

1998–2000

LEGISLATIVE ASSEMBLY OF QUEENSLAND

**VOTES AND PROCEEDINGS**

NO. 85

FIRST SESSION OF THE FORTY–NINTH PARLIAMENT

TUESDAY, 11 APRIL 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 ASSENT TO BILL**

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 Bill on 23 March 2000—

A Bill for an Act about the powers and responsibilities of police officers, and for other purposes (*Police Powers and Responsibilities Act 2000* – Act No. 5 of 2000)

**3 PETITIONS**

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

Mr Borbridge, from 582 petitioners, 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, (b) to 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.

Mr Mitchell, from 648 petitioners, requesting the House to provide funding to maintain adequate staffing levels at Eventide Home for the Aged, Charters Towers in order to guarantee and maintain quality care for its residents.

Mrs Rose, from 2 petitioners, requesting that the Parliament of Queensland consider the disclosure of the relevant figures of the financial deal between Virgin Airlines and the respective members of the Queensland Parliament.

**4 PAPERS TABLED DURING THE RECESS**

The Clerk informed the House that the following papers, received during the recess, were tabled on the dates indicated—

*22 March 2000—*

Auditor-General's Report to Parliament Audit Report No. 4 1999–2000 – Results of Audits Performed for 1998–1999 as at 31 January 2000

*23 March 2000—*

Public Works Committee Report No. 64 – Maintenance of the State-controlled Road Network

*31 March 2000—*

Twentieth Report by the Salaries and Allowances Tribunal dated 15 March 2000, pursuant to the *Judges (Salaries and Allowances) Act 1967*  
Judges Salaries and Allowances Tribunal Determination (No. 1) 2000

**5 STATUTORY INSTRUMENTS**

The following statutory instruments were tabled by The Clerk—

*Acts Interpretation Act 1954, Gaming Machine and Other Legislation Amendment Act 1999—*

Gaming Machine and Other Legislation (Postponement) Regulation 2000, No. 43

*Attorney-General Act 1999—*

Attorney-General Regulation 2000, No. 58

*Child Protection Act 1999—*

Proclamation – the provisions of the Act that are not in force commence 23 March 2000, No. 45

*Childrens Court Act 1992—*

Childrens Court Amendment Rule (No. 1) 2000, No. 47

*Community Services (Aborigines) Act 1984, Community Services (Torres Strait) Act 1984—*

Community Services Legislation Amendment Regulation (No. 2) 2000, No. 49

*Fisheries Act 1994—*

Fisheries Amendment Regulation (No. 2) 2000, No. 53 and Explanatory Notes and Regulatory Impact Statement for No. 53

Fisheries Amendment Regulation (No. 3) 2000, No. 57 and Explanatory Notes and Regulatory Impact Statement for No. 57

*Government Owned Corporations Act 1993—*

Government Owned Corporations (Queensland Rail) Amendment Regulation (No. 1) 2000, No. 46

*Health Services Act 1991—*

Health Services Amendment Regulation (No. 2) 2000, No. 48

*Health Services Act 1991, Mental Health Act 1974—*

Health Services and Mental Health Amendment Regulation (No. 1) 2000, No. 59

*Integrated Planning Act 1997—*

Integrated Planning Amendment Regulation (No. 1) 2000, No. 40

*Local Government Act 1993—*

Local Government Amendment Regulation (No. 1) 2000, No. 41

Local Government Legislation Amendment Regulation (No. 1) 2000, No. 42

*Mineral Resources Act 1989—*

Mineral Resources Amendment Regulation (No. 1) 2000, No. 56

*Motor Vehicles Securities Act 1986—*

Motor Vehicles Securities Amendment Regulation (No. 1) 2000, No. 50

*Nature Conservation Act 1992—*

Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2000, No. 51

*Petroleum Act 1923—*

Petroleum (Entry Permission–Energex Limited) Notice 2000, No. 54

*Physiotherapists Act 1964—*

Physiotherapists Amendment Regulation (No. 1) 2000, No. 60

*Plant Protection Act 1989—*

Plant Protection (Asparagus Rust) Notice 2000, No. 55

*Soil Conservation Act 1986—*

Soil Conservation Amendment Regulation (No. 1) 2000, No. 52

*Transport Operations (Passenger Transport) Act 1994—*

Transport Operations (Passenger Transport) Standard 2000, No. 61

*Wagering Act 1998—*

Wagering Amendment Rule (No. 2) 2000, No. 44

## **6 MINISTERIAL PAPERS TABLED BY THE CLERK**

The Clerk tabled the following papers, received from the following Minister during the recess—

*Minister for Primary Industries and Rural Communities (Mr Palaszczuk)—*

Approval pursuant to section 137A of the Meat Industry Act 1993, dated 8 February 2000

Approval pursuant to section 137A of the Meat Industry Act 1993, dated 9 March 2000

## **7 MINISTERIAL NOTICES OF MOTION**

## **8 MINISTERIAL STATEMENTS**

- (a) Premier (Mr Beattie), by leave, made a ministerial statement relating to industrial projects and the death of Mr Ron Boyle, Director–General of the Department of Mines and Energy.
- (b) Premier (Mr Beattie), by leave, made a ministerial statement relating to a recent trade mission to Indonesia.
- (c) Deputy Premier and Minister for State Development and Minister for Trade (Mr Elder), by leave, made a ministerial statement relating to the Australian Magnesium Corporation and the light metals industry.

- (d) Treasurer (Mr Hamill), by leave, made a ministerial statement relating to unemployment.
- (e) Attorney-General and Minister for Justice and Minister for The Arts (Mr Foley), by leave, made a ministerial statement relating to the Office of the Director of Public Prosecutions.
- (f) Minister for Police and Corrective Services (Mr Barton), by leave, made a ministerial statement relating to the murder of Heora Clifford Te Kooti.
- (g) Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development (Mr McGrady), by leave, made a ministerial statement relating to Mr Ron Boyle and mining industry health and safety legislation.
- (h) Minister for Education (Mr Wells), by leave, made a ministerial statement relating to School Opinion surveys.
- (i) Minister for Environment and Heritage and Minister for Natural Resources (Mr Welford), by leave, made a ministerial statement relating to the recent Lyngbya (blue green algae) outbreak.

#### **9 LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE – PAPERS**

Chairman of the Legal, Constitutional and Administrative Review Committee (Mr Fenlon) tabled the following paper—

Legal, Constitutional and Administrative Review Committee—  
Report on the Electoral Amendment Bill 1999  
Background paper on four year Parliamentary terms

*Ordered to be printed.*

#### **10 SCRUTINY OF LEGISLATION COMMITTEE – PAPER**

Chairman of the Scrutiny of Legislation Committee (Mrs Lavarch) tabled the following paper—

Scrutiny of Legislation Committee—  
Alert Digest No. 4 of 2000

*Ordered to be printed.*

#### **11 NOTICE OF MOTION**

#### **12 PRIVATE MEMBERS' STATEMENTS**

Private Members' statements were made.

*Papers:* Mr Springborg, during his speech, tabled the following papers—  
Letter, dated 5 April 2000, to the Office of the Director of Public Prosecutions and leaflet relating to the Office of the Director of Public Prosecutions  
Leaflet, entitled "Help Save Your Job – Put Pressure on Borbidge and Sheldon", authorised by R Welford

Statements continued.  
Statements concluded

#### **13 QUESTIONS WITHOUT NOTICE**

Questions without notice were asked.

#### **14 GENERAL BUSINESS – MATTERS OF PUBLIC INTEREST**

Matters of public interest were debated.

*Paper:* Mr Nuttall, during his speech, tabled the following paper—  
Extract from Goods and Services Tax Information Package

Debate continued.

*Paper:* Mr Springborg, during his speech, tabled the following paper—  
Discussion paper entitled “Cape York Partnership Plan: Future Vision  
Impossible Dream or a dangerous power grab?”

Debate continued.

*Papers:* Mr Hegarty, during his speech, tabled the following papers—  
Letter, dated 28 February 2000, from M A Bornhorst relating to practice by  
house painters concerning lead  
Account of dispute between Margaret Bornhorst, homeowner and Ross  
Schuster, painter, of Triple Coat painting

Debate continued.

Debate concluded.

## 15 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.

Question put and agreed to.

Bill read a second time.

Bill committed on the motion of Mr Bredhauer.

### *In Committee*

Clause 1 agreed to.

Clause 2 (*Commencement*)—

The following amendment was proposed by Mr Bredhauer—

At page 10, line 7—

*omit, insert—*

‘2.(1) Section 34A is taken to have commenced on 31 December 1999.

‘(2) Sections 6 to 33 commence on a day to be fixed by proclamation.’.

Debate ensued.

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

Clause 2, as amended, agreed to.

Clauses 3 to 16 agreed to.

Clause 17 (*Replacement of ss 51–56*)—

The following amendment was proposed by Mr Bredhauer—

At page 28, lines 17 and 21, after ‘access to’—

*insert—*

‘and from’.

Debate ensued.

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

Clause 17, as amended, agreed to.

Clauses 18 to 25 agreed to.

*New Clauses 25A to 25E—*

The following amendment was proposed by Mr Bredhauer—

At page 40, after line 5—

*insert—*

‘**Replacement of s 191 (Disposal of fees, penalties etc.)**

‘**25A.** Section 191—

*omit, insert—*

‘**Disposal of fees, penalties etc.**

‘**191.(1)** Fees or other amounts received or recovered under this Act in relation to the operations of a GOC, or a local government under chapter 8B, are to be paid to the GOC or local government.

‘**(2)** A penalty received or recovered in relation to the operations of a GOC for an infringement notice offence under the *Justices Act 1886*, part 4A<sup>1</sup> concerning a vehicle parking or stopping offence under this Act is to be paid to the GOC.

'(3) To remove doubt, it is declared that a penalty received or recovered in relation to the operations of a local government for an offence under a local law authorised by chapter 8B is to be paid to the local government.

'(4) The following amounts are controlled receipts for the purpose of the *Financial Administration and Audit Act 1977*—

- (a) a fee paid to the chief executive under a regulation mentioned in section 187B(3) or 187I(4)(a);<sup>2</sup>
- (b) a levy paid to the chief executive under a regulation mentioned in schedule 1, item 20.

'(5) Fees under section 187B(3) or levies under schedule 1, item 20 received or recovered by the chief executive are to be retained by the chief executive and not paid into the consolidated fund.

'(6) Fees or other amounts under section 187I received or recovered by a manager of a public marine facility are to be retained by the manager and not paid into the consolidated fund.

'(7) All other fees, penalties and other amounts received or recovered under this Act are to be paid to the consolidated fund.'

**'Amendment of s 228 (Continuation of harbours under Harbours Act or port under Port of Brisbane Authority Act etc.)**

**'25B.** Section 228(3), '1 July'—

*omit, insert—*

'31 December'.

**'Amendment of s 232 (Harbours Corporation of Queensland)**

**'25C.** Section 232(8), '1 July'—

*omit, insert—*

'31 December'.

**'Amendment of s 235 (Continuation of certain provisions of Harbours Act about jetties and ramps etc.)**

**'25D.** Section 235(5), '1 July'—

*omit, insert—*

'31 December'.

**'Amendment of s 240 (Application of Acts Interpretation Act, s 20A to this part)**

**'25E.** Section 240(2), '1 July 2000'—

*omit, insert—*

'31 June 2001'.

Debate ensued.

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

Clauses 26 to 34 agreed to.

*New Clause 34A—*

The following amendment was proposed by Mr Bredhauer—

At page 48, after line 5—

*insert—*

**'Amendment of s 2 (Commencement)**

**'34A.** Section 2(3), '2000'—

*omit, insert—*

'2002'.

Debate ensued.

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

Clauses 35 to 73 agreed to.

Schedule (*MINOR AMENDMENTS OF TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) ACT 1995*)—

The following amendments were proposed by Mr Bredhauer—

At page 73, after line 7—

*insert—*

**'6A. Section 87(5)(d)(iv)—**

*omit.*

**'6B. Section 87(5)—**

*insert—*

'(da) if the disqualification for which the application is made resulted from the applicant's conviction for an offence against section 79(2A), (2B), (2D) or (2J);

(db) if—

- (i) the disqualification for which the application is made resulted from the applicant's conviction for an offence against section 79(2); and
- (ii) the applicant is a person to whom section 79(2A), (2B), (2D) or (2J) would have applied apart from the fact that the concentration of alcohol in the person's blood equalled or exceeded 50 mg of alcohol per 100 mL of blood;'.

**'6C. Section 87(5B)—**

*insert—*

'(d) a suspension under section 79(9); or

(e) a 24 hour suspension under section 80(22AA).'.'.  
At page 74, after line 12—

*insert—*

**'14A. Section 186, definition "Traffic Act", 'repealed'—**

*omit.*

**'14B. After section 193—**

*insert—*

**'Wheeled recreational devices and wheeled toys**

**'194.(1)** To remove doubt, it is declared that a wheeled recreational device, pedal car, scooter, tricycle or similar toy is, and always has been, a vehicle within the meaning of the definition "**vehicle**" in schedule 4.

**'(2)** Subsection (1) is not effective to impose criminal liability retrospectively.'.'.  
At page 74, line 20—

*omit, insert—*

'transport Act.

**"wheeled recreational device"** means a wheeled device, built to transport a person, propelled by human power or gravity, and ordinarily used for recreation or play, and—

- (a) includes rollerblades, rollerskates, a skateboard or similar wheeled device; but
- (b) does not include a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or wheeled toy.

**"wheeled toy"** means a child's pedal car, scooter or tricycle or a similar toy, but only when it is being used by a child who is under 12 years old.'.'.  
Debate ensued.

Debate ensued.

Question – That Mr Bredhauer's amendments be agreed to – put and agreed to.

Schedule, as amended, agreed to.

Bill to be reported with amendments.

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*In the House*

Bill reported with amendments.

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

Mr Bredhauer, 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.

## 16 CHILD PROTECTION AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Families, Youth and Community Care and Minister for Disability Services (Ms Bligh) – That the Bill be now read a second time.

Debate resumed.

Question put and agreed to.

Bill read a second time.

Bill committed on the motion of Ms Bligh.

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*In Committee*

Clauses 1 to 43 agreed to.

**New Clause 43A—**

The following amendment was proposed by Ms Bligh—

*At page 46, after line 21—*

*insert—*

**'Insertion of new s 192A**

**'43A.** After section 192—

*insert—*

**'Tattooing of children prohibited**

**'192A.** A person must not—

(a) tattoo a child; or

(b) make a permanent mark or design, resembling a tattoo, on a child's skin.

Maximum penalty—40 penalty units or 6 months imprisonment.'.'.

Debate ensued.

Question – That Ms Bligh's amendment be agreed to – put and agreed to.

Clause 44 agreed to.

Clause 45 (*Amendment of ch 9 hdg (Repeals, savings and transitional provisions)*) to Clause 49 (*Amendment of s 197 (Existing section 47 declarations and care and protection orders)*)—

Question – That Clauses 45 to 49, as read, be agreed to – put and negatived.

Clause 50 agreed to.

Clause 51 (*Amendment of s 200 (Licensed institutions under repealed Act)*) and Clause 52 (*Amendment of s 201 (Approved foster parents)*)—

Question – That Clauses 51 and 52, as read, be agreed to – put and negatived.

Clause 53 (*Replacement of s 202 (Existing applications and proceedings for care and protection orders)*)—

The following amendments were proposed by Ms Bligh—

*At page 49, line 12, 'replaced'—*

*omit, insert—*

*'repealed'.*

*At page 49, line 19, 'commencing day'—*

*omit, insert—*

*'commencement of this section'.*

Debate ensued.

Question – That Ms Bligh's amendments be agreed to – put and agreed to.

Clause 53, as amended, agreed to.

Clause 54 (*Amendment of s 203 (Applications to revoke or substitute certain orders under repealed Act)*) to Clause 56 (*Insertion of new s 204A*)—

Question – That Clauses 54 to 56, as read, be agreed to – put and negatived.

Clauses 57 and 58 agreed to.

Schedule 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.

Ms Bligh, 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.

## **17 POSTPONED ORDER – GOVERNMENT BUSINESS**

Attorney-General and Minister for Justice and Minister for the Arts (Mr Foley) moved – That Government Business Order of the Day No. 3 be postponed until a later hour of the sitting.

Question put and agreed to.



**18 GUARDIANSHIP AND ADMINISTRATION BILL**

Order of the day read for the adjourned debate on the motion of the Attorney-General and Minister for Justice and Minister for The Arts (Mr Foley) – That the Bill be now read a second time.

Debate resumed.

*Paper:* Mr Springborg, during his speech, tabled the following paper—  
Extract from submission to Mr L Springborg, MLA, from Right to Life Association relating to the Guardianship and Administration Bill

Debate continued.

Debate adjourned on the motion of Mr Beanland.

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

**19 NOTICE OF MOTION – PETFORD TRAINING FARM**

Mr Beanland, pursuant to notice, moved – That this House calls on the Government to reinstate funding to Mr Geoff Guest and the Petford Training Farm for Juveniles.

Debate ensued.

The following amendment was proposed by the Minister for Families, Youth and Community Care and Minister for Disability Services (Ms Bligh)—

Delete all words after 'House' and insert the following—  
'notes:

- That the Howard Government withdrew annual funding valued in 1997–98 at \$116,000 to the Petford Training Farm in January 1999 and has not revisited this decision;
- that over its 14 years of operation, the Department of Family Services in conjunction with other funding agencies made a number of attempts, including increases in funds and appointment of extra staff to assist the Petford Training Farm to address serious issues of financial and operational mismanagement;
- that on a number of occasions during these 14 years, referrals by the Department were suspended due to standard of care concerns including under former Minister Lingard and Minister Wilson;
- that thirty-five complaints have been made by parents, children and former employees to the Department and Queensland Police Service regarding assault and neglect of children while resident at the facility;
- that an independent review into the Petford Training Farm recommended that funding be transferred to individual indigenous communities;
- that the first recommendation of the Forde Commission of Inquiry endorsed the cessation of funds to the Petford Training Farm;
- that the Government is currently negotiating with Mr Guest to secure a long term solution that respects the rights of all parties;

and supports the decision to reallocate funding from the Petford Training Farm to local indigenous communities for the provision of services to young people at risk in Far North Queensland communities.'

Debate ensued.

Question put – That Ms Bligh's amendment be agreed to.

The House divided.

AYES, 42

Attwood  
Barton  
Beattie  
Bligh  
Boyle  
Braddy  
Bredhauer  
Briskey  
Clark

Cunningham, J  
Edmond  
Fenlon  
Foley  
Fouras  
Hamill  
Hayward  
Kaiser  
Lavarch

Lucas  
Mackenroth  
Mickel  
Miller  
Mulherin  
Musgrove  
Nelson-Carr  
Nuttall  
Palaszczuk

Pearce  
Pitt  
Purcell\*  
Reeves  
Roberts  
Robertson  
Rose  
Schwarten  
Spence

Struthers  
Sullivan\*  
Welford  
Wellington  
Wells  
Wilson

## NOES, 38

Baumann*	Davidson	Hobbs	Mitchell	Simpson
Beanland	Elliott	Johnson	Nelson	Springborg
Black	Feldman	Kingston	Paff	Stephan
Borbridge	Gamin	Knuth	Pratt	Turner
Connor	Goss	Laming	Prenzlér	Veivers
Cooper	Grice	Lingard	Quinn	Watson
Cunningham, E	Healy	Littleproud	Rowell	
Dalglish	Hegarty*	Malone	Santoro	

Pairs – Messrs Elder, McGrady and Reynolds (AYES) and Messrs Horan and Seeney and Mrs Sheldon (NOES)

*\*Tellers*

Question agreed to.

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

The House divided.

## AYES, 42

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

## NOES, 38

Baumann*	Davidson	Hobbs	Mitchell	Simpson
Beanland	Elliott	Johnson	Nelson	Springborg
Black	Feldman	Kingston	Paff	Stephan
Borbridge	Gamin	Knuth	Pratt	Turner
Connor	Goss	Laming	Prenzlér	Veivers
Cooper	Grice	Lingard	Quinn	Watson
Cunningham, E	Healy	Littleproud	Rowell	
Dalglish	Hegarty*	Malone	Santoro	

Pairs – Messrs Elder, McGrady and Reynolds (AYES) and Messrs Horan and Seeney and Mrs Sheldon (NOES)

*\*Tellers*

Question agreed to.

**20 ADJOURNMENT**

Leader of the House (Mr Mackenroth) moved – That this House do now adjourn.

Debate ensued.

Question agreed to.

The House adjourned at 7.29pm.

**21 ATTENDANCE**

The following Members were present—

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

**R K HOLLIS**

Speaker

**R D DOYLE**

The Clerk of the Parliament