

1998–2000

LEGISLATIVE ASSEMBLY OF QUEENSLAND

VOTES AND PROCEEDINGS

NO. 86

FIRST SESSION OF THE FORTY–NINTH PARLIAMENT

WEDNESDAY, 12 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 PETITIONS

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

Mr Connor, from 2,246 petitioners, requesting the House to prevail upon the Minister for Transport and Main Roads, the Honourable Steve Bredhauer, to undertake the construction of a safe pedestrian access across the Pacific Highway at the roundabouts at Mudgeeraba Advancetown Road and Robina Connection Road and at Somerset Road and Robina Parkway.

Mrs E Cunningham, from 299 petitioners, requesting the House to reinstate our third teacher at Ambrose State School on our present enrolment numbers forthwith.

Mr Hobbs, from 403 petitioners, requesting the House to rescind the Vegetation Management Bill 1999 immediately.

Mr Malone, from 129 petitioners, requesting the House to return the teacher transferred from Koumala State School as a result of the 8-day enrolment policy.

Mr Mitchell, from 107 petitioners, requesting the House to allow flexibility of district managers to retain teachers when student numbers fall short of Education Department quotas.

Mr Quinn, from 16 petitioners, requesting the House to restore funding for the Life Education Centres for their positive health and anti-drug program for Queensland children effective July 1, 1999.

3 MINISTERIAL RESPONSES TO PETITIONS

The following responses to petitions were tabled by The Clerk—

- (a) Response from the Acting Premier (Mr Hamill) to a petition presented by Mr Beanland from 199 petitioners, regarding issues raised by landowners of the Southern Moreton Bay Islands
- (b) Response from the Minister for Communication and Information, Local Government and Planning and Minister for Sport (Mr Mackenroth) to a petition presented by Mr Hegarty from 1 petitioner, regarding issues raised by landowners of the Southern Moreton Bay Islands

4 MINISTERIAL STATEMENTS

- (a) Premier (Mr Beattie), by leave, made a ministerial statement relating to an agreement between the Queensland Government and the Smithsonian Institution.

Paper: Mr Beattie, during his statement, tabled the following paper—
Extract from 7.30 Report entitled "Queensland's IT obsession"

- (b) Premier (Mr Beattie), by leave, made a ministerial statement relating to biotechnology and a recent visit by the delegation by the Governor of Riyadh, Saudi Arabia.
- (c) Deputy Premier and Minister for State Development and Minister for Trade (Mr Elder), by leave, made a ministerial statement relating to his recent visit to Hong Kong, mainland China and Taiwan.

Paper: Mr Elder, by leave, during his statement, tabled the following paper—
Program details on visit to Hong Kong, mainland China and Taiwan

- (d) Treasurer (Mr Hamill), by leave, made a ministerial statement relating to a review of gaming laws.
- (e) Minister for Employment, Training and Industrial Relations (Mr Braddy), by leave, made a ministerial statement relating to a report by The Australian Centre for Industrial Research and Training on the review of Queensland workplace agreements.

- (f) Attorney-General and Minister for Justice and Minister for The Arts (Mr Foley), by leave, made a ministerial statement relating to the Government's cultural policy for young people.
- (g) Minister for Education (Mr Wells), by leave, made a ministerial statement relating to the Education 2010 program.
- (h) Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy and Minister for Fair Trading (Ms Spence), by leave, made a ministerial statement relating to payday lending.
- (i) Minister for Emergency Services (Mr Robertson), by leave, made a ministerial statement relating to the cost of Queensland's natural disasters 1999–2000.

5 NOTICE OF MOTION – MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE REPORT No. 40

Leader of the House (Mr Mackenroth), pursuant to notice, moved – That—

- (a) this House notes Report No. 40 of the Members' Ethics and Parliamentary Privileges Committee and the recommendation of the Committee that the Speaker on behalf of the House forward copies of the Committee's report to the following—
 - the Law Society of Queensland;
 - the Bar Association of Queensland;
 - Mr Richard Wood's current and immediately past employer;
 - the Legal, Constitutional and Administrative Review Committee;
 - the Queensland Constitutional Review Commission;
 - Australians for Constitutional Monarchy;
 - Professor Gerard Carney; and
- (b) the House adopt the Committee's recommendation.

Question put and agreed to.

6 NOTICE OF MOTION – MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE REPORT No. 38

Leader of the House (Mr Mackenroth), pursuant to notice, moved – That—

- (a) this House notes Report No. 38 of the Members' Ethics and Parliamentary Privileges Committee and the recommendation of the Committee that a sessional order dealing with questions relating to children be adopted as a matter of priority;
- (b) the House adopt the Committee's recommendation; and
- (c) the proposed sessional order as circulated to Members be agreed to by the House; viz—

PROPOSED SESSIONAL ORDER

WORDING OF QUESTIONS RELATING TO CHILDREN

Restrictions on naming at-risk children

- (i) A member may ask any question without or on notice of a Minister concerning a child subject to the *Child Protection Act 1999* or the *Juvenile Justice Act 1992* so long as the question complies with this order and other existing orders.
- (ii) A member should ensure that any question concerning a child subject to the *Child Protection Act 1999* or the *Juvenile Justice Act 1992* is asked in a non identifying manner such as by replacing any identifying features likely to lead to the identification of the child with a cipher such as “[name withheld]”.
- (iii) A member choosing to replace an identifying feature with a cipher when asking a question shall provide the Clerk of the Parliament with the “key” to the full identifying features relating to the question.
- (iv) Any member of the Legislative Assembly who so requests shall be granted access to the “key” to the full identifying features relating to the question by the Clerk of the Parliament.

- (v) For the purpose of this order, the term “non-identifying manner” refers to information which if published would identify, or is likely to lead to the identification of, a child the subject of either the *Child Protection Act 1999* or the *Juvenile Justice Act 1992*.

Question put and agreed to.

7 NOTICE OF MOTION

8 PRIVATE MEMBERS' STATEMENTS

Private Members' statements were made.

Papers: Mr Laming, during his statement, tabled the following papers—
Document entitled “Government of Western Australia, Ministry of Housing, State Revenue Department” relating to the First Home Owner's Scheme
Copy of advertisement from *Western Australian* dated 1 April 2000 relating to the First Home Owner's Scheme

Statements concluded.

9 QUESTIONS WITHOUT NOTICE

Questions without notice were asked.

Paper: Mr Santoro tabled the following paper—
Research and Reference Brief relating to small business distribution in Queensland

Questions continued.

Paper: Mr Johnson tabled the following paper—
Press Release entitled “Government reneges on job security for QR workers”

Questions continued.

Questions concluded.

10 FIRST HOME OWNER GRANT BILL

Treasurer (Mr Hamill), by leave, moved – That leave be granted to bring in a Bill for an Act to encourage and help home ownership, and to offset the effect of the GST on home ownership, by establishing a scheme for the payment of grants to first home owners.

Question put and agreed to.

Bill and Explanatory Notes presented by Mr Hamill, Bill read a first time and *ordered* to be printed.

Mr Hamill moved – That the Bill be now read a second time.

Debate ensued.

Dr Watson moved – That the debate be now adjourned.

Question put and agreed to.

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

11 MATTER OF PRIVILEGE

Leader of the Opposition (Mr Borbidge) rose on a matter of privilege and made the following statement—

‘I rise on a matter of privilege. At the end of question time, there was an altercation between myself and the Treasurer in respect of a letter that I claimed that he had written to the Federal Treasurer urging that any further exemptions in respect of GST arrangements could impact on the State.’.

Deputy Speaker's ruling: Deputy Speaker (Mr Fouras) ruled that there was no matter of privilege and asked Mr Borbidge to resume his seat.

Mr Borbidge moved – That the Leader of the Opposition be further heard.

Question put and agreed to.

Mr Borbidge, resuming his matter of privilege, read the letter in question and made the following statement—

'I contend that this argument that we had earlier would indicate that what I said and what the Treasurer found to be offensive was, in fact, accurate, that we had a situation where he had effectively made representations to the Federal Government expressing concern at the impact of the GST revenue base on the States if exemptions were granted. Taking into account that we heard the nonsense from the Premier this morning in respect of the GST when he was one of the signatories in respect of the communique and the intergovernmental agreement in respect of taxation reform, that shows the enormous hypocrisy that we are seeing from the Treasurer, from the Premier and from members of the Labor Party. In fact, the current Premier was the first in a rush to sign the agreement.'

And further—

'To assist you and to help the Treasurer remember what he wrote to the Commonwealth Treasurer on 18 January 2000 when he argued against any further exemptions in respect of the GST because of the potential impact on income to the States, particularly the State of Queensland, I will table the letter.'

Paper: Mr Borbidge, during his statement, tabled the following paper—
Letter, dated 18 January 2000, to Commonwealth Treasurer, Mr Costello, from Queensland Treasurer (Mr Hamill)

12 MATTER OF PRIVILEGE

Treasurer (Mr Hamill) rose on a matter of privilege and made the following statement—

'I rise on a matter of privilege. I find it most distressing to have to even discuss this matter, considering that the letter that I believe has been tabled by the Leader of the Opposition actually stands on its own. The matter of privilege I rise upon is this: that the Leader of the Opposition has accused me of providing inaccurate information to the House. I regard that as a very serious allegation and I wish to address that matter in this matter of privilege.

The letter which has been tabled by the Leader of the Opposition was a quite proper response to representations made to me by a company, representations in respect of a matter which could be dealt with only by the Federal Treasurer and was referred to him accordingly. For the information of the Leader of the Opposition, who seems to make a habit of coming into this place and telling only a part of the story or alternatively trying to twist facts to suit his own ends, I make this point: the Leader of the Opposition has claimed that I have sought no further exemptions from the GST from the Federal Government. I understand that to be the claim that the Leader of the Opposition has made. It is a false claim and I can produce further correspondence. If the Leader of the Opposition wants to continue to mislead the House in the manner in which he has sought, I am prepared to say that the Leader of the Opposition was ignorant of the facts which caused him to make the claims he has made. I am giving him an opportunity to cover his embarrassment.

I have written to the Federal Treasurer in relation to a variety of exemptions in relation to the goods and services tax and I raised a number of similar matters with the Federal Treasurer at the recent meeting of Treasurers in Canberra, contrary to the false and offensive claims made by the Leader of the Opposition in the House today.'

13 CHILD CARE AMENDMENT BILL

Minister for Families, Youth and Community Care and Minister for Disability Services (Ms Bligh), by leave, moved – That leave be granted to bring in a Bill for an Act to amend the *Child Care Act 1991*.

Question put and agreed to.

Bill and Explanatory Notes presented by Ms Bligh, Bill read a first time and *ordered* to be printed.

Ms Bligh moved – That the Bill be now read a second time.

Debate ensued.

Mr Beanland moved – That the debate be now adjourned.

Question put and agreed to.

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

14 VALUATION OF LAND AMENDMENT BILL

Minister for Environment and Heritage and Minister for Natural Resources (Mr Welford), by leave, moved – That leave be granted to bring in a Bill for an Act to amend the *Valuation of Land Act 1944*.

Question put and agreed to.

Bill and Explanatory Notes presented by Mr Welford, Bill read a first time and *ordered* to be printed.

Mr Welford moved – That the Bill be now read a second time.

Debate ensued.

Mr Beanland moved – That the debate be now adjourned.

Question put and agreed to.

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

15 DAIRY INDUSTRY (IMPLEMENTATION OF NATIONAL ADJUSTMENT ARRANGEMENTS) AMENDMENT BILL

Minister for Primary Industries and Rural Communities (Mr Palaszczuk), by leave, moved – That leave be granted to bring in a Bill for an Act to amend the *Dairy Industry Act 1993*.

Question put and agreed to.

Bill and Explanatory Notes presented by Mr Palaszczuk, Bill read a first time and *ordered* to be printed.

Mr Palaszczuk moved – That the Bill be now read a second time.

Debate ensued.

Mr Beanland moved – That the debate be now adjourned.

Question put and agreed to.

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

16 EVIDENCE AMENDMENT BILL

Attorney-General and Minister for Justice and Minister for The Arts (Mr Foley), by leave, moved – That leave be granted to bring in a Bill for an Act to amend the *Evidence Act 1977*.

Question put and agreed to.

Bill and Explanatory Notes presented by Mr Foley, Bill read a first time and *ordered* to be printed.

Mr Foley moved – That the Bill be now read a second time.

Debate ensued.

Mr Beanland moved – That the debate be now adjourned.

Question put and agreed to.

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

17 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.

Question put and agreed to.

Bill read a second time.

Bill committed on the motion of Mr Foley.

In Committee

Clauses 1 to 70 agreed to.

Clause 71 (*Termination of pregnancy*)—

The following amendment was proposed by Mr Springborg—

At page 55, lines 14 to 16—

omit, insert—

‘the special health matter concerned, to the performance of a surgical operation on the adult’s unborn child for the preservation of the adult’s life, if the performance of the operation is reasonable, having regard to the adult’s state at the time and to all circumstances of the case.’.

Debate ensued.

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

Clause 71, as read, agreed to.

Clauses 72 to 81 agreed to.

Clause 82 (*Functions*)—

The following amendment was proposed by Mr Foley—

At page 62, lines 17 to 19—

omit, insert—

‘(g) registering an order made in another jurisdiction under a provision, Act or law prescribed under a regulation for section 167;’.

Debate ensued.

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

Clause 82, as amended, agreed to.

Clauses 83 to 100 agreed to.

Clause 101 (*Members constituting tribunal*)—

The following amendment was proposed by Mr Foley—

At page 69, after line 17—

insert—

‘(4) Despite subsections (2) and (3), when constituted to hear an application for a warrant to enter a place and to remove an adult,¹ the tribunal must be constituted by or include 1 of the following members—

(a) the president;

(b) a deputy president who was eligible for appointment under section 86(5)(a);

(c) a legal member.’.

Debate ensued.

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

Clause 101, as amended, agreed to.

Clauses 102 to 136 agreed to.

Clause 137 (*Offences by witnesses*)—

The following amendment was proposed by Mr Foley—

At page 86, lines 13 to 17—

omit, insert—

‘(6) However, evidence of, or directly or indirectly derived from, a person’s answer or production of a document or thing that might tend to incriminate the person is not admissible in evidence against the person in a civil or criminal proceeding, other than—’.

Debate ensued.

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

Clause 137, as amended, agreed to.

Clauses 138 to 165 agreed to.

Clause 166 (*Definitions for pt 9*)—

The following amendment was proposed by Mr Foley—

At page 101, lines 5 to 7—

omit, insert—

‘**“recognised provision”** means a provision, Act or law prescribed under a regulation for section 167.

“registrable order” means an order made under a recognised provision.’.

Debate ensued.

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

Clause 166, as amended, agreed to.

Clause 167 (*Notification of equivalent provision*)—

The following amendment was proposed by Mr Foley—

At page 101, lines 8 to 12—

omit, insert—

‘Regulation prescribing recognised provision

‘167. If an Act, or provision of an Act, of the Commonwealth or another State, or a law, or provision of a law, of a foreign jurisdiction, allows an order to be made that is

¹ See chapter 7 (Tribunal proceedings), part 5 (Particular proceedings or orders), division 2 (Entry and removal warrant), particularly section 149 (Issue of entry and removal warrant).

similar to an order that may be made under this Act or the *Powers of Attorney Act 1998*, the provision, Act or law may be prescribed under a regulation for this section.’

Debate ensued.

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

Clause 167, as amended, agreed to.

Clauses 168 to 187 agreed to.

Clause 188 (*Self-incrimination not a reasonable excuse*)—

The following amendment was proposed by Mr Foley—

At page 112, lines 13 to 17—

omit, insert—

‘(3) However, evidence of, or directly or indirectly derived from, a person’s answer or production of a document or thing that might tend to incriminate the person is not admissible in evidence against the person in a civil or criminal proceeding, other than—’.

Debate ensued.

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

Clause 188, as amended, agreed to.

Clauses 189 to 263 agreed to.

Schedules 1 and 2 agreed to.

Schedule 3 (*TYPES OF MATTERS*)—

The following amendments were proposed by Mr Foley—

At page 158, after line 3—

insert—

‘ANTI-DISCRIMINATION ACT 1991

‘1. Section 112, example—

omit, insert—

‘Example—

It is not unlawful for a person to refuse to enter into a contract with a minor, or a person who has impaired capacity for the contract within the meaning of the *Guardianship and Administration Act 2000*, if the contract can not be legally enforced.’.

‘BAIL ACT 1980

‘1. Section 21(1)(c), ‘protected person within the meaning of the *Public Trustee Act 1978*’—

omit, insert—

‘person for whom a guardian or administrator has been appointed under the *Guardianship and Administration Act 2000*’.

At page 182, after line 3—

insert—

‘PROPERTY LAW ACT 1974

‘1. Section 38(5A)—

omit, insert—

‘(5AA) If any of the co-owners is a person for whom an administrator has been appointed under the *Guardianship and Administration Act 2000* for the property, the notice must be served on the administrator.

‘(5A) If any of the co-owners is an incapacitated person within the meaning of the *Public Trustee Act 1978*, the notice must be served on the person charged by law with the management and care of the incapacitated person’s property, or if there is no person charged, on the public trustee.’.

‘2. Section 39(1)(a), ‘intellectually disabled citizen, patient (within the meaning of the *Mental Health Act 1974*), patient’—

omit, insert—

‘person for whom an administrator has been appointed under the *Guardianship and Administration Act 2000* for the property’.

‘3. Schedule 6, definitions “intellectually disabled citizen” and “patient”—

omit.’.

At page 190, after line 6—

insert—

‘TRUSTEE COMPANIES ACT 1968

‘1. Section 21(1)(c)—

omit.’.

Debate ensued.

Question – That Mr Foley’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 Foley—

At page 195, line 8, definition “notified law”—

omit.

At page 196, after line 23—

insert—

‘ “**recognised provision**”, for chapter 9, see section 166.’.

Debate ensued.

Question – That Mr Foley’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 Foley, 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.

18 DOMESTIC BUILDING CONTRACTS BILL AND QUEENSLAND BUILDING TRIBUNAL BILL

Order of the day read for the adjourned debate on the motion of the Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women’s Policy and Minister for Fair Trading (Ms Spence) – That the Bills be now read a second time.

Debate resumed.

Question put and agreed to.

Bills read a second time.

Bills committed on the motion of Ms Spence.

In Committee

Domestic Building Contracts Bill—

Clauses 1 to 10 agreed to.

Clause 11 (*Meaning of “cost escalation clause”*)—

The following amendment was proposed by Ms Spence—

At page 13, lines 9 to 27, and page 14, lines 1 and 2—

omit, insert—

‘(2) However, a “**cost escalation clause**” does not include a provision allowing for an increase in the contract price to reflect—

- (a) cost increases resulting from the introduction of new, or changes to existing, government taxes or charges; or
- (b) prime cost items; or
- (c) provisional sums.’.

Debate ensued.

Question – That Ms Spence’s amendment be agreed to – put and agreed to.

Clause 11, as amended, agreed to.

Clauses 12 to 26 agreed to.

Clause 27 (*General contents of contracts*)—

The following amendments were proposed by Ms Spence—

At page 22, line 17, ‘forming part of the contract’—

omit.

At page 23, lines 1 to 4—

omit, insert—

‘(4) For subsection (3), if a detailed footing or slab design is required for obtaining the development approval or similar authorisation for the subject work, the plans contain the appropriate information if they contain—

- (a) a detailed footing or slab design suitable for inclusion in the development approval or similar authorisation; and
- (b) a floor plan drawn to scale; and

(c) front and side elevation drawings drawn to scale.

(5) For subsection (3), if a detailed footing or slab design is not required for obtaining the development approval or similar authorisation for the subject work, the plans contain the appropriate information if they contain—

- (a) a floor plan drawn to scale; and
- (b) a front elevation drawing drawn to scale; and
- (c) a side elevation drawing drawn to scale.

(6) However, subsection (5) applies to a floor plan or drawing only if the plan or drawing is required for obtaining the development approval or similar authorisation for the subject work.

(7) For subsection (3), the specifications contain the appropriate information if they contain the specification details for the contract, to the extent the specification details are not included in plans for the contract, or otherwise included in the contract.

(8) In this section—

“**specification details**”, for a regulated contract, means—

- (a) details of the subject work, including details of fixtures and fittings involved in the subject work; and
- (b) details of materials and products to be used for the subject work; and
- (c) details of finishes required for the subject work.’.

Debate ensued.

Question – That Ms Spence’s amendments be agreed to – put and agreed to.

Clause 27, as amended, agreed to.

Clause 28 (*General contents—required matters*)—

The following amendments were proposed by Ms Spence—

At page 23, after line 9—

insert—

‘(aa) whether or not the building owner is a resident owner;’.

At page 23, lines 17 to 20—

omit, insert—

‘(f) if the starting date for the subject work is not yet known—that the building contractor will ensure that the work starts as soon as it is reasonably possible for it to be started;’.

Debate ensued.

Question – That Ms Spence’s amendments be agreed to – put and agreed to.

Clause 28, as amended, agreed to.

Clauses 29 to 33 agreed to.

Clause 34 (*Incalculable delays*)—

The following amendment was proposed by Ms Spence—

At page 27, line 9—

omit, insert—

‘(a) the reason for the likely delay; and’.

Debate ensued.

Question – That Ms Spence’s amendment be agreed to – put and agreed to.

Clause 34, as amended, agreed to.

Clauses 35 to 38 agreed to.

Clause 39 (*Copies of contract related documents*)—

The following amendments were proposed by Ms Spence—

At page 29, lines 7 and 8, ‘is given or issued by an assessment manager’—

omit, insert—

‘is a certificate of inspection’.

At page 29, lines 11 and 12, ‘is given or issued by an entity other than an assessment manager’—

omit, insert—

‘is a document other than a certificate of inspection’.

At page 29, lines 20 to 25—

omit, insert—

‘“**certificate of inspection**”, for a regulated contract, means a certificate that—

- (a) is issued under an Act following an inspection of the subject work, or a part of the subject work; and

- (b) contains a certification to the effect that the subject work, or a stated stage of the subject work, has been satisfactorily completed.

“**contract related document**”, for a regulated contract, means—

- (a) a certificate of inspection; or
- (b) a report, notice, order or other document about the subject work given or issued by a supplier of services, including, for example, electricity, gas, telephone, water or sewerage.’.

Debate ensued.

Question – That Ms Spence’s amendments be agreed to – put and agreed to.

Clause 39, as amended, agreed to.

Clauses 40 to 52 agreed to.

Clause 53 (*Foundations data*)—

The following amendment was proposed by Ms Spence—

At page 37, before line 1—

insert—

‘(6A) For subsection (6), an amount is not taken to be provided for in a regulated contract only because the contract contains a provision allowing for an increase to be made of the contract price.’.

Debate ensued.

Question – That Ms Spence’s amendment be agreed to – put and agreed to.

Clause 53, as amended, agreed to.

Clauses 54 to 66 agreed to.

Clause 67 (*Completion payments*)—

The following amendment was proposed by Ms Spence—

At page 46, lines 11 to 18—

omit, insert—

‘(2) The building contractor under a regulated contract must not demand all or part of the completion payment unless the practical completion stage has been reached.

Maximum penalty—100 penalty units.

(2A) The building contractor under a regulated contract must not receive all or part of the completion payment unless—

- (a) the practical completion stage has been reached; and
- (b) if the building owner claims the stage has been reached with minor defects or minor omissions—the first and second requirements stated in subsections (2B) and (2C) have been complied with.

Maximum penalty—100 penalty units.

(2B) The first requirement is that the building contractor must have given the building owner a document (the “**defects document**”) that—

- (a) lists the minor defects and minor omissions that both the building contractor and building owner agree exist; and
- (b) states by when the building contractor is to correct the listed defects and omissions; and
- (c) lists the minor defects and omissions the building owner claims exist, but that are not agreed by the building contractor to exist; and
- (d) is signed by the building contractor.

(2C) The second requirement is that the building contractor must have made all reasonable efforts to have the building owner sign the defects document to acknowledge its contents.’.

Debate ensued.

Question – That Ms Spence’s amendment be agreed to – put and agreed to.

Clause 67, as amended, agreed to.

Clauses 68 to 78 agreed to.

Clause 79 (*Variations must be in writing*)—

The following amendment was proposed by Ms Spence—

At page 54, after line 9—

insert—

‘(3) Subsection (4) applies if—

- (a) a proposed variation of a regulated contract has not yet been agreed to between the building contractor under the contract and the building

owner, but is proposed to come into existence on the signing of a variation document by the owner and the contractor; and

- (b) the variation document is to be the first and only agreement between the building contractor and the building owner for the particular variation.

(4) If the proposed variation consists of an addition to the subject work, the building contractor must ensure that no domestic building work the subject of the proposed variation is carried out until the variation document has been signed.

Maximum penalty—20 penalty units.

(5) When the variation document is signed, the following provisions do not apply for the variation—

- (a) subsections (1) and (2);
- (b) section 82;
- (c) section 83(1)(b);
- (d) section 84(2)(a) and (3)(a)(i), to the extent the provisions concern sections 82 and 83(1)(b).'

Debate ensued.

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

Clause 79, as amended, agreed to.

Clause 80 (*General contents of variation document*)—

The following amendment was proposed by Ms Spence—

At page 54, lines 21 and 22—

omit.

Debate ensued.

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

Clause 80, as amended, agreed to.

Clause 81 (*General contents—appropriate provision for payments to reflect contract price changes*)—

The following amendments were proposed by Ms Spence—

At page 55, line 7, 'section 80(2)(g)'—

omit, insert—

'section 80(2)(h)'.
At page 55, lines 8 to 31, page 56, lines 1 to 34 and page 57, lines 1 to 17—

omit, insert—

'(2) If the variation results in an increase in the contract price, the variation document complies with the payment requirement if it states when the increase is to be paid.

(3) However, the increase can not be required to be paid before work the subject of the variation is started.

(4) If the variation results in a decrease in the contract price, the variation document complies with the payment requirement if it states when the decrease is to be accounted for.

Example for subsection (4)—

The variation document might identify a particular progress payment in which the decrease is to be accounted for.

(5) The variation document complies with the payment requirement if the provision of the document stating when the increase is to be paid, or when the decrease is to be accounted for, is initialled by the building owner.'

Debate ensued.

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

Clause 81, as amended, agreed to.

Clauses 82 to 84 agreed to.

Clause 85 (*Building contractor does not acquire interest in land*)—

The following amendment was proposed by Mrs Sheldon—

At page 60, lines 2 to 4—

omit.

Debate ensued.

The following amendment was proposed by Ms Spence—

At page 60, lines 2 to 4—

omit, insert—

'Building contractor does not acquire interest in land of resident owner

85.(1) A domestic building contract does not give the building contractor an interest in land of a resident owner for the *Land Title Act 1994*, section 122.²

(2) A building contractor who lodges a caveat claiming an interest in land of a building owner under a domestic building contract knowing the owner to be a resident owner commits an offence.

Maximum penalty for subsection (2)—100 penalty units.¹

Debate ensued.

Question – That Mrs Sheldon's amendment be agreed to – put and negatived.

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

Question – That Clause 85, as amended, stand part of the Bill.

The Committee divided.

AYES, 46

Attwood
Beattie
Bligh
Boyle
Braddy
Bredhauer
Briskey
Clark
Cunningham, E
Cunningham, J

Edmond
Elder
Feldman
Fenlon
Foley
Hamill
Hayward
Hollis
Kaiser
Lavarch

Lucas
Mackenroth
McGrady
Miller
Mulherin
Musgrove
Nelson–Carr
Nuttall
Paff
Palaszczuk

Pearce
Pitt
Prenzler
Purcell*
Reeves
Roberts
Robertson
Rose
Schwarten
Spence

Struthers
Sullivan*
Welford
Wellington
Wells
Wilson

NOES, 35

Baumann*
Beanland
Black
Borbridge
Connor
Cooper
Dagleish

Davidson
Elliott
Gamin
Goss
Grice
Hegarty*
Hobbs

Horan
Johnson
Kingston
Knuth
Laming
Lingard
Littleproud

Malone
Mitchell
Nelson
Pratt
Quinn
Seeney
Sheldon

Simpson
Slack
Springborg
Stephan
Turner
Veivers
Watson

Pairs – Messrs Barton, Mickel and Reynolds (AYES) and Messrs Healy, Lester and Rowell (NOES)

**Tellers*

Question agreed to.

Clauses 86 to 104 agreed to.

Schedule 1 agreed to.

Schedule 2 (*DICTIONARY*)—

The following amendments were proposed by Ms Spence—

At page 71, lines 21 to 23—

omit.

At page 73, lines 26 and 27—

omit, insert—

'(a) states the matters mentioned in section 28(2)(a), (c), (d) and (e);³ and

(aa) states the contract price or, for a cost plus contract, the building contractor's fair and reasonable estimate of the total amount the building contractor is likely to receive under the contract; and'.

At page 78, after line 26—

insert—

' "**resident owner**", under a domestic building contract, means a building owner who—

(a) is an individual; and

(b) intends to reside in the building—

(i) on completion of the domestic building work; or

(ii) within 6 months after the completion of the work.'¹

Debate ensued.

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

Schedule 2, as amended, agreed to.

² *Land Title Act 1994*, section 122 (Lodging a caveat)

³ Section 28 (General contents—required matters)

Queensland Building Tribunal Bill—

Clauses 1 to 14 agreed to.

Clause 15 (*Appointment of deputy Chairperson*)—

The following amendment was proposed by Ms Spence—

At page 16, lines 7 to 9—

omit, insert—

'15.(1) The Governor in Council may appoint 1 or more members of the tribunal to be deputy chairperson.

'(2) A deputy chairperson may be appointed on a full-time or part-time basis.

'(3) The chairperson or the Minister may appoint a deputy chairperson to act as chairperson if—'.

Debate ensued.

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

Clause 15, as amended, agreed to.

Clauses 16 to 183 agreed to.

Schedule 1 (*CONSEQUENTIAL AND OTHER AMENDMENTS OF QUEENSLAND BUILDING SERVICES AUTHORITY ACT 1991*)—

The following amendment was proposed by Ms Spence—

At page 92, after line 6—

insert—

'11A. Section 67P(2), from 'and worked out'—

omit, insert—

'for each day the amount is unpaid.'

'11B. Section 67P(3), definition "penalty rate", paragraph (a)—

omit, insert—

'(a) the rate made up of the sum of the following—

(i) 10% a year;

(ii) the rate comprising the annual rate, as published from time to time by the Reserve Bank of Australia, for 90 day bills; or'.

Debate ensued.

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

Schedule 1, as amended, agreed to.

Schedule 2 (*DICTIONARY*)—

The following amendment was proposed by Ms Spence—

At page 96, lines 19 and 20—

omit, insert—

' "domestic building work" has the meaning given by the *Domestic Building Contracts Act 2000*, except that for applying section 8(8) of that Act, the definition "excluded building work" in that Act is taken not to mean anything mentioned in paragraph (b), (c) or (d) of the definition.'

Debate ensued.

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

Schedule 2, as amended, agreed to.

Bills to be reported with amendments.

In the House

Bills reported with amendments.

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

Ms Spence, by leave, moved – That the Bills be now read a third time.

Question put and agreed to.

Bills read a third time and passed.

Titles agreed to.

19 POSTPONED ORDERS – GOVERNMENT BUSINESS

Minister for Public Works and Minister for Housing (Mr Schwarten) moved – That Government Business Orders of the Day Nos. 3 and 4 be postponed to a later hour of the sitting.

Question put and agreed to.

20 STATE HOUSING AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Public Works and Minister for Housing (Mr Schwarten) – That the Bill be now read a second time.
Debate resumed.

Debate adjourned on the motion of Mr Connor.

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

21 NOTICE OF MOTION – WATER STORAGE, BURNETT RIVER

Mr Slack, pursuant to notice, moved—

That this Parliament notes that 10 months have elapsed since the Beattie Government voted to break the Premier's election promise to construct a major water storage on the Burnett River within five years.

Further, that this Parliament condemns the Beattie Government for failing to progress the construction of the water storage any further since that date.

Debate ensued.

Paper: Mr Slack, during his speech, tabled the following paper—
Political cartoon relating to Paradise Dam

Debate continued.

The following amendment was proposed by Deputy Premier and Minister for State Development and Minister for Trade (Mr Elder)—

Delete all words after 'Parliament' and insert the following—

'reaffirms the Premier's public commitment to constructing a major water storage on the Burnett River within 5 years from June 1998 State Election, and supports the long-term water needs of all regions of Queensland, including the Burnett, with a pro-active approach to catchment planning, WAMPS, improved water efficiency and community involvement to ensure security of water resources is achieved in an environmentally and economically sustainable way.

Further, that this Parliament commends the Beattie Government on the process it has made on this project since that date.'

Debate ensued.

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

The House divided.

AYES, 44

| | | | | |
|---------------|---------------|-------------|------------|------------|
| Attwood | Cunningham, J | Lucas | Palaszczyk | Spence |
| Beattie | Edmond | Mackenroth | Pearce | Struthers |
| Bligh | Elder | McGrady | Pitt | Sullivan* |
| Boyle | Fenlon | Mickel | Purcell* | Turner |
| Braddy | Fouras | Miller | Reeves | Welford |
| Bredhauer | Hamill | Mulherin | Roberts | Wellington |
| Briskey | Hayward | Musgrove | Robertson | Wells |
| Clark | Kaiser | Nelson-Carr | Rose | Wilson |
| Cunningham, E | Lavarch | Nuttall | Schwarten | |

NOES, 38

| | | | | |
|-----------|----------|-------------|----------|------------|
| Baumann* | Elliott | Johnson | Nelson | Simpson |
| Beanland | Feldman | Kingston | Paff | Slack |
| Black | Gamin | Knuth | Pratt | Springborg |
| Borbridge | Goss | Laming | Prenzler | Stephan |
| Connor | Grice | Lingard | Quinn | Veivers |
| Cooper | Hegarty* | Littleproud | Santoro | Watson |
| Dalglish | Hobbs | Malone | Seeney | |
| Davidson | Horan | Mitchell | Sheldon | |

Pairs – Messrs Barton, Foley and Reynolds (AYES) and Messrs Healy, Lester and Rowell (NOES)

**Tellers*

Question agreed to.

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

The House divided.

AYES, 45

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

NOES, 37

| | | | | |
|-----------|----------|-------------|----------|------------|
| Baumann* | Elliott | Johnson | Nelson | Slack |
| Beanland | Feldman | Kingston | Paff | Springborg |
| Black | Gamin | Knuth | Prenzler | Stephan |
| Borbridge | Goss | Laming | Quinn | Veivers |
| Connor | Grice | Lingard | Santoro | Watson |
| Cooper | Hegarty* | Littleproud | Seeney | |
| Dalglish | Hobbs | Malone | Sheldon | |
| Davidson | Horan | Mitchell | Simpson | |

Pairs – Messrs Barton, Foley and Reynolds (AYES) and Messrs Healy, Lester and Rowell (NOES)

**Tellers*

Question agreed to.

22 ELECTORAL AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of Mr Feldman – That the Bill be now read a second time.

Debate resumed.

Question put.

The House divided.

AYES, 12

| | | | |
|---------------|----------|--------|------------|
| Black* | Feldman | Nelson | Prenzler |
| Cunningham, E | Kingston | Paff* | Turner |
| Dalglish | Knuth | Pratt | Wellington |

NOES, 70

| | | | | |
|---------------|----------|-------------|-------------|------------|
| Attwood | Davidson | Horan | Musgrove | Seeney |
| Baumann* | Edmond | Kaiser | Nelson–Carr | Sheldon |
| Beanland | Elder | Laming | Nuttall | Simpson |
| Beattie | Elliott | Lavarch | Pearce | Slack |
| Bligh | Fenlon | Lingard | Pitt | Spence |
| Borbridge | Foley | Littleproud | Purcell | Springborg |
| Boyle | Fouras | Lucas | Quinn | Stephan |
| Braddy | Gamin | Mackenroth | Reeves | Struthers |
| Bredhauer | Goss | Malone | Roberts | Sullivan* |
| Briskey | Grice | McGrady | Robertson | Veivers |
| Clark | Hamill | Mickel | Rose | Watson |
| Connor | Hayward | Miller | Rowell | Welford |
| Cooper | Hegarty | Mitchell | Santoro | Wells |
| Cunningham, J | Hobbs | Mulherin | Schwarten | Wilson |

Pairs – Messrs Healy and Lester (AYES) and Messrs Barton and Reynolds (NOES)

**Tellers*

Question negated.

23 COMPETITION POLICY REFORM (QUEENSLAND) REPEAL BILL

Order of the day read for the adjourned debate on the motion of Mr Feldman – That the Bill be now read a second time.

Debate resumed.

Debate adjourned on the motion of Mr Rowell.

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

24 ADJOURNMENT

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

Debate ensued.

Question agreed to.

The House adjourned at 11.30pm.

25 ATTENDANCE

The following Members were present—

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

R K HOLLIS
Speaker

R D DOYLE
The Clerk of the Parliament