

1998–2000

LEGISLATIVE ASSEMBLY OF QUEENSLAND

VOTES AND PROCEEDINGS

NO. 95

FIRST SESSION OF THE FORTY–NINTH PARLIAMENT

WEDNESDAY, 21 JUNE 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 Beanland, from 7 petitioners, requesting the House to call on the Minister for Families, Youth and Community Care to reconsider the decision to cease funding for the Petford Aboriginal Training Farm and reinstate financial support and assistance.

Mr Beanland, from 846 petitioners, requesting the House to support the reinstatement of funds for Mr Guest and the operation of Petford Training Farm that has seen outstanding success in the rehabilitation and support of hundreds of disadvantaged youth in North Queensland.

Mr Hegarty, from 799 petitioners, requesting the House to recognise that the situation is desperate for children who have specific learning disabilities in our schools and that urgent prioritisation for the provision of mandatory quality training for generalist and specialist teachers be made, in order to allow these children to access their educational rights and to reach their potential.

3 MINISTERIAL STATEMENTS

- (a) Premier (Mr Beattie), by leave, made a ministerial statement relating to disability services and the Hostels Task Force.
- (b) Premier (Mr Beattie), by leave, made a ministerial statement relating to State Government achievements.

Papers: Mr Beattie, during his statement, tabled the following papers—
 Document entitled "Two Years of Achievements – Summary by Premier Beattie"
 Petition (non-conforming) from members of the Communications, Electrical and Plumbing Union relating to Telstra
 The Consultancy Bureau—
 Reports of the Strategic Management Review of the Office of the Queensland Ombudsman and the Information Commissioner –
 Volume 1, Office of the Queensland Ombudsman, June 2000 and
 Volume 2, Office of the Information Commissioner, June 2000

- (c) Deputy Premier and Minister for State Development and Minister for Trade (Mr Elder), by leave, made a ministerial statement relating to new technology and small business.
- (d) Treasurer (Mr Hamill), by leave, made a ministerial statement relating to National Competition Policy and Council of Australian Governments water reforms.

Papers: Mr Hamill, during his statement, tabled the following papers—
 Letter, dated 17 December 1996, to Mr E Willett, Executive Director, National Competition Council from S J Edwell, Assistant Under Treasurer (Competition Policy)
 Letter, dated 23 March 2000, to Mr G Samuel, President, National Competition Council from Mr Hamill
 Letter, dated 13 April 2000, to Mr Hamill from Graeme Samuel, President, National Competition Council

- (e) Minister for Employment, Training and Industrial Relations (Mr Braddy), by leave, made a ministerial statement relating to the Building and Construction Industry Training Fund.
- (f) Attorney-General and Minister for Justice and Minister for The Arts (Mr Foley), by leave, made a ministerial statement relating to the Queensland Small Claims Tribunal.
- (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 Queensland–NSW electricity interconnector.

- (h) Minister for Education (Mr Wells), by leave, made a ministerial statement relating to student performance in aspects of literacy and numeracy in years 3, 5 and 7 in 1999.

Paper: Mr Wells, during his statement, tabled the following paper—
Queensland School Curriculum Council – Statewide performance of students in aspects of literacy and numeracy in Queensland 1999 – Report to the Minister for Education

- (i) Minister for Environment and Heritage and Minister for Natural Resources (Mr Welford), by leave, made a ministerial statement relating to the plastics recycling industry.

4 **STANDING AND SESSIONAL ORDERS – ORDER OF BUSINESS FOR 21 JUNE 2000**

Leader of the House (Mr Mackenroth), by leave, moved – That notwithstanding anything contained in the Standing and Sessional Orders, for Wednesday, 21 June 2000, Government Business will take precedence after 8.30pm, except for a 30-minute adjournment debate.

Question put and agreed to.

5 **MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE – CHANGE OF MEMBERSHIP**

Leader of the House (Mr Mackenroth), by leave, moved – That the Dr John Kingston be appointed to the Members' Ethics and Parliamentary Privileges Committee to fill the vacancy on that Committee.

Question put and agreed to.

6 **PARLIAMENTARY CRIMINAL JUSTICE COMMITTEE – PAPER**

Chairman of the Parliamentary Criminal Justice Committee (Mr Lucas) tabled the following paper—

Criminal Justice Commission—

Research Papers entitled "Defendants Perceptions of Police Treatment" and "Reported Use of Force by Queensland Police"

7 **NOTICE OF MOTION**

8 **PRIVATE MEMBERS' STATEMENTS**

Private Members' statements were made.

9 **QUESTIONS WITHOUT NOTICE**

Questions without notice were asked.

10 **TRAINING AND EMPLOYMENT BILL**

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

In Committee

Clause 149—

Debate ensued.

Question put – That Clause 149, as read, stand part of the Bill

The Committee divided.

AYES, 42

Attwood
Barton
Beattie
Bligh
Boyle
Braddy
Bredhauer
Briskey
Clark

Edmond
Elder
Fenlon
Foley
Hamill
Hayward
Hollis
Kaiser
Lavarch

Mackenroth
McGrady
Mickel
Miller
Mulherin
Musgrove
Nelson-Carr
Nuttall
Palaszczuk

Pearce
Pitt
Purcell*
Reeves
Reynolds
Roberts
Robertson
Rose
Schwarten

Spence
Struthers
Sullivan*
Welford
Wells
Wilson

NOES, 35

| | | | | |
|---------------|----------|-------------|----------|------------|
| Baumann* | Feldman | Kingston | Mitchell | Slack |
| Beanland | Gamin | Knuth | Paff | Springborg |
| Black | Grice | Laming | Prenzler | Stephan |
| Cooper | Healy | Lester | Quinn | Turner |
| Cunningham, E | Hegarty* | Lingard | Rowell | Veivers |
| Dalglish | Horan | Littleproud | Santoro | Watson |
| Davidson | Johnson | Malone | Seeney | Wellington |

Pairs – Mrs J Cunningham and Mr Lucas (AYES) and Messrs Goss and Elliott (NOES)

*Tellers

Question agreed to.

Clauses 150 to 167 agreed to.

Clause 168—

Debate ensued.

Question put – That Clause 168, as read, stand part of the Bill

The Committee divided.

AYES, 43

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

NOES, 36

| | | | | |
|----------|----------|-------------|------------|------------|
| Baumann* | Gamin | Laming | Quinn | Turner |
| Beanland | Grice | Lester | Rowell | Veivers |
| Black | Healy | Lingard | Santoro | Watson |
| Borbidge | Hegarty* | Littleproud | Seeney | Wellington |
| Cooper | Horan | Malone | Simpson | |
| Dalglish | Johnson | Mitchell | Slack | |
| Davidson | Kingston | Paff | Springborg | |
| Feldman | Knuth | Prenzler | Stephan | |

Pairs – Messrs Foley and Lucas (AYES) and Messrs Goss and Elliott (NOES)

*Tellers

Question agreed to.

Clauses 169 to 316 agreed to.

Schedule 1 (*Amendments to Industrial Relations Act 1999*)—

The following amendment was proposed by Mr Braddy—

At page 159, lines 11 and 12—

omit, insert—

‘16. Section 68(1), ‘chapter or chapter 3’—

omit, insert—

‘Act or an industrial instrument’.

Debate ensued.

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

Schedule 1, as amended, agreed to.

Schedules 2 and 3 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 Braddy, by leave, moved – That the Bill be now read a third time.

Bill read a third time and passed.

Title agreed to.

11 RACING AND BETTING AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Tourism and Racing (Mrs Rose) – That the Bill be now read a second time.

Debate resumed.
 Question put and passed.
 Bill read a second time.
 Bill committed on the motion of Mrs Rose.

In Committee

Clauses 1 to 31 agreed to.

Clause 32 (*Replacement of ss 142 to 158*)—

The following amendments were proposed by Mrs Rose—

At page 26, lines 13 to 15—

omit.

At page 28, lines 27 to 28, from 'licensed a racing bookmaker' to 'the racing bookmaker'—

omit, insert—

'has licensed a certificate holder as a racing bookmaker has information or a document about the certificate holder'.

Debate ensued.

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

Clause 32, as amended, agreed to.

Clause 33 agreed to.

Clause 34 (*Replacement of ss 160 and 161*)—

The following amendment was proposed by Mr Healy—

At page 38, after line 28—

insert—

'(5) However, the Minister may give a written direction to a control body about the way in which the control body must exercise its powers under subsections (2) and (3).

'(6) If the Minister gives a direction—

(a) the control body must comply with it; and

(b) the Minister must table a copy in the Legislative Assembly within 3 sittings days of giving the direction.'.

Debate ensued.

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

The Committee divided.

AYES, 34

Baumann*
 Beanland
 Black
 Borbidge
 Connor
 Cooper
 Cunningham, E

Dalglish
 Davidson
 Feldman
 Gamin
 Grice
 Healy
 Hegarty*

Horan
 Kingston
 Knuth
 Laming
 Littleproud
 Malone
 Mitchell

Paff
 Prenzler
 Quinn
 Rowell
 Santoro
 Seeney
 Simpson

Slack
 Springborg
 Stephan
 Veivers
 Watson
 Wellington

NOES, 41

Attwood
 Barton
 Beattie
 Bligh
 Boyle
 Braddy
 Bredhauer
 Briskey
 Clark

Edmond
 Elder
 Fenlon
 Foley
 Fouras
 Hamill
 Hayward
 Hollis
 Lavarch

Lucas
 Mackenroth
 McGrady
 Mickel
 Miller
 Mulherin
 Musgrove
 Nuttall
 Palaszczuk

Pearce
 Pitt*
 Purcell*
 Reeves
 Reynolds
 Roberts
 Robertson
 Rose
 Schwarten

Spence
 Struthers
 Turner
 Welford
 Wells

Pairs – Messrs Elliott, Goss, Johnson and Lester (AYES) and
 Mrs J Cunningham, Ms Nelson–Carr and Messrs Sullivan and Wilson (NOES)

**Tellers*

Question negatived.

Clause 34, as read, agreed to.

Clauses 35 to 47 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 Rose, by leave, moved – That the Bill be now read a third time.

Bill read a third time and passed.

Title agreed to.

12 EQUITY AND FAIR TRADING (MISCELLANEOUS PROVISIONS) 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 Bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

Bill committed on the motion of Ms Spence.

In Committee

Clauses 1 to 4 agreed to.

Clause 5 (*Amendment of s 59 (Audit and statement)*)—

The following amendment was proposed by Ms Spence—

At page 7, lines 14 to 20—

omit, insert—

'(ii) a member of CPA Australia or the Institute of Chartered Accountants in Australia; or

(iii) a member of the National Institute of Accountants, other than an associate, who has satisfactorily completed an auditing component of a'.

Debate ensued.

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

Clause 5, as amended, agreed to.

Clauses 6 to 28 agreed to.

Clause 29 (*Amendment of s 24 (Audit)*)—

The following amendment was proposed by Ms Spence—

At page 16, lines 17 to 22 and page 17, line 1—

omit, insert—

'(ii) a member of CPA Australia or the Institute of Chartered Accountants in Australia; or

(iii) a member of the National Institute of Accountants, other than an associate, who has satisfactorily completed an auditing component of a'.

Debate ensued.

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

Clause 29, as amended, agreed to.

Clauses 30 and 31 agreed to.

Clause 32 (*Amendment of s 31 (Financial statements and audit)*)—

The following amendment was proposed by Ms Spence—

At page 18, lines 3 to 9—

omit, insert—

'(ii) a member of CPA Australia or the Institute of Chartered Accountants in Australia; or

(iii) a member of the National Institute of Accountants, other than an associate, who has satisfactorily completed an auditing component of a'.

Debate ensued.

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

Clause 32, as amended, agreed to.

Clauses 33 to 36 agreed to.

New Clauses 36A and 36B—

The following amendment was proposed by Ms Spence—

At page 19, after line 16—

insert—

'PART 8A—AMENDMENT OF FAIR TRADING ACT 1989

'Act amended in pt 8A

'36A. This part amends the *Fair Trading Act 1989*.

'Amendment of s 63 (Prohibited hours)**'36B.** Section 63(c)(ii), '8.00 p.m.'—*omit, insert—*

'6.00 p.m.'.

Debate ensued.

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

Clauses 37 and 38 agreed to.

New Clauses 38A to 38H—

The following amendment was proposed by Ms Spence—

At page 20, after line 14—

*insert—***'PART 9A—AMENDMENT OF QUEENSLAND BUILDING SERVICES
AUTHORITY ACT 1991****'Act amended in pt 9A****'38A.** This part amends the *Queensland Building Services Authority Act 1991*.**'Insertion of new s 42A****'38B.** After section 42—*insert—***'Exemption from s 42 for up to 6 months****'42A.(1)** This section applies if—

- (a) on or after 1 July 2000, a class of licence (the “**new class of licence**”) is established under this Act; and
- (b) immediately before the establishment of the new class of licence a person (the “**relevant person**”) was carrying on a business that included carrying out work (“**relevant work**”) within the scope of work for the new class of licence; and
- (c) either of the following applied immediately before the establishment of the new class of licence—
 - (i) no relevant work was building work;
 - (ii) some relevant work was building work, but its carrying out was incidental to the carrying out of all other relevant work.

'(2) The relevant person does not contravene section 42(1) in carrying out, or undertaking to carry out, relevant work unless—

- (a) an application by the relevant person for the new class of licence is granted or refused; or
- (b) 6 months have elapsed since the new class of licence was established.'

**'PART 9B—AMENDMENT OF QUEENSLAND BUILDING TRIBUNAL ACT
2000****'Act amended in pt 9B****'38C.** This part amends the *Queensland Building Tribunal Act 2000*.**'Amendment of s 21 (Registrar's functions and powers)****'38D.** Section 21—*insert—***'(5)** In addition to the registrar's functions and powers under subsections (1) to (4), it is the duty of the registrar to exercise powers delegated to the registrar under the *Retirement Villages Act 1999*.**'(6)** In exercising a power delegated to the registrar under the *Retirement Villages Act 1999*, the registrar is subject to the chief executive of the department in which that Act is administered and not the chairperson.'**'PART 9C—AMENDMENT OF RETIREMENT VILLAGES ACT 1999****'Act amended in pt 9C****'38E.** This part amends the *Retirement Villages Act 1999*.**'Amendment of s 98 (Amount of maintenance reserve fund)****'38F.** Section 98(1), after 'maintenance'—*insert—*

'and repair'.

'Amendment of s 99 (Maintenance reserve fund budget)**'38G.** Section 99(2), example, 'capital replacement'—*omit, insert—*

'maintenance reserve'.

'Insertion of new s 227A**'38H.** After section 227—

insert—

'Delegation of chief executive's powers

'227A.(1) The chief executive may delegate the chief executive's powers under this Act to an appropriately qualified public service officer.

'(2) In this section—

"appropriately qualified" means having qualifications, experience or standing appropriate to exercise the power.

Example of 'standing'—

A person's classification level in the public service.'.

Debate ensued.

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

Clauses 39 to 41 agreed to.

Clause 42 (*Amendment of s 3 (Definitions)*)—

The following amendment was proposed by Ms Spence—

At page 23, lines 3 to 9—

omit, insert—

'(b) a member of CPA Australia or the Institute of Chartered Accountants in Australia; or

(c) a member of the National Institute of Accountants, other than an associate, who has satisfactorily completed an auditing component of a'.

Debate ensued.

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

Clause 42, 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.

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

Bill read a third time and passed.

Title agreed to.

13 POLICE POWERS AND RESPONSIBILITIES AND OTHER ACTS AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Police and Corrective Services (Mr Barton) – That the Bill be now read a second time.

Debate resumed.

Debate adjourned on the motion of Mr Horan.

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

14 NOTICE OF MOTION – TREASURER'S MISMANAGEMENT

Dr Watson, pursuant to notice, moved – That this House condemns the Treasurer for his mismanagement of the State's accounts which has seen the erosion of State assets through unsustainable tax and dividend demands, increases in the debt levels of Government-Owned Corporations and the first budget deficit in over 20 years with a second consecutive budget deficit expected in the upcoming budget.

Debate ensued.

Question put – That Dr Watson's motion be agreed to.

The House divided.

AYES, 35

Baumann*
Beanland
Black
Borbidge
Connor
Cooper
Dalgleish

Davidson
Feldman
Gamin
Grice
Healy
Hegarty*
Horan

Johnson
Kingston
Knuth
Laming
Lingard
Littleproud
Malone

Mitchell
Paff
Prenzler
Quinn
Rowell
Santoro
Seeney

Simpson
Slack
Springborg
Stephan
Turner
Veivers
Watson

NOES, 44

Attwood
Barton
Beattie
Bligh
Boyle
Braddy
Bredhauer
Briskey
Clark

Cunningham, E
Cunningham, J
Edmond
Elder
Fenlon
Foley
Fouras
Hamill
Hayward

Kaiser
Lucas
Mackenroth
McGrady
Mickel
Miller
Mulherin
Musgrove
Nelson–Carr

Nuttall
Palaszczuk
Pearce
Pitt*
Purcell*
Reeves
Reynolds
Roberts
Robertson

Rose
Schwarten
Spence
Struthers
Welford
Wellington
Wells
Wilson

Pairs – Messrs Elliott and Goss (AYES) and Mrs Lavarch and Mr Sullivan (NOES)

*Tellers

Question negatived.

15 POLICE POWERS AND RESPONSIBILITIES AND OTHER ACTS AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Police and Corrective Services (Mr Barton) – That the Bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

Bill committed on the motion of Mr Barton.

In Committee

Clauses 1 to 7 agreed to.

Clause 8 (*Insertion of new ch 5*)—

The following amendments were proposed by Mr Barton—

At page 12, line 6, ‘and organised crime’—

omit, insert—

‘, misconduct offences and organised crime’.

At page 12, lines 10 and 11—

omit, insert—

‘that may be unlawful as part of the investigation—

(i) of a suspected serious indictable offence or into suspected organised crime; or

(ii) for particular officers of the CJC, of a suspected misconduct offence; and’.

At page 13, line 12—

omit, insert—

‘a suspected indictable offence, a suspected misconduct offence or into suspected organised crime (“**chapter 5 criminal activity**”)’.

At page 13, lines 14 and 15—

omit, insert—

‘be unlawful as part of an investigation of chapter 5 criminal activity; and’.

At page 13, lines 19 and 20—

omit, insert—

‘investigation of chapter 5 criminal activity; and’.

At page 13, after line 24—

insert—

‘(ca) that it is lawful for the chairperson of the CJC, or the director of the official misconduct division of the CJC, acting in accordance with procedures established by the chairperson of the CJC, to authorise a police officer or a CJC officer to engage in a stated controlled activity for the CJC; and’.

Debate ensued.

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

The following amendment was proposed by Mr Horan—

At page 14, after line 10—

insert—

‘(aa) the public interest monitor; and’.

Debate ensued.

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

The following amendment was proposed by Mr Horan—

At page 16, after line 11—

insert—

‘Committee’s annual report

‘172A.(1) As soon as practicable after the end of each financial year, but within 4 months after the end of the financial year, the committee must prepare and give to the Minister a written report on the committee’s activities under this Act.

‘(2) The Minister must table a copy of the report in the Legislative Assembly within 14 sitting days after receiving the report.

‘(3) The annual report must not contain information that—

(a) discloses or may lead to the disclosure of the identity of—

(i) any covert operative; or

(ii) any person who has been, is being, or is to be, investigated; or

(b) indicates a particular investigation has been, is being, or is to be conducted.’.

Debate ensued.

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

The following amendments were proposed by Mr Barton—

At page 17, line 12, ‘serious indictable offence or organised crime’—
omit, insert—

‘chapter 5 criminal activity’.

At page 17, lines 14 and 15—

omit, insert—

‘(c) if a previous application relating to the same chapter 5 criminal activity has been made under this division.’.

At page 17, line 20, after ‘police officer’—

insert—

‘or a CJC officer’.

At page 17, line 23, after ‘police officer’—

insert—

‘or a CJC officer’.

At page 19, line 15—

omit, insert—

‘evidence of chapter 5 criminal activity; and’.

At page 19, lines 17 and 18—

omit, insert—

‘resources for investigating the chapter 5 criminal activity; and’.

At page 19, lines 22 and 23, after ‘officer’—

insert—

‘or a CJC officer’.

At page 20, line 4—

omit, insert—

‘(a) a description of the chapter 5 criminal activity’.

At page 20, line 11, after ‘officer’—

insert—

‘or a CJC officer’.

At page 20, line 14, after ‘officer’—

insert—

‘or a CJC officer’.

At page 21, line 17—

omit, insert—

‘(b) a description of the chapter 5 criminal activity’.

At page 21, lines 25 to 28—

omit, insert—

‘(e) if it is intended to change the description of the chapter 5 criminal activity in relation to which the operation was approved, a description of the chapter 5 criminal activity for which approval is sought.’.

At page 23, line 7—

omit, insert—

‘investigation of chapter 5 criminal activity.’.

At page 23, lines 14 and 15—

omit, insert—

‘(c) changing particulars of the chapter 5 criminal activity to which the approval relates.’.

At page 26, lines 18 and 19—

omit, insert—

‘191.(1) This section applies if the chairperson of the CJC or the director of the official misconduct division of the CJC considers it is reasonably necessary for a police officer or CJC officer to engage in conduct that—’.

At page 26, line 20, ‘an’—

omit, insert—

‘a suspected misconduct’.

At page 26, line 23 and 27, ‘agent’—

omit, insert—

‘CJC officer’.

At page 27, line 1, ‘agent’—

omit, insert—

‘CJC officer’.

At page 27, line 4, ‘a person’—

omit, insert—

‘a police officer or CJC officer’.

At page 27, line 7, after ‘police officer’—

insert—

‘or CJC officer’.

At page 28, after line 11—

insert—

‘(ba) the crime commissioner;’.

At page 28, after line 12—

insert—

‘(ca) a person who, as part of a controlled operation, provides a covert operative with help, including by giving the covert operative things necessary for the purposes of the controlled operation;’.

At page 29, line 1, after ‘officer’—

insert—

‘or a CJC officer’.

At page 29, line 7—

omit, insert—

‘to chapter 5 criminal activity not mentioned’.

At page 29, line 9, after ‘officer’—

insert—

‘or a CJC officer’.

At page 31, line 4, after ‘CJC’—

insert—

‘or the director of the official misconduct division of the CJC’.

Debate ensued.

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

Clause 8, as amended, agreed to.

Clauses 9 to 17 agreed to.

Clause 18 (*Insertion of new ch 8 (as renumbered), pts 4–5*)—

The following amendments were proposed by Mr Barton—

At page 42, after line 25—

insert—

‘ **‘(6)** A DNA sampler may take a DNA sample from a person detained under an approval of a commissioned officer under this section.’’.

At page 47, line 2, ‘doctor or nurse who is asked to take’—

omit, insert—

‘DNA sampler who is taking’.

At page 47, lines 4, 6 and 7, 8, and 9, ‘doctor or nurse’—

omit, insert—

‘DNA sampler’.

At page 53, lines 1 to 3—

omit.

Debate ensued.

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

Clause 18, as amended, agreed to.

Clause 19 agreed to.

New Clause 19A—

The following amendment was proposed by Mr Barton—

At page 57, after line 18—

insert—

'Insertion of new s 371A (Power to seize potentially harmful things)

'19A. Chapter 9, as renumbered, part 5, before section 372, as renumbered—

insert—

'Power to seize potentially harmful things

'371A.(1) This section applies if a police officer finds a person in possession of a potentially harmful thing in circumstances in which the police officer reasonably suspects the person is inhaling, or is about to inhale, the thing.

'(2) The police officer may ask the person to explain why the person is in possession of the potentially harmful thing.

'(3) If the person does not give a reasonable explanation, the police officer may seize the potentially harmful thing.

'(4) On the seizure of the potentially harmful thing, the thing is forfeited to the State.

'(5) In this section—

"potentially harmful thing" means a thing—

(a) that a person may lawfully possess; and

(b) that is or contains a substance that may be harmful to a person if inhaled.

Examples—

1. Glue.

2. Paint.

3. A solvent.''.
 Debate ensued.

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

Clauses 20 to 23 agreed to.

Clause 24 (Insertion of new ch 11 (as renumbered), pt 3)—

The following amendments were proposed by Mr Barton—

At page 64, line 4—

omit, insert—

'(h) it is returned under section 423 or 424.¹.

At page 73, line 2, '438'—

omit, insert—

'439'.

At page 75, line 5, '440'—

omit, insert—

'438'.

Debate ensued.

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

Clause 24, as amended, agreed to.

Clause 25 agreed to.

Clause 26 (Amendment of sch 1 (Acts not affected by this Act))—

The following amendment was proposed by Mr Barton—

At page 76, line 25—

omit, insert—

'Child Protection Act 1999

Transport Operations (Road Use Management) Act 1995, section 80².

Debate ensued.

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

Clause 26, as amended, agreed to.

Clause 27 (Amendment of sch 3 (Acts amended after assent))—

The following amendment was proposed by Mr Barton—

At page 78, line 18, **'ACTS'**—

omit, insert—

'LEGISLATION'.

Debate ensued.

¹ Section 423 (Return of seized things) or 424 (Application by owner etc. for return of relevant thing)

² *Transport Operations (Road Use Management) Act 1995* section 80 (Provisions with respect to breath tests and laboratory tests)

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

Clause 27, as amended, agreed to.

Clause 28 (*Amendment of sch 4 (Dictionary)*)—

Debate ensued.

Paper: Dr Kingston, by leave, during his speech, tabled the following paper—
Question on Notice from Dr Kingston to the Premier (Mr Beattie) relating to marijuana

Debate continued.

The following amendments were proposed by Mr Barton—

At page 79, lines 3 and 4—

omit.

At page 79, after line 5—

insert—

‘ “**chapter 5 criminal activity**” see section 165.’

At page 79, after line 7—

insert—

‘ “**CJC officer**” means a person who is—

(a) an officer of the CJC under the *Criminal Justice Act 1989*, section 67; or

(b) an officer or employee of a declared law enforcement agency.’

At page 80, after line 12—

insert—

‘ “**misconduct offence**” means alleged or suspected criminal conduct that may be—

(a) official misconduct under the *Criminal Justice Act 1989*; or

(b) misconduct under the *Police Service Administration Act 1990*.’

At page 82, line 5—

omit, insert—

‘section 211;

(k) the entry of a place to find out whether domestic violence is occurring, or has occurred, at the place.’

Debate ensued.

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

Clause 28, as amended, agreed to.

Clauses 29 to 41 agreed to.

Schedule (*Minor amendments of Police Powers and Responsibilities Act 2000*)—

The following amendments were proposed by Mr Barton—

At page 96, line 13, ‘167’—

omit, insert—

‘165’.

At page 96, line 15, ‘202’—

omit, insert—

‘200’.

At page 99, lines 17 to 19—

omit.

Debate ensued.

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

Schedule, 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.

Bill read a third time and passed.

Title agreed to.

16 ADJOURNMENT

Minister for Public Works and Minister for Housing (Mr Schwarten) moved – That this House do now adjourn.

Debate ensued.

And the House having continued to sit till 12 midnight—

THURSDAY, 22 JUNE 2000

Debate continued.

Question agreed to.

The House adjourned at 12.29am.

17 ATTENDANCE

The following Members were present—

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

R K HOLLIS
Speaker

R D DOYLE
The Clerk of the Parliament