

1998–2000

LEGISLATIVE ASSEMBLY OF QUEENSLAND

VOTES AND PROCEEDINGS

NO. 84

FIRST SESSION OF THE FORTY-NINTH PARLIAMENT

THURSDAY, 16 MARCH 2000

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1 MEETING OF THE HOUSE

The House met at 9.30am pursuant to adjournment. The Speaker (Honourable R K Hollis) read prayers.

2 PETITIONS

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

Mr Hegarty, from 1 petitioner, requesting the House to (a) ask the Premier, the Honourable Mr Peter Beattie MLA to instruct the Local Government and Planning Minister, the Honourable Mr Terry Mackenroth MLA to dismiss Redland Shire Council and appoint an administrator to, (b) immediately halt any sales of public land on the Southern Moreton Bay Islands by Redland Shire Council at "devalued" unimproved capital values till after an inquiry and (c) immediately cancel the Southern Moreton Bay Islands Planning and Land Use Strategy and to begin a comprehensive, independent, public investigation into the study, consultation with landowners, devaluations, associated land deals and waste of taxpayers funds.

Dr Kingston, from 448 petitioners, requesting the House to provide a railway station and service at Theebine, Queensland.

Mr Mickel, from 281 petitioners, requesting the House to agree to the inclusion of subsection 24A(1) and 24B of the ACT Food Amendment Act 1997 in the Schedules to the Mutual Recognition Act 1992 (Commonwealth).

Mr Mickel, from 445 petitioners, requesting the House to agree to a national phase out of the battery hen egg production system on any future occasion when this matter is raised until such time that a phase out is achieved.

3 MINISTERIAL STATEMENTS

- (a) Premier (Mr Beattie), by leave, made a ministerial statement relating to Queensland's exports.
- (b) Premier (Mr Beattie), by leave, made a ministerial statement relating to Queensland's biotechnology industries.
- (c) Deputy Premier and Minister for State Development and Minister for Trade (Mr Elder), by leave, made a ministerial statement relating to the redevelopment of the Cannon Hill Abattoir.
- (d) Minister for Communication and Information, Local Government and Planning and Minister for Sport (Mr Mackenroth), by leave, made a ministerial statement relating to his participation in the Shave for a Cure fundraising event on 17 March in the Queen Street Mall.
- (e) Treasurer (Mr Hamill), by leave, made a ministerial statement relating to the Mid-year Economic and Fiscal Review.
- (f) Minister for Employment, Training and Industrial Relations (Mr Braddy), by leave, made a ministerial statement relating to proposed legislation concerning traineeships.
- (g) Minister for Health (Mrs Edmond), by leave, made a ministerial statement relating to the opening of the Mater Hospital's Adolescent Drug and Alcohol Withdrawal Service.
- (h) Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development (Mr McGrady), by leave, made a ministerial statement relating to his recent visit to Canada to attend the World Mines Ministries Forum in Toronto.

Paper: Mr McGrady, during his statement, tabled the following paper—
Report on Mr McGrady's visit to Canada – 4 to 10 March 2000

- (i) Minister for Families, Youth and Community Care and Minister for Disability Services (Ms Bligh), by leave, made a ministerial statement relating to the recent Excellency Awards for foster carers.

Paper: Ms Bligh, during her statement, tabled the following paper—
Families, Youth and Community Care Queensland – Statement of
Commitment between Families, Youth and Community Care Queensland
and the Foster Carers of Queensland 2000

- (j) Premier (Mr Beattie), by leave, made a ministerial statement relating to the invitation to
Major-General Peter Cosgrove to address the Parliament on 16 March 2000.

4 STATEMENT BY SPEAKER – SUSPENSION OF SITTING – ADDRESS BY MAJOR-GENERAL PETER COSGROVE

Mr Speaker made the following statement—

‘Pursuant to Major-General Cosgrove addressing the Members’ assembled at the
luncheon adjournment, and a subsequent luncheon being hosted for the
Major-General, I advise that the sittings of the House will be suspended from
12.55pm to 3.30pm.

From 12.55pm, I have authorised a limited number of press representatives to be
admitted to the Chamber to take film and still footage.’

5 MEMBERS’ ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE – PAPER

Chairman of the Members’ Ethics and Parliamentary Privileges Committee (Mr Mickel)
tabled the following paper—

Members’ Ethics and Parliamentary Privileges Committee—

Report No. 40 – Report on a matter of privilege – Matter referred to the committee on
3 December 1999

Ordered to be printed.

6 LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE – STATEMENT BY CHAIR

Chairman of the Legal, Constitutional and Administrative Review Committee (Mr Fenlon)
made a statement relating to the Committee’s review of the Report by the Queensland
Constitutional Review Committee.

7 STATEMENT BY SPEAKER – PANEL OF TEMPORARY CHAIRMEN

Mr Speaker reported that consequent upon his nomination of Mr Kaiser as a Temporary
Chairman of Committees, Dr Clark is no longer a Temporary Chairperson.

8 NOTICE OF MOTION – HOUSE TO TAKE NOTE OF COMMITTEE REPORT

Chairman of the Legal, Constitutional and Administrative Review Committee (Mr Fenlon),
pursuant to notice, moved – That this House take note of Report No. 19 of the Legal,
Constitutional and Administrative Review Committee tabled in the House on 2 March 2000.

Debate ensued.

Question put and agreed to.

9 QUESTIONS WITHOUT NOTICE

Questions without notice were asked.

Paper: Mrs Sheldon tabled the following paper—
Extract from *The Courier-Mail* dated 9 October 1999

Questions continued.

Paper: Mr Rowell tabled the following paper—
Statement by Mark Dalgleish

Questions continued.

Paper: Mr Mitchell tabled the following paper—
Schedule detailing funding allocations to district hospitals

Questions continued.

Questions concluded.

10 MINISTERIAL PAPER

The following paper was tabled—

Premier (Mr Beattie)—

Response to Report No. 39 of the Members' Ethics and Parliamentary Privileges Committee

11 MOTION WITHOUT NOTICE – PROTOCOLS FOR DEALINGS BETWEEN PARLIAMENTARY COMMITTEES AND PUBLIC ENTITIES

Leader of the House (Mr Mackenroth), by leave, moved – That the House adopt the Protocols for dealings between parliamentary committees and public entities as tabled in the House by the Premier earlier today, in response to Report No. 39 by the Members' Ethics and Parliamentary Privileges Committee entitled "Alleged obstruction of a parliamentary committee's inquiry by officers of a government owned corporation".

Question put and agreed to.

12 POLICE POWERS AND RESPONSIBILITIES BILL

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

In Committee

Clause 62 (*Police officer may authorise tow*)—

The following amendment was proposed by Mr Barton —

At page 65, after line 9—

insert—

'(4) A person must not unlawfully remove a vehicle from the place to which it is towed under subsection (3).

Maximum penalty for subsection (4)—40 penalty units.'

Debate ensued.

Question – That Mr Barton's amendment be agreed to – put and agreed to.

Clause 62, as amended, agreed to.

Clause 63 (*Steps after seizing vehicle or animal*)—

The following amendment was proposed by Mr Barton —

At page 65, line 14, from 'stating'—

omit, insert—

'stating—

(a) how the owner may recover the vehicle or animal; and

(b) that, before the vehicle or animal may be recovered, the person—

(i) may be required to produce satisfactory evidence of the ownership of the vehicle or animal; and

(ii) must pay the costs of removing and keeping the vehicle or animal; and

(c) the penalty for unlawfully removing the vehicle from the place at which it is held.'

Debate ensued.

Question – That Mr Barton's amendment be agreed to – put and agreed to.

Clause 63, as amended, agreed to.

Clause 64 (*Recovery of seized vehicle or animal*)—

The following amendment was proposed by Mr Barton —

At page 65, line 24, after 'or animal'—

insert—

'and anything in or on it'.

Debate ensued.

Question – That Mr Barton's amendment be agreed to – put and agreed to.

Clause 64, as amended, agreed to.

Clauses 65 to 82 agreed to.

Clause 83 (*Responsibility after establishing crime scene*)—

The following amendment was proposed by Mr Barton —

At page 76, line 29, 'the thing must not be done'—

omit.

Debate ensued.

Question – That Mr Barton’s amendment be agreed to – put and agreed to.

Clause 83, as amended, agreed to.

Clauses 84 to 179 agreed to.

Clause 180 (*General particulars only are required on a notice paper*)—

The following amendment was proposed by Mr Horan—

At page 129, line 9, from ‘need only’ to line 12—

omit, insert—

‘must provide general particulars of the offence, for example—

(a) the type of offence; and

(b) the Act and the provision of the Act against which the offence is committed; and

(c) when and where it is alleged to have been committed.’.

Debate ensued.

Question – That Mr Horan’s amendment be agreed to – put and negatived.

Clause 180, as read, agreed to.

Clauses 181 to 196 agreed to.

Clause 197 (*Initial period of detention for investigation or questioning*)—

The following amendment was proposed by Mr Barton —

At page 137, lines 21 and 22, from ‘may,’ to ‘a relevant person’—

omit, insert—

‘may detain a person’.

Debate ensued.

Question – That Mr Barton’s amendment be agreed to – put and agreed to.

Clause 197, as amended, agreed to.

Clauses 198 to 292 agreed to.

Clause 293 (*Recovery of seized property*)—

The following amendment was proposed by Mr Barton —

At page 186, line 9, ‘289’—

omit, insert—

‘290’.

Debate ensued.

Question – That Mr Barton’s amendment be agreed to – put and agreed to.

Clause 293, as amended, agreed to.

Clauses 294 to 326 agreed to.

Clause 327 (*Safeguards for directions or requirements*)—

The following amendments were proposed by Mr Barton —

At page 207, lines 11 and 12, ‘the police officer’—

omit, insert—

‘a police officer’.

At page 207, line 17, after ‘the’—

insert—

‘direction or’.

Debate ensued.

Question – That Mr Barton’s amendments be agreed to – put and agreed to.

Clause 327, as amended, agreed to.

Clauses 328 to 363 agreed to.

Clause 364 (*Steps after issue of prescribed authority*)—

The following amendment was proposed by Mr Barton —

At page 225, line 8, ‘form’—

omit.

Debate ensued.

Question – That Mr Barton’s amendment be agreed to – put and agreed to.

Clause 364, as amended, agreed to.

Clauses 365 to 387 agreed to.

New Clause 387A—

The following amendment was proposed by Mr Barton —

At page 242, after line 5—

insert—

‘Replacement of pt 6, div 3 hdg

‘387A. Part 6, division 3 heading—

omit, insert—

‘Division 3—Non-application of certain Acts’.

Debate ensued.

Question – That Mr Barton’s amendment be agreed to – put and agreed to.

Clauses 388 and 389 agreed to.

New Clause 389A—

The following amendment was proposed by Mr Barton —

At page 261, after line 12—

insert—

‘Amendment of s 92 (Register of warrants and applications for warrants)

‘389A.(1) Section 92, heading, **‘and applications for warrants’—**

omit, insert—

‘, warrant applications etc.’.

‘(2) Section 92(1), from ‘applications’ to ‘or 3’—

omit, insert—

‘prescribed information’.

‘(3) Section 92(2)(b), ‘or 3’—

omit, insert—

‘, 3A, 3C or 3E’.

‘(4) Section 92(4)(c), ‘or 3’—

omit, insert—

‘, 3A, 3C or 3E’.

‘(5) Section 92(5), ‘or 3’—

omit, insert—

‘, 3A, 3C or 3E’.

‘(6) Section 92—

insert—

‘(7) In this section—

“prescribed information” means information prescribed under a regulation about—

(a) applications for—

(i) search warrants; or

(ii) surveillance warrants; or

(iii) extensions of surveillance warrants; or

(iv) covert search warrants; or

(v) extensions of covert search warrants; or

(b) a disclosure of information under section 91M(2)(f)(ii) or (g).’.

Debate ensued.

Question – That Mr Barton’s amendment be agreed to – put and agreed to.

Clause 390 (*Amendment of schedule (Dictionary)*)—

The following amendments were proposed by Mr Barton —

At page 261, after line 25—

insert—

‘(2A) Schedule, definition “covert search warrant”, ‘section 88’—

omit, insert—

‘section 91O’.

At page 262, after line 9—

5) Schedule, definition “surveillance warrant”—

omit, insert—

‘ “surveillance warrant” —

(a) for a surveillance warrant authorising the use of a class A or class B surveillance device or both—see section 82(2); or

(b) for a surveillance warrant authorising the use of a class B surveillance device—see section 91E(2).’.

Debate ensued.

Question – That Mr Barton’s amendments be agreed to – put and agreed to.

Clause 390, as amended, agreed to.

Schedules 1 and 2 agreed to.

Schedule 3 (*Acts amended after assent*)—

The following amendments were proposed by Mr Barton —

At page 327, after line 7—

insert—

‘1A. Section 1.4, definition “breach of discipline”, ‘Police Powers and Responsibilities Act 1997’—

omit, insert—

‘Police Powers and Responsibilities Act 2000’.

At page 336, line 10, after **‘TOBACCO’—**

insert—

‘AND OTHER SMOKING’.

Debate ensued.

Question – That Mr Barton’s amendments be agreed to – put and agreed to.

Schedule 3, as amended, agreed to.

Schedule 4 (*Dictionary*)—

The following amendments were proposed by Mr Barton —

At page 353, line 1, from ‘section’—

omit, insert—

‘section 232(4);2’.

At page 353, lines 5 and 6, ‘who is in custody’—

omit.

At page 353, lines 7 and 8, from ‘warrant’—

omit, insert—

‘warrant, production order or production notice;’.

At page 355, line 16, ‘subsection’—

omit, insert—

‘section’.

Debate ensued.

Question – That Mr Barton’s amendments be agreed to – put and agreed to.

Schedule 4, as amended, agreed to.

Bill to be reported with amendments.

In the House

Bill reported with amendments.

Ordered – That the Bill, as amended, be taken into consideration.

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

Question put and agreed to.

Bill read a third time and passed.

Title agreed to.

13 TRANSPORT LEGISLATION AMENDMENT BILL

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

Debate resumed.

Debate adjourned on the motion of Mr Davidson.

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

14 SUSPENSION OF SITTING OF THE HOUSE

At 12.54pm—

In accordance with the Speaker’s Statement earlier today, the sitting of the House was suspended until 3.30pm.

During the suspension of the sitting—

At 1pm, the Sergeant-at-Arms met Major-General Peter Cosgrove at the Bar of the House and escorted him to the Speaker’s dais.

Mr Speaker welcomed Major-General Peter Cosgrove.

The Premier (Mr Beattie) and the Leader of the Opposition (Mr Borbidge) also welcomed Major-General Peter Cosgrove who then addressed the Members assembled.

Mr Speaker thanked Major-General Peter Cosgrove for his address and advised Members that the sitting would resume at 3.30pm.

At 3.30pm—

15 RESUMPTION OF SITTING OF THE HOUSE

The Chair was resumed at 3.30pm.

16 MOTION WITHOUT NOTICE – SPEECHES TO BE INCORPORATED IN *HANSARD*

Premier (Mr Beattie), by leave, moved – That the speeches made today during the suspension of the sitting by the Honourable the Premier, the Leader of the Opposition and Major-General Peter Cosgrove be incorporated in the *Hansard* record of proceedings. Question put and agreed to.

17 ASSENT TO BILLS

Letter from the Governor was reported, informing the House that His Excellency the Governor had, in the name of Her Majesty, assented to the following Bills on the dates indicated—

8 March 2000—

A Bill for an Act to establish the Land Court, and for related purposes (*Land Court Act 2000* – Act No. 1 of 2000)

A Bill for an Act to amend various Acts administered by the Minister for Natural Resources and another Act for related purposes (*Natural Resources and Other Legislation Amendment Act 2000* – Act No. 2 of 2000)

A Bill for an Act to establish a pilot court diversion program to provide intensive drug rehabilitation for drug dependant offenders (*Drug Rehabilitation (Court Diversion) Act 2000* – Act No. 3 of 2000)

16 March 2000—

A Bill for an Act to amend certain local government legislation, and for other purposes (*Local Government and Other Legislation Amendment Act 2000* – Act No. 4 of 2000)

18 TRANSPORT LEGISLATION AMENDMENT BILL

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

Quorum: At 5.15pm, a quorum was formed.

Debate resumed.

Debate adjourned on the motion of Miss Simpson.

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

19 NOTICE OF MOTION – QUEENSLAND TEACHERS' UNION

Mrs E Cunningham, pursuant to notice, moved – That this House calls on the Beattie Labor Government to negotiate meaningfully with the Queensland Teachers' Union in relation to the current enterprise bargaining negotiations with a view to a just and equitable result. Debate ensued.

Paper: Mrs E Cunningham tabled the following paper:-

Article from the *Queensland Teachers' Journal* entitled "What's changed, Premier?"

Debate continued.

The following amendment was proposed by Mr Braddy—

After 'to' first occurring, insert the following—

'continue to'.

Debate ensued.

Question put – That Mr Braddy's amendment be agreed to.
The House divided.

AYES, 41

Attwood	Edmond	Mackenroth	Pearce	Spence
Barton	Elder	McGrady	Pitt*	Struthers
Bligh	Fenlon	Mickel	Purcell*	Welford
Boyle	Foley	Miller	Reeves	Wells
Braddy	Fouras	Mulherin	Reynolds	Wilson
Bredhauer	Hayward	Musgrove	Roberts	
Briskey	Kaiser	Nelson-Carr	Robertson	
Clark	Lavarch	Nuttall	Rose	
Cunningham, J	Lucas	Palaszczuk	Schwarten	

NOES, 40

Baumann*	Elliott	Kingston	Nelson	Sheldon
Beanland	Feldman	Knuth	Paff	Simpson
Black	Gamin	Laming	Pratt	Slack
Borbridge	Grice	Lester	Prenzler	Springborg
Connor	Healy	Lingard	Quinn	Stephan
Cooper	Hegarty*	Littleproud	Rowell	Turner
Cunningham, E	Hobbs	Malone	Santoro	Veivers
Dalgleish	Johnson	Mitchell	Seeney	Wellington

Pairs – Messrs Beattie, Hamill and Sullivan (AYES) and Messrs Goss and Horan and Dr Watson (NOES)

**Tellers*

Question agreed to.

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

20 GRIEVANCE DEBATE

Grievances were debated.

21 SPECIAL ADJOURNMENT

Minister for Primary Industries and Rural Communities (Mr Palaszczuk) moved – That the House at its rising do adjourn until a date and a time to be fixed by Mr Speaker in consultation with the Government.

Question put and agreed to.

22 ADJOURNMENT

Minister for Primary Industries and Rural Communities (Mr Palaszczuk) moved – That this House do now adjourn.

Question put and agreed to.

The House adjourned at 7.32pm.

23 ATTENDANCE

The following Members were present—

Attwood	Davidson	Kaiser	Nelson-Carr	Seeney
Barton	Edmond	Kingston	Nuttall	Sheldon
Baumann	Elder	Knuth	Paff	Simpson
Beanland	Elliott	Laming	Palaszczuk	Slack
Beattie	Feldman	Lavarch	Pearce	Spence
Black	Fenlon	Lester	Pitt	Springborg
Bligh	Foley	Lingard	Pratt	Stephan
Borbridge	Fouras	Littleproud	Prenzier	Struthers
Boyle	Gamin	Lucas	Purcell	Sullivan
Braddy	Goss	Mackenroth	Quinn	Turner
Bredhauer	Grice	Malone	Reeves	Veivers
Briskey	Hamill	McGrady	Reynolds	Watson
Clark	Hayward	Mickel	Roberts	Welford
Connor	Healy	Miller	Robertson	Wellington
Cooper	Hegarty	Mitchell	Rose	Wells
Cunningham, E	Hobbs	Mulherin	Rowell	Wilson
Cunningham, J	Horan	Musgrove	Santoro	
Dalglish	Johnson	Nelson	Schwarten	

R K HOLLIS

Speaker

R D DOYLE

The Clerk of the Parliament