#### 1998-2000

### LEGISLATIVE ASSEMBLY OF QUEENSLAND

## **VOTES AND PROCEEDINGS**

NO. 110

# FIRST SESSION OF THE FORTY–NINTH PARLIAMENT THURSDAY, 5 OCTOBER 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 MATTER OF PRIVILEGE

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

'I rise on a matter of privilege. Yesterday the Member for Southport was removed from this place by Mr Speaker under Standing Order 123A(3). I, too, was removed from this place under Standing Order 123A(3). When I made inquiries yesterday of the Deputy Opposition Whip as to whether I could return to vote, he sought advice from The Clerk who in turn sought advice from Mr Speaker. Mr Speaker, you said that the Member for Southport could return to vote but the Member for Crows Nest could not. Could I have an explanation as to why I was denied a vote in this place?'

Mr Speaker advised that the Members had been removed from the Chamber under different standing orders and ruled that *Hansard* be changed.

#### 3 MATTER OF PRIVILEGE

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

If rise on a matter of privilege. Yesterday in question time the Deputy Premier made a statement that Lee Bermingham worked in the department of Minister Doug Slack when the coalition was in Government. At 11.49 a.m. yesterday, Minister Elder rose on a matter of privilege to correct his original statement. He said—

"During question time today I did say that Lee Bermingham worked on the staff of the then Minister Doug Slack. I need to correct the record. It was, in fact, Minister Davidson."

This statement is untrue. Lee Bermingham was never employed by me. He was never a member of my ministerial staff. The Deputy Premier has misled the House.'

#### 4 STATEMENT BY SPEAKER - QUESTIONS ON NOTICE RULED OUT OF ORDER

Mr Speaker made the following statement—

'I must advise honourable members this morning that I have ruled out of order a number of questions on notice. Having consulted with the Clerks, I can only conclude that these pro forma questions are substantively the same as those ruled sub judice yesterday.'

#### 5 NOTICE OF MOTION - DISSENT FROM SPEAKER'S RULING

#### 6 PETITIONS

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

Mr Hobbs from 85 petitioners, requesting the House to rescind the Vegetation Management Bill 1999 immediately.

Mr Turner from 30 petitioners, requesting the House to introduce legislation so that, in appropriate circumstances, a medically-assisted or induced quick and peaceful death at the request of and in the interests of a patient, becomes an available option in medical practice.

Mrs Pratt from 242 petitioners, requesting the House gives financial support to Dunkley's Coaches for the continuation of the Toowoomba to Hervey Bay and return passenger and freight coach service.

Miss Simpson from 508 petitioners, requesting the House to call on the State Health Minister to employ more dentists and provide additional funding to the public dental service on the Sunshine Coast to reduce these unacceptable waiting times.

Mr Foley from 2 petitioners, requesting the House keep the Queensland Philharmonic Orchestra and the Queensland Symphony Orchestra separate so that both can continue in their best suited pursuits and that the QPO continues with the chamber orchestra

performances in rural Queensland and that no reduction in the number of QPA players or of concerts given by the orchestra as a separate entity.

Mr Rowell from 1433 petitioners, requesting the House to call on the Beattie Labor Government to provide a fair and reasonable assistance package to help dairy farmers and rural communities adjust to the impact of dairy industry deregulation.

#### 7 MINISTERIAL PAPERS

The following papers were tabled—

(a) Treasurer (Mr Hamill)—

Queensland Treasury Corporation – Annual Report for 1999–2000

Queensland Investment Corporation—

Annual Report for 1999-2000

Investment Trusts Financial Statements for 1999–2000

Statement of Corporate Intent for 1999-2000

(b) Attorney-General and Minister for Justice and Minister for The Arts (Mr Foley)—
Report on the extension of the Public Trustee Regulation 1989 for a period of 12 months pursuant to s.56A(2) of the Statutory Instruments Act 1992
Report on the extension of the Status of Children Regulation 1989 for a period of 12 months pursuant to s.56A(2) of the Statutory Instruments Act 1992
Report to the Legislative Assembly under s.56A(2) of the Statutory Instruments Act 1992 relating to the Continuing Legal Education Rule and Queensland Law Society Act 1952.

#### 8 MINISTERIAL STATEMENTS

(a) Premier (Mr Beattie), by leave, made a ministerial statement relating to attacks by pit bull terriers. *Hansard p.3474* 

Papers: Mr Beattie, during his statement, tabled the following papers— Printouts of some internet pages relating to pit bull terriers

- (b) Premier (Mr Beattie), by leave, made a ministerial statement relating to the opening of the Gold Coast Marine Precinct, Coomera. *Hansard p.3475*
- (c) Premier (Mr Beattie), by leave, made a ministerial statement relating to the retirement of Alan Watson, Chief Reporter. Hansard p.3476
   Mr Beattie moved That his statement be noted.
   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 (i) the Gold Coast Marine Precinct and (ii) Alan Watson. Hansard p.3478
- (e) Treasurer (Mr Hamill), by leave, made a ministerial statement relating to funding to the Centre of National Research on Disability and Rehabilitation Medicine. Hansard p.3479
- (f) Minister for Police and Corrective Services (Mr Barton), by leave, made a ministerial statement relating to (i) the reopening of the Albany Creek Police Station and (ii) Alan Watson. Hansard p.3479
- (g) Minister for Public Works and Minister for Housing (Mr Schwarten), by leave, made a ministerial statement relating to the late Russell Giles, Government Printer. Hansard p.3480
- (h) Minister for Primary Industries and Rural Communities (Mr Palaszczuk), by leave, made a ministerial statement relating to the Agforce Annual Conference. Hansard p.3481

#### 9 STANDING AND SESSIONAL ORDERS - HOURS AND ORDER OF BUSINESS FOR THIS DAY'S SITTING

Leader of the House (Mr Mackenroth), by leave, moved – That notwithstanding anything contained in the Standing and Sessional Orders, for this day's sitting, the House can continue to meet past 7.30pm.

Private Members' motions will be debated between 6 and 7pm.

The House can then break for dinner and resume its sitting at 8.30pm.

Government Business will take precedence for the remainder of the day's sitting. Question put and agreed to.

#### 10 SELECT COMMITTEE ON TRAVELSAFE - PAPER

Chairman of the Select Committee on Travelsafe (Ms J Cunningham) tabled the following paper—

Select Committee on Travelsafe— Annual Report for 1999–2000

Ordered to be printed.

#### 11 NOTICES OF MOTION Hansard p.3482

#### 12 PRIVATE MEMBERS' STATEMENTS

Private Members' statements were made. Hansard p.3482

#### 13 QUESTIONS WITHOUT NOTICE

Questions without notice were asked. Hansard p.3486

And the Leader of the Liberal Party (Dr Watson) having asked a question—
Speaker's ruling: Mr Speaker ruled that Dr Watson's question was out of order.

#### 14 NOTICE OF MOTION - DISSENT FROM SPEAKER'S RULING

#### 15 QUESTIONS WITHOUT NOTICE

Questions resumed.

And Mr Seeney having asked a question—
Speaker's ruling: Mr Speaker ruled that Mr Seeney's question was out of order.

#### 16 NOTICE OF MOTION - DISSENT FROM SPEAKER'S RULING

#### 17 QUESTIONS WITHOUT NOTICE

Questions resumed.
Questions concluded.

#### 18 TRANSPORT (BUSWAY AND LIGHT RAIL) AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Transport and Minister for Main Roads (Mr Bredhauer) – That the Bill be now read a second time. Debate resumed. *Hansard p.3497* 

And the House having resumed at 2.30pm—

Interruption to debate—

#### 19 STATEMENT BY SPEAKER - MATTER OF PRIVILEGE - MEMBER FOR CROWS NEST

Mr Speaker made the following statement—

'Further to the matter of privilege raised by the Member for Crows Nest this morning, I have reviewed the *Hansard* records. It is now clear to me that during yesterday's question time when invoking Standing Order 123A I inadvertently referred to subsection (3). This was an error. My intent and my personal record was that subsection (2) had been invoked. I apologise to the Member for Crows Nest for any embarrassment or inconvenience caused.'

#### 20 TRANSPORT (BUSWAY AND LIGHT RAIL) AMENDMENT BILL

Debate on the motion of the Minister for Transport and Minister for Main Roads (Mr Bredhauer) – That the Bill be now read a second time – resumed. *Hansard p.3513* Question put

The House divided.

#### AYES, 40

Attwood	Cunningham, J	Kaiser	Palaszczuk	Rose
Barton	Edmond	Lavarch	Pearce	Schwarten
Beattie	Elder	Mackenroth	Pitt	Spence
Bligh	Fenlon	McGrady	Purcell*	Struthers
Boyle	Foley	Mickel	Reeves	Sullivan*
Braddy	Fouras	Mulherin	Reynolds	Welford
Bredhauer	Hamill	Musgrove	Roberts	Wells
Briskey	Hayward	Nelson-Carr	Robertson	Wilson
		11050 40		

#### NOES, 40

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

Pairs – Dr Clark, Mr Lucas, Mrs Miller and Mr Nuttall (AYES) and Messrs Baumann, Goss, Malone and Quinn (NOES)

\*Tellers

The numbers being equal, Mr Speaker cast his vote with the 'AYES'.

Question agreed to.

Bill read a second time.

Bill committed on the motion of Mr Bredhauer.

In Committee
Hansard p.3518

Clause 1 agreed to.

Clause 2 (Commencement)—

The following amendment was proposed by Mr Bredhauer—

At page 10, line 7, after 'Act'—

insert—

'. other than section 33,'.

Debate ensued.

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

Clause 2, as amended, agreed to.

Clauses 3 to 11 agreed to.

New Clause 11A-

The following amendment was proposed by Mr Bredhauer—

At page 13, after line 20—

insert-

#### Insertion of new s 161A

'11A. After section 161-

insert—

#### 'Port services function

**'161A.(1)** A port authority has, in addition to its functions under section 161, the function of providing port services and ancillary services—

- (a) whether in or outside its port; and
- (b) whether in or outside Australia; and
- (c) whether for another port authority or for someone else.
- **(2)** A port authority that is a GOC is taken to have had the function mentioned in subsection (1) from when it became a GOC.
- '(3) In this section-

"ancillary services" means services ancillary to the provision of port services, including services appropriate for complementing or enhancing the provision of port services.

"port" includes airport.

"port services" means any of the following-

- (a) services relating to the establishment, operation or administration of ports;
- (b) dredging services:
- (c) services relating to the reclamation of land;
- (d) pilotage services;
- (e) consultancy services about any of the services mentioned in paragraphs (a) to (d).'.'.

Debate ensued

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

Clause 12 (Insertion of new chs 7A—7C)—

The following amendments were proposed by Mr Bredhauer—

At page 33, line 13, after '(the "infrastructure")'—

insert—

'is happening or when it'.

At page 34, lines 5 to 8—

omit, insert-

- ''(3) The amount of compensation is an amount fairly representing, in the particular circumstances—
- (a) if the person is in occupation of the relevant land at any time during the establishment of the infrastructure—the reasonable cost to the person of the enjoyment interference during the establishment; and
- (b) if the person is in occupation of the relevant land when the establishment of the infrastructure is completed—the reasonable cost to the person of the enjoyment interference, starting from when the establishment of the infrastructure is completed.

At page 35, after line 11—

insert-

''(5) Nothing in subsection (2)(a) stops a person from applying for compensation before the establishment of the busway transport infrastructure is completed if the claim relates to the person's occupation of land during the establishment of the infrastructure.'.

At page 58, line 24, after '(the "infrastructure")'—

insert-

'is happening or when it'.

At page 59, lines 15 to 18—

omit. insert-

- ''(3) The amount of compensation is an amount fairly representing, in the particular circumstances—
- (a) if the person is in occupation of the relevant land at any time during the establishment of the infrastructure—the reasonable cost to the person of the enjoyment interference during the establishment; and
- (b) if the person is in occupation of the relevant land when the establishment of the infrastructure is completed—the reasonable cost to the person of the enjoyment interference, starting from when the establishment of the infrastructure is completed.'.

At page 60, after line 21—insert—

''(5) Nothing in subsection (2)(a) stops a person from applying for compensation before the establishment of the light rail transport infrastructure is completed if the claim relates to the person's occupation of land during the establishment of the infrastructure.'.

Debate ensued.

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

Clause 12, as amended, agreed to.

Clause 13 agreed to.

Clause 14 (Insertion of new s 199A)—

The following amendment was proposed by Mr Bredhauer—

At page 80, lines 11 to 15—

omit, insert-

Insertion of new s 200A

'14. Chapter 9-

insert—

#### 'Numbering and renumbering of Act

'200A. In the next reprint of this Act produced under the Reprints Act 1992, the provisions of this Act must be numbered and renumbered as permitted by the Reprints Act 1992, section 43.'.'.

Debate ensued.

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

Clause 14, as amended, agreed to.

New Clause 14A-

The following amendment was proposed by Mr Bredhauer—

At page 80, before line 16—

insert-

#### 'Amendment of s 215 (Boundary identification etc.)

'14A. Section 215(1)(b)(i), 'and'—

omit, insert—

'or'.'.

#### Debate ensued

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

Clause 15 agreed to.

Clause 16 (Amendment of sch 2 (Appeals))—

The following amendments were proposed by Mr Bredhauer—

At page 81, after entry for section 180F(3)(b)—

insert-

180X

Requirement by chief executive about District

public utility plant on busway land

180ZC Decision of chief executive about District or Magistrates'.

amount of additional expense At page 81, after entry for section 180ZQ(3)(b)—

insert-

180*77*J

Requirement by chief executive about District

public utility plant on light rail land

180*77*O Decision of chief executive about District or Magistrates'.

amount of additional expense

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

Clause 16, as amended, agreed to.

Clauses 17 to 23 agreed to.

New Clauses 23A to 23C-

The following amendment was proposed by Mr Bredhauer—

At page 92, after line 18-

insert-

#### 'Omission of s 136 (Impersonation of authorised person)

'23A. Section 136 (as enacted in Act No. 43 of 1994 as section 132 and subsequently renumbered)-

omit.

#### Insertion of new pt hdg

'23B. Chapter 12, before section 143B-

insert-

#### 'PART 1—GENERAL'.

#### Insertion of new ch 12, pt 2 and new pt hdg

'23C. Chapter 12, after section 154A—

insert-

#### **'PART 2—AUTHORISATIONS FOR COMPETITION LEGISLATION** 'Division 1—Interpretation

#### 'Definitions for pt 2

'154B. In this part—

"Competition Code" means the Competition Code under the Competition Policy Reform (Queensland) Act 1996.

- "competition legislation" means TPA, section 51(1)(b)1 or the Competition Code, section 51.2
- "fare", in relation to a public passenger service, means—
- (a) the price payable for use of the service; or
- (b) the provisions of, or arrangements for, a discount, allowance, rebate or credit applying in relation to the price payable for use of the service.
- "fare provision" see section 154C.
- "identified provision" see section 154D.
- "management entity" means—
- (a) the State: or
- (b) a State influenced entity.
- "management entity provision" see section 154E.
- "service entity" means an entity that provides or proposes to provide 1 or more public passenger services in Queensland as an operator.
- "service entity provision" see section 154F.
- "service equipment", for a public passenger service, means any of the following used in operating the service—
- (a) facilities, including ticketing systems, network monitoring systems, communications equipment and timing systems;
- (b) infrastructure, including tunnels, stations, parking facilities and passenger interchanges;
- (c) goods or services related to something mentioned in paragraph (a) or (b).
- "State influenced entity" see section 154G.
- "TPA" means the Trade Practices Act 1974 (Cwlth).
- 'Meaning of "fare provision"
- **'154C.(1)** For this part, a **"fare provision"** is a provision about a fare (the **"relevant fare"**) applying for a public passenger service of 1 or more service entities.
- '(2) However, a provision is a "fare provision" only if—
- a) the provision has the purpose, or has or is likely to have the effect, of—
  - (i) fixing, controlling or maintaining the fare; or
  - (ii) providing for the fixing, controlling or maintaining of the fare; and
- (b) the provision is negotiated and agreed to in the context of a contract, arrangement or understanding for coordinating or integrating public passenger services: and
- (c) at any particular time the provision is given effect to, the relevant fare is consistent with any model fare structure arrangement that—
  - (i) has been approved by the chief executive; and
  - (ii) has been published in the gazette; and
  - (iii) is still in force.

#### 'Meaning of "identified provision"

- **'154D.** For this part, a provision is an **"identified provision"** if it is a provision about—
- the coordination or integration of public passenger services of 2 or more service entities; or
- (b) the route to be used or not to be used by a service entity in providing a public passenger service; or
- (c) an area in which a service entity will or will not provide a public passenger service; or
- (d) where a service entity will or will not pick up or set down passengers in providing a public passenger service; or
- (e) the times a service entity will or will not provide a public passenger service; or
- (f) the persons or classes of persons to whom a service entity will or will not provide a public passenger service; or

Trade Practices Act 1974 (Cwlth), section 51 (Exceptions)

The Competition Code, section 51 states that in deciding whether a person has contravened the Code, Part IV, certain things must be disregarded. Section 51(1) of the Code provides that the following must be disregarded—

<sup>(</sup>b) anything done in a State, if the thing is specified in, and specifically authorised by:

<sup>(</sup>i) an Act passed by the Parliament of that State; or

<sup>(</sup>ii) regulations made under such an Act.'

- (g) a characteristic of a vehicle, vessel or item of rolling stock a service entity will or will not use to provide a public passenger service; or
- (h) a service entity not providing a public passenger service that competes, or if it
  were provided, would compete, with a public passenger service of another
  service entity; or
- (i) a service entity providing a public passenger service for or on behalf of another person, including another service entity, whether as principal or agent; or
- (j) a service entity issuing a ticket for a public passenger service, if all or part of the service is to be provided by 1 or more other service entities; or
- (k) the name, sign, decal or logo under which a service entity is to provide a public passenger service; or
- (I) the terms on which a service entity provides a public passenger service; or
- (m) the promotion of a public passenger service provided by 1 or more of the service entities.

#### 'Meaning of "management entity provision"

- **'154E.(1)** For this part, a "management entity provision" is a provision about the supply by a management entity of a service for a public passenger service of 1 or more service entities.
- **(2)** However, a provision is a **"management entity provision"** only if the provision is—
- (a) about the persons or classes of persons to whom the service will be supplied; or
- (b) to the effect that the management entity is to supply the service on condition that the service entity or entities are to acquire service equipment, including from a person who is not a party to the contract, arrangement or understanding containing the provision.

#### 'Meaning of "service entity provision"

- **154F.(1)** For this part, a "service entity provision" is a provision about the acquisition, use or supply of service equipment for a public passenger service of 1 or more service entities.
- (2) However, a provision is a "service entity provision" only if the provision is—
- (a) about the persons or classes of persons from whom the service equipment will be acquired or to whom the service equipment will be supplied; or
- (b) to the effect that a service entity or management entity is to supply the service equipment on condition that another person, including another service entity or management entity, is to acquire other service equipment, including from a person who is not a party to the contract, arrangement or understanding containing the provision.

#### 'Meaning of "State influenced entity"

- **154G.(1)** For this part, a **"State influenced entity"** is an entity whose functions include coordinating or facilitating the integration of public passenger services.
- '(2) However, an entity is a "State influenced entity" only if at least 1 of the following applies—
- the State has power to appoint a person to, or remove a person from, the board or managing body of the entity;
- (b) the State has power to vote, or control a vote, at a meeting of the board or managing body of the entity;
- (c) the State has power to vote, or control a vote, at a meeting of the members of the entity.

#### 'References to public passenger services in pt 2

- **'154H.(1)** A reference in this part to a public passenger service does not include a reference to a public passenger service that is a taxi service or limousine service.
- **(2)** A reference in this part to the public passenger service of a service entity is a reference to a public passenger service the service entity provides or proposes to provide in Queensland as an operator.

#### 'Extended meanings of certain expressions in pt 2

#### '154I. For this part—

- (a) reference to making a contract or arrangement containing a particular provision includes reference to the following—
  - offering to make a contract or arrangement containing the particular provision;

- (ii) refusing to make a contract or arrangement unless the contract or arrangement contains the particular provision; and
- (b) reference to arriving at an understanding containing a particular provision includes reference to the following—
  - (i) offering to arrive at an understanding containing the particular provision:
  - (ii) refusing to arrive at an understanding unless the understanding contains the particular provision; and
- (c) reference to the supply of something includes reference to the following—
  - (i) the supply of the thing at a particular price:
  - (ii) an offer to supply the thing;
  - (iii) an offer to supply the thing at a particular price;
  - (iv) giving, or offering to give, a discount, allowance, rebate or credit in relation to the supply or proposed supply of the thing;
  - (v) resupply of the thing; and
- (d) reference to the supply of something on a condition includes reference to a refusal to supply the thing without the condition.

#### 'Division 2—Authorisations

'Authorisations for coordination and integration of public passenger services '154J. The following things are specifically authorised for the competition legislation—

- (a) 2 or more service entities making a contract or arrangement, or arriving at an understanding, that includes an identified provision, but only if the contract, arrangement or understanding was first approved by the Minister;
- (b) a service entity giving effect to an identified provision mentioned in paragraph (a);
- (c) 2 or more service entities making a contract or arrangement, or arriving at an understanding, containing a fare provision;
- (d) a service entity giving effect to a fare provision mentioned in paragraph (c);
- (e) 2 or more service entities making a contract or arrangement, or arriving at an understanding, containing a provision under which the service entities—
  - are to share revenue or profits received by any of them in relation to a public passenger service of 1 or more of them; or
  - (ii) are to pay all or part of the costs related to providing a public passenger service of 1 or more of them:
- (f) a service entity giving effect to a provision mentioned in paragraph (e);
- (g) 2 or more service entities making a contract or arrangement, or arriving at an understanding, containing a service entity provision;
- (h) a service entity giving effect to a service entity provision mentioned in paragraph (g);
- (i) 1 or more service entities and a management entity making a contract or arrangement, or arriving at an understanding, containing an identified provision, a fare provision, a management entity provision or a service entity provision;
- (j) a service entity or management entity giving effect to a provision mentioned in paragraph (i);
- (k) a management entity and another entity (the "system entity") making a contract or arrangement, or arriving at an understanding, containing a provision about the system entity doing 1 or more of the following in relation to service equipment for 1 or more service entities' public passenger services—
  - (i) designing the equipment;
  - (ii) making the equipment;
  - (iii) building the equipment;
  - (iv) installing the equipment;
  - (v) maintaining the equipment;
- (I) an entity giving effect to a provision mentioned in paragraph (k).

#### 'Provisions limiting application of authorisations

- **'154K.(1)** Section 154J applies to a service entity in relation to a public passenger service it provides or proposes to provide only if the service entity is—
- (a) if the public passenger service is a service for the carriage of passengers on a railway—
  - (i) a railway manager for the railway; or

- a person who is accredited under the *Transport Infrastructure Act* 1994. chapter 6, part 43 as a railway operator for the railway; or
- if the public passenger service is a ferry service—the operator of the ferry (b) service: or
- (c) otherwise—the holder of an operator accreditation for the public passenger service.
- (2) Section 154J(b), (d), (f) and (h) applies to a provision for only 5 years after the contract, arrangement or understanding containing the provision is made or arrived at. 'Provisions supporting application of authorisations
- '154L.(1) A thing authorised under section 154J, as qualified by section 154K, is authorised even if-
- it has a purpose, or an effect or likely effect, of substantially lessening (a) competition in a market; or
- it has a purpose described in TPA, section 46(1)4 or the Competition Code. (b) section 46(1):5 or
- the applicable contract, arrangement or understanding contains a provision (c)
  - under TPA, section 4D,6 is taken to be an exclusionary provision under (i) TPA: or
  - under the Competition Code, is taken to be an exclusionary provision (ii) under the Competition Code.
- (2) A thing mentioned in section 154J(g), (h), (i), (j), (k) or (l), as qualified by section 154K, is authorised even if it involves an entity to which the provision applies engaging in the practice of exclusive dealing in a way described in TPA, section 477 or in the Competition Code, section 47.8

#### 'PART 3—REGULATION-MAKING POWER'.'.

Debate ensued.

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

Clause 24 agreed to.

New Clause 24A-

The following amendment was proposed by Mr Bredhauer—

At page 93, after line 8—

insert-

'Amendment of sch 3 (Dictionary)

'24A. Schedule 3-

insert-

"Competition Code", for chapter 12, part 2, see section 154B.

"competition legislation", for chapter 12, part 2, see section 154B.

"fare", for chapter 12, part 2, see section 154B.

"fare provision", for chapter 12, part 2, see section 154C.

"identified provision", for chapter 12, part 2, see section 154D.

"management entity", for chapter 12, part 2, see section 154B.

"management entity provision", for chapter 12, part 2, see section 154E.

"service entity", for chapter 12, part 2, see section 154B.

"service entity provision", for chapter 12, part 2, see section 154F.

"service equipment", for a public passenger service, for chapter 12, part 2, see section 154B.

"State influenced entity", for chapter 12, part 2, see section 154G.

"TPA", for chapter 12, part 2, see section 154B.'.'.

Debate ensued.

Question – That Mr Bredhauer's amendment be agreed to – put and agreed to. Clauses 25 to 32 agreed to.

New Clause 33-

The following amendment was proposed by Mr Bredhauer—

Transport Infrastructure Act 1994, chapter 6 (Rail transport infrastructure), part 4 (Accreditation)

Trade Practices Act 1974 (Cwlth), section 46 (Misuse of market power)

<sup>5</sup> Competition Code, section 46 (Misuse of market power) 6

Trade Practices Act 1974 (Cwlth), section 4D (Exclusionary provisions)

Trade Practices Act 1974 (Cwlth), section 47 (Exclusive dealing)

Competition Code, section 47 (Exclusive dealing)

At page 96, after line 21—

insert—

'Insertion of new pt 4A

'33. After section 28—

insert-

#### **'PART 4A—SPECIAL PROVISIONS FOR BUSWAYS**

#### 'Definitions for pt 4A

'28A. In this part—

"Acquisition Act" means the Acquisition of Land Act 1967.

"agreement" means an agreement under the Acquisition Act, section 15(1).

"busway" means-

- (a) a route especially designed and constructed for, and dedicated to, the priority movement of buses for passenger transport purposes; and
- (b) places for the taking on and letting off of bus passengers using the route.

"commencement" means the commencement of section 28B.

"constructing authority", for a land acquisition, means the constructing authority for the land acquisition under the Acquisition Act.

"construction contract" means a contract concerning the construction of a busway. "land acquisition" means the taking of land under the authority of this Act and the Acquisition Act if, regardless of the particular purpose for the taking of the land, the taking of land is concerned with the construction or proposed construction of a busway.

"notice of intention to resume" means a notice of intention to resume under the Acquisition Act.

"taking of land" means the taking of land—

- (a) under a gazette notice under the Acquisition Act, section 9(7), including as amended by any amending gazette notice under section 11 of that Act; or
- (b) under a gazette notice under the Acquisition Act, section 15(6A).

#### 'Busway land acquisition

'28B.(1) Subsections (2) and (3) apply to a land acquisition that—

- (a) happened before the commencement; or
- (b) happens after the commencement if—
  - (i) the notice of intention to resume for the land acquisition was served before the commencement; or
  - (ii) the date of the agreement for the land acquisition was earlier than the commencement.
- '(2) It is declared that the validity and effectiveness of the land acquisition was not, and is not, affected by—
- (a) whether the constructing authority was or is, or purported or purports to be—
  - (i) the chief executive with administrative responsibilities concerning matters connected with transport infrastructure; or
  - (ii) the chief executive with administrative responsibilities concerning matters connected with roads; or
- (b) for the application of the Acquisition Act, section 9 or 15, whether the person assuming the role of Minister was or is the Minister mentioned in the Acquisition Act, section 9(2), definition "Minister", paragraph (b) or another Minister.
- '(3) It is declared that, despite anything done for the land acquisition, the constructing authority for the acquisition is taken to be, and always to have been, the chief executive with administrative responsibilities concerning matters connected with roads.
- '(4) Subsection (5) applies for achieving a valid and effective land acquisition after the commencement if—
- the notice of intention to resume for the land acquisition is served after the commencement; or
- (b) the date of the agreement for the land acquisition is later than the commencement.
- '(5) It is declared that—
- (a) the constructing authority for the land acquisition must be the chief executive with administrative responsibilities concerning matters connected with roads; and

- (b) for the application of the Acquisition Act, section 9 or 15, the person assuming the role of Minister must be the Minister mentioned in the Acquisition Act, section 9(2), definition "Minister", paragraph (b).
- **(6)** Despite anything in a notice of intention to resume or agreement for a land acquisition happening before or after the commencement, and despite any limitations or proposed limitations on the public use of the land the subject of the land acquisition. It is declared that the purposes of the land acquisition—
- (a) if happening before the commencement—are taken always to have included the purpose of roads; and
- (b) if happening after the commencement—are taken to include the purpose of roads

#### 'Construction contracts

- **'28C.** It is declared that the validity and effectiveness of a construction contract entered into before or after the commencement was not, and is not, affected by whether the entity entering into the contract for the State was or is—
- the chief executive with administrative responsibilities concerning matters connected with transport infrastructure; or
- (b) the chief executive with administrative responsibilities concerning matters connected with roads...

Debate ensued.

Question – That Mr Bredhauer's amendment be agreed to – put and 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 Bredhauer, by leave, moved – That the Bill be now read a third time.

Bill read a third time and passed.

Title agreed to.

#### 21 EVIDENCE AMENDMENT 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. Hansard p.3526

Question put and agreed to.

Bill read a second time.

Bill committed on the motion of Mr Foley.

In Committee
Hansard p.3529

Clauses 1 to 5 agreed to.

Bill to be reported without amendment.

In the House

Bill reported without amendment.

Mr Foley, by leave, moved – That the Bill be now read a third time.

Bill read a third time and passed.

Title agreed to.

#### 22 PENALTIES AND SENTENCES AND OTHER ACTS AMENDMENT 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. Hansard p.3529

Question put and agreed to.

Bill read a second time.

Bill committed on the motion of Mr Folev.

In Committee
Hansard p.3529

Clauses 1 to 8 agreed to.

Bill to be reported without amendment.

In the House

Bill reported without amendment.

Mr Foley, by leave, moved – That the Bill be now read a third time.

Bill read a third time and passed.

Title agreed to.

#### 23 CRIMINAL LAW AMENDMENT 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 Folev.

In Committee
Hansard p.3542

Clause 1—

Debate ensued.

Ordered - That the Chairman report progress and ask leave to sit again.

The Chairman 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.

#### 24 Notice of Motion - Drought subsidies

Mr Rowell, pursuant to notice, moved—

That in view of the difficulty drought–stricken primary producers are having in securing individual droughted property (IDP) declarations because of the narrow interpretation of eligibility criteria by the Department of Primary Industries, this Parliament calls on the Minister for Primary Industries to direct that all factors are taken into account, including the effectiveness and distribution of any past rainfall, and that rainfall totals alone are not relied on.

Further, that this Parliament calls on the Beattie Government to overturn its decision to abandon state based drought relief schemes by 2002.

Debate ensued. Hansard p.3552

The following amendment was proposed by Minister for Primary Industries and Rural Communities (Mr Palaszczuk)—

Delete all words after 'That' and insert the following-

this House acknowledges that the 1992 Queensland drought policy, entitled *Drought: Managing for self-reliance*, remains unchanged and that this House notes that under the existing drought policy the number of individual droughted properties (IDP) has almost tripled over the last month and that this House also notes attempts by the previous Borbidge Coalition Government to fast-track the phase-out of transaction-based drought subsidies ahead of the 2002 deadline which this Government will honour.'.

Debate ensued.

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

The House divided.

#### AYES, 40

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

#### NOES, 40

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

Pairs – Messrs Barton, Nuttall, Reynolds and Wilson (AYES) and Messrs Dalgleish, Goss, Nelson and Quinn (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, 40

Attwood Beattie Bligh Boyle Braddy	Cunningham, J Edmond Elder Fenlon Foley	Kaiser Lavarch Lucas Mackenroth McGrady	Musgrove Nelson–Carr Palaszczuk Pearce Pitt	Robertson Rose Schwarten Spence Struthers
Bredhauer	Fouras	Mickel	Purcell*	Sullivan*
Briskey	Hamill	Miller	Reeves	Welford
Clark	Hayward	Mulherin	Roberts	Wells
		NOES, 40		
Baumann	Elliott	Johnson	Mitchell	Simpson
Beanland	Feldman	Kingston	Paff	Slack
Black	Gamin	Knuth	Pratt	Springborg
Borbidge	Grice	Laming	Prenzler	Stephan*
Connor	Healy	Lester	Rowell	Turner
Cooper	Hegarty*	Lingard	Santoro	Veivers
Cunningham, E	Hobbs	Littleproud	Seeney	Watson
Davidson	Horan	Malone	Sheldon	Wellington

Pairs – Messrs Barton, Nuttall, Reynolds and Wilson (AYES) and Messrs Dalgleish, Goss, Nelson and Quinn (NOES)

\*Tellers

The numbers being equal, Mr Speaker cast his vote with the 'AYES'. Question agreed to.

# 25 Suspension of Standing Orders - Notices of Motion - Dissent from Speaker's ruling - Cognate debate

Leader of the House (Mr Mackenroth), by leave, moved – That so much of the Standing Orders be suspended to allow a cognate debate on the following General Business Notices of Motion – Dissent from Speaker's Ruling—

- No. 1 standing in the name of Mr Borbidge;
- No. 2 standing in the name of Dr Watson;
- No. 3 standing in the name of Mr Borbidge;
- No. 4 standing in the name of Mr Borbidge;
- No. 5 standing in the name of Dr Watson;
- No. 6 standing in the name of Mrs Sheldon;
- No. 7 standing in the name of Mr Springborg; and

the dissent motions placed on notice today by Mr Beanland, Dr Watson and Mr Seeney.

Time limit for speeches 5 minutes for each Member, provided that Mr Speaker shall be entitled to put the question when debate has exceeded 60 minutes.

Motion seconded by Attorney-General and Minister for Justice and Minister for The Arts (Mr Foley).

Debate ensued. Hansard p.3563

Closure: Mr Mackenroth moved – That the question be now put.

Question put.

The House divided.

#### AYES, 40

Attwood	Cunningham, J	Kaiser	Musgrove Nelson-Carr Palaszczuk Pearce Pitt Purcell* Reeves Roberts	Robertson
Beattie	Edmond	Lavarch		Rose
Bligh	Elder	Lucas		Schwarten
Boyle	Fenlon	Mackenroth		Spence
Braddy	Foley	McGrady		Struthers
Bredhauer	Fouras	Mickel		Sullivan*
Briskey	Hamill	Miller		Welford
Clark	Hayward	Mulherin		Wells
		NOES, 40		
Baumann	Elliott	Johnson	Mitchell	Simpson
Beanland	Feldman	Kingston	Paff	Slack
Black	Gamin	Knuth	Pratt	Springborg
Borbidge	Grice	Laming	Prenzler	Stephan*

Lester

Lingard

Malone

Littleproud

Pairs – Messrs Barton, Nuttall, Reynolds and Wilson (AYES) and Messrs Dalgleish, Goss, Nelson and Quinn (NOES)

\*Tellers

Rowell

Santoro

Seenev

Sheldon

Turner

Veivers

Watson Wellington

The numbers being equal, Mr Speaker cast his vote with the 'AYES'. Question agreed to.

Question put – That Mr Mackenroth's motion be agreed to.

Healy

Hegarty\*

Hobbe

Horan

The House divided.

Connor

Cooper

Davidson

Cunningham F

#### AYES, 40

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

#### NOES, 40

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

 $Pairs-Messrs\ Barton,\ Nuttall,\ Reynolds\ and\ Wilson\ (AYES)\ and\ Messrs\ Dalgleish,\ Goss,\ Nelson\ and\ Quinn\ (NOES)$ 

Teller

The numbers being equal, Mr Speaker cast his vote with the 'AYES'. Question agreed to.

#### 26 Notices of Motion - Dissent from Speaker's ruling

Leader of the Opposition (Mr Borbidge), pursuant to notice, moved—

(1) That Mr Speaker's ruling of 3 October to disallow two questions from the Leader of the Opposition be dissented from;

- (2) That Mr Speaker's ruling that the Leader of the Liberal Party's question was out of order be dissented from:
- (3) That Mr Speaker's decision to rule out of order questions on notice submitted by members of the Opposition be dissented from:
- (4) That Mr Speaker's decision to rule out of order a question from the Leader of the Opposition on 4 October be dissented from:
- (5) That Mr Speaker's ruling that the Leader of the Liberal Party's question was out of order be dissented from:
- (6) That the Speaker's ruling on 4 October to disallow a question asked by Mrs Sheldon of the Minister for Tourism and Racing be dissented from:
- (7) That Mr Speaker's ruling of 4 October to disallow a question from the Deputy Leader of the Opposition be dissented from:
- (8) That Mr Speaker's ruling to disallow questions on notice submitted by members of the Opposition on 4 October 2000 be dissented from:
- (9) That Mr Speaker's ruling that the Leader of the Liberal Party's question on 5 October 2000 was out of order be dissented from: and
- (10) That Mr Speaker's ruling of 5 October 2000 to disallow a question from the Member for Callide to the Deputy Premier be dissented from.

Motion seconded by the Leader of the Liberal Party (Dr Watson).

Debate ensued. Hansard p.3570

Question put.

The House divided.

ΈS.	

Baumann*	Elliott	Johnson	Mitchell Paff Pratt Prenzler Rowell Santoro Seeney Sheldon	Simpson
Beanland	Feldman	Kingston		Slack
Black	Gamin	Knuth		Springborg
Borbidge	Grice	Laming		Stephan
Connor	Healy	Lester		Turner
Cooper	Hegarty*	Lingard		Veivers
Cunningham, E	Hobbs	Littleproud		Watson
Davidson	Horan	Malone		Wellington
		NOES, 40		
Attwood	Clark	Lavarch Lucas Mackenroth McGrady Mickel Miller Mulherin Musgrove	Nelson–Carr	Rose
Barton	Cunningham, J		Palaszczuk	Schwarten
Beattie	Edmond		Pearce	Spence
Bligh	Fenlon		Pitt	Struthers
Boyle	Foley		Purcell*	Sullivan*
Braddy	Hamill		Reeves	Welford
Bredhauer	Hayward		Roberts	Wells
Briskey	Kaiser		Robertson	Wilson

Pairs – Messrs Dalgleish, Goss, Nelson and Quinn (AYES) and Messrs Elder, Fouras, Nuttall and Reynolds (NOES)

\*Tellers

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

#### 27 CRIMINAL LAW AMENDMENT BILL

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

In Committee
Hansard p.3584

Clause 1—
Debate resumed.
Clauses 1 to 49 agreed to.
Clause 50 (Insertion of new ss 93B and 93C)—
The following amendment was proposed by Mr Foley—
At page 34, line 4—

omit, insert—

- '(4) To avoid any doubt, it is declared that subsections (2) and (3) only provide exceptions to the hearsay rule for particular evidence and do not otherwise affect the admissibility of the evidence.
- '(5) In this section—'.

Debate ensued.

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

Clause 50, as amended, agreed to.

Clauses 51 to 58 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.

Mr Foley, by leave, moved – That the Bill be now read a third time.

Bill read a third time and passed.

Title agreed to.

#### 28 NATURE CONSERVATION AND OTHER LEGISLATION AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Environment and Heritage and Minister for Natural Resources (Mr Welford) – That the Bill be now read a second time.

Debate resumed. Hansard p.3589

And the House having continued to sit till 12 midnight—

#### FRIDAY, 6 OCTOBER 2000

Debate continued.

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

Letter, dated 14 August from N A Mathers to Minister for Health (Mrs Edmond)

Letter, dated 4 September 2000, from Mrs Edmond to N A Mathers

Debate continued.

Debate adjourned on the motion of Mr Hobbs.

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

#### 29 SPECIAL ADJOURNMENT

Leader of the House (Mr Mackenroth) moved – That the House at its rising do adjourn until 9.30am on Tuesday. 17 October 2000.

Question put and agreed to.

#### 30 ADJOURNMENT

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

Question agreed to.

The House adjourned at 12.16am.

#### 31 ATTENDANCE

#### The following Members were present—

Davidson

Edmond

Feldman

Fenion Foley

Fouras Gamin

Goss

Grice

Hamill

Hayward

Healy Hegarty

Hobbs

Horan

Johnson

Elder

Elliott

Attwood
Barton
Baumann
Beanland
Beattie
Black
Bligh
Borbidge
Boyle
Braddy
Bredhauer
Briskey
Clark
Connor
Cooper
Cunningham, E
Cunningham, J
Dalgleish

Kaiser Kingston Knuth Laming Lavarch Lester Lingard Littleproud Lucas Mackenroth McGrady Mickel Miller Mitchell Mulherin Musgrove Nelson Nelson-Carr Nuttall
Paff
Palaszczuk
Pearce
Pitt
Pratt
Prenzler
Purcell
Reeves
Reynolds
Roberts
Roberts
Roberts
Rose
Rowell
Santoro
Seeney
Sheldon

Simpson Slack Spence Springborg Stephan Struthers Sullivan Turner Veivers Watson Welford Wellington Wells Wilson

R K HOLLIS Speaker R D DOYLE
The Clerk of the Parliament