

2001–03



LEGISLATIVE ASSEMBLY OF QUEENSLAND

FIRST SESSION OF THE FIFTIETH PARLIAMENT

VOTES AND PROCEEDINGS

NO. 139

THURSDAY, 30 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 MATTER OF PRIVILEGE (Hansard p.4587, 9.31am)

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

Papers: Letter, dated 29 August 2003, from Mr Springborg to Mr L J Scanlan, Auditor-General of Queensland relating to government advertising.

Letter, dated 16 September 2003, from Mr Springborg to Mr Beattie relating to government advertising.

Letter, dated 25 September 2003, from Mr Springborg to Mr L J Scanlan, Auditor-General of Queensland relating to government advertising.

3 OFFICE OF THE SPEAKER – STATEMENT OF RECURRENT EXPENDITURE

The following paper was tabled by the Speaker—

Statement of Recurrent Expenditure for the Speaker of the Legislative Assembly for the period 1 July 2002 to 30 June 2003

4 PARLIAMENTARY SERVICE – ANNUAL REPORT

The following paper was tabled by the Speaker—

Queensland Parliamentary Service – Annual Report 2002-03

5 STATEMENT BY SPEAKER – PETITIONS EVALUATION SURVEY

Mr Speaker made the following statement—

'I bring to Honourable Members' attention an evaluation survey for the petitions process that has been circulated to Members in the House.

Your response to this survey is appreciated.'

6 STATEMENT BY SPEAKER – COMMONWEALTH PARLIAMENTARY ASSOCIATION (QUEENSLAND BRANCH) ANNUAL GENERAL MEETING

Mr Speaker made the following statement—

'I remind Honourable Members that the Annual General Meeting of the Commonwealth Parliamentary Association (Queensland Branch) will be held in the Chamber at 1.00 pm today. Papers have been circulated to members in the House.'

7 PETITION

The following paper petition, lodged with the Clerk by the Member indicated, was received—

Mr Flynn from 855 petitioners requesting the House to reverse its decision to collect the ambulance levy by way of a supplemental charge to energy bills and examine more equitable methods such as gaining access to the Medicare data bank for names and addresses of Queensland residents and directly bill these residents.

8 MINISTERIAL PAPERS

The following Ministerial papers were tabled—

Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond)—

The Prince Charles Hospital Foundation – Annual Report 2002-03

Gold Coast Hospital Foundation – Annual Report 2002-03

Princess Alexandra Hospital Foundation – Annual Report 2002-03

Royal Children's Hospital Foundation – Annual Report 2002-03

Health Rights Commission – Annual Report 2002-03

9 MINISTERIAL STATEMENTS (Hansard p.4588, 9.36am)

- (a) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to hospital waiting times for urgent and semi-urgent operations.
- (b) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to Redland Hospital.
- (c) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to Queensland's biodiversity strategy.
Paper: Mr Beattie, during his speech, tabled the following papers—
Document entitled *Queensland Biodiversity Policy Framework: Sustaining our Natural Wealth*
- (d) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to Queensland's small business initiatives.
- (e) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Queensland Government airwing and the Premier's travel.
Papers: Mr Beattie, during his speech, tabled the following paper—
Information relating to the Premier's use of the government jet on 1 March 2002, 5 March 2002, 24 October 2002, 1 July 2003 and 27 October 2003
Mr Beattie's response to Question on Notice No.1427 asked on 23 October 2002 relating to ministerial travel on commercial airlines from 1 December 2001
- (f) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to koalas from the David Fleay wildlife park.
- (g) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Rugby World Cup 2003.
Paper: Mr Beattie, during his speech, tabled the following paper—
Document entitled *United Kingdom media coverage of Queensland - Lead up to Rugby World Cup 2003*
- (h) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the election of Dr Vivian Edwards as President of the Royal National Agricultural Industrial Association of Queensland.
- (i) Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth) made a ministerial statement relating to Queensland clubs and the Business Assistance Toolkit.
Paper: Mr Mackenroth, during his speech, tabled the following paper—
Document entitled *Business Assistance Tool Kit - Club Industry Business Support Scheme*
- (j) Minister for Education (Ms Bligh) made a ministerial statement relating to schools of distance education.
- (k) Minister for Employment, Training and Youth and Minister for the Arts (Mr M Foley) made a ministerial statement relating to Aviation Australia.
- (l) Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond) made a ministerial statement relating to mental illness.
- (m) 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 DNA Crimtrac.
- (n) Minister for Environment (Mr Wells) made a ministerial statement relating to the discovery of the tree *cupaniopsis cooperorum* in the Wet Tropics.
- (o) Minister for Public Works and Minister for Housing (Mr Schwarten) made a ministerial statement relating to the progress of the Major Capital Works Project.
- (p) 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 appointment of a Palm Island Aboriginal Council.

- (q) Minister for Primary Industries and Rural Communities (Mr Palaszczuk) made a ministerial statement relating to the Federal Government's Exceptional Circumstances program.

And Mr Speaker having called the Minister for Tourism and Racing and Minister for Fair Trading (Ms Rose)—

Mr Lingard, rising on a point of order in accordance with Standing Order 107, moved – That the Minister for Tourism and Racing and Minister for Fair Trading (Ms Rose) be not further heard.

Question put.

The House divided.

AYES 18—

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

NOES 62—

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

* Tellers

Question negatived.

- (r) Minister for Tourism and Racing and Minister for Fair Trading (Ms Rose) made a ministerial statement relating to Queensland Racing.

Paper: Ms Rose, during her speech, tabled the following paper—
Queensland Thoroughbred Racing Board – Annual Report 2002-03.

10 NOTICE OF MOTION

Mr Wellington gave notice that he will move – That the House, pursuant to s.11 of the *Parliament of Queensland Act 2001*, amend the Standing Rules and Orders to ensure the manner in which a ballot for the election of the Speaker of Parliament is conducted is a secret ballot similar to the way Queenslanders vote in State elections, by omitting the current Standing Order 7 and inserting the new Standing Order 7, viz—

NEW STANDING ORDER 7

Conduct of Ballot for Speakership

7. (1) (a) Nominations will be made in the usual way (the Presiding Member in the Chair).
(b) Nominations must be seconded and if not seconded the name will not be submitted to the Ballot.
(c) Any Member may decline to accept nomination.
- (2) (a) When nominations have been received, and Debate (if any) appears to be concluded, the presiding Member will announce that the Ballot will now be taken, and if no Member rises to speak the Division Bells will be rung.
(b) No fresh nominations can be made after the Division Bells commence.
(c) When the Bars are closed, the Clerk will call the name of each member present to come forward and vote.
(d) Each member after they are called will come to the Clerk at the table, and the Clerk will provide the member with a ballot-paper, initialed by the Clerk.
(e) The Clerk shall check the names of those members to whom ballot papers are given.
(f) The Clerk shall ensure that in or near the Chamber there is a voting compartment of the same nature and type as that used in general elections and that the compartment is constructed and located in such a place and manner to ensure members may complete their ballot in private and secrecy.
(g) A Member will record their vote by placing a cross opposite the name of the Member for whom they wish to vote and then placing their marked and folded ballot paper in a ballot box provided by the Clerk on the table.

- (h) When all the ballot-papers have been so deposited, the Clerk, assisted by the other Officers at the table, will count the ballot, and declare the numbers to the House.
- (i) The Clerk shall declare as informal any ballot-paper that:
 - is unintelligible;
 - contains any mark made by the Member, other than the cross signifying for whom the Member wishes to vote;
 - contains a vote for someone who has not been duly nominated or seconded.
- (3) The procedure set out in (2) will be repeated as often as may be necessary.
- (4) When a ballot becomes necessary under Section (c) of Standing Order No. 6 to determine which of the names shall be withdrawn, Members vote for the Member they wish to retain for further ballot.

11 QUESTIONS WITHOUT NOTICE (Hansard p.4606, 10.30am)

Questions without notice were asked.

Paper: Premier and Minister for Trade (Mr Beattie) tabled the following paper—
Extract from the Auditor-General's Report to Parliament No. 5 1998-1999 (pages 67 and 68)

Questions continued.

Papers: Minister for Employment, Training and Youth and Minister for the Arts (Mr M Foley) tabled the following papers—
Media release, undated, entitled *Performing Arts in Queensland Threatened*
Article from the *Morning Bulletin* (Rockhampton), dated 25 October 2003, entitled *Our region's arts funding has been slashed. Mr Kemp... aren't we worth it?*

Questions continued.

Distinguished visitors: Mr Speaker informed the House of the presence in the Gallery of delegates to the 2003 Australasian Parliamentary Educators Conference.

Questions continued.

Questions concluded.

12 MATTER OF PRIVILEGE (Hansard p.4618, 11.30am)

Minister for Primary Industries and Rural Communities (Mr Palaszczuk) rose on a matter of privilege.

13 AUSTRALIAN CRIME COMMISSION (QUEENSLAND) BILL (Hansard p.4618, 11.32am)

Order of the day read for the adjourned debate on the motion of the Minister for Police and Corrective Services and Minister Assisting the Premier on the Carpentaria Minerals Province (Mr McGrady) – 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 McGrady.

In Committee

Clauses 1 to 68, as read, agreed to.

Schedules 1 and 2, as read, agreed to.

Bill to be reported without amendment.

In the House

Bill reported without amendment.

Mr McGrady, 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 TAB QUEENSLAND LIMITED PRIVATISATION AMENDMENT BILL (Hansard p.4624, 12.08pm)

Order of the day read for the adjourned debate on the motion of the Premier and Minister for Trade (Mr Beattie) – 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 Beattie.

In Committee

Clauses 1 to 5, as read, agreed to.

Clause 6, as read, agreed to.

Clauses 7 to 9, as read, agreed to.

Bill to be reported without amendment.

In the House

Bill reported without amendment.

Mr Beattie, 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 LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL (Hansard p.4651, 4.09pm)

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.

Paper: Mr Cummins, during his speech, tabled the following paper—
Extract from the *Sunday Mail*, undated, including an article entitled *Have you seen this woman?*

Debate continued.

Papers: Mr Fenlon, during his speech, tabled the following papers—
Letter, dated 6 December 2001, from Mr Fenlon to Mrs J Cunningham, relating to the regulation of election signs by the Brisbane City Council
Response, dated 6 December 2001, from Mrs J Cunningham to Mr Fenlon

Debate continued.

Paper: Mrs J Cunningham, during her speech, tabled the following paper—
Explanatory Notes for Amendments in Committee to the Local Government and Other Legislation Amendment Bill

Debate continued.

Question put and agreed to.

Bill read a second time.

Bill committed on the motion of Mrs J Cunningham.

In Committee

Clauses 1 to 16, as read, agreed to.

Clause 17—

Debate ensued.

Question put – That Clause 17, as read, stand part of the Bill.

The Committee divided.

AYES 50—

Attwood	Cummins	Lee	Nolan	Roberts, N	Sullivan, C
Barry	Cunningham, J	Livingstone	Palaszczuk	Robertson	Sullivan, T *
Barton	Edmond	Lucas	Pearce	Schwarten	Welford
Beattie	Fenlon	Mackenroth	Phillips	Scott, D	Wells
Bligh	Foley, M	McGrady	Poole	Shine	Wilson
Boyle	Fouras	Mickel	Purcell *	Smith	
Briskey	Hayward	Miller	Reeves	Spence	
Clark, E	Lavarch	Mulherin	Reilly	Stone	
Croft	Lawlor	Nelson–Carr	Reynolds	Struthers	

NOES 13—

Bell	Hopper	Malone	Sheldon	Wellington
Cunningham, E	Lester *	Roberts, E	Springborg	
Hobbs	Lingard	Seeney	Watson *	

* Tellers

Question agreed to.

Clause 17, as read, agreed to.

Clauses 18 to 23, as read, agreed to.

Clause 24 (insertion of new ch 2, pt 4, div 1A)—

The following amendment was proposed by Mrs J Cunningham—

At page 20, lines 10 to 28 and page 21, lines 1 to 14—

omit, insert—

‘68A Self-insurance for local governments

‘(1) A local government self-insurer may, under the self-insurer’s licence, also cover councillors of a local government.

‘(2) If councillors of a local government are covered under a local government self-insurer’s licence, each councillor of the local government is covered under the licence.

‘(3) A local government self-insurer must, when advising councillors of its decision to cover them, also advise the Authority of the decision.

‘68B Entitlements of local government councillors

‘(1) A councillor covered under a local government’s self-insurer’s licence is entitled under the licence to compensation from the local government to which the councillor is elected or appointed for injury sustained by the councillor while—

- (a) attending meetings of the local government; or
- (b) performing any other duty of office as a councillor.

‘(2) The councillor has, subject to this section—

- (a) an entitlement to weekly payments of compensation under chapter 3, part 9, division 4, subdivision 3 and division 5, subdivision 1;¹ and
- (b) for all other entitlements—the same entitlements to compensation as a worker.

‘(3) The councillor is not covered for payment of damages for injury sustained by the councillor.

‘(4) In the application of the definition “injury” to the councillor—

- (a) the activity mentioned in subsection (1)(a) or (b) is taken to be the councillor’s employment; and
- (b) the local government to which the councillor is elected or appointed is taken to be the councillor’s employer.’.

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

Clause 24, as amended, agreed to.

Clause 25, as read, agreed to.

Clause 26 (Insertion of new s 92A)—

The following amendment was proposed by Mrs J Cunningham—

At page 22, line 13, ‘, (5), (7) and’—

omit, insert—

‘to’.

Debate ensued.

¹ Chapter 3 (Compensation), part 9 (Weekly payment of compensation), division 4 (Entitlement for total incapacity), subdivision 3 (Persons entitled to compensation other than workers, students and eligible persons) and division 5 (Entitlement for partial incapacity), subdivision 1 (Persons entitled to compensation other than eligible persons)

Question – That Mrs J Cunningham’s amendment be agreed to – put and agreed to.
Clause 26, as amended, agreed to.
Clauses 27 and 28, as read, agreed to.
Schedule, 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.
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 QUEENSLAND INFORMATION COMMISSIONER – ANNUAL REPORT

The following paper was tabled by the Speaker—

Queensland Information Commissioner – Annual Report 2002-03

17 POSTPONED ORDERS – GOVERNMENT BUSINESS

Leader of the House (Ms Bligh) moved – That Government Business Orders of the Day Nos. 4 to 15 be postponed until a later hour of the sitting.
Question put and agreed to.

18 NOTICE OF MOTION – DISSENT FROM SPEAKER’S RULING (Hansard p.4668, 5.57pm)

Mr Wellington, pursuant to notice, moved – 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.
The House divided.

Declaration of resolution of the House—

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

19 SPECIAL ADJOURNMENT

Leader of the House (Ms Bligh) moved – That this House at its rising do adjourn until 9.30 a.m. on Tuesday, 11 November 2003.
Question put and agreed to.

20 ADJOURNMENT (Hansard p.4674, 6.45pm)

Leader of the House (Ms Bligh) moved – That this House do now adjourn.
Debate ensued.
Question put and agreed to.
The House adjourned at 7.16pm.

21 ATTENDANCE

The following members were present—

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

R K HOLLIS
SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT