

2001–03



LEGISLATIVE ASSEMBLY OF QUEENSLAND

FIRST SESSION OF THE FIFTIETH PARLIAMENT

VOTES AND PROCEEDINGS

NO. 135

WEDNESDAY, 15 OCTOBER 2003

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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 ASSENT TO BILLS

Letter from the Governor was reported, informing the House that Her Excellency the Governor had, in the name of Her Majesty, assented to the following Bills on 13 October 2003—

A Bill for an Act to amend the *Liquor Act 1992 (Liquor Amendment Act 2003 – Act No. 60 of 2003)*

A Bill for an Act to provide protection for tourists in dealings with inbound tour operators and tour guides, and for related purposes (*Tourism Services Act 2003 – Act No. 61 of 2003*)

A Bill for an Act about the participation of young people in education and training, and for other purposes (*Youth Participation in Education and Training Act 2003 – (Act No. 62 of 2003)*)

A Bill for an Act to amend the *Training and Employment Act 2000*, and for other purposes (*Training Reform Act 2003 – Act No. 63 of 2003*)

3 MINISTERIAL PAPER TABLED BY THE CLERK

The following ministerial paper was tabled by The Clerk—

Minister for Transport and Minister for Main Roads (Mr Bredhauer)—

Response from the Minister for Transport and Minister for Main Roads (Mr Bredhauer) to a paper petition presented by Mrs E Cunningham from 241 petitioners regarding traffic problems on the Dawson Highway between Kin Kora and Garden Lovers roundabouts in Gladstone

4 MINISTERIAL STATEMENTS (Hansard p.4092, 9.32am)

- (a) Premier and Minister for Trade (Mr Beattie) advised the House that he will be making a statement about UNITAB in the near future.
- (b) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to an exhibition of paintings by refugees during Refugee Week.
- (c) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the mining services industry.
- (d) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the nomination of the Goodwill Bridge for heritage listing.
- (e) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the hospital rebuilding program.
- (f) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Rugby World Cup 2003.
- (g) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the United States of America's Free Trade Agreement with Australia.
- (h) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Department of Families and the Crime and Misconduct Commission's inquiry into the abuse of children in foster care.

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

Letter, dated 28 July 2003, from Mr Beattie to the Chairperson, Crime and Misconduct Commission

- (i) Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth) made a ministerial statement relating to requirements for the First Home Owners Grant.

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

Document entitled *First Home Owners Scheme*

- (j) Minister for Education (Ms Bligh) made a ministerial statement relating to the Science Education Taskforce and the Science Education Ambassador.

- (k) Minister for Employment, Training and Youth and Minister for the Arts (Mr M Foley) made a ministerial statement relating to Queensland writers.
- (l) Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond) made a ministerial statement relating to hospital waiting lists for elective surgery.
- (m) Minister for State Development (Mr Barton) made a ministerial statement relating to Queensland's textile and fashion industries and the Australian Fashion Industry Awards.
- (n) Minister for Police and Corrective Services and Minister Assisting the Premier on the Carpentaria Minerals Province (Mr McGrady) made a ministerial statement relating to the new Loganholme Police Station.
- (o) Minister for Transport and Minister for Main Roads (Mr Bredhauer) made a ministerial statement relating to an evaluation of the use of speed cameras.
- (p) Minister for Environment (Mr Wells) made a ministerial statement relating to the Sunshine Coast Airport Wallum Heath Management Plan.
Paper: Mr Wells, during his statement, tabled the following paper—
 Sunshine Coast Airport Wallum Heath Management Plan
- (q) Minister for Public Works and Minister for Housing (Mr Schwarten) made a ministerial statement relating to the Community Renewal Program.

And Mr Lingard, rising on a point of order in accordance with Standing Order 107, moved – That the Minister for Public Works and Minister for Housing (Mr Schwarten) be not further heard.

Question put.

The House divided.

AYES 15—

<i>Copeland</i>	<i>Horan</i>	<i>Lester *</i>	<i>Quinn</i>	<i>Simpson</i>
<i>Hobbs</i>	<i>Johnson</i>	<i>Lingard</i>	<i>Rowell</i>	<i>Springborg</i>
<i>Hopper</i>	<i>Lee Long</i>	<i>Malone</i>	<i>Seeney</i>	<i>Watson *</i>

NOES 67—

<i>Attwood</i>	<i>Cummins</i>	<i>Keech</i>	<i>Mulherin</i>	<i>Reynolds</i>	<i>Strong</i>
<i>Barry</i>	<i>Cunningham, E</i>	<i>Lavarch</i>	<i>Nelson–Carr</i>	<i>Roberts, E</i>	<i>Struthers</i>
<i>Barton</i>	<i>Cunningham, J</i>	<i>Lawlor</i>	<i>Nolan</i>	<i>Roberts, N</i>	<i>Sullivan, C</i>
<i>Bell</i>	<i>Edmond</i>	<i>Livingstone</i>	<i>Nuttall</i>	<i>Robertson</i>	<i>Sullivan, T *</i>
<i>Beattie</i>	<i>English</i>	<i>Lucas</i>	<i>Palaszcuk</i>	<i>Rodgers</i>	<i>Welford</i>
<i>Bligh</i>	<i>Fenlon</i>	<i>Mackenroth</i>	<i>Pearce</i>	<i>Rose</i>	<i>Wells</i>
<i>Boyle</i>	<i>Flynn</i>	<i>Male</i>	<i>Phillips</i>	<i>Schwarten</i>	<i>Wilson</i>
<i>Bredhauer</i>	<i>Foley, C</i>	<i>McGrady</i>	<i>Pitt</i>	<i>Scott, C</i>	
<i>Briskey</i>	<i>Foley, M</i>	<i>McNamara</i>	<i>Pratt</i>	<i>Scott, D</i>	
<i>Clark, E</i>	<i>Fouras</i>	<i>Mickel</i>	<i>Purcell *</i>	<i>Shine</i>	
<i>Clark, L</i>	<i>Hayward</i>	<i>Miller</i>	<i>Reeves</i>	<i>Smith</i>	
<i>Croft</i>	<i>Jarratt</i>	<i>Molloy</i>	<i>Reilly</i>	<i>Spence</i>	

* Tellers

Question negated.

Whereupon Mr Schwarten concluded his statement.

5 MOTION WITHOUT NOTICE – BEACH PROTECTION LEGISLATION AMENDMENT BILL

Leader of the House (Ms Bligh), by leave, moved – That so much of the Standing and Sessional Orders be suspended to enable the Beach Protection Legislation Amendment Bill to pass through all its remaining stages this week.

Question put and agreed to.

6 STATEMENT BY LEADER OF THE HOUSE – HOURS AND ORDER OF BUSINESS FOR TODAY

Leader of the House (Ms Bligh) made the following statement—

'I advise Honourable Members that the House can continue to meet past 7.30pm this day.

The House can break for dinner at 7pm and resume its sitting at 8.30pm.

The Order of Business shall then be Government Business, followed by a 30 minute adjournment debate.'

7 NOTICE OF MOTION

Mr Flynn gave notice that he will move – That this House believes that the Queensland State Government has not done all it presently can to provide adequate financial backing, in collaboration with the Federal Government, for an improved program of water supply to our farms and cities.

8 NOTICE OF MOTION

Mrs E Cunningham gave notice that she will move – That this House calls on the Queensland Government to increase funding to the Department of Families from areas such as printed promotional material; the Premier's Public Relations Department and media areas – to enable an increase in the number of Family Support Officers; increase in training of current young or inexperienced officers and an increase in the response and monitoring of families with reported problems.

9 PRIVATE MEMBERS' STATEMENTS (Hansard p.4104, 10.25am)

Private Members' statements were made.

10 QUESTIONS WITHOUT NOTICE (Hansard p.4105, 10.30am)

Questions without notice were asked.

Papers: Minister for Innovation and Information Economy (Mr Lucas) tabled the following papers—

Article from *The Australian*, dated 2 August 2003, entitled *States to surrender electricity licensing*

Communiqué, dated 1 August 2003, from the Ministerial Council on Energy, Sydney

Questions continued.

Matter of Privilege: Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth) rose on a matter of privilege. (Hansard p.4115, 11.21am)

Matter of Privilege: Mr Quinn rose on a matter of privilege. (Hansard p.4116, 11.23am)

Questions resumed.

Questions concluded.

11 HEALTH LEGISLATION AMENDMENT BILL (Hansard p.4117, 11.30am)

Order of the day read for the adjourned debate on the motion of the Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond) – That the Bill be now read a second time.

Debate resumed.

Distinguished visitor: Mr Speaker informed the House of the presence in the Gallery of Ms Leonie Short, former Federal Member for Ryan.

Debate continued.

Matter of Privilege: Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services (Ms Spence) rose on a matter of privilege. (Hansard p.4152, 4.29pm)

Debate resumed.

Debate adjourned on the motion of Mrs Edmond.

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

12 NOTICE OF MOTION – WATER SUPPLY TO FARMS AND CITIES (Hansard p.4168, 6pm)

Mr Flynn, pursuant to notice, moved – That this House believes that the Queensland State Government has not done all it presently can to provide adequate financial backing, in collaboration with the Federal Government, for an improved program of water supply to our farms and cities.

Debate ensued.

The following amendment was proposed by the Minister for Natural Resources and Minister for Mines (Mr Robertson)—

Delete all words after 'House' and *insert* the following—

'commends the Queensland State Government for its national leadership in sustainable water management and its outstanding efforts in managing water in rural and urban areas; and condemns the Opposition for its secret plan to tax city residents to subsidize water infrastructure in the Lockyer and Darling Downs that has been assessed as financially and environmentally unsustainable.'

Debate ensued.

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

The House divided.

AYES 57—

Attwood	Croft	Lavarch	Nolan	Roberts, N	Strong
Barry	Cummins	Lawlor	Palaszcuk	Robertson	Struthers
Beattie	Cunningham, J	Lee	Pearce	Rodgers	Sullivan, C
Bligh	Edmond	Livingstone	Phillips	Rose	Sullivan, T *
Boyle	English	Mackenroth	Pitt	Schwarten	Welford
Bredhauer	Fenlon	McGrady	Poole	Scott, C	Wells
Briskey	Fouras	Mickel	Purcell *	Scott, D	Wilson
Choi	Hayward	Miller	Reeves	Shine	
Clark, E	Jarratt	Mulherin	Reilly	Smith	
Clark, L	Keech	Nelson–Carr	Reynolds	Stone	

NOES 18—

Bell	Flynn	Lee Long	Malone	Roberts, E	Simpson
Copeland	Hobbs	Lester *	Pratt	Rowell	Springborg
Cunningham, E	Hopper	Lingard	Quinn	Seeney	Watson *

* Tellers

Question agreed to.

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

The House divided.

AYES 57—

Attwood	Croft	Lavarch	Nolan	Roberts, N	Strong
Barry	Cummins	Lawlor	Palaszcuk	Robertson	Struthers
Beattie	Cunningham, J	Lee	Pearce	Rodgers	Sullivan, C
Bligh	Edmond	Livingstone	Phillips	Rose	Sullivan, T *
Boyle	English	Mackenroth	Pitt	Schwarten	Welford
Bredhauer	Fenlon	McGrady	Poole	Scott, C	Wells
Briskey	Fouras	Mickel	Purcell *	Scott, D	Wilson
Choi	Hayward	Miller	Reeves	Shine	
Clark, E	Jarratt	Mulherin	Reilly	Smith	
Clark, L	Keech	Nelson–Carr	Reynolds	Stone	

NOES 18—

Bell
Copeland
Cunningham, E

Flynn
Hobbs
Hopper

Lee Long
Lester *
Lingard

Malone
Pratt
Quinn

Roberts, E
Rowell
Seeney

Simpson
Springborg
Watson *

* Tellers

Question agreed to.

13 HEALTH LEGISLATION AMENDMENT BILL (Hansard p.4178, 8.30pm)

Order of the day read for the adjourned debate on the motion of the Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond) – That the Bill be now read a second time.

Paper: Mrs Edmond, during her speech, tabled the following paper—
Explanatory Notes for Amendments in Committee to the Health Legislation Amendment Bill

Debate continued.

Debate resumed.

Question put and agreed to.

Bill read a second time.

Bill committed on the motion of Mrs Edmond.

In Committee

Clause 1, as read, agreed to.

Clause 2 (Commencement)—

The following amendment was proposed by Mrs Edmond—

At page 10, line 11, '2001'—

omit, insert—

'2002'.

Debate ensued.

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

Clause 2, as amended, agreed to.

Clauses 3 to 59, as read, agreed to.

New Clauses 59A and 59B—

The following amendment was proposed by Mrs Edmond—

At page 45, after line 8—

insert—

'PART 8A—AMENDMENT OF HOSPITALS FOUNDATIONS ACT 1982

'59A Act amended in pt 8A

'This part amends the *Hospitals Foundations Act 1982*.

'59B Insertion of new s 71A

'After section 71—

insert—

'71A Amalgamation of bodies corporate

'(1) Two or more bodies corporate may apply to the Minister to be amalgamated as a single body corporate.

'(2) The application must—

(a) state the names of the bodies corporate applying to be amalgamated; and

(b) state whether—

(i) all the bodies corporate are to be dissolved and a new body corporate established; or

(ii) 1 of the bodies corporate is to continue and the others are to be dissolved and subsumed into the body corporate that is to continue; and

(c) for an application to which paragraph (b)(i) applies, state the name proposed for the proposed new body corporate; and

(d) for an application to which paragraph (b)(ii) applies, state which body corporate is to continue; and

- (e) state the object or objects to which it is intended the proposed new or continuing body corporate will apply its property; and
- (f) state the name of each hospital proposed to be an associated hospital for the proposed new or continuing body corporate; and
- (g) include or be accompanied by the other information or documents the Minister reasonably requires.

‘(3) If the Minister is satisfied the bodies corporate should be amalgamated, the Minister may recommend the Governor in Council make a regulation for the purpose of amalgamating the bodies corporate.

‘(4) A regulation under subsection (3)—

- (a) must amalgamate the bodies corporate by—
 - (i) dissolving each body corporate (the “**discontinued body corporate**”) and establishing a new body corporate (the “**new body corporate**”); or
 - (ii) identifying the body corporate that is to continue (the “**continuing body corporate**”), dissolving each of the other bodies corporate (the “**discontinued body corporate**”) and subsuming it into the continuing body corporate; and
- (b) may do any of the following—
 - (i) provide for the assets and liabilities of a discontinued body corporate, without any conveyance, transfer or assignment, to become the assets and liabilities of the new body corporate or continuing body corporate;
 - (ii) provide that the rights and obligations of a discontinued body corporate become the rights and obligations of the new body corporate or continuing body corporate;
 - (iii) provide that if a legal proceeding might have been continued or started by or against a discontinued body corporate, it may be continued or started by or against the new body corporate or continuing body corporate;
 - (iv) provide that in an instrument (other than a statutory instrument) in existence at the amalgamation, a reference to a discontinued body corporate is a reference to the new body corporate or continuing body corporate;
 - (v) provide that the general fund established by a discontinued body corporate becomes part of the general fund of the new body corporate or continuing body corporate;
 - (vi) provide that any trust fund of a discontinued body corporate becomes a trust fund of the new body corporate or continuing body corporate;
 - (vii) provide that a bequest to a discontinued body corporate, whether made before or after the amalgamation, is a bequest to the new body corporate or continuing body corporate;
 - (viii) make provision to facilitate anything else for, or relating to, the amalgamation.

‘(5) On the dissolution of a body corporate under this section, its members go out of office.

‘(6) A new body corporate is taken to have been established under section 7.

‘(7) To remove any doubt, it is declared sections 56 to 61 do not apply to an amalgamation under this section.

‘(8) In this section—

“**bequest**” of property includes devise, gift and grant of property.’.

Question – That Mrs Edmond’s amendment be agreed to – put and agreed to.

Clauses 60 to 113, as read, agreed to.

Part 13, heading—

The following amendment was proposed by Mrs Edmond—

At page 71, line 4, ‘**ACT**’—

omit, insert—

‘**ACTS**’.

Question – That Mrs Edmond’s amendment be agreed to – put and agreed to.

Heading, as amended, agreed to.

Clause 114 (Amendments—schedule)—

The following amendment was proposed by Mrs Edmond—

At page 71, line 7, ‘Act’—

omit, insert—

‘Acts’.

Question – That Mrs Edmond’s amendment be agreed to – put and agreed to.

Clause 114, as amended, agreed to.

Schedule (Amendment of Act and Regulations)—

The following amendments were proposed by Mrs Edmond—

At page 72, line 2, 'ACT'—

omit, insert—

'ACTS'.

At page 72, after line 3—

insert—

HEALTH RIGHTS COMMISSION ACT 1991

'1 Section 3, definition "professional conduct committee"—

omit.

'2 Section 3—

insert—

' "Nursing Tribunal" means the Nursing Tribunal under the *Nursing Act 1992*.'

'3 Section 3, definition "disciplinary body", paragraph (c)—

omit, insert—

'(c) the Nursing Tribunal; or'.

'4 Section 130(4), 'a professional conduct committee'—

omit, insert—

'the Nursing Tribunal'.

At page 73, line 8, '2001'—

omit, insert—

'2002'.

Question – That Mrs Edmond'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.

Mrs Edmond, by leave, moved – That the Bill be now read a third time.

Question put and agreed to.

Bill read a third time and passed.

Title agreed to.

14 BEACH PROTECTION LEGISLATION AMENDMENT BILL (Hansard p.4189, 9.31pm)

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

Debate resumed.

Paper: Leader of the Opposition (Mr Springborg), during his speech, tabled the following paper—

Copy of a fax, dated 15 October 2003, from Brent Dallow, Monterey Keys Marketing Pty Ltd to Mr Kevin Martin, Opposition Offices

Debate continued.

Question put and agreed to.

Bill read a second time.

Bill committed on the motion of Mr Wells.

In Committee

Clauses 1 to 5, as read, agreed to.

Bill to be reported without amendment.

In the House

Bill reported without amendment.

Mr Wells, 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.

15 TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) AND ANOTHER ACT AMENDMENT BILL (Hansard p.4200, 10.34pm)

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

In Committee

Clauses 1 to 13, as read, agreed to.
 Schedule, as read, agreed to.
 Bill to be reported without amendment.

In the House

Bill reported without amendment.
 Mr Bredhauer, 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 ADJOURNMENT (Hansard p.4211, 11.48pm)

Minister for Transport and Minister for Main Roads (Mr Bredhauer) moved – That this House do now adjourn.
 Debate ensued.
 And the House having continued to sit till 12 midnight—

THURSDAY, 16 OCTOBER 2003

Debate continued.

Papers: Mrs Pratt, during her speech, tabled the following papers—
 Various documents including non-conforming petitions relating to the Booroobin Sudbury School

Debate continued.
 Question put and agreed to.
 The House adjourned at 12.20am.

17 ATTENDANCE

The following members were present—

<i>Attwood</i>	<i>Cunningham, E</i>	<i>Keech</i>	<i>Miller</i>	<i>Reilly</i>	<i>Spence</i>
<i>Barry</i>	<i>Cunningham, J</i>	<i>Lavarch</i>	<i>Molloy</i>	<i>Reynolds</i>	<i>Springborg</i>
<i>Barton</i>	<i>Edmond</i>	<i>Lawlor</i>	<i>Mulherin</i>	<i>Roberts, E</i>	<i>Stone</i>
<i>Beattie</i>	<i>English</i>	<i>Lee</i>	<i>Nelson—Carr</i>	<i>Roberts, N</i>	<i>Strong</i>
<i>Bell</i>	<i>Fenlon</i>	<i>Lee Long</i>	<i>Nolan</i>	<i>Robertson</i>	<i>Struthers</i>
<i>Bligh</i>	<i>Flynn</i>	<i>Lester</i>	<i>Nuttall</i>	<i>Rodgers</i>	<i>Sullivan, C</i>
<i>Boyle</i>	<i>Foley, C</i>	<i>Lingard</i>	<i>Palaszcuk</i>	<i>Rose</i>	<i>Sullivan, T</i>
<i>Bredhauer</i>	<i>Foley, M</i>	<i>Livingstone</i>	<i>Pearce</i>	<i>Rowell</i>	<i>Watson</i>
<i>Briskey</i>	<i>Fouras</i>	<i>Lucas</i>	<i>Phillips</i>	<i>Schwarten</i>	<i>Welford</i>
<i>Choi</i>	<i>Hayward</i>	<i>Mackenroth</i>	<i>Pitt</i>	<i>Scott, C</i>	<i>Wells</i>
<i>Clark, E</i>	<i>Hobbs</i>	<i>Male</i>	<i>Poole</i>	<i>Scott, D</i>	<i>Wilson</i>
<i>Clark, L</i>	<i>Hopper</i>	<i>Malone</i>	<i>Pratt</i>	<i>Seeney</i>	
<i>Copeland</i>	<i>Horan</i>	<i>McGrady</i>	<i>Purcell</i>	<i>Shine</i>	
<i>Croft</i>	<i>Jarratt</i>	<i>McNamara</i>	<i>Quinn</i>	<i>Simpson</i>	
<i>Cummins</i>	<i>Johnson</i>	<i>Mickel</i>	<i>Reeves</i>	<i>Smith</i>	

R K HOLLIS
SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT