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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.

Suspension of sitting: There being a technical problem with the bells, Mr Speaker suspended the sitting until 10am.

Resumption of sitting: The time being 10am, the sitting of the House resumed.

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 13 September 2000—

A Bill for an Act to provide for the sustainable management of water and other resources, a regulatory framework for providing water and sewerage services and the establishment and operation of water authorities, and for other purposes (Water Act 2000 – Act No. 34 of 2000)

A Bill for an Act to amend the Vegetation Management Act 1999 (Vegetation Management Amendment Act 2000 – Act No. 35 of 2000)

A Bill for an Act to amend the Mineral Resources Act 1989 and other Acts for purposes related to native title (Native Title Resolution Act 2000 – Act No. 36 of 2000)

A Bill for an Act to amend the Land and Resources Tribunal Act 1999 (Land and Resources Tribunal Amendment Act 2000 – Act No. 37 of 2000)

3 STATEMENT BY SPEAKER – CJC INQUIRY INTO ALLEGATIONS OF ELECTORAL FRAUD

Mr Speaker made the following statement—

'I draw the attention of all Honourable Member to previous Speakers' rulings on the sub judice rule and its application to Criminal Justice Commission's open inquiry commencing today. In 1991, Speaker Fouras advised the House of an opinion from the Solicitor-General. I will remind Members of its contents. It reads—

'I refer to previous correspondence in relation to the Speaker's ruling in respect of the CJC investigation into travelling allowances and expenses claimed by Members of the Legislative Assembly and now enclose the Solicitor General's opinion on the matter.

It will be seen that the Solicitor General's opinion is that whilst it is a matter for the discretion of the Speaker, who is personally charged with the responsibility of evaluating whether any particular discussions should take place in the House, if statements are to be made in the House which would adversely reflect on the position of particular individuals and specifically would suggest guilt of criminal offences, then in view of that point, the sub judice rule would be relevant and the Speaker would be entitled, in exercising his discretion, to prevent such statements.'.

That informed Speaker Fouras' ruling on 19 February 1991 that "matters awaiting or under adjudication in all courts exercising a criminal jurisdiction should not be referred to" and that the "CJC inquiry is like a court or royal commission and should be treated as such". More recently, Speaker Turner, on 3 April 1996, ruled that the "matter of the memorandum of understanding between the Premier and the Police Minister and the Police Union is now the subject of an inquiry by the CJC and should not be referred to in the House."

Equally, the matters as outlined in the terms of reference for the Shepherdson inquiry into allegations of electoral fraud or any matters which come before the inquiry are now the subject of these rulings on sub judice and should not be referred to in the House.'.
4 **Matter of Privilege**
Mr Beanland rose on a matter of privilege. *Hansard* p.3260

5 **Matter of Privilege**
Leader of the Opposition (Mr Borbidge) rose on a matter of privilege. *Hansard* p.3260

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

Mr Veivers from 506 petitioners, requesting the House to declare that Alan James Rickard be required to stand aside as Councillor for Division 3 of the Gold Coast City Council until the holding of a new election or some other determination of the matter, and completion of investigations of the Criminal Justice Commission and of the applications now before the Supreme Court of Queensland.

Mr Feldman from 5155 petitioners, requesting the House to make representation to ensure continued access to crown land, (state forests and national parks), within reasonable proximity for south east Queensland recreation users (including horse riders, 4WD enthusiasts and bike riders) at a level equal to or greater than that available prior to the RFA process.

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

12 September 2000—

15 September 2000—

26 September 2000—
Queensland Audit Office – Annual Report 1999–00

27 September 2000—
Supreme Court Library Committee – Annual Report 1999–00

28 September 2000—
Queensland Dairy Authority – Annual Report 1999–00
Tertiary Entrance Procedures Authority – Annual Report 1999–00

8 **Statutory Instruments**
The following statutory instruments were tabled by The Clerk—

*Casino Control Act 1982*—
Casino Control Amendment Regulation (No. 1) 2000, No. 255

*Community Services (Aborigines) Act 1984*—
Community Services (Aborigines) Amendment Regulation (No. 2) 2000, No. 240

*Dental Act 1971*—
Dental Amendment By-law (No. 1) 2000, No. 233

*Drugs Misuse Act 1986*—
Drugs Misuse Amendment Regulation (No. 1) 2000, No. 234

*Electricity Act 1994*—
Electricity Legislation Amendment Regulation (No. 1) 2000, No. 250

*Forestry Act 1959*—
Forestry Legislation Amendment Regulation (No. 3) 2000, No. 252

*Indy Car Grand Prix Act 1990*—
Indy Car Grand Prix Amendment Regulation (No. 2) 2000, No. 253

*Integrated Planning Act 1997*—
Integrated Planning Amendment Regulation (No. 3) 2000, No. 235

*Land Act 1994*—
Proclamation commencing certain provisions, No. 241
Land Act 1994, Vegetation Management Act 1999—
Vegetation Management Regulation 2000, No. 243
Land and Resources Tribunal Act 1999—
Proclamation commencing remaining provisions, No. 244
Local Government (Chinatown and The Valley Malls) Act 1984, Local Government (Queen Street Mall) Act 1981—
Local Government (Malls) Regulation 2000, No. 254
Mental Health Act 1974—
Mental Health Amendment Regulation (No. 1) 2000, No. 237
Mineral Resources Act 1989—
Mineral Resources Amendment Regulation (No. 2) 2000, No. 238
Motor Accident Insurance Act 1994—
Motor Accident Insurance Amendment Regulation (No. 3) 2000, No. 236
Native Title (Queensland) State Provisions Amendment Act (No. 2) 1998—
Proclamation commencing remaining provisions, No. 246
Native Title Resolution Act 2000—
Proclamation commencing remaining provisions, No. 245
Nature Conservation Act 1992—
Nature Conservation (Protected Areas) Amendment Regulation (No. 6) 2000, No. 251
Professional Engineers Act 1988—
Professional Engineers Amendment Regulation (No. 1) 2000, No. 239
Superannuation (State Public Sector) Act 1990—
Superannuation (State Public Sector) Amendment Regulation (No. 1) 2000, No. 247
Supreme Court of Queensland Act 1991—
Uniform Civil Procedure Amendment Rule (No. 2) 2000, No. 232
Training and Employment Act 2000—
Proclamation commencing remaining provisions, No. 248
Valuation of Land Amendment Act 2000—
Proclamation commencing remaining provisions, No. 256
Vegetation Management Act 1999—
Proclamation commencing remaining provisions, No. 242
Water Act 2000—
Proclamation commencing certain provisions, No. 257
Water Regulation 2000, No. 258
Water (Transitional) Regulation 2000, No. 259
Workplace Health and Safety Act 1995—
Workplace Health and Safety Amendment Regulation (No. 1) 2000, No. 249

9 MINISTERIAL RESPONSES TO PARLIAMENTARY COMMITTEE REPORTS

The following responses to parliamentary committee reports, received during the recess, were tabled by The Clerk—

(a) Response from the Minister for Employment, Training and Industrial Relations (Mr Braddy) to Report No. 65 of the Public Works Committee entitled Building Refurbishment at the Gold Coast Institute of TAFE (Southport Campus)

(b) Response from the Minister for Environment and Heritage and Minister for Natural Resources (Mr Welford) to Report No. 69 of the Public Works Committee entitled The Tweed River Entrance Sand Bypassing Project

10 MINISTERIAL RESPONSES TO PETITIONS

The following responses to petitions, received during the recess, were tabled by The Clerk—

(a) Response from the Attorney–General and Minister for Justice and Minister for The Arts (Mr Foley) to a petition presented by Mr Hegarty from 824 petitioners, regarding the amalgamation of the Queensland Symphony Orchestra and the Queensland Philharmonic Orchestra. Hansard p.3262

(b) Response from the Minister for Police and Corrective Services (Mr Barton) to a petition presented by Mrs Attwood from 15 petitioners, regarding fine defaulters in prisons. Hansard p.3263
(c) Response from the Minister for Police and Corrective Services (Mr Barton) to a petition presented by Mr Quinn from 1,060 petitioners, regarding Police resources at Coolangatta.  Hansard p.3263

(d) Response from the Minister for Environment and Heritage and Minister for Natural Resources (Mr Welford) to a petition presented by Mr Lucas from 187 petitioners, regarding the proposed relocation of the 1916 Lytton Quarantine Station dining room building.  Hansard p.3264

11 MINISTERIAL PAPERS TABLED BY THE CLERK

The Clerk tabled the following ministerial papers received during the recess—

(a) Minister for Employment, Training and Industrial Relations (Mr Braddy)—
   Report under section 56A(4) of the Statutory Instruments Act 1992

(b) Minister for Health (Mrs Edmond)—
   Report under section 56A(4) of the Statutory Instruments Act 1992

(c) Minister for Police and Corrective Services (Mr Barton)—
   Report under section 56A(4) of the Statutory Instruments Act 1992

(d) Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development (Mr McGrady)—
   Report under section 56A(4) of the Statutory Instruments Act 1992

(e) Minister for Environment and Heritage and Minister for Natural Resources (Mr Welford)—
   Reports under section 56A(4) of the Statutory Instruments Act 1992

12 MINISTERIAL PAPER

The following paper was tabled—

Premier (Mr Beattie)—
   Report on visit to East Timor by Honourable Peter Beattie, Premier of Queensland – 26–28 September 2000  Hansard p.3265

13 MINISTERIAL STATEMENTS

(a) Premier (Mr Beattie), by leave, made a ministerial statement relating to the Government’s response to Legal, Constitutional and Administrative Review Committee Reports Nos. 24 and 27.  Hansard p.3265

Papers:  Mr Beattie, during his statement, tabled the following papers—
   Government response to Legal, Constitutional and Administrative Review Committee Report No. 24
   Government response to Legal, Constitutional and Administrative Review Committee Report No. 27

(b) Premier (Mr Beattie), by leave, made a ministerial statement relating to Olympic business opportunities and the Goodwill Games.  Hansard p.3266

Papers:  Mr Beattie, during his statement, tabled the following papers—
   List of attendees at Department of State Development Smart Lunch
   Copy of advertisements placed in Sydney Morning Herald entitled "When you move your company to Queensland, it’ll be in a smart state" and "You’re in good company when you make the move to Queensland"

(c) Minister for Public Works and Minister for Housing (Mr Schwarten), by leave, made a ministerial statement relating to removal of people and structures occupying 'caves' on the Howard Smith Wharf site adjacent to the Story Bridge.  Hansard p.3267

(d) Deputy Premier and Minister for State Development and Minister for Trade (Mr Elder), by leave, made a ministerial statement relating to the opening of the co–generation plant at Bulwer Island.  Hansard p.3268

(e) Minister for Transport and Minister for Main Roads (Mr Bredhauer), by leave, made a ministerial statement giving an update on the South East Busway.  Hansard p.3268
14 **PERSONAL EXPLANATION**

Mr Santoro, by leave, made a personal explanation. *Hansard* p.3270

15 **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. 13 of 2000

*Ordered* to be printed.

16 **NOTICE OF MOTION** *Hansard* p.3270

17 **QUESTIONS WITHOUT NOTICE**

Questions without notice were asked. *Hansard* p.3270

18 **NOTICES OF MOTION – DISSERT FROM SPEAKER’S RULINGS**

19 **QUESTIONS WITHOUT NOTICE**

Questions without notice resumed. *Hansard* p.3270

20 **NOTICE OF MOTION – DISSERT FROM SPEAKER’S RULING**

21 **QUESTIONS WITHOUT NOTICE**

Questions without notice resumed. *Hansard* p.3271

*Paper:* Premier (Mr Beattie) tabled the following paper—
Letter, dated 25 September 2000, from CJC to Mr Beattie relating to former Members of the Legislative Assembly, Messrs D’Arcy and Gibbs

Questions continued.

*Paper:* Minister for Families, Youth and Community Care and Minister for Disability Services (Ms Bligh) tabled the following paper—
Queensland International Year of Older Persons Report 1999

Questions continued. Questions concluded.

22 **GENERAL BUSINESS – MATTERS OF PUBLIC INTEREST**

Matters of public interest were debated. *Hansard* p.3283

*Paper:* Mr Davidson, during his speech, tabled the following paper—
Copy of a letter, dated 1 October 1999, from Mr Davidson to the Premier (Mr Beattie) relating to the closure of Boral Timber Mill, Cooroy
Fax message from Mr Davidson to Mr Beattie relating to an invitation

Debate continued. Debate concluded.

23 **MINISTERIAL STATEMENTS**

(a) Minister for Police and Corrective Services (Mr Barton), by leave, made a ministerial statement relating to the change of operators at the Borallon Correctional Centre and an investigation into allegations concerning Borallon Correctional Centre Industries. *Hansard* p.3293

*Papers:* Mr Barton, during his statement, tabled the following papers—
Copy of correspondence between the Department of Corrective Services, Corrections Corporation of Australia Pty Ltd and Sodhexho relating to an investigation of allegations concerning Borallon Correctional Centre Industries
(b) Minister for Education (Mr Wells), by leave, made a ministerial statement relating to a new school at Flagstone in the northern Beaudesert Shire.  

*Hansard* p.3295

**Paper:** Mr Wells, during his statement, tabled the following paper—

Flagstone and Jimboomba options – Table of numbers

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**24 CHILD CARE AMENDMENT BILL**

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

Debate resumed.  *Hansard* p.3295

Question put and agreed to.

Bill read a second time.

Bill committed on the motion of Ms Bligh.

---

**In Committee**

*Hansard* p.3329

Clauses 1 to 6 agreed to.

Clause 7 (*Insertion of new pt 8A*)—

The following amendment was proposed by Mr Beanland—

At page 9, after line 32—

‘insert—

‘(4) This section does not apply to the provision of independent home–based care in an exempted area under section 73EA.

Exemption from maximum numbers of children receiving care

‘73EA.(1) The chief executive may, by gazette notice, exempt an area stated in the notice from the application of section 73E.

(2) An area may be exempted only if the chief executive reasonably considers—

(a) the area is rural or remote; and

(b) the exemption is needed to meet community need in the area for independent home–based care.’.

Debate ensued.

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

The Committee divided.

---

**AYES, 42**

- Baumann*
- Beanland
- Black
- Bledge
- Connor
- Cooper
- Cunningham, E
- Dalgleish
- Davidson
- Atwood
- Barton
- Beattie
- Black
- Boyle
- Braddy
- Brechwer
- Briscoe
- Clark
- Ellott
- Feldman
- Gamin
- Grice
- Healy
- Hegarty*
- Hobbs
- Horan
- Johnson
- Cunningham, J
- Edmond
- Elder
- Feilin
- Foley
- Foursas
- Hamill
- Hayward
- Hollis
- Kaiser
- Lahinch
- Lucas
- Mackenroth
- McGrady
- Miller
- Mulherin
- Nelson-Carr
- Nettall
- Palaszczuk
- Pearce
- Pitt
- Purcell*  
- Reeves
- Reynolds
- Roberts
- Robertson
- Schunack
- Spence
- Struthers
- Sullivan*
- Wells

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**NOES, 42**

- Attwood
- Barton
- Beattie
- Black
- Boyle
- Braddy
- Brechwer
- Briscoe
- Clark
- Cunningham, J
- Feilin
- Foley
- Foursas
- Hamill
- Hayward
- Hollis

Pairs – Messrs Goss and Quinn (AYES) and Messrs Musgrove and Wilson (NOES)

* *Tellers

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

Question negatived.

Clause 7, as read, agreed to.

Clauses 8 and 9 agreed to.

**New Clause 10**—

The following amendment was proposed by Mr Beanland—

---
At page 15, after line 16—

*Amendment of s 84 (Regulations)*

*10. Section 84(2)—*

*(l) any of the following matters relating to independent home-based care—*

(i) health, hygiene or safety requirements;

(ii) requirements about reporting, to the chief executive, if a carer knows or reasonably suspects that a child has been unlawfully harmed;

(iii) giving authority for emergency treatment of a child in the case of illness or injury.’’.

Debate ensued.

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

New Clause 10—

The following amendment was proposed by Ms Bligh—

At page 15, after line 16—

*Amendment of s 84 (Regulations)*

*10. Section 84(2)—*

*(l) health or safety requirements relating to independent home-based care.’’.

Debate ensued.

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

Schedule agreed to.

Bill to be reported with an amendment.

In the House

Bill reported with an amendment.

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

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

Bill read a third time and passed.

Title agreed to.

25 Notice of Motion – Brothel applications

Mrs E Cunningham, pursuant to notice, moved – That this House supports amendment of the Queensland Prostitution Act to allow local governments whose populations exceed 25,000 people the same right of refusal of brothel applications within their local government areas as currently exists for local governments with populations under 25,000 people.

Debate ensued. Hansard p.3336

Question put.

The House divided.

AYES, 42

Baumann* Elliott Paff Springborg
Beanland Feldman Knuth Pratt Stephan
Black Gamin Laming Prentzler Turner
Blundell Gane Lester Rowell Veivers
Connor Healy Lingard Santoro Watson
Cooper Hegarty* Littleproud Seeney Wellington
Cunningham, E Hobbs Malone Sheldon
Dalgleish Horan Mitchell Simpson
Davidson Johnson Slack
NOES, 42

Atwood, Cunningham, J  
Barton, Edmond  
Beattie, Elder  
Bligh, Fenlon  
Boyle, Foley  
Bredhauer, Foursas  
Brady, Hamill  
Brakey, Hayward  
Clark, Kaiser  
Pairs – Messrs Goss and Quinn (AYES) and Messrs Musgrove and Wilson (NOES)  
*Tellers

The numbers being equal, Mr Speaker cast his vote with the 'NOES'.  
Question negatived.

26 ADJOURNMENT

Leader of the House (Mr Mackenroth) moved – That this House do now adjourn.  
Debate ensued.  
Hansard p.3346

Papers:  
Mr Connor, during his speech, tabled the following papers—  
Letter, dated 20 April 2000, from Mr Connor to the Minister for Education (Mr Wells)  
Letter, dated 18 April 2000, from The Glossy Black–Cockatoo Branch of the Wildlife Preservation Society of Queensland to Mr Connor  
Letter, dated 19 May 2000, from Mr Wells to Mr Connor  
Letter, dated 26 September 2000, from Councillor Ted Shepherd to Mr Connor  
Photo of septic system overflow

Debate continued.  
Question agreed to.  
The House adjourned at 7.29pm.

27 ATTENDANCE

The following Members were present—

Atwood  
Barton  
Baumann  
Beanland  
Beattie  
Black  
Bligh  
Borotridge  
Boyle  
Brady  
Bredhauer  
Brakey  
Clark  
Connor  
Cooper  
Cunningham, E  
Cunningham, J  
Dalgleish  

R K HOLLIS  
Speaker

R D DOYLE  
The Clerk of the Parliament

NOES, 42

Lavarch  
Lucas  
Mackenroth  
McGrady  
Miller  
Mulherin  
Nelson–Carr  
Nuttall  
Rose

Papers:

Letter, dated 20 April 2000, from Mr Connor to the Minister for Education (Mr Wells)
Letter, dated 18 April 2000, from The Glossy Black–Cockatoo Branch of the Wildlife Preservation Society of Queensland to Mr Connor
Letter, dated 19 May 2000, from Mr Wells to Mr Connor
Letter, dated 26 September 2000, from Councillor Ted Shepherd to Mr Connor
Photo of septic system overflow