

2001–03



LEGISLATIVE ASSEMBLY OF QUEENSLAND

FIRST SESSION OF THE FIFTIETH PARLIAMENT

VOTES AND PROCEEDINGS

NO. 137

TUESDAY, 28 OCTOBER 2003

CONTENTS

ABORIGINAL CULTURAL HERITAGE BILL.....	1286
ADJOURNMENT	1287
ASSENT TO BILLS	1275
ATTENDANCE	1287
COGNATE BILLS—	
APPROPRIATION BILL (NO. 2) AND APPROPRIATION (PARLIAMENT) BILL (NO. 2).....	1280
ENVIRONMENTAL LEGISLATION AMENDMENT BILL AND ENVIRONMENTAL PROTECTION	
LEGISLATION AMENDMENT BILL.....	1280
COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) BILL.....	1285
EDUCATION (GENERAL PROVISIONS) AMENDMENT BILL	1281
FIRST HOME OWNER GRANT AMENDMENT BILL	1281
GUARDIANSHIP AND ADMINISTRATION AND OTHER ACTS AMENDMENT BILL.....	1282
JUSTICE AND OTHER LEGISLATION AMENDMENT BILL.....	1282
MATTERS OF PRIVILEGE	1275, 1280, 1281
MATTERS OF PUBLIC INTEREST	1281
MEETING OF THE ASSEMBLY	1275
MINISTERIAL NOTICE OF MOTION – REVOCATION OF PROTECTED AREAS AND FOREST	
RESERVES	1278
MINISTERIAL PAPERS	1277
MINISTERIAL PAPERS TABLED BY THE CLERK	1277
MINISTERIAL STATEMENTS.....	1278
NOTICE OF MOTION – DISSENT FROM SPEAKER'S RULING	1276
OFFICE OF THE GOVERNOR – ANNUAL REPORT	1275
PAPERS TABLED DURING THE RECESS.....	1276
PETITIONS.....	1276
POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL.....	1281
PUBLIC HEALTH (INFECTION CONTROL FOR PERSONAL APPEARANCE SERVICES) BILL..	1287
QUESTIONS WITHOUT NOTICE.....	1280
SCRUTINY OF LEGISLATION COMMITTEE – PAPER	1280

STATEMENT BY LEADER OF THE HOUSE—

HOURS AND ORDER OF BUSINESS FOR TODAY	1279
STATUTORY INSTRUMENTS.....	1277
TORRES STRAIT ISLANDER CULTURAL HERITAGE BILL.....	1286

1 MEETING OF THE ASSEMBLY

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

2 MATTER OF PRIVILEGE (Hansard p.4313, 9.32am)

Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services and Minister for Seniors (Ms Spence) rose on a matter of privilege.

3 ASSENT TO BILLS

Letters from the Governor were reported, informing the House that Her Excellency the Governor had, in the name of Her Majesty, assented to the following Bills on the dates indicated—

16 October 2003—

A Bill for an Act to amend legislation about integrated planning, and for other purposes (*Integrated Planning and Other Legislation Amendment Act 2003* - Act No. 64 of 2003)

17 October 2003—

A Bill for an Act to amend the Beach Protection Act 1968 and the Coastal Protection and Management and Other Legislation Amendment Act 2001 (*Beach Protection Legislation Amendment Act 2003* - Act No. 65 of 2003)

22 October 2003—

A Bill for an Act to amend the *Libraries Act 1988*, *Queensland Art Gallery Act 1987*, *Queensland Museum Act 1970*, *Queensland Performing Arts Trust Act 1977* and *Royal Queensland Theatre Company Act 1970*, and for other purposes (*Arts Legislation Amendment Act 2003* - Act No. 66 of 2003)

A Bill for an Act to amend the *Police Service Administration Act 1990*, and for other purposes (*Police Service Administration (Alcohol and Drug Testing) Amendment Act 2003* - Act No. 67 of 2003)

A Bill for an Act to amend Acts administered by the Minister for Health and for other purposes (*Health Legislation Amendment Act 2003* - Act No. 68 of 2003)

A Bill for an Act to amend the *Transport Operations (Road Use Management) Act 1995* and the *State Transport (People Movers) Act 1989* (*Transport Operations (Road Use Management) and Another Act Amendment Act 2003* - Act No. 69 of 2003)

A Bill for an Act to provide for the registration of surveyors, surveying graduates and surveying associates, and for other purposes (*Surveyors Act 2003* - Act No. 70 of 2003)

A Bill for an Act to provide for developing, maintaining and improving the State's survey and mapping infrastructure, and for other purposes (*Survey and Mapping Infrastructure Act 2003* - Act No. 71 of 2003)

A Bill for an Act to amend the *Grammar Schools Act 1975*, and for other purposes (*Grammar Schools and Other Legislation Amendment Act 2003* - Act No. 72 of 2003)

A Bill for an Act to regulate the activities of second-hand dealers and pawnbrokers, and for other purposes (*Second-hand Dealers and Pawnbrokers Act 2003* - Act No. 73 of 2003)

A Bill for an Act to provide for the positioning and occupancy of manufactured homes in residential parks, and for other purposes (*Manufactured Homes (Residential Parks) Act 2003* - Act No. 74 of 2003)

4 OFFICE OF THE GOVERNOR – ANNUAL REPORT

Mr Speaker tabled the following paper—

Office of the Governor - Annual Report 2002-03

5 MATTER OF PRIVILEGE (Hansard p. 4314, 9.35am)

Mr Wellington rose on a matter of privilege.

Speaker's ruling – Mr Speaker ruled that there was no matter of privilege.

6 NOTICE OF MOTION – DISSENT FROM SPEAKER'S RULING

Mr Wellington gave notice that he will move - That Mr Speaker's ruling, on Tuesday 28 October 2003, that the matter I raised relating to the issue of desk flags was not a matter of privilege, be dissented from.

7 PETITIONS

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

Mr Poole from 1300 petitioners requesting the House to support efforts to have the provision made pursuant to the Food Production (Safety) Act 2000 to promulgate a regulatory scheme for the responsible production and sale of unpasteurised bovine milk and products manufactured from unpasteurised bovine milk.

Mr Lucas from 825 petitioners requesting the House to: not approve any residential or multi-level development of the reclaimed Manly Boat Harbour precinct; halt any sale of this precinct; maintain in the current state for boating and parklands for use of the general public; ensure that the existing mangrove stand to the south of the harbour area and the adjoining reclaimed foreshore be protected and given to the people as enduring parkland.

The following E-petition, sponsored by the Member indicated, was received—

Mr Quinn from 152 petitioners requesting the House to conduct a review of double jeopardy laws in the State of Queensland; pass legislation providing discretionary power for the Attorney-General to set aside double jeopardy provisions in exceptional circumstances; recognise that the double jeopardy principle is outdated; and ensure that public confidence in the integrity of the legal system is restored.

8 PAPERS TABLED DURING THE RECESS

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

17 October 2003—

Response from the Minister for Tourism and Racing and Minister for Fair Trading (Ms Rose) to a paper petition presented by Mr Hollis from 2234 petitioners regarding harness racing at the Redcliffe Peninsula Harness Racing & Sporting Club

Parliamentary Crime and Misconduct Committee - submissions No. 26-30 received by the committee in relation to its current three yearly review of the activities of the Crime and Misconduct Commission

Property Agents and Motor Dealers Tribunal – Annual Report 2002-03

Queensland Building Tribunal – Annual Report 2002-03

20 October 2003—

Response from the Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond) to a paper petition presented by Miss Simpson from 4908 petitioners regarding public radiation therapy services on the Sunshine Coast

Response from the Minister for Primary Industries and Rural Communities (Mr Palaszczyk) to a paper petition presented by Mrs E Cunningham from 766 petitioners regarding the *Farm Debt Mediation Bill 2003*

Overseas Travel Report by the Minister for Natural Resources and Minister for Mines (Mr Robertson) – Taiwan 15-21 September 2003

Response from the Minister for Natural Resources and Minister for Mines (Mr Robertson) to a paper petition presented by Ms Lee Long from 81 petitioners regarding pontoon owners in the Lake Tinaroo area

21 October 2003—

2002-03 Report on State Finances of the Queensland Government year ended 30 June 2003

22 October 2003—

Response from the Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond) to a paper petition presented by Mr English from 614 petitioners regarding mosquitoes on Russell Island

Response from the Minister for Police and Corrective Services and Minister Assisting the Premier on the Carpentaria Minerals Province (Mr McGrady) to a paper petition presented by Mrs D Scott from 47 petitioners regarding the relocation of the Logan Central Police Shopfront

Darling Downs-Moreton Rabbit Board – Annual Report 2002-03

Valuers Registration Board of Queensland – Annual Report 2002-03

24 October 2003—

Queensland Government Response to the Queensland Ombudsman's report - An investigation into the adequacy of the actions of certain government agencies in relation to the safety, well being and care of the late baby Kate, who died aged 10 weeks

27 October 2003—

Electoral Commission of Queensland – Annual Report 2002-03

Reports on the operations of the Land Tribunals established under the *Aboriginal Land Act 1991* and the *Torres Strait Islander Land Act 1991*

9 STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Local Government Act 1993—

Local Government (Maroochy and Noosa) Regulation 2003, No. 248

Medical Practitioners Registration Act 2001—

Medical Practitioners Registration Amendment Regulation (No. 1) 2003, No. 250

Police Powers and Responsibilities Act 2000—

Police Powers and Responsibilities Amendment Regulation (No. 5) 2003, No. 251

Transport Infrastructure Act 1994—

Transport Infrastructure (Public Marine Facilities) Amendment Regulation (No. 1) 2003, No. 252

Mineral Resources Act 1989—

Mineral Resources Amendment Regulation (No. 1) 2003, No. 253

10 MINISTERIAL PAPERS TABLED BY THE CLERK

The following ministerial papers were tabled by The Clerk—

Minister for Natural Resources and Minister for Mines (Mr Robertson)—

Gladstone Area Water Board – Annual Report 2002-03

Surveyors Board of Queensland – Annual Report 2002-03

Boards of Examiners – Annual Report 2002-03

Coal Mining Safety and Health Advisory Council – Annual Report 2002-03

Mining Safety and Health Advisory Council – Annual Report 2002-03

11 MINISTERIAL PAPERS

The following Ministerial papers were tabled—

Minister for Environment (Mr Wells)—

A Proposal, under Sections 32 and 70E of the *Nature Conservation Act 1992*, requesting the Governor in Council to make a revocation by regulation of the dedication of protected areas and forest reserves of:

Proposed excision of areas totalling 13.3965 hectares from Conway National Park (sketch plan marked 'A')

Proposed excision of .1624 hectare from Millstream Falls National Park (sketch plan marked 'B')

Proposed excision of 6.475 hectares from Trinity Forest Reserve (sketch plan marked 'C')

12 MINISTERIAL NOTICE OF MOTION – REVOCATION OF PROTECTED AREAS AND FOREST RESERVES

Minister for Environment (Mr Wells) gave notice that he will move—

- (1) That this House requests the Governor in Council to make a revocation by regulation of the dedication of protected areas and forest reserves under the *Nature Conservation Act 1992* of those areas as set out in the Proposal, viz—
 - (a) All those parts of Conway National Park described as being within stations 3-4-A-B-C-D-27-3 and Lot 399 on SP133143 and containing areas totalling 13.3965 hectares as illustrated on the attached sketch marked 'A';
 - (b) All that part of Millstream Falls National Park described as being within stations A-B-18a-A on CP900987 and containing an area of 0.1624 of a hectare as illustrated on the attached sketch marked 'B';
 - (c) All that part of Trinity Forest Reserve described as Lot 11 on SP146414 and containing an area of 6.475 hectares as illustrated on the attached sketch marked 'C'.
- (2) That Mr Speaker and the Clerk of the Parliament convey a copy of this resolution to the Minister for Environment for submission to the Governor in Council.

13 MINISTERIAL STATEMENTS (Hansard p.4322, 9.39am)

- (a) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Mackay Community Emergency Services memorial service on 24 October 2003.

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

Document entitled *The Mackay Community Emergency Services Memorial Service Program for Craig Liddington, Stewart Eva and Andrew Carpenter* held on 24 October 2003

Members stood in silence in tribute to the deceased officers.

- (b) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to a public awareness campaign *Poor Pool Fencing Can Cost You Dearly*.
- (c) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to a CMC investigation

Papers: Mr Beattie, during his statement, tabled the following papers—

Letter, dated 21 October 2003, from Mr Beattie to the Chairperson of the Crime and Misconduct Commission, Mr Butler SC, relating to the Inquiry

Letter, dated 22 October 2003, from Mr Butler to Mr Beattie

- (d) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to trade discussions with the President of China.

Papers: Mr Beattie, during his statement, tabled the following papers—

Letter, dated 20 March 2003, from Mr Beattie to Mr Hu Jintao, President of the People's Republic of China and the Order of Arrangements for the President's official visit to Queensland on 27 October 2003

Newspaper articles regarding the President's visit

- (e) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to a meeting with President George W Bush.
- (f) Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth) made a ministerial statement relating to Queensland's economic performance and capital works initiatives.
- (g) Minister for Education (Ms Bligh) made a ministerial statement relating to recent changes to senior schooling reforms.
- (h) Minister for Employment, Training and Youth and Minister for the Arts (Mr M Foley) made a ministerial statement relating to *Education and Training Reforms for the Future* programs.
- (i) Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond) made a ministerial statement relating to Healthy Hearing screening programs.

- (j) Minister for State Development (Mr Barton) made a ministerial statement relating to the Aurukun mining lease to Aluminium Pechiney Holdings Pty. Ltd.
- (k) Minister for Police and Corrective Services and Minister Assisting the Premier on the Carpentaria Minerals Province (Mr McGrady) made a ministerial statement relating to doubling of rewards for serious unsolved crimes and the death of Jackie Byrne.
- (l) Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services and Minister for Seniors (Ms Spence) made a ministerial statement relating to the CMC foster care inquiry.
- (m) Minister for Tourism and Racing and Minister for Fair Trading (Ms Rose) made a ministerial statement relating to the first anniversary of Australian Airlines.

And Mr Speaker having called the Minister for Local Government and Planning (Mrs J Cunningham)—

Mr Lingard, rising on a point of order in accordance with Standing Order 107, moved – That the Minister be not further heard.

Question put.

The House divided.

AYES 19—

<i>Copeland</i>	<i>Hopper</i>	<i>Lester *</i>	<i>Roberts, E</i>	<i>Springborg</i>
<i>Cunningham, E</i>	<i>Horan</i>	<i>Lingard</i>	<i>Rowell</i>	<i>Watson *</i>
<i>Foley, C</i>	<i>Johnson</i>	<i>Malone</i>	<i>Seeney</i>	<i>Wellington</i>
<i>Hobbs</i>	<i>Lee Long</i>	<i>Quinn</i>	<i>Simpson</i>	

NOES 63—

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

* Tellers

Question negatived.

- (n) Minister for Local Government and Planning (Mrs J Cunningham) made a ministerial statement relating to the public awareness campaign regarding pool safety.
- (o) Minister for Emergency Services and Minister Assisting the Premier in North Queensland (Mr Reynolds) made a ministerial statement relating to the Central Queensland Helicopter Rescue Service accident.

14 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 7.00 pm and resume its sitting at 8.30pm.

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

15 APPROPRIATION BILL (NO. 2) AND APPROPRIATION (PARLIAMENT) BILL (NO. 2) – COGNATE BILLS

Leader of the House (Ms Bligh), by leave, moved—That so much of the Standing and Sessional Orders be suspended to enable the Appropriation Bill (No. 2) and the Appropriation (Parliament) Bill (No. 2) to be treated as cognate Bills for their remaining stages—

- (a) one question being put in regard to the second readings;
- (b) the consideration of the Bills together in Committee of the Whole House;
- (c) one question being put for the Committee's report stage; and
- (d) one question being put for the third readings and titles.

Question put and agreed to.

16 ENVIRONMENTAL LEGISLATION AMENDMENT BILL AND ENVIRONMENTAL PROTECTION LEGISLATION AMENDMENT BILL – COGNATE BILLS

Leader of the House (Ms Bligh), by leave, moved—That so much of the Standing and Sessional Orders be suspended to enable the Environmental Legislation Amendment Bill and the Environmental Protection Legislation Amendment Bill to be treated as cognate Bills for their remaining stages—

- (a) one question being put in regard to the second readings;
- (b) the consideration of the Bills together in Committee of the Whole House;
- (c) one question being put for the Committee's report stage; and
- (d) one question being put for the third readings and titles.

Question put and agreed to.

17 SCRUTINY OF LEGISLATION COMMITTEE – PAPER

Chair of the Scrutiny of Legislation Committee (Mr Pitt) tabled the following paper—

Scrutiny of Legislation Committee—
Alert Digest No. 11 of 2003

18 QUESTIONS WITHOUT NOTICE (Hansard p.4334, 10.30am)

Questions without notice were asked.

Paper: Leader of the Opposition (Mr Springborg) tabled the following paper—
Extract from *Hansard*, dated 6 November 2002, relating to a ministerial statement by the Premier regarding project Axis

Questions continued.

Papers: Premier and Minister for Trade (Mr Beattie) tabled the following papers—
Hansard extracts from the debate on the Children's Services Tribunal Bill and Commission for Children and Young People Bill
Various media articles and transcripts relating to the Children's Commissioner
Document entitled *Commission for Children and Young People – Response to the Inquiry into Abuse of Children in Foster Care in Queensland by the Crime and Misconduct Commission*, October 2003

Questions continued.

Matter of Privilege—

Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond) rose on a matter of privilege.

Matter of Privilege—

Premier and Minister for Trade (Mr Beattie) rose on a matter of privilege.

Questions resumed.

Paper: Minister for Industrial Relations (Mr Nuttall) tabled the following paper—
Graph entitled *Chart 1: Strike Rate (July 1983-July 2003), Queensland and Australia*

Questions continued.

Matter of Privilege—

Leader of the Opposition (Mr Springborg) rose on a matter of privilege.

Matter of Privilege—

Premier and Minister for Trade (Mr Beattie) rose on a matter of privilege.

Questions resumed.

Questions concluded.

19 MATTERS OF PUBLIC INTEREST (Hansard p.4346, 11.34am)

Matters of public interest were debated.

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

Letter dated 22 September 2002 from Mr Springborg to Mr Brendan Butler SC, Chairperson of the Crime and Misconduct Commission, relating to submissions to the inquiry into Abuse of Children in foster care in Queensland.

Debate continued.

Debate concluded.

20 FIRST HOME OWNER GRANT AMENDMENT BILL (Hansard p.4358, 12.32pm)

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 the *First Home Owner Grant Act 2000*.

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.

Leader of the Opposition (Mr Springborg) 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.

21 EDUCATION (GENERAL PROVISIONS) AMENDMENT BILL (Hansard p.4359, 12.41pm)

Minister for Education (Ms Bligh), by leave, moved – That leave be granted to bring in a Bill for an Act to amend the *Education (General Provisions) Act 1989*.

Question put and agreed to.

Bill and Explanatory Notes presented by Ms Bligh, Bill read a first time and *ordered* to be printed.

Ms Bligh moved – That the Bill be now read a second time.

Debate ensued.

Leader of the Opposition (Mr Springborg) 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.

22 POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL
(Hansard p.4361, 12.48pm)

Minister for Police and Corrective Services and Minister Assisting the Premier on the Carpentaria Minerals Province (Mr McGrady), by leave, moved – That leave be granted to bring in a Bill for an Act to amend the *Police Powers and Responsibilities Act 2000* and other legislation, and for other purposes.

Question put and agreed to.

Bill and Explanatory Notes presented by Mr McGrady, Bill read a first time and *ordered* to be printed.

Mr McGrady moved – That the Bill be now read a second time.

Debate ensued.

Leader of the Opposition (Mr Springborg) 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.

23 GUARDIANSHIP AND ADMINISTRATION AND OTHER ACTS AMENDMENT BILL (Hansard p.4366, 2.30pm)

Minister for Justice and Attorney-General (Mr Welford), by leave, moved – That leave be granted to bring in a Bill for an Act to amend the *Guardianship and Administration Act 2000*, and for other purposes.

Question put and agreed to.

Bill and Explanatory Notes presented by Mr Welford, Bill read a first time and *ordered* to be printed.

Mr Welford moved – That the Bill be now read a second time.

Debate ensued.

Leader of the Opposition (Mr Springborg) 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.

24 JUSTICE AND OTHER LEGISLATION AMENDMENT BILL (Hansard p.4368, 2.42pm)

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.

Paper: Attorney-General and Minister for Justice (Mr Welford), during his speech, tabled the following paper—

Explanatory Notes to Amendments in Committee to the Justice and Other Legislation Amendment Bill

Debate continued.

Question put and agreed to.

Bill read a second time.

Bill committed on the motion of Mr Welford.

In Committee

Clause 1, as read, agreed to.

Clause 2 (Commencement)—

The following amendment was proposed by Mr Welford—

At page 10, after line 12—

insert—

‘*Queensland Law Society Act 1952*’.

Debate ensued.

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

Clause 2, as amended, agreed to.

Clauses 3 to 40, as read, agreed to.

New Clause 40A—

The following amendment was proposed by Mr Welford—

‘40A Amendment of s 21 (Proactive and reactive duty of doctor to warn of risk)

‘(1) Section 21(1), ‘the information’—

omit, insert—

‘the following information’.

‘(2) Section 21(1)(a) and (b), before ‘that’—

insert—

‘information’.

‘(3) Section 21(1)(a), ‘advice; and’—

omit, insert—

‘advice;’.

Debate ensued.

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

Clause 41 (Insertion of new ch 2, pt 5)—

The following amendments were proposed by Mr Welford—

At page 21, line 2, after 'PROCEDURE'—

insert—

'OR CONTRACEPTIVE PROCEDURE OR ADVICE'.

At page 21, after line 11—

insert—

' 49B Failed contraceptive procedure or contraceptive advice

'(1) This section applies if, following a contraceptive procedure on an individual or the giving of contraceptive advice to an individual, the individual gives birth to, or fathers, a child because of the breach of duty of a person in advising about, or performing, the procedure or giving the advice.

'(2) A court can not award damages for economic loss arising out of the costs ordinarily associated with rearing or maintaining a child.'.

Debate ensued.

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

The House divided.

AYES 61—

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

NOES 19—

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

* Tellers

Question agreed to.

Clause 41, as amended, agreed to.

Clauses 42 and 43, as read, agreed to.

New Clause 43A—

The following amendment was proposed by Mr Welford—

At page 21, after line 18—

insert—

'43A Amendment of sch 1 (Consequential amendments)

'Schedule 1, amendments of Police Powers and Responsibilities Act 2000, item 3, '(3)'—

omit, insert—

'(3A)'.

Debate ensued.

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

Clauses 44 to 77, as read, agreed to.

New Clauses 77A and 77B—

The following amendment was proposed by Mr Welford—

At page 31, after line 13—

insert—

' PART 14A—AMENDMENT OF FREEDOM OF INFORMATION ACT 1992

'77A Act amended in this part

'This part amends the *Freedom of Information Act 1992*.

'77B Amendment of sch 1 (Secrecy provisions giving exemption)

'Schedule 1, *Juvenile Justice Act 1992*, section 226'—
omit, insert—

'*Juvenile Justice Act 1992*, section 288'.

Debate ensued.

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

Clause 78, as read, agreed to.

Clause 79 (Amendment of s 341 (Appeal from commission, magistrate or registrar))—

The following amendments were proposed by Mr Welford—

At page 32, line 3, after 'the appeal is decided'—

insert—

', discontinued or struck out'.

At page 32, line 9, after '*Corrective Services Act 2000*'—

insert—

'to serve the unexpired portion of the term of imprisonment to which the appellant was sentenced'.

Debate ensued.

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

Clause 79, as amended, agreed to.

Clauses 80 to 105, as read, agreed to.

New Clause 105A—

The following amendment was proposed by Mr Welford—

At page 41, after line 7—

insert—

'105A Amendment of s 37 (Exchange of material for compulsory conference)

'Section 37(4)(c)(ii), 'equal to, or'—

omit.'

Debate ensued.

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

Clauses 106 to 109, as read, agreed to.

New Clauses 109A and 109B—

The following amendment was proposed by Mr Welford—

At page 42, after line 24—

insert—

' PART 22A—AMENDMENT OF QUEENSLAND LAW SOCIETY ACT 1952

'109A Act amended in this part

'This part amends the *Queensland Law Society Act 1952*.

'109B Insertion of new pt 4B, div 2A

'After section 48I—

insert—

'Division 2A—Speculative personal injury claims

'48IA Definitions for div 2A

'In this division—

"speculative personal injury claim" means a claim for, or substantially for, damages for personal injury if the right of a practitioner or firm to charge and recover from a client for work done is made dependent on the client's success in pursuing the claim.

'48IB Purpose

'The purpose of this division is to provide for the maximum payment for a practitioner's or firm's conduct of a speculative personal injury claim.

'48IC Maximum payment for conduct of speculative personal injury claim

'(1) The maximum amount of fees that a practitioner or firm may charge and recover from a client for work done in relation to a speculative personal injury claim must not be more than the amount worked out using the formula—

$$[E - (R + D)] \times 0.5$$

where—

"E" means the amount to which the client is entitled under a judgment or settlement.

"R" means the total amount the client must, under an Act, or a law of the Commonwealth or another jurisdiction, or otherwise, refund on receipt of the amount to which the client is entitled under the judgment or settlement.

“D” means the total amount of disbursements the client must pay, or reimburse, to the practitioner or firm in relation to the speculative personal injury claim.

‘(2) If—

- (a) the amount of fees that a practitioner or firm may charge and recover from a client is more than the amount calculated under subsection (1); and
- (b) the practitioner or firm wishes to charge and recover the amount (the “greater amount”) from the client;

the practitioner may apply, in writing, to the council for approval to charge and recover the greater amount.

‘(3) The council may, in writing, approve an amount up to the greater amount.

‘(4) This section applies despite part 4A and section 48I.¹

‘(5) This section applies to any request for payment made on or after the day this section commences, whether or not a client agreement was entered into before that date.’.

Debate ensued.

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

Clauses 110 to 127, as read, 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.

25 COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) BILL (Hansard p.4388, 4.46pm)

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.

Question put.

The House divided.

AYES 57—

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

NOES 15—

Copeland *	Hobbs	Lester *	Pratt	Seeney
Cunningham, E	Johnson	Lingard	Quinn	Simpson
Flynn	Lee Long	Malone	Rowell	Springborg

Pair – Mr Palaszczuk (AYES) and Mr Wellington (NOES)

* Tellers

Question agreed to.

Bill read a second time.

Bill committed on the motion of Mr Welford.

In Committee

Clauses 1 to 5, as read, agreed to.

¹ Part 4A (Client agreements) and section 48I (Maximum payment for work)

Bill to be reported without amendment.

In the House

Bill reported without amendment.

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.

26 ABORIGINAL CULTURAL HERITAGE BILL and TORRES STRAIT ISLANDER CULTURAL HERITAGE BILL (Hansard p.4396, 5.40pm)

Order of the day read for the adjourned debate on the motion of the Minister for Natural Resources and Minister for Mines (Mr Robertson) – That the Bills be now read a second time.

Debate resumed.

Question put.

The House divided.

Declaration of resolution of the House—

In accordance with Standing Order 148, Mr Speaker declared the question resolved in the affirmative.

Bills read a second time.

Bills committed on the motion of Mr Robertson.

In Committee

Aboriginal Cultural Heritage Bill—

Clauses 1 to 170, as read, agreed to.

The following amendments were proposed by Mr Robertson—

Schedule 1—

At page 95, line 6, '61G'—

omit, insert—

'75'.

At page 95, line 12, '61N'—

omit, insert—

'82'.

At page 95, line 18, '61O'—

omit, insert—

'83'.

At page 96, line 1, '61Y'—

omit, insert—

'93'.

At page 96, line 7, '61ZB'—

omit, insert—

'96'.

At page 96, line 13, '61ZJ'—

omit, insert—

'104'.

At page 96, line 16, '61ZJ'—

omit, insert—

'104'.

At page 96, line 22, 'Schedule 2'—

omit, insert—

'Schedule'.

Debate ensued.

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

Schedule 1, as amended, agreed to.

Schedule 2, as read, agreed to.

Torres Strait Islander Cultural Heritage Bill—

Clauses 1 to 167, as read, agreed to.

Schedule, as read, agreed to.

Aboriginal Cultural Heritage Bill to be reported with amendments.

Torres Strait Islander Cultural Heritage Bill to be reported without amendment.

In the House

Aboriginal Cultural Heritage Bill reported with amendments.

Torres Strait Islander Cultural Heritage Bill reported without amendment.

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

Mr Robertson, by leave, moved – That the Bills be now read a third time.

Question put and agreed to.

Bills read a third time and passed.

Titles agreed to.

27 PUBLIC HEALTH (INFECTION CONTROL FOR PERSONAL APPEARANCE SERVICES) BILL

(Hansard p.4434, 11.05pm)

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.

And the House having continued to sit till 12 midnight—

WEDNESDAY, 29 OCTOBER 2003

Debate continued.

Debate adjourned on the motion of Mrs Edmond.

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

28 ADJOURNMENT (Hansard p.4434, 11.05pm)

Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond) moved – That this House do now adjourn.

Debate ensued.

Paper: Mrs Pratt, during her speech, tabled the following paper—
Non-conforming petition relating to electrical safety

Debate continued.

Question put and agreed to.

The House adjourned at 12.45am.

29 ATTENDANCE

The following members were present—

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

R K HOLLIS
SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT