergency Services to conduct a staff needs analysis for the Queensland Ambulance Service and that minimum staff levels be realistically based on identified demands with appropriate equipment to complement those staff levels to be budgeted.'

Debate ensued.

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

The House divided.

AYES, 40

Ardill	De Lacy	Hollis	Nuttall	Sullivan, J
Barton	Dollin	Lavarch	Palaszcuk	Sullivan, T*
Beattie	Edmond	Livingstone*	Pearce	Welford
Bird	Elder	Lucas	Purcell	Wells
Bligh	Foley	Mackenroth	Roberts	
Braddy	Fouras	McElligott	Robertson	
Bredhauer	Gibbs	McGrady	Rose	
Briskey	Goss, W	Milliner	Schwarten	
Campbell	Hayward	Mulherin	Spence	

NOES, 40

Baumann	FitzGerald	Johnson	Radke	Warwick
Beanland	Gamin	Laming	Rowell	Watson
Borbidge	Gilmore	Lester	Santoro	Wilson
Carroll*	Goss, J	Littleproud	Simpson	Woolmer
Connor	Grice	McCauley	Springborg*	
Cooper	Harper	Malone	Stephan	
Cunningham	Healy	Mitchell	Stoneman	
Davidson	Hegarty	Perrett	Tanti	
Elliott	Horan	Quinn	Veivers	

*Pairs – Messrs D'Arcy, Hamill, Nunn and Smith (AYES)
and Messrs Hobbs, Lingard, Mrs Sheldon and Mr Slack (NOES)*

**Tellers*

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

Question negatived.

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

The House divided.

AYES, 40

Baumann	FitzGerald	Johnson	Radke	Warwick
Beanland	Gamin	Laming	Rowell	Watson
Borbidge	Gilmore	Lester	Santoro	Wilson
Carroll*	Goss, J	Littleproud	Simpson	Woolmer
Connor	Grice	McCauley	Springborg*	
Cooper	Harper	Malone	Stephan	
Cunningham	Healy	Mitchell	Stoneman	
Davidson	Hegarty	Perrett	Tanti	
Elliott	Horan	Quinn	Veivers	

NOES, 40

Ardill	De Lacy	Hollis	Nuttall	Sullivan, J
Barton	Dollin	Lavarch	Palaszczyk	Sullivan, T*
Beattie	Edmond	Livingstone*	Pearce	Welford
Bird	Elder	Lucas	Purcell	Wells
Bligh	Foley	Mackenroth	Roberts	
Braddy	Fouras	McElligott	Robertson	
Bredhauer	Gibbs	McGrady	Rose	
Briskey	Goss, W	Milliner	Schwarten	
Campbell	Hayward	Mulherin	Spence	

*Pairs – Messrs Hobbs, Lingard, Mrs Sheldon and Mr Slack (AYES) and
Messrs D'Arcy, Hamill, Nunn and Smith (NOES)*

**Tellers*

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

Question agreed to.

Question put – That the motion, as amended, be agreed to.

The House divided.

AYES, 40

Baumann	FitzGerald	Johnson	Radke	Warwick
Beanland	Gamin	Laming	Rowell	Watson
Borbidge	Gilmore	Lester	Santoro	Wilson
Carroll*	Goss, J	Littleproud	Simpson	Woolmer
Connor	Grice	McCauley	Springborg*	
Cooper	Harper	Malone	Stephan	
Cunningham	Healy	Mitchell	Stoneman	
Davidson	Hegarty	Perrett	Tanti	
Elliott	Horan	Quinn	Veivers	

NOES, 40

Ardill	De Lacy	Hollis	Nuttall	Sullivan, J
Barton	Dollin	Lavarch	Palaszczyk	Sullivan, T*
Beattie	Edmond	Livingstone*	Pearce	Welford
Bird	Elder	Lucas	Purcell	Wells
Bligh	Foley	Mackenroth	Roberts	
Braddy	Fouras	McElligott	Robertson	
Bredhauer	Gibbs	McGrady	Rose	
Briskey	Goss, W	Milliner	Schwarten	
Campbell	Hayward	Mulherin	Spence	

*Pairs – Messrs Hobbs, Lingard, Mrs Sheldon and Mr Slack (AYES) and
Messrs D'Arcy, Hamill, Nunn and Smith (NOES)*

**Tellers*

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

Question agreed to.

19 LOCAL GOVERNMENT LEGISLATION AMENDMENT BILL (No. 3)

Order of the day read for the adjourned debate on the motion of the Minister for Local Government and Planning (Mrs McCauley) – That the Bill be now read a second time.

Debate resumed.

Question put.

The House divided.

AYES, 40

Baumann	FitzGerald	Johnson	Radke	Warwick
Beanland	Gamin	Laming	Rowell	Watson
Borbidge	Gilmore	Lester	Santoro	Wilson
Carroll*	Goss, J	Littleproud	Simpson	Woolmer
Connor	Grice	McCauley	Springborg*	
Cooper	Harper	Malone	Stephan	
Cunningham	Healy	Mitchell	Stoneman	
Davidson	Hegarty	Perrett	Tanti	
Elliott	Horan	Quinn	Veivers	

NOES, 40

Ardill
Barton
Beattie
Bird
Bligh
Braddy
Bredhauer
Briskey
Campbell

De Lacy
Dollin
Edmond
Elder
Foley
Fouras
Gibbs
Goss, W
Hayward

Hollis
Lavarch
Livingstone*
Lucas
Mackenroth
McElligott
McGrady
Milliner
Mulherin

Nuttall
Palaszczuk
Pearce
Purcell
Roberts
Robertson
Rose
Schwarten
Spence

Sullivan, J
Sullivan, T*
Welford
Wells

*Pairs – Messrs Hobbs, Lingard, Mrs Sheldon and Mr Slack (AYES) and
Messrs D'Arcy, Hamill, Nunn and Smith (NOES)*

**Tellers*

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

Question agreed to.

Bill read a second time.

Bill committed on the motion of Mrs McCauley.

In Committee

In the Chair – Temporary Chairman (Ms Simpson)

Clauses 1 to 14 agreed to.

New Clauses—

The following new clauses were proposed by Mrs McCauley—

At page 43, after line 4—

insert—

'PART 5—AMENDMENT OF LOCAL GOVERNMENT (PLANNING AND ENVIRONMENT) ACT 1990

Act amended in pt 5

15. This part amends the *Local Government (Planning and Environment) Act 1990*.

Insertion of new s 8.12

16. After section 8.11—

insert—

'Special provisions relating to Danpork Australia Pty Ltd

'8.12.(1) The rezoning approval given by the Warwick Shire Council on 22 August 1995 to Danpork Australia Pty Ltd (A.C.N. 052 815 924) is amended by omitting condition 13A and inserting the following condition—

13A. The applicant be required to construct, or cause to be constructed, a weir of not more than 315 ML capacity on the Condamine River at a location and of a design to the satisfaction of the State.

'(2) In a proceeding about the condition inserted by subsection (1), a court must not decide the condition is void for uncertainty.''

Question – That new Clauses 15 and 16 be inserted – put and agreed to.

Schedule agreed to.

Bill to be reported with amendment.

Deputy Speaker (Mr Laming) resumed the Chair.

Bill reported with amendment.

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

Mrs McCauley, 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 STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL

Order of the day read for the adjourned debate on the motion of the Premier (Mr Borbidge) – 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 Borbidge.

In Committee

In the Chair – Temporary Chairman (Miss Simpson)

Clauses 1 to 5 agreed to.

Schedule (*Amendments of Acts*)—

The following amendments were proposed by Mr Borbidge—

At page 8, lines 7 and 8—

*omit, insert—***'PART 2—PICTORIAL DESCRIPTION**

At page 14, after line 13—

*insert—***'INTEGRATED RESORT DEVELOPMENT ACT 1987****'Amendment****'1. Section 62(3)—***omit.***Explanatory note**Amendment 1 removes a redundant provision. Section 62(3) provides for the non-application of a provision of the *Building Units and Group Titles Act 1980* that has been omitted from that Act.'.

Debate ensued.

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

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

Debate ensued.

Schedule, as amended, agreed to.

Bill to be reported with amendments.

Deputy Speaker (Mr Laming) resumed the Chair.

Bill reported with amendments.

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

Mr Borbidge, 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.

21 JUSTICE AND OTHER LEGISLATION (MISCELLANEOUS PROVISIONS) BILL (No. 2)

Order of the day read for the adjourned debate on the motion of the Attorney-General and Minister for Justice (Mr Beanland) – 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 Beanland.

In Committee

In the Chair – Temporary Chairman (Mr Stephan)

Clauses 1 to 18 agreed to.

Clause 19 (*Insertion of new pt 2A*)—

The following amendment was proposed by Ms Spence—

At page 16, after line 23—

insert—

'(3A) Also, in deciding whether to make a display order, the officer must take into account any submission received under subsection (3B).

'(3B) If the officer proposes to make a display order, the officer must, if practicable, notify the publication's publisher—

- (a) that the officer proposes to make a display order; and
- (b) which issue of the publication it is proposed to specify in the order; and
- (c) that the publisher may make a submission about the proposal in writing, but not by mail; and
- (d) a number to which a submission may be faxed; and
- (e) an address at which a submission may be lodged; and
- (f) the closing time for receiving a submission.'

Debate ensued.

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

The following amendment was proposed by Ms Spence—

At page 18, lines 15 and 26, and at page 19, lines 3 and 7, 'officer'—

omit, insert—

'chief executive'.

Debate ensued.

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 19, as amended, agreed to.

Clause 20 (*Insertion of new s 20C*)—

The following amendment was proposed by Mr Beanland—

At page 20, line 4—

omit, insert—

'Maximum penalty—5 penalty units.'

Debate ensued.

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 20, as amended, agreed to.

Clauses 21 to 24 agreed to.

Clause 25 (*Amendment of sch 2 (Serious offences)*)—

The following amendment was proposed by Mr Beanland—

At page 21, line 20, at the end—

insert—

',' other than part 2A'.

Debate ensued.

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

Clause 25, as amended, agreed to.

Clause 26 agreed to.

Clause 27 (*Amendment of s 11 (Powers of Director)*)—

The following amendment was proposed by Mr Beanland—

At page 22, line 10, 'from' (first mention)—

omit.

Debate ensued.

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

Clause 27, as amended, agreed to.

Clauses 28 to 33 agreed to.

Clause 34 (*Insertion of new s 139*)—

The following amendment was proposed by Mr Beanland—
 At page 28, line 3, 'subsection (1)(f) and (g)'—
omit, insert—
 'subsection (1)(g) and (h)'.

Debate ensued.

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 34, as amended, agreed to.

Clauses 35 to 76 agreed to.

Clause 77 (*Amendment of s 2 (Definitions)*)—

The following amendment was proposed by Mr Beanland—
 At page 42, line 5, 'Government'—
omit, insert—
 'Government'.

Debate ensued.

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

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

Clause 77, as amended, agreed to.

Clauses 78 to 83 agreed to.

Clause 84 (*Insertion of new s 6MA*)—

The following amendment was proposed by Mr Beanland—
 At page 44, after line 19—
insert—

'(4) A member may be chosen under subsection (2) to give directions generally, or in certain circumstances or for a particular charge or other matter.'

Debate ensued.

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

Clause 84, as amended, agreed to.

New Clause—

The following new clause was proposed by Mr Beanland—
 At page 44, before line 20—
insert—

'Insertion of new s 6ADA

'84A. After section 6AD—

insert—

'Tribunal may engage staff

'6ADA.(1) The tribunal may engage the staff necessary to enable it to perform its functions.

'(2) The cost of engaging the staff is payable out of the fund.'

At page 44, before line 20—

insert—

'Amendment of s 6V (Form of order)

'84B. Section 6V—

insert—

'(2) To avoid any doubt, it is declared that an order made by the tribunal may be given by a single member, regardless of whether the member was a member of the tribunal as constituted for the hearing.'

At page 44, before line 20—

insert—

'Amendment of section 6Y (Service of orders)

'84C. Section 6Y(1)(a), 'made'—

omit, insert—

'given'.

Debate ensued.

Question – That new clauses 84A, 84B and 84C be inserted – put and agreed to.

Clause 85 (*Amendment of s 24B (Practitioners to notify clients about non-liability of fund for certain mortgages)*)—

The following amendment was proposed by Mr Beanland—

At page 44, line 26, 'practicing'—
omit, insert—
 'practising'.

Debate ensued.

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

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

Clause 85, as amended, agreed to.

Clauses 86 to 89 agreed to.

Clause 90 (*Insertion of new ss 45A to 45H*)—

The following amendment was proposed by Ms Spence—

At page 47, lines 2 to 8—

omit.

Debate ensued.

Question – That the words proposed to be omitted stand part of the clause – put and agreed to.

The following amendment was proposed by Ms Spence—

At page 47, lines 10 and 11—

omit.

Debate ensued.

Question – That the words proposed to be omitted stand part of the clause – put and agreed to.

The following amendment was proposed by Ms Spence—

At page 53, after line 6—

insert—

'Consent to entry

'45I.(1) This section applies if an authorised officer intends to ask an occupier of a place to consent to the officer or another authorised officer entering the place.

'(2) Before asking for the consent, the officer must tell the occupier—

- (a) the purpose of the entry; and
- (b) that the occupier is not required to consent.

'(3) If the consent is given, the officer may ask the occupier to sign an acknowledgment of the consent (a "consent acknowledgment").

'(4) The acknowledgment must state—

- (a) the occupier has been told—
 - (i) the purpose of the entry; and
 - (ii) that the occupier is not required to consent; and
- (b) the purpose of the entry; and
- (c) the occupier gives the officer consent to enter the place and exercise powers under section 45D; and
- (d) the time and date the consent was given.

'(5) If the occupier signs a consent acknowledgment, the officer must promptly give a copy to the occupier.

'Evidence of consent

'45J.(1) Subsection (2) applies if—

- (a) an issue arises in a court proceeding whether the occupier of a place consented to an authorised officer entering the place under section 45(1)(a); and
- (b) a consent acknowledgment is not produced in evidence for the entry; and
- (c) it is not proved the occupier consented to the entry.

'(2) The court may presume the occupier did not consent.'

Debate ensued.

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

The Committee divided.

AYES, 41

Ardill	Cunningham	Hayward	Mulherin	Spence
Barton	De Lacy	Hollis	Nuttall	Sullivan, J
Beattie	Dollin	Lavarch	Palaszczuk	Sullivan, T*
Bird	Edmond	Livingstone*	Pearce	Welford
Bligh	Elder	Lucas	Purcell	Wells
Braddy	Foley	Mackenroth	Roberts	
Bredhauer	Fouras	McElligott	Robertson	
Briskey	Gibbs	McGrady	Rose	
Campbell	Goss, W	Milliner	Schwarten	

NOES, 39

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

*Pairs – Messrs D'Arcy, Hamill, Nunn and Smith (AYES)
and Messrs Hobbs, Lingard, Mrs Sheldon and Mr Slack (NOES)*

**Tellers*

Question agreed to.

Clause 90, as amended, agreed to.

Clauses 91 and 92 agreed to.

Schedule (*Minor amendments*)—

The following amendments were proposed by Mr Beanland—

At page 64, lines 7 and 8—

omit, insert—

'1. Schedule 2, both items 1— *Transport Infrastructure Act 1994, section 199'.*

omit, insert—

'1. Queensland Rail, or a port authority (within the meaning of the *Transport Infrastructure Act 1994*) that is a GOC

'2. Schedule 2, item 4—

renumber as item 3.'

At page 66, lines 3 to 5—

omit, insert—

'4. Schedule, section 3, 'the society and the commission'—

omit, insert—

'Queensland Law Society Incorporated and Legal Aid Queensland'.

At page 67, lines 1 to 4—

omit.

Debate ensued.

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.

Schedule, as amended, agreed to.

Bill to be reported with amendments.

Deputy Speaker (Mr J Goss) resumed the Chair.

Bill reported with amendments.

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

Mr Beanland, 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.

22 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.

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

In Committee

In the Chair – The Chairman

Clauses 1 to 9 agreed to.

Clause 10 (*Amendment of s 3 (Interpretation)*)—

The following amendment was proposed by Mr Bredhauer—

At page 12, line 26—

omit, insert—

‘**“coopted student member”** see section 30ZB(8).’.

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.

The following amendment was proposed by Mr Bredhauer—

At page 13, lines 13 and 14—

omit, insert—

‘(b) the president of the association formed for the school.’.

Debate ensued.

Question – That the words proposed to be omitted stand part of the clause – put and agreed to.

The following amendment was proposed by Mr Bredhauer—

At page 13, before line 15—

insert—

‘**“person with a disability”** see section 3A(1).’.

Debate ensued.

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

The following amendment was proposed by Mr Bredhauer—

At page 14, after line 2—

insert—

‘**“student member”** see section 30ZB(8).’.

Debate ensued.

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

Clause 10, as amended, agreed to.

Clause 11 (*Insertion of new ss 3A–3C*)—

The following amendment was proposed by Mr Bredhauer—

At page 14, lines 9 to 22—

omit, insert—

‘**3A.(1)** For this Act, a **“person with a disability”** is a person who, in the opinion of the Minister, is unlikely to attain the levels of development of which the person is capable unless the person receives special educational programs and services appropriate to the needs of the person.

‘**(2) “Special education”** is the educational programs and services appropriate to the needs of persons with a disability.

‘**(3)** Special education for persons with a disability is additional to, or otherwise different from, educational programs generally available to persons of that age who do not have a disability.

‘**(4)** Also, special education may be provided to persons with a disability who are below the age of compulsory attendance.

‘**(5)** A **“special education developmental centre”** is a facility (howsoever described) that provides special education to persons with a disability who are below the age of compulsory attendance.’.

Debate ensued.

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 11, as amended, agreed to.

Clauses 12 to 14 agreed to.

Clause 15 (*Insertion of new s 12A*)—

The following amendment was proposed by Mr Bredhauer—

At page 16, line 24 and page 17, lines 1 to 13—

omit, insert—

‘**12A.(1)** The Minister may provide, or contribute to, special education for persons with a disability who are—

- (a) of the age of compulsory attendance; and
- (b) enrolled in a non-State school or receiving instruction by another method approved by the Minister for the purpose.

‘**(2)** If special education is provided, or contributed to, by the Minister to a person with a disability under subsection (1), the governing body or person in charge of the non-State school or method of instruction must report to the Minister on the special education provided at the school or by the method.

‘**(3)** The report must be made at the times, in the way and contain the particulars, required by the Minister.

‘**(4)** Subject to the agreement of the parent of a person with a disability who is below the age of compulsory attendance, special education may be provided to the person in a way provided for in this section or section 12.’.

Debate ensued.

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 15, as amended, agreed to.

Clauses 16 to 20 agreed to.

Clause 21 (*Insertion of new pt 3B*)—

The following amendment was proposed by Mr Bredhauer—

At page 19, lines 15 and 16—

omit, insert—

‘**(2)** However, the chief executive must not establish a school council for a school unless—

- (a) the council is established only for 1 school; and
- (b) there is an association formed for the school; and
- (c) the staff at the school, and the association, requested the establishment of the council.’.

Debate ensued.

And the Committee having continued to sit till 12 midnight—

FRIDAY, 28 NOVEMBER 1997

Debate continued.

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

The Committee divided.

AYES, 39

Baumann
Beanland
Borbidge
Carroll*
Connor
Cooper
Cunningham
Davidson
Elliott

FitzGerald
Gamin
Gilmore
Goss, J
Grice
Harper
Healy
Hegarty
Horan

Johnson
Lester
Littleproud
McCauley
Malone
Mitchell
Perrett
Quinn
Rowell

Santoro
Simpson
Springborg*
Stephan
Stoneman
Tanti
Turner
Veivers
Warwick

Watson
Wilson
Woolmer

NOES, 40

Ardill	De Lacy	Hollis	Nuttall	Sullivan, J
Barton	Dollin	Lavarch	Palaszczuk	Sullivan, T*
Beattie	Edmond	Livingstone*	Pearce	Welford
Bird	Elder	Lucas	Purcell	Wells
Bligh	Foley	Mackenroth	Roberts	
Braddy	Fouras	McElligott	Robertson	
Bredhauer	Gibbs	McGrady	Rose	
Briskey	Goss, W	Milliner	Schwarten	
Campbell	Hayward	Mulherin	Spence	

Pairs – Messrs Hobbs, Lingard, Mrs Sheldon and Mr Slack (AYES) and Messrs D'Arcy, Hamill, Nunn and Smith (NOES)

**Tellers*

Question negated.

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

The Committee divided.

AYES, 40

Ardill	De Lacy	Hollis	Nuttall	Sullivan, J
Barton	Dollin	Lavarch	Palaszczuk	Sullivan, T*
Beattie	Edmond	Livingstone*	Pearce	Welford
Bird	Elder	Lucas	Purcell	Wells
Bligh	Foley	Mackenroth	Roberts	
Braddy	Fouras	McElligott	Robertson	
Bredhauer	Gibbs	McGrady	Rose	
Briskey	Goss, W	Milliner	Schwarten	
Campbell	Hayward	Mulherin	Spence	

NOES, 40

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

Pairs – Messrs Hobbs, Lingard, Mrs Sheldon and Mr Slack (AYES) and Messrs D'Arcy, Hamill, Nunn and Smith (NOES)

**Tellers*

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

Question negated.

The following amendment was proposed by Mrs Cunningham—

At page 20, lines 12 to 15—

omit, insert—

“(2) The council must carry out its functions in a way that achieves the best learning outcomes for the school’s students.

‘(3) Despite subsections (1) and (2), a school council may not—

- (a) interfere with the principal’s management of the day to day operations of the school and its curriculum; or
- (b) make operational decisions about the use of teaching or learning resources in the school; or
- (c) make decisions about the individual teaching style used, or to be used, at the school; or
- (d) make a decision that is contrary to law or a written policy of the department.’.

Debate ensued.

At 1am: Temporary Chairman (Mr Stephan) took the Chair.

Debate continued.

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.

At 1.05am: The Chairman resumed the Chair.

The following amendment was proposed by Mr Bredhauer—

At page 21, lines 4 and 5—

omit, insert—

- '(e) the elected student members, if the school for which the council is established offers secondary education;
- (f) the coopted student members, if the school for which the council is established does not offer secondary education;
- (g) the appointed members.

'(1A) A school council, for a school that does not offer secondary education, may coopt students attending year 7 at the school onto the council in a way, and for a time, stated in the council's constitution.'

Debate ensued.

Question – That the words proposed to be omitted stand part of the clause – put and agreed to.

The following amendment was proposed by Mrs Cunningham—

At page 21, line 4—

omit, insert—

- '(e) if the school for which the council is established—
 - (i) does not offer secondary education—any year 7 student who is coopted onto the council as a coopted student member under the council's constitution; or
 - (ii) offers secondary education—the elected student members;'

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.

The following amendment was proposed by Mr Bredhauer—

At page 21, lines 10 to 15—

omit, insert—

- '(b) the number of elected parent members must be equal to the number of elected staff members and there must be at least 2 of each;
- (c) there must not be more than 2 student members and 2 appointed members.'

Debate ensued.

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

The Committee divided.

AYES, 40

Baumann
Beanland
Borbidge
Carroll*
Connor
Cooper
Cunningham
Davidson
Elliott

FitzGerald
Gamin
Gilmore
Goss, J
Grice
Harper
Healy
Hegarty
Horan

Johnson
Laming
Lester
Littleproud
McCauley
Malone
Mitchell
Perrett
Quinn

Radke
Rowell
Santoro
Simpson
Springborg*
Stephan
Stoneman
Tanti
Veivers

Warwick
Watson
Wilson
Woolmer

NOES, 40

Ardill
Barton
Beattie
Bird
Bligh
Braddy
Bredhauer
Briskey
Campbell

De Lacy
Dollin
Edmond
Elder
Foley
Fouras
Gibbs
Goss, W
Hayward

Hollis
Lavarch
Livingstone*
Lucas
Mackenroth
McElligott
McGrady
Milliner
Mulherin

Nuttall
Palaszczuk
Pearce
Purcell
Roberts
Robertson
Rose
Schwarten
Spence

Sullivan, J
Sullivan, T*
Welford
Wells

Pairs – Messrs Hobbs, Lingard, Mrs Sheldon and Mr Slack (AYES) and Messrs D'Arcy, Hamill, Nunn and Smith (NOES)

**Tellers*

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

Question agreed to.

The following amendment was proposed by Mr Quinn—

At page 21, lines 14 and 15—

omit, insert—

- '(d) there must be at least 1 elected parent member and 1 elected staff member;
- (e) if the school provides secondary education for year 10, 11 or 12—there must be at least 1 elected student member.'

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.

The following amendment was proposed by Mr Bredhauer—

At page 21, after line 25—

insert—

“(5A) The elected parent members of a school’s council must be elected—

(a) under the association’s constitution, if the constitution of the association formed for the school provides for the election of parent members to the school’s council; or

(b) by a secret ballot of the association’s members attending a meeting called by the association’s president for electing the parent members, if the constitution of the association formed for the school does not provide for the election of parent members to the school’s council; or

(c) under the council’s constitution, if there is no association formed for the school.

“(5B) The elected staff members of a school’s council must be elected by a secret ballot of all persons who—

(a) are employed by the department and assigned to the school; and

(b) attend a meeting called, under the council’s constitution, for electing the staff members.’.

Debate ensued.

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

The following amendment was proposed by Mrs Cunningham—

At page 21, after line 25—

insert—

“(5A) The elected parent members of a school’s council must be elected—

(a) if there is an association formed for the school and the association’s constitution provides for the election of parent members to the school’s council—under the association’s constitution; or

(b) if there is an association formed for the school but the association’s constitution does not provide for the election of parent members to the school’s council—by a secret ballot of the association’s members attending a meeting called by the association’s president for electing the parent members; or

(c) if there is no association formed for the school—under the council’s constitution.

“(5B) The elected staff members of a school’s council must be elected by a secret ballot of all persons who—

(a) are employed by the department and assigned to the school; and

(b) attend a meeting called, under the council’s constitution, for electing the staff members.

“(5C) A coopted student member of a school council—

(a) does not have the power to vote on a matter before the council despite section 30ZL(3), (4) and (5); and

(b) may not be elected as the chairperson under section 30ZC or chosen to preside at a meeting under section 30ZL(2).’.

Debate ensued.

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

The following amendment was proposed by Mr Quinn—

At page 21, lines 26 to 30—

omit, insert—

‘“(6) An elected student member must be a student in year 10, 11 or 12 at the school, elected by a poll in which only those students at the school in year 10, 11 or 12 may vote.’.

Debate ensued.

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.

The following amendment was proposed by Mr Bredhauer—

At page 22, lines 4 to 18—

omit, insert—

‘ **“appointed member”**, of a school council, means a member, appointed under the council's constitution, by the council.

“coopted student member”, of a school council, means a person who is a student at the school for which the council is established and is coopted as a member of the council under subsection (1A).

“elected parent member”, of a school council, means a person who is a parent of a child attending the school for which the council is established and is elected as a member of the council under subsection (5A).

“elected staff member”, of a school council, means a person who is a member of the staff of the school for which the council is established and is elected as a member of the council under subsection (5B).

“elected student member”, of a school council, means a person who is a student at the school for which the council is established and is elected as a member of the council under subsection (6).

“student member” means—

- (a) a coopted student member; or
- (b) an elected student member.’.

Debate ensued.

Question – That the words proposed to be omitted stand part of the clause – put and agreed to.

The following amendment was proposed by Mrs Cunningham—

At page 22, lines 4 to 18—

omit, insert—

‘ **“appointed member”**, of a school council, means a member, appointed under the council's constitution, by the council.

“coopted student member”, of a school council, means a person who is a year 7 student at the school for which the council is established and is coopted as a member of the council under the council's constitution.

“elected parent member”, of a school council, means a person who is a parent of a child attending the school for which the council is established and is elected as a member of the council under subsection (5A).

“elected staff member”, of a school council, means a person who is a member of the staff of the school for which the council is established and is elected as a member of the council under subsection (5B).

“elected student member”, of a school council, means a person who is a student at the school for which the council is established and is elected as a member of the council under subsection (6).’.

Debate ensued.

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.

The following amendment was proposed by Mr Bredhauer—

At page 23, line 10, ‘3 years’—

omit, insert—

‘1 year’.

Debate ensued.

Question – That the words proposed to be omitted stand part of the clause – put and agreed to.

The following amendment was proposed by Mr Bredhauer—

At page 26, after line 16—

insert—

‘(aa) written notice of the proposed amendment was given to the council members, the association and the staff at the school, at least 30 days before the meeting of the council that considered the amendment; and’.

Debate ensued.

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

The following amendment was proposed by Mrs Cunningham—

At page 26, after line 16—

insert—

- (aa) written notice of the proposed amendment was given at least 30 days before the meeting of the council that considered the amendment to the following—
- (i) the council members;
 - (ii) if there is an association formed for the school—the association;
 - (iii) the school's staff (including, for example, by displaying the proposed amendment in a staff room);
 - (iv) the school's students (including, for example, by publishing it in the school's newsletter); and'.

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

The following amendment was proposed by Mr Bredhauer—

At page 28, lines 16 and 17, 'and, if the votes are equal, the member presiding has a casting vote'—

omit.

Debate ensued.

Question – That the words proposed to be omitted stand part of the clause – put and agreed to.

The following amendment was proposed by Mr Bredhauer—

At page 28, lines 18 and 19—

omit.

Debate ensued.

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

The Committee divided.

AYES, 40

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

NOES, 40

Ardill	De Lacy	Hollis	Nuttall	Sullivan, J
Barton	Dollin	Lavarch	Palaszczyk	Sullivan, T*
Beattie	Edmond	Livingstone*	Pearce	Welford
Bird	Elder	Lucas	Purcell	Wells
Bligh	Foley	Mackenroth	Roberts	
Braddy	Fouras	McElligott	Robertson	
Bredhauer	Gibbs	McGrady	Rose	
Briskey	Goss, W	Milliner	Schwarten	
Campbell	Hayward	Mulherin	Spence	

Pairs – Messrs Hobbs, Lingard, Mrs Sheldon and Mr Slack (AYES) and Messrs D'Arcy, Hamill, Nunn and Smith (NOES)

**Tellers*

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

Question agreed to.

The following amendment was proposed by Mr Bredhauer—

At page 28, lines 26 to 31—

omit.

Debate ensued.

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

The following amendment was proposed by Mr Bredhauer—

At page 29, lines 2 to 5—

omit, insert—

' **302M.(1)** A member of a school council, other than the president of the association formed for the school, may attend meetings of the council by proxy.

' **(2)** However, a member may not attend more than 2 meetings each year by proxy.'

Debate ensued.

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

The Committee divided.

AYES, 40

Baumann
Beanland
Borbridge
Carroll*
Connor
Cooper
Cunningham
Davidson
Elliott

FitzGerald
Gamin
Gilmore
Goss, J
Grice
Harper
Healy
Hegarty
Horan

Johnson
Lester
Littleproud
McCauley
Malone
Mitchell
Perrett
Quinn
Radke

Rowell
Santoro
Simpson
Springborg*
Stephan
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
Goss, W
Hayward

Hollis
Lavarch
Livingstone*
Lucas
Mackenroth
McElligott
McGrady
Milliner
Mulherin

Nuttall
Palaszczuk
Pearce
Purcell
Roberts
Robertson
Rose
Schwarten
Spence

Sullivan, J
Sullivan, T*
Welford
Wells

*Pairs – Messrs Hobbs, Lingard, Mrs Sheldon and Mr Slack (AYES) and
Messrs D'Arcy, Hamill, Nunn and Smith (NOES)*

**Tellers*

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

Question agreed to.

The following amendment was proposed by Mr Bredhauer—

At page 32, lines 6 and 7—

omit, insert—

'(4) The president of the association formed for the school must, under the association's constitution, call a meeting of the association for approving the draft constitution.

'(4A) The principal must call a meeting of the staff of the school for approving the draft constitution.

'(4B) The chief executive may not establish a school council for a school unless the meetings mentioned in subsections (4) and (4A) were called and the draft constitution was approved, by secret ballot—

(a) by a majority of the association's members attending the meeting of the association; and

(b) by a majority of the staff attending the meeting of staff members.'

Debate ensued.

Question – That the words proposed to be omitted stand part of the clause – put and agreed to.

The following amendment was proposed by Mrs Cunningham—

At page 32, lines 6 and 7—

omit, insert—

“(4) If there is an association formed for the school, the president of the association must, under the association's constitution, call a special meeting of the association (the “**association meeting**”) for approving the draft constitution.

'(4A) The principal must call the following meetings for approving the draft constitution—

(a) if there is no association formed for the school—a meeting of the school's parents (the “**parent meeting**”);

(b) a meeting of the school's staff (the “**staff meeting**”).

'(4B) The chief executive may not establish a school council for a school unless the association or parents meeting, and the staff meeting, were called and the draft constitution was approved as follows—

(a) if there is an association formed for the school—by secret ballot by a majority of the association's members attending the association meeting;

(b) if there is no association formed for the school—by secret ballot by a majority of the parents attending the parent meeting;

(c) by secret ballot by a majority of the staff attending the staff meeting.

'(4C) However, the chief executive may establish a school council for a school even though the draft constitution was not approved as required under subsection (4B), if the chief executive is satisfied that—

- (a) the association, parents or staff, not approving the draft constitution, held at least 3 association meetings, parent meetings or staff meetings, to discuss the draft constitution within 3 months of the principal preparing the draft; and
- (b) the chief executive has regard to the concerns of the association, parents or staff raised at the meetings at which the draft constitution was not approved.'

Debate ensued.

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.

The following amendment was proposed by Mr Bredhauer—

At page 32, after line 11—

insert—

'(2) However, a school council consisting of the official members may only perform the functions necessary for the election of the council's elected members.'

Debate ensued.

Question – That the words proposed to be omitted stand part of the clause – put and agreed to.

The following amendment was proposed by Mr Bredhauer—

At page 32, line 22—

omit, insert—

'(b) if the association formed for the school is dissolved; or

(c) in any other circumstances prescribed under a regulation.'

Debate ensued.

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

The Committee divided.

AYES, 40

Baumann
Beanland
Borbidge
Carroll*
Connor
Cooper
Cunningham
Davidson
Elliott

FitzGerald
Gamin
Gilmore
Goss, J
Grice
Harper
Healy
Hegarty
Horan

Johnson
Lester
Littleproud
McCauley
Malone
Mitchell
Perrett
Quinn
Radke

Rowell
Santoro
Simpson
Springborg*
Stephan
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
Goss, W
Hayward

Hollis
Lavarch
Livingstone*
Lucas
Mackenroth
McElligott
McGrady
Milliner
Mulherin

Nuttall
Palaszczuk
Pearce
Purcell
Roberts
Robertson
Rose
Schwarten
Spence

Sullivan, J
Sullivan, T*
Welford
Wells

*Pairs – Messrs Hobbs, Lingard, Mrs Sheldon and Mr Slack (AYES) and
Messrs D'Arcy, Hamill, Nunn and Smith (NOES)*

**Tellers*

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

Question agreed to.

The following amendment was proposed by Mr Bredhauer—

At page 34, lines 12 to 26—

omit.

Debate ensued.

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

Clause 21, as amended, agreed to.

Clauses 22 to 31 agreed to.

Clause 32 (*Replacement of pt 6 heading*)—

The following amendments were proposed by Mr Quinn—

At page 46, after line 16—

insert—

'(d) if the student's enrolment is non-compulsory—the student's commitment to complete a course of study.'

At page 48, line 3, 'chief executive'—
omit, insert—
 'principal'.

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 32, as amended, agreed to.

Clauses 33 and 34 agreed to.

New Clause—

The following new clause was proposed by Mr Bredhauer—

At page 53, after line 19—

insert—

'Amendment of s 77B (Evidentiary provisions)

'34A. Section 77B(b), 'a disabled person'—

'omit, insert—

'person with a disability'.

Debate ensued.

Question – That new clause 34A be agreed to – put and agreed to.

Clauses 35 to 46 agreed to.

New Clause—

The following new clause was proposed by Mr Quinn—

At page 58, after line 13—

insert—

'Amendment of s 16 (Membership of council)

'46A. Section 16(2)(f)(ii), 'Queensland Association of Teachers in Independent Schools'—

'omit, insert—

'Queensland Independent Education Union of Employees'.

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

New Clause 46A agreed to.

Clauses 47 to 49 agreed to.

New Clause—

The following new clause was proposed by Mr Quinn—

At page 59, after line 6—

insert—

'Amendment of s 5 (Establishment and membership of board)

'49A. Section 5(3)(h)(ii), 'Queensland Association of Teachers in Independent Schools'—

'omit, insert—

'Queensland Independent Education Union of Employees'.

Question – That new clause 49A be inserted – put and agreed to.

New Clause 49A agreed to.

Clauses 50 and 51 agreed to.

New Clause—

The following amendment was proposed by Mr Quinn—

At page 59, after line 13—

insert—

'Amendment of s 3 (Establishment and membership of board)

'51A. Section 3(2)(e), 'Queensland Association of Teachers in Independent Schools'—

'omit, insert—

'Queensland Independent Education Union of Employees'.

Question – That new clause 51A be inserted – put and agreed to.

New Clause 51A agreed to.

Clauses 52 to 62 agreed to.

Bill to be reported with amendments.

Mr Speaker resumed the Chair.

Bill reported with amendments.

Mr Quinn moved – That the Bill be recommitted for the purpose of reconsidering Clause 21, page 19, new section 30X.

Question put and agreed to.

In Committee

In the Chair – The Chairman.

Clause 21 (*Insertion of new pt 3B*)—

The following amendment was proposed by Mr Quinn—

At page 19, after line 14—

insert—

'(2) The school council may be established with functions only about the school for which the council is established.'

Debate ensued.

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

Bill to be reported with a further amendment.

Mr Speaker resumed the Chair.

Bill reported with a further amendment.

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

Mr Quinn, 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.

23 SUSPENSION OF STANDING AND SESSIONAL ORDERS – AMNESTY INTERNATIONAL

Leader of Government Business (Mr FitzGerald), by leave, moved – That so much of the Standing and Sessional Orders be suspended to enable a debate on a motion without notice relating to human rights violations to proceed at the conclusion of the debate on Committee Reports today.

Question put and agreed to.

24 NOTICE OF MOTION – AMNESTY INTERNATIONAL

Mr Wells moved – That this House—

(a) noting—

- (i) the rapid collapse of the human rights situation in Algeria during the course of 1996 and 1997;
- (ii) that up to 80,000 people, many of them civilians, have been killed in Algeria since 1992; and
- (iii) that many of these killings have been perpetrated by government security forces;

(b) and further noting—

- (i) the imprisonment of human rights lawyer, Rachid Mesli, currently serving a three year sentence for having "encouraged terrorism" for merely continuing his work as a human rights lawyer, a charge which was not actually brought against him on any charge sheet; and
- (ii) the responsibility of the international community in particular, Australia, as a respected member of the United Nations, to assist the Algerian Government in solving this crisis;

(c) resolves to convey to the Government of Algeria its deep concern and specifically to—

- (i) calls for the immediate and unconditional release of the prisoner of conscience Rachid Mesli and for an investigation to be made into his illegal arrest;
- (ii) call on all parties in Algeria to end the use of violence especially against civilians; and

(d) furthermore, resolves to urge the Australian Federal Government to convey these concerns to the Government of Algeria through bilateral and multilateral diplomatic

channels and authorises Amnesty International to forward this resolution to the appropriate Algerian authorities.

Debate ensued.

Question put and agreed to.

25 SPECIAL ADJOURNMENT (VALEDICTORY)

Leader of Government Business (Mr FitzGerald) moved – That the House at its rising do adjourn until a date and at a time to be fixed by Mr Speaker in consultation with the Government of this State.

Debate ensued.

Question put and passed.

26 ADJOURNMENT

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

Question agreed to.

The House adjourned at 3.04am.

27 ATTENDANCE

The following Members were present—

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

N J TURNER
Speaker

R D DOYLE
The Clerk of the Parliament