

1998–2000

LEGISLATIVE ASSEMBLY OF QUEENSLAND

VOTES AND PROCEEDINGS

NO. 91

FIRST SESSION OF THE FORTY–NINTH PARLIAMENT

TUESDAY, 30 MAY 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 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 26 May 2000—

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 (*First Home Owner Grant Act 2000* – Act No. 14 of 2000)

A Bill for an Act to amend the *Queensland Competition Authority Act 1997* (*Queensland Competition Authority Amendment Act 2000* – Act No. 15 of 2000)

3 STATEMENT BY SPEAKER – USE OF LEGISLATIVE ASSEMBLY CREST

Mr Speaker made the following statement—

'Honourable Members will recall that the Members' Ethics and Parliamentary Privileges Committee, in its Report No. 25, reported on a matter of privilege arising from the unauthorised use of the Assembly's crest. The committee recommended that as Speaker I develop and publish guidelines for the use of the crest and other official emblems of the House.

I wish to advise the House that I have agreed to the following guidelines for the use of the Legislative Assembly Crest.

- (1) The Legislative Assembly's crest, emblems and other insignia may be used for—
 - letterhead, business cards and other stationery by Members, committees and staff of the Parliamentary Service;
 - advertisements by Members relating to their constituency role, and by committees of the Parliament;
 - internet websites maintained by Members to aid in the discharge of their constituency role;
 - committee reports and papers, publications by the Parliamentary Library and other parliamentary publications; and
 - any other purpose approved by the Speaker.
- (2) The Legislative Assembly's crest, emblems and other insignia of the Parliament must not be used—
 - where there is a risk that their use might wrongly be regarded or represented as having the authority of the Legislative Assembly;
 - for overtly political purposes, including political advertising; or
 - for any other purpose which may have the effect of bringing the House into odium, contempt or ridicule, or which may compromise the integrity of the Parliament.

A copy of the guidelines will be forwarded to all Members and their electorate offices.'

4 PETITIONS

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

Mrs Lavarch, from 271 petitioners, requesting the House to urgently address the difficulty experienced by Queensland Rail users in accessing the Strathpine Railway Station by requesting Queensland Rail to install lifts.

Mr Nuttall, from 431 petitioners, requesting the House to return the Shorncliffe Community Railway Depot to its former status due to no sound economic reasons for its closure as this depot provides a substantial part of the local community's public transport needs.

Miss Simpson, from 483 petitioners, requesting the House to urge the Minister for Health to approve the provision of radiation therapy services at Nambour General Hospital and to immediately provide these specialist consultations on the Sunshine Coast.

5 PAPERS TABLED DURING THE RECESS

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

24 May 2000—

CANEGROWERS (Queensland Cane Growers' Council) – Annual Report and Financial Report 1 January 1999 to 31 January 2000

Queensland Pork Producers' Organisation – Annual Report 1 January 1999 to 31 January 2000

29 May 2000—

Legal, Constitutional and Administrative Review Committee – additional non confidential submissions received in relation to its review of Queensland's *Freedom of Information Act 1992*

6 STATUTORY INSTRUMENTS

The following statutory instruments were tabled by The Clerk—

Brisbane Forest Park Act 1977—

Brisbane Forest Park Amendment Regulation (No. 1) 2000, No. 96

Fisheries Act 1994—

Fisheries (Freshwater) Management Amendment Plan (No. 1) 2000, No. 97

Government Owned Corporations Act 1993—

Government Owned Corporations Amendment Regulation (No. 1) 2000, No. 91

Health Services Act 1991—

Health Services Amendment Regulation (No. 3) 2000, No. 88

Podiatrists Act 1969—

Podiatrists Amendment By-law (No. 1) 2000, No. 92

Queensland Building Services Authority Act 1991—

Queensland Building Services Authority Amendment Regulation (No. 1) 2000, No. 95

Speech Pathologists Act 1979—

Speech Pathologists Amendment By-law (No. 1) 2000, No. 93

Tow Truck Act 1973, Traffic Act 1949, Transport Operations (Marine Safety) Act 1994, Transport Operations (Passenger Transport) Act 1994, and Transport Operations (Road Use Management) Act 1995—

Transport Legislation Amendment Regulation (No. 1) 2000, No. 89

Transport Infrastructure Act 1994—

Transport Infrastructure Legislation Amendment Regulation (No. 1) 2000, No. 94

Transport Operations (Road Use Management) Act 1995—

Transport Operations (Road Use Management–Vehicle Registration) Amendment Regulation (No. 1) 2000, No. 90

7 MINISTERIAL PAPER

The following paper was tabled—

Treasurer (Mr Hamill)—

Report by Motor Accident Insurance Commission, dated 20 March 2000, entitled "Motor Accident Insurance Act 1994 – Compulsory Third Party Premiums – 1 July 2000" and attachments

8 MINISTERIAL STATEMENTS

(a) Premier (Mr Beattie), by leave, made a ministerial statement relating to the Government's energy strategy and the Cape York Partnership Plan.

Papers: Mr Beattie, during his statement, tabled the following papers—
 Document entitled "Queensland Energy policy – A cleaner energy strategy"
 Press releases by Queensland Government entitled "Beattie releases Energy Policy to generate jobs, economic growth" and "Energy strategy will provide platform for diversified industry"
 Queensland Government document entitled "Cape York Partnerships – Some practical ideas"

- (b) Premier (Mr Beattie), by leave, made a ministerial statement relating to CJC investigations.

Papers: Mr Beattie, during his statement, tabled the following papers—
 Letter, dated 26 May 2000, from the Chairman, Criminal Justice Commission, to the Premier relating to a complaint of assault against Honourable Robert Schwarten, MLA
 Media release from Criminal Justice Commission, dated 26 May 2000, entitled "CJC re-examines Lawrence matter"

- (c) Premier (Mr Beattie), by leave, made a ministerial statement relating to the military coup in Fiji and moved – That the statement be noted by the House.
 Question put and agreed to.
 Leader of the Opposition (Mr Borbidge) spoke in reply.
- (d) Deputy Premier and Minister for State Development and Minister for Trade (Mr Elder), by leave, made a ministerial statement relating to the development of the Australian TradeCoast precinct.
- (e) Minister for Communication and Information, Local Government and Planning and Minister for Sport (Mr Mackenroth), by leave, made a ministerial statement relating to planning and development of land on Russell, Lamb, Karragara and Macleay Islands.
- (f) Treasurer (Mr Hamill), by leave, made a ministerial statement relating to the Fuel Subsidy Scheme.
- (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 the investigation into the death of Dominique Baxendell as the result of a tragic fireworks accident.
- (h) Minister for Education (Mr Wells), by leave, made a ministerial statement relating to the teachers' pay offer.
- (i) Minister for Families, Youth and Community Care and Minister for Disability Services (Ms Bligh), by leave, made a ministerial statement relating to the report of an inquiry into the Children's Commission and other websites and material available on the internet.

Paper: Ms Bligh, during her statement, tabled the following paper—
 Report from Children's Commission of Queensland, dated May 2000, to Minister for Families, Youth and Community Care and Minister for Disability Services, The Honourable Anna Bligh MLA, entitled "Link from the Children's Commission Website to Objectionable Material on the Internet"

9 PUBLIC WORKS COMMITTEE – PAPERS

Chairman of the Public Works Committee (Mr Roberts) tabled the following papers—

Public Works Committee—

Report No. 65 – Building Refurbishment at the Gold Coast Institute of TAFE (Southport Campus)

Report No. 66 – The Norman River Bridge

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. 6 of 2000

Ordered to be printed.

11 NOTICE OF MOTION

12 PRIVATE MEMBERS' STATEMENTS

Private Members' statements were made.

13 QUESTIONS WITHOUT NOTICE

Questions without notice were asked.

Paper: Minister for Primary Industries and Rural Communities (Mr Palaszczuk) tabled the following paper—
Memorandum of Advice, dated 29 May 2000, from Mr P A Keane, QC, Solicitor-General entitled "Dairy Industry Deregulation – s.92 of the Commonwealth Constitution"

Questions continued.

Questions concluded.

14 GENERAL BUSINESS – MATTERS OF PUBLIC INTEREST

Matters of public interest were debated.

Papers: Mr Connor, during his speech, tabled the following papers—
Copy of Question on Notice No. 462 and answer, together with various items of correspondence and documents relating to police numbers in Nerang

Debate continued.

Paper: Dr Prenzler, during his speech, tabled the following paper—
Report, dated March 2000, by Eli Matthew Tamou, Community Services for Senior Citizens and People with Disabilities in Rural Communities entitled "Specific Issues and Barriers to the effective dissemination of information"

Debate continued.

Debate concluded.

Distinguished visitors: The Deputy Speaker (Mr Reeves) informed the House of the presence in the Gallery of Mr Mike Johanns, Governor of the State of Nebraska, Mrs Johanns and delegation members.

15 MENTAL HEALTH BILL

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

In Committee

Clause 221 (*Tribunal may make notification order*)—

The following amendment was proposed by Miss Simpson—

At page 133, after line 7—

insert—

'(f) the unlawful absence of the patient from the patient's treating health service;

(g) the patient's absence from the patient's treating health service under the director's approval under section 186;

(h) the patient's death.'

Debate ensued.

Ordered – To report progress and ask leave to sit again.

In the House

Reported – That the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered – That further consideration of the Bill in Committee of the Whole House be made an order of the day for a later hour of the sitting.

16 STATEMENT BY SPEAKER – GUESTS TO BE ACCOMPANIED WITHIN PARLIAMENTARY PRECINCTS; BEHAVIOUR OF MEMBERS

'Firstly, it has been brought to my attention that today, Members have signed in guests who have wandered unaccompanied within the Precinct. All Members are reminded of their duty to accompany their guests while here. This responsibility is important for the security of Members and protection of property.

Further, I must report to the House on an incident that occurred within the parliamentary precincts earlier today.

It has been brought to my attention that the Members for Barambah and Tablelands were responsible for deliberately pouring out a full can of milk at the Main Door of our Parliament House.

Members enjoy many privileges in this place and they do so as elected representatives, but also because they respect their colleagues and the institution of the Parliament.

As the protector of this House and the institution it represents, I will not be satisfied until this matter is dealt with seriously.'

17 MOTION WITHOUT NOTICE – REFERRAL TO MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

Leader of the House (Mr Mackenroth), by leave, moved – That the unacceptable actions today of the Members for Tablelands and Barambah be referred to the Members' Ethics and Parliamentary Privileges Committee for consideration and report back to the Parliament by Thursday morning, 1 June.

Question put and agreed to.

18 MATTER OF PRIVILEGE

Mr Nelson rose on a matter of privilege and made the following statement—

'I rise on a matter of privilege. Today I received notification that I am being banned from attending a trade union meeting on the Atherton Tableland in my capacity as the member for Tablelands. I am not being allowed to go to the union meeting to be held at the correctional centre at Lotus Glen. I am being barred from doing this by the Department of Corrective Services. I find that this is in direct breach of my privileges as a member of this House.

I have an invitation from the trade union to attend that meeting and I have been banned from doing so by the Department of Corrective Services. If a member of Parliament cannot attend a meeting within his own electorate because of departmental wrangling, I find that to be a grave matter of privilege and I ask that it be referred to the Members' Ethics and Parliamentary Privileges Committee.'

19 MENTAL HEALTH BILL

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

In Committee

Clause 221 (*Tribunal may make notification order*)—

The following amendment was proposed by Miss Simpson—

At page 133, after line 7—

insert—

- '(f) the unlawful absence of the patient from the patient's treating health service;
- (g) the patient's absence from the patient's treating health service under the director's approval under section 186;
- (h) the patient's death.'

Debate ensued.

Question put – That Miss Simpson's amendment be agreed to.

The Committee divided.

AYES, 43

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

NOES, 43

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

Pairs – Mr Mitchell (AYES) and Mr Mulherin (NOES)

**Tellers*

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

Question negatived.

Clause 221, as read, agreed to.

Clauses 222 to 287 agreed to.

Clause 288 (*Mental Health Court may make forensic order*)—

The following amendment was proposed by Miss Simpson—

At page 162, after line 17—

insert—

'(4A) A forensic order (Mental Health Court) may state a minimum period for the patient's detention in an authorised mental health service under the order.'

Debate ensued.

Question put – That Miss Simpson's amendment be agreed to.

The Committee divided.

AYES, 41

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

NOES, 41

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

Pairs – Messrs Healy, Horan and Mitchell (AYES) and Messrs Hollis, Mulherin and Wells (NOES)

**Tellers*

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

Question negatived.

Clause 288, as read, agreed to.

Clauses 289 to 301 agreed to.

Clause 302 (*Minister may make forensic order for persons subject to custody order*)—

The following amendment was proposed by Miss Simpson—

At page 167, after line 17—

insert—

'(2A) In deciding whether to make a forensic order (Minister) for the person, the Minister must have regard to the seriousness of the offence with which the person is charged and the protection of the community.'

Debate ensued.

Question – That Miss Simpson's amendment be agreed to – put and negatived.

Clause 302, as read, agreed to.

Clauses 303 to 332 agreed to.

Clause 333 (*Hearing procedures*)—

The following amendment was proposed by Miss Simpson—

At page 177, after line 21—

insert—

'(3) The court must receive in evidence the patient's clinical file.'

Debate ensued.

Question – That Miss Simpson's amendment be agreed to – put and negatived.

Clause 333, as read, agreed to.

Clauses 334 to 451 agreed to.

Clause 452 (*Right of appearance—application for approval for patient to move out of Queensland*)—

The following amendments were proposed by Mrs Edmond—

At page 225, after line 27—

insert—

'(c) for an application for a forensic patient—the Attorney-General.'

At page 226, lines 1 and 2—

omit, insert—

'(2) A person mentioned in subsection (1) may be represented at the hearing by a lawyer or, with the leave of the tribunal, an agent.'

Debate ensued.

Question – That Mrs Edmond's amendments be agreed to – put and agreed to.

Clause 452, as amended, agreed to.

Clauses 453 to 458 agreed to.

Clause 459 (*Hearing procedures*)—

The following amendment was proposed by Miss Simpson—

At page 229, after line 12—

insert—

'(aa) must receive in evidence the patient's clinical file; and'.

Debate ensued.

Question – That Miss Simpson's amendment be agreed to – put and negatived.

Clause 459, as read, agreed to.

Clauses 460 to 590 agreed to.

Schedules 1 and 2 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.

Mrs Edmond, 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.

20 SUGAR INDUSTRY AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Primary Industries and Rural Communities (Mr Palaszczuk) – That the Bill be now read a second time.

Debate resumed.

Debate adjourned on the motion of Mr Mackenroth.

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

21 MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE – TEMPORARY CHANGE IN MEMBERSHIP

Leader of the House (Mr Mackenroth), by leave, moved – That the Member for Maryborough (Dr Kingston), replace the Member for Tablelands (Mr Nelson) as a member of the Members' Ethics and Parliamentary Privileges Committee for the consideration of the matter referred to the Committee on 30 May 2000.

Question put and agreed to.

22 SUGAR INDUSTRY AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Primary Industries and Rural Communities (Mr Palaszczuk) – That the Bill be now read a second time.

Debate resumed.

Debate adjourned on the motion of Mr Hayward.

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

23 NOTICE OF MOTION – ELECTRICITY PRICE INCREASE

Mr Seeney, pursuant to notice, moved – That this House calls on the Beattie Labor Government to abandon its announced 3% increase in the retail price of electricity because of a 37% decline in the average wholesale price so far this financial year and expresses concern at the raids by this Government on electricity industry profits which now threaten the future of the State owned generators.

Debate ensued.

The following amendment was proposed by Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development (Mr McGrady)—

Omit all words after 'House' and insert the following—

'congratulate the Beattie Labor Government on its cleaner energy policy which will provide balanced development of the energy industry in Queensland; ensure an ongoing supply of competitively priced electricity for the people of Queensland; contribute to the reduction of greenhouse emissions; and provide a base load power station in the north of the State.'

Debate ensued.

Question put.

The House divided.

AYES, 41

Attwood
Barton
Beattie
Bligh
Boyle
Braddy
Bredhauer
Briskey
Clark

Cunningham, J
Edmond
Elder
Fenlon
Foley
Hamill
Hayward
Kaiser
Lavarch

Lucas
Mackenroth
McGrady
Mickel
Miller
Musgrove
Nelson-Carr
Nuttall
Palaszczuk

Pitt
Purcell*
Reeves
Reynolds
Roberts
Robertson
Rose
Schwarten
Spence

Struthers
Sullivan*
Welford
Wells
Wilson

NOES, 41

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

Pairs – Messrs Fouras, Mulherin and Pearce (AYES) and Messrs Healy, Horan and Mitchell (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, 44

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

NOES, 38

Baumann*	Elliott	Kingston	Pratt	Slack
Beanland	Feldman	Knuth	Prenzler	Springborg
Black	Gamin	Laming	Quinn	Stephan
Borbidge	Goss	Lester	Rowell	Veivers
Connor	Grice	Lingard	Santoro	Wellington
Cooper	Hegarty*	Littleproud	Seeney	Watson
Dalglish	Hobbs	Malone	Sheldon	
Davidson	Johnson	Paff	Simpson	

Pairs – Messrs Fouras, Mulherin and Pearce (AYES) and Messrs Healy, Horan and Mitchell (NOES)

**Tellers*

Question agreed to.

24 ADJOURNMENT

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

Debate ensued.

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

Media Release and other documents relating to the regulation of pensioner units

Debate continued.

Question agreed to.

The House adjourned at 7.30pm.

25 ATTENDANCE

The following Members were present—

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

R K HOLLIS
Speaker

R D DOYLE
The Clerk of the Parliament