VOTES AND PROCEEDINGS

NO. 76

WEDNESDAY, 21 AUGUST 2002

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1 **MEETING OF THE ASSEMBLY**

The Assembly met at 9.30am, pursuant to adjournment. The Speaker (Honourable R. K. Hollis) read prayers.

2 **AUDITOR–GENERAL – REPORT**

Mr Speaker informed the House that he had received the following report from the Auditor–General—

*Auditor-General of Queensland—*

Report No. 1 2002-03 – Performance Management Systems Audit of the Public Rental Housing Output, Department of Housing

3 **PETITIONS**

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

Mr English from 477 petitioners, requesting the House to urgently investigate the possibility of providing suitable subsidies for water-based transport between the Southern Moreton Bay islands – Russell, Macleay, Karragarra and Lamb and the mainland towns of Cleveland and Redland Bay wherever necessary.

Mr Wellington from 75 petitioners, requesting the House to increase the reparation package for wage deprivation to Indigenous people to an amount that would more appropriately reflect the enormity of the injustice suffered for so many years. We also request this be resolved through out of court settlements and not through protracted legal battles.

Mr Roberts from 245 petitioners, requesting the House to make Airtrain minimise noise emissions via the erection of noise barriers where noise impacts on the surrounding residential community.

Mr Copeland from 122 petitioners, requesting the House to recommend, a) Education Queensland increase the specialised therapy service within the Toowoomba District and the Southwest Region in the following service areas: Speech and Language Pathologists, Occupational Therapists and Physiotherapists, b) Education Queensland to ensure Speech and Language therapy, Occupational therapy and Physiotherapy services are made more accessible to students with disabilities across preschool, primary, secondary and special schools and c) Disability Services Queensland and Queensland Health to recognise the rights of individuals, and be responsible for providing additional Speech and Language Therapy; Occupational Therapy and Physiotherapy service to students with disabilities enrolled in Queensland Government state schools.

4 **MINISTERIAL PAPER**

The following paper was tabled—

*Attorney-General and Minister for Justice (Mr Welford)—*


5 **MINISTERIAL STATEMENTS** (Hansard p.2989, 9.34am)

(a) Premier and Minister for Trade (Mr Beattie), by leave, made a ministerial statement relating to Beyondblue and the Triple P parenting program.

*Paper:*

Mr Beattie, during his statement, tabled the following paper—

Press Release, dated 21 August 2002, entitled *Beattie launches a parenting trial aimed at making a happier society*

(b) Premier and Minister for Trade (Mr Beattie), by leave, made a ministerial statement relating to the Great Barrier Reef Memorandum of Understanding.
Mr Beattie, during his statement, tabled the following paper—
Memorandum of Understanding between the Commonwealth Government and
Government of the State of Queensland on cooperation to protect the Great
Barrier Reef from land-sourced pollutants

Premier and Minister for Trade (Mr Beattie), by leave, made a ministerial statement relating
to the Community Engagement Division.

Premier and Minister for Trade (Mr Beattie), by leave, made a ministerial statement relating
to the Year of the Outback and the Harry Redford Cattle Drive.

Minister for Employment, Training and Youth and Minister for the Arts (Mr Foley), by leave,
made a ministerial statement relating to assistance for retrenched Lakes Creek Abattoir
workers and the Smart City Vocational College in Rockhampton.

Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond), by
leave, made a ministerial statement relating to the School Based Youth Health Nurse
Program.

Minister for State Development (Mr Barton), by leave, made a ministerial statement relating
to the Gladstone Regional Business Strategy.

Minister for Police and Corrective Services and Minister Assisting the Premier on the
Carpentaria Minerals Province (Mr McGrady), by leave, made a ministerial statement
relating to Stinger road spike tyre deflation devices.

Minister for Transport and Minister for Main Roads (Mr Bredhauer), by leave, made a
ministerial statement relating to integrated fares and the Smartcard ticketing systems for
South-East Queensland.

Attorney-General and Minister for Justice (Mr Welford), by leave, made a ministerial
statement relating to a Queensland Law Society investigation into Baker Johnson.

Minister for Environment (Mr Wells), by leave, made a ministerial statement relating to E10
petrol.

Minister for Public Works and Minister for Housing (Mr Schwarten), by leave, made a
ministerial statement relating to disability housing.

Minister for Tourism and Racing and Minister for Fair Trading (Mrs Rose), by leave, made a
ministerial statement relating to seniors and tourism.

Minister for Natural Resources and Minister for Mines (Mr Robertson), by leave, made a
ministerial statement relating to SIMTARS and mine safety.

Leader of the House (Ms Bligh), 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, except for a 30–
minute adjournment debate.
Question put and agreed to.

Leader of the House (Ms Bligh), by leave, moved – That—

The House notes the Constitutional Instrument signed by the Governor on 8 August 2002
and published in the Queensland Government Gazette on 9 August 2002 to change the
place for sittings of the Legislative Assembly to the Townsville Entertainment and
Convention Centre on 3, 4 and 5 September 2002.
The Sessional Orders for the sitting of the Legislative Assembly at the Townsville Entertainment and Convention Centre on 3, 4 and 5 September 2002 circulated in my name be agreed to, viz—

SESSIONAL ORDERS FOR THE SITTING OF THE LEGISLATIVE ASSEMBLY AT THE TOWNSVILLE ENTERTAINMENT AND CONVENTION CENTRE ON 3, 4 AND 5 SEPTEMBER 2002

TIMES AND ORDER OF BUSINESS

Unless otherwise ordered and notwithstanding anything contained in the Standing and Sessional Orders, the times and Order of Business for each days sitting at the Townsville Entertainment and Convention Centre shall be as follows—

TUESDAY 3 SEPTEMBER 2002

9.30am – 10.30am—
Prayers
Messages from the Governor
Matters of Privilege
Speakers Statements
Motions of Condolence
Petitions
Notification and tabling of papers by The Clerk
Ministerial Papers
Ministerial Notices of Motion
Government Business Notices of Motion
Ministerial Statements
Any other Government Business
Personal Explanations
Reports
Notice of Motion
Private Members’ Bills
Private Members’ Statements, during which Members may speak on any subject for 2 minutes

10.30am – 11.30am—
Question Time

11.30am – 12.30pm —
Matters of Public Interest. Time limits – Leader of the Opposition or nominee 10 minutes, other members 5 minutes.

12.30pm – 1.00pm —
Government Business

2.30pm – 7.00pm —
Government Business

7.00pm – 7.30pm –
Adjournment Debate. Time limit of 3 minutes for each member.

7.30pm –
Adjournment

WEDNESDAY 4 SEPTEMBER 2002

10.30am – 11.30am—
Prayers
Messages from the Governor
Matters of Privilege
Speakers Statements
Motions of Condolence
Petitions
Notification and tabling of papers by The Clerk
Ministerial Papers
Ministerial Notices of Motion
Government Business Notices of Motion
Ministerial Statements
Any other Government Business
Personal Explanations
Reports
Notice of Motion for debate from 6.30pm to 7.30pm
Private Members’ Bills
Private Members’ Statements, during which Members may speak on any subject for 2 minutes

11.30am – 1.00pm —
Government Business

2.30pm – 5.00pm —
Government Business

6.30pm – 7.30pm –
Private Members’ Motion. Time limits – mover 10 minutes, other members 5 minutes.
7.30pm – 8.30pm—
  Question Time
8.30pm – 9.00pm —
  Adjournment Debate. Time limit of 3 minutes for each member.
9.00pm —
  Adjournment

**Thursday 5 September 2002**
9.30am – 10.30am—
  Prayers
  Messages from the Governor
  Matters of Privilege
  Speakers Statements
  Motions of Condolence
  Petitions
  Notification and tabling of papers by The Clerk
  Ministerial Papers
  Ministerial Notices of Motion
  Government Business Notices of Motion
  Ministerial Statements
  Any other Government Business
  Personal Explanations
  Reports
  Notice of Motion
  Private Members’ Bills
  Debating of Committee Reports
  Private Members’ Statements, during which Members may speak on any subject for 2 minutes
10.30am – 11.30am—
  Question Time
11.30am –1.00pm —
  Government Business
2.30pm – 7.00pm —
  Government Business
7.00pm – 7.30pm –
  Special Adjournment.
  Adjournment Debate. Time limit of 3 minutes for each member.

Question put and agreed to.

8 **STATEMENT BY SPEAKER – INDIGENOUS WELCOME CEREMONY – REGIONAL SITTING OF PARLIAMENT, TOWNSVILLE**
Mr Speaker made the following statement—

‘I wish to advise Honourable Members that on the first day of sitting in north Queensland, on 3 September 2002, there will be a welcome to country by local indigenous elders in the temporary chamber at the Townsville Entertainment and Convention Centre immediately prior to the commencement of proceedings. Members are requested to be seated in their allocated place in the chamber by 8.50am on that day. The welcome will conclude prior to the ringing of the bells for the commencement of the day’s proceedings at 9.22am.’

9 **REPORT**

Leader of the Opposition (Mr Horan)—


10 **NOTICE OF MOTION** (Hansard p.3000, 10.21am)

11 **PRIVATE MEMBERS’ STATEMENTS** (Hansard p.3000, 10.22am)

Private Members’ statements were made.

12 **QUESTIONS WITHOUT NOTICE** (Hansard p.3002, 10.30am)

Questions without notice were asked.
Paper: Mr Lester tabled the following paper—
Newspaper article entitled *Jobs watchdog overstretched*

Questions continued.

Paper: Miss Simpson tabled the following paper—
Letter from the Minister for Health and Minister Assisting the Premier on Women’s Policy (Mrs Edmond) to Mrs D Bradford relating to a deceased person

Questions continued.
Questions concluded.

13 **TREASURY LEGISLATION AMENDMENT BILL**  
(Hansard p.3014, 11.30am)
Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth), by leave, moved – That leave be granted to bring in a Bill for an Act to amend particular Acts administered by the Deputy Premier, Treasurer and Minister for Sport.
Question put and agreed to.
Bill and Explanatory Notes presented by Mr Mackenroth, Bill read a first time and ordered to be printed.
Mr Mackenroth moved – That the Bill be now read a second time.
Debate ensued.
Mr Lingard moved – That the debate be now adjourned.
Question put and agreed to.
Ordered – That the resumption of the debate be made an order of the day for tomorrow.

14 **ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL**  
(Hansard p.3015, 11.35am)
Minister for Environment (Mr Wells), by leave, moved – That leave be granted to bring in a Bill for an Act to amend the *Environmental Protection Act 1994*, and for other purposes.
Question put and agreed to.
Bill and Explanatory Notes presented by Mr Wells, Bill read a first time and ordered to be printed.
Mr Wells moved – That the Bill be now read a second time.
Debate ensued.
Mr Lester moved – That the debate be now adjourned.
Question put and agreed to.
Ordered – That the resumption of the debate be made an order of the day for tomorrow.

15 **LOCAL GOVERNMENT AMENDMENT BILL**  
(Hansard p.3017, 11.39am)
Order of the day read for the adjourned debate on the motion of the Minister for Local Government and Planning (Mrs J Cunningham) – That the Bill be now read a second time.
Debate resumed.

Papers: Mr Cummins, during his speech, tabled the following papers—
Various documents relating to encroachments by residents bordering BPA between 103 Oceanic Drive and Beach Access 41

Debate continued.
Question put and agreed to.
Bill read a second time.
Bill committed on the motion of Mrs J Cunningham.

In Committee
(Hansard p.3026)

Clauses 1 to 8, as read, agreed to.
Schedule, as read, agreed to.
Bill to be reported without amendment.

In the House

Bill reported without amendment.
Mrs J Cunningham, by leave, moved – That the Bill be now read a third time.
Question put and agreed to.
Bill read a third time and passed.
Title agreed to.

16 POSTPONED ORDER – GOVERNMENT BUSINESS
Minister for Local Government and Planning (Mrs J Cunningham) moved – That Government Business Order of the Day No. 2 be postponed until a later hour of the sitting.
Question put and agreed to.

17 PERSONAL INJURIES PROCEEDINGS AMENDMENT BILL (Hansard p.3026, 12.38pm)
Order of the day read for the adjourned debate on the motion of the Attorney-General and Minister for Justice (Mr Welford) – That the Bill be now read a second time.
Debate resumed.

Papers: Mr Welford, during his speech, tabled the following papers—
Explanatory Notes for Amendments in Committee to the Personal Injuries Proceedings Amendment Bill 2002

Debate continued.
Question put and agreed to.
Bill read a second time.
Bill committed on the motion of Mr Welford.

In Committee (Hansard p.3057)

Clauses 1 to 4, as read, agreed to.

Clause 5 (Replacement of ss 6 and 7)—
The following amendment was proposed by Mr Welford—
At page 5, lines 9 to 11—
\[\text{omit, insert}\]
\[\text{’(3) Also, this Act, other than section 58, does not apply to—}\]
\[\text{(a) personal injury in relation to which a proceeding was started in a court, including in a}\]
\[\text{court outside Queensland or Australia, before 18 June 2002; or}\]
\[\text{(b) personal injury that is a dust-related condition.’.}\]

Debate ensued.
Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 5, as amended, agreed to.

Clause 6 (Amendment of s 9 (Notice of claim))—
The following amendment was proposed by Mr Welford—
At page 6, line 13—
\[\text{omit, insert}\]
\[\text{’(9) To remove any doubt, it is declared that subsection (3)(a), to the extent that it provides}\]
\[\text{that a notice may be given after the first appearance of symptoms of the personal injury,}\]
\[\text{does not determine or affect when a cause of action in relation to the injury arose for the}\]
\[\text{purposes of the Limitation of Actions Act 1974.}\]
\[\text{’(10) In this section—’.}\]

Debate ensued.
Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 6, as amended, agreed to.

Clause 7, as read, agreed to.

New Clause 7A—
The following amendment was proposed by Mr Welford—
At page 6, after line 23—
\[\text{insert}\]
\[\text{’7A Amendment of s 43 (Need for urgent proceeding)}\]
Section 43(4)—
\[\text{omit, insert}\]
‘(4) Despite subsection (3), the proceeding is not stayed if—

(a) the court is satisfied that—

(i) the claimant is suffering from a terminal condition; and

(ii) the trial of the proceeding should be expedited; and

(b) the court orders the proceeding be given priority in the allocation of a trial date and certifies it for speedy trial.

‘(5) If, under subsection (4), the proceeding is not stayed, the following provisions do not apply in relation to the personal injury—

(a) this part, other than this section;

(b) sections 48, 49, 56 and 59;

(c) chapter 4.’.

Debate ensued.

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

Clauses 8 to 11, as read, agreed to.

Clause 12 (Insertion of new ch 4 pt 2)—

The following amendments were proposed by Mr Welford—

At page 8, line 15, ‘1 August 2002’—

omit, insert—

‘the day 3 months after the day the Personal Injuries Proceedings Amendment Act 2002 receives assent’.

At page 8, line 16—

omit, insert—

‘(4) To remove any doubt, it is declared that this Act, other than sections 58 and 77, does not apply in relation to the personal injury if, during the period starting on 18 June 2002 and ending at the end of 30 June 2002, a person started a proceeding in a court for damages based on a liability for the personal injury.

‘(5) Subsections (2) and (3) are subject to section 19.”.

At page 9, line 16, after ‘court’—

insert—

‘, including in a court outside Queensland or Australia’.

Debate ensued.

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

Clause 12, as amended, agreed to.

New Clause 13—

The following amendment was proposed by Mr Welford—

At page 10, after line 4—

insert—

‘13 Amendment of schedule (Dictionary)

Schedule—

insert—

“court”, outside Queensland or Australia, includes any entity outside Queensland or Australia having an adjudicative function.

“dust-related condition” means—

(a) any of the following diseases—

• aluminosis

• asbestosis

• asbestos induced carcinoma

• asbestos related pleural diseases

• bagassosis

• berylliosis

• byssinosis

• coal dust pneumoconiosis

• farmers’ lung

• hard metal pneumoconiosis

• mesothelioma

\(^1\) Section 19 (Legal disabilities)
slicosis
silico-tuberculosis
talcosis; or

(b) any other pathological condition of the lungs, pleura or peritoneum that is attributable to dust.'.'.

Debate ensued.

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

Schedule—

The following amendment was proposed by Mr Welford—

At page 12, lines 4 and 5—

omitted.

Debate ensued.

Paper: Mr Sullivan, during his speech, tabled the following paper—

Non-conforming petition concerning the indemnity crisis

Debate continued.

Question – That Mr Welford's amendment 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 Welford, by leave, moved – That the Bill be now read a third time.

Question put and agreed to.

Bill read a third time and passed.

Title agreed to.

18 JUVENILE JUSTICE AMENDMENT BILL (Hansard p.3059, 5.41pm)

Order of the day read for the adjourned debate on the motion of the Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services (Ms Spence) – That the Bill be now read a second time.

Debate resumed.

Debate adjourned on the motion of Mr Springborg.

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

19 NOTICE OF MOTION – INDUSTRIAL RELATIONS AND THE PREMIER (Hansard p.3062, 5.59pm)

Leader of the Opposition (Mr Horan), pursuant to notice, moved – That this House condemns the Premier for his blatant and deliberate attempts to inflame the industrial relations situation during the current enterprise bargaining negotiations to the detriment of public sector workers and their families, and Queenslanders in need of Government services.

Debate ensued.

The following amendment was proposed by Premier and Minister for Trade (Mr Beattie)—

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

'Notes the way in which enterprise bargaining has caused problems for both the Borbidge Government and this Government, leading this Government to appoint Bob Hawke to recommend a better system;

Congratulates this Government for its positive attitude to industrial relations in contrast to the previous Government's draconian actions;

Notes that the Government values its workforce to such an extent that its present offer is more than the national average in the private sector and has consistently sought to conduct negotiations in a restrained and balanced way;

And notes the fact that no government services are currently being disrupted.'
**Papers:**  Mr Beattie, during his speech, tabled the following papers— Various newspaper articles relating to industrial relations

Debate continued.

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

The House divided.

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* Tellers

Question agreed to.

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

The House divided.

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Question agreed to.

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**20 JUVENILE JUSTICE AMENDMENT BILL**  (Hansard p.3073, 8.30pm)

Order of the day read for the adjourned debate on the motion of the Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services (Ms Spence) – That the Bill be now read a second time.

Debate resumed.

Debate adjourned on the motion of Ms Reilly.

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

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**21 ADJOURNMENT**  (Hansard p.3098, 11.04pm)

Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services (Ms Spence) moved – That this House do now adjourn.

Debate ensued.
Votes and Proceedings No. 76 – Wednesday, 21 August 2002

Paper: Mr Livingstone, during his speech, tabled the following paper—
Copy of receipt for standard consultation for $38.00

Debate continued.
Question put and agreed to.
The House adjourned at 11.33pm.

22 ATTENDANCE

The following members were present—

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R K HOLLIS
SPEAKER

R D DOYLE
THE CLERK OF THE PARLIAMENT

BY AUTHORITY
G A NICHOLSON, ACTING GOVERNMENT PRINTER, QUEENSLAND

2002-011