

2001–03



LEGISLATIVE ASSEMBLY OF QUEENSLAND

FIRST SESSION OF THE FIFTIETH PARLIAMENT

VOTES AND PROCEEDINGS

NO. 140

TUESDAY, 11 NOVEMBER 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 6 November 2003—

A Bill for an Act authorising the Treasurer to pay amounts from the consolidated fund for departments for the financial year starting 1 July 2002 (*Appropriation Act (No. 2) 2003*¹ - Act No. 75 of 2003)

A Bill for an Act authorising the Treasurer to pay an amount from the consolidated fund for the Legislative Assembly and parliamentary service for the financial year starting 1 July 2002 (*Appropriation (Parliament) Act (No. 2) 2003*² - Act No. 76 of 2003)

A Bill for an Act to amend various Acts administered by the Attorney-General and Minister for Justice, and for other purposes (*Justice and Other Legislation Amendment Act 2003* - Act No. 77 of 2003)

A Bill for an Act to refer certain financial matters arising out of the breakdown of de facto relationships to the Parliament of the Commonwealth for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth (*Commonwealth Powers (De Facto Relationships) Act 2003* - Act No. 78 of 2003)

A Bill for an Act to make provision for Aboriginal cultural heritage, and for other purposes (*Aboriginal Cultural Heritage Act 2003* - Act No. 79 of 2003)

A Bill for an Act to make provision for Torres Strait Islander cultural heritage (*Torres Strait Islander Cultural Heritage Act 2003* - Act No. 80 of 2003)

A Bill for an Act to minimise the risk of infection that may result from the provision of personal appearance services, and for other purposes (*Public Health (Infection Control for Personal Appearance Services) Act 2003* - Act No. 81 of 2003)

A Bill for an Act to amend legislation about primary industries, and for other purposes (*Primary Industries and Other Legislation Amendment Act 2003* - Act No. 82 of 2003)

A Bill for an Act to make provision for the operation of the Australian Crime Commission in Queensland, and for other purposes (*Australian Crime Commission (Queensland) Act 2003* - Act No. 83 of 2003)

A Bill for an Act to amend the *TAB Queensland Limited Privatisation Act 1999* (*TAB Queensland Limited Privatisation Amendment Act 2003* - Act No. 84 of 2003)

A Bill for an Act to amend local government legislation, and for other purposes (*Local Government and Other Legislation Amendment Act 2003* - Act No. 85 of 2003)

3 PAPERS TABLED DURING THE RECESS

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

31 October 2003—

Response from the Minister for Transport and Minister for Main Roads (Mr Bredhauer) to a paper petition presented by Mr Welford from 373 petitioners regarding a pedestrian crossing Dawson Parade, Grovely

Response from the Minister for Transport and Minister for Main Roads (Mr Bredhauer) to a paper petition presented by Mr Wellington from 337 petitioners regarding the speed limit on the Nambour Connection Road around Blackall Street, Woombye

Response from the Minister for Transport and Minister for Main Roads (Mr Bredhauer) to a paper petition presented by Miss Simpson from 672 petitioners regarding dredging of the Mooloolah River mouth

¹ Under the *Financial Administration and Audit Act 1977*, section 22, words used in this Act that are defined in the *Financial Administration and Audit Act 1977* have the same meaning the words have in that Act, subject to a contrary intention in this Act.

² Under the *Financial Administration and Audit Act 1977*, section 22, words used in this Act that are defined in the *Financial Administration and Audit Act 1977* have the same meaning the words have in that Act, subject to a contrary intention in this Act.

Response from the Minister for Tourism and Racing and Minister for Fair Trading (Ms Rose) to a paper petition presented by Mr Johnson from 150 petitioners regarding horse racing in regional and remote Queensland

Response from the Minister for Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond) to a paper petition presented by Mrs E Cunningham from 217 petitioners regarding funding for the Gladstone Hospital

Department of Public Works – Annual Report 2002-03

Board of Architects of Queensland – Annual Report 2002-03

Board of Professional Engineers – Annual Report 2002-03

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

4 November 2003—

Tourism Queensland – Annual Report 2002-03

5 November 2003—

Queensland Investment Corporation – Annual Report 2002-03

Queensland Investment Corporation – Statement of Corporate Intent 2002-03

Motor Accident Insurance Commission – Annual Report 2002-03

Queensland Treasury Department - Annual Report and Financial Statements 2002-03

Golden Casket Lottery Corporation Limited – Annual Report 2002-03

Golden Casket Lottery Corporation Limited – Statement of Corporate Intent 2002-03

QSuper Board of Trustees and the Government Superannuation Office – Annual Report and Financial Statements 2002-03

Department of Natural Resources and Mines – Annual Report 2002-03

Dumaresq-Barwon Border Rivers Commission – Annual Report 2002-03

Mount Isa Water Board – Annual Report 2002-03

6 November 2003—

Response from the Attorney-General and Minister for Justice (Mr Welford) to a paper petition presented by Mr Quinn from 29686 petitioners regarding double jeopardy laws in Queensland

Queensland Studies Authority – Annual Report 2002-03

Queensland State Archives – Annual Report 2002-03

Mental Health Review Tribunal – Annual Report 2002-03

Major Sports Facilities Authority – Annual Report 2002-03

7 November 2003—

Legal Aid Queensland – Annual Report 2002-03

Public Trustee of Queensland – Annual Report 2002-03

Queensland Law Society – Annual Report 2002-03

SunWater – Annual Report 2002-03

SunWater – Statement of Corporate Intent 2002-03

10 November 2003—

Queensland Gaming Commission – Annual Report 2002-03

Electoral Commission of Queensland - Report on the details of polling at the Maryborough By-Election held on 26 April 2003

Trust Company of Australia Limited – Annual Report for the year ended 28 February 2003

CS Energy - Annual Report 2002-03

CS Energy - Statement of Corporate Intent 2002-03

Energex - Annual Report 2002-03

Energex Retail - Annual Report 2002-03

Energex - Statement of Corporate Intent 2002-03

Enertrade - Annual Report 2002-03

Enertrade - Statement of Corporate Intent 2002-03

Ergon Energy - Annual Report 2002-03 and Statement of Corporate Intent 2002-03

Powerlink Queensland - Annual Report 2002-03

Powerlink Queensland - Statement of Corporate Intent 2002-03

Stanwell Corporation Limited - Annual Report 2002-03

Stanwell Corporation Limited - Statement of Corporate Intent 2002-03

Tarong Energy - Annual Report 2002-03
 Tarong Energy - Statement of Corporate Intent 2002-03
 Cane Protection and Productivity Boards – Annual Reports 2002-03
 Chicken Meat Industry Committee – Annual Report 2002-03
 Queensland Grain Research Foundation – Annual Report 2002-03
 Queensland Rural Adjustment Authority – Annual Report 2002-03
 Safe Food Production Queensland – Annual Report 2002-03
 Sugar Authority – Annual Report 2002-03
 Sugar Industry Commissioner – Annual Report 2002-03

4 STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Gaming Machine Act 1991—

Gaming Machine Amendment Regulation (No. 2) 2003, No. 254

Health Act 1937—

Health (Drugs and Poisons) Amendment Regulation (No. 2) 2003, No. 255

State Development and Public Works Organisation Act 1971—

State Development and Public Works Organisation (Gladstone State Development Area) Amendment Regulation (No. 1) 2003, No. 256

Corrective Services Act 2000—

Corrective Services Amendment Regulation (No. 3) 2003, No. 257

State Penalties Enforcement Act 1999—

State Penalties Enforcement Amendment Regulation (No. 9) 2003, No. 258

Nature Conservation Act 1992—

Nature Conservation Legislation Amendment Regulation (No. 2) 2003, No. 259

Coastal Protection and Management Act 1995—

Coastal Protection and Management (Coastal Management Districts) Regulation 2003, No. 260

Fisheries Act 1994—

Fisheries Management Plans Amendment Management Plan (No. 3) 2003, No. 261

Body Corporate and Community Management and Other Legislation Amendment Act 2003—

Proclamation commencing remaining provisions, No. 262

Body Corporate and Community Management Act 1997—

Body Corporate and Community Management Legislation Amendment Regulation (No. 1) 2003, No. 263

Plumbing and Drainage Act 2002—

Proclamation commencing certain provisions, No. 264

Plumbing and Drainage Act 2002—

Standard Plumbing and Drainage Regulation 2003, No. 265

Plumbing and Drainage Act 2002—

Plumbing and Drainage Regulation 2003, No. 266

Queensland Heritage and Other Legislation Amendment Act 2003—

Proclamation commencing certain provisions, No. 267

Queensland Heritage Act 1992—

Queensland Heritage Regulation 2003, No. 268

Coastal Protection and Management Act 1995—

Coastal Protection and Management Legislation Amendment Regulation (No. 1) 2003, No. 269

Aboriginal Land Act 1991—

Aboriginal Land Amendment Regulation (No. 3) 2003, No. 270

Integrated Planning and Other Legislation Amendment Act 2003—

Proclamation commencing certain provisions, No. 271

Plumbing and Drainage Act 2002—

Proclamation commencing certain provisions, No. 272

Plumbing and Drainage Act 2002—

Plumbing and Drainage (Postponement) Regulation 2003, No. 273

Building Act 1975, Integrated Planning Act 1997, State Penalties Enforcement Act 1999—

Building Legislation Amendment Regulation (No. 1) 2003, No. 274 and Explanatory Notes and Regulatory Impact Statement for No. 274

Wagering Act 1998—

Wagering Amendment Rule (No. 1) 2003, No. 275

Keno Act 1996—

Keno Amendment Rule (No. 1) 2003, No. 276

5 MINISTERIAL PAPER TABLED BY THE CLERK

The following ministerial paper was tabled by The Clerk—

Minister for State Development (Mr Barton)—

Department of State Development – Annual Report 2002-03

6 PETITIONS

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

Mrs Sheldon from 925 petitioners requesting the House to amend the compulsory ambulance scheme to ensure that residents of Queensland pay the ambulance levy only once, irrespective of whether they run a small business, farming enterprise or provide accommodation services.

Mrs E Cunningham from 250 petitioners requesting the House to increase the financial allocation to the Gladstone Hospital; increase staff at the hospital (nurses, doctors and specialists) and re-open closed wards to ensure adequate bed space.

Mrs E Cunningham from 410 petitioners requesting the House to assess Hazelbrook Village Stores application to be allowed to sell a limited range of medicines, the range requested is children's panadol and an adult cold and flu medicine, which will be kept away from public self service.

Mrs Sullivan from 516 petitioners requesting the House to direct the Department of Education acquire that portion of Lot 907 on SP 151115 located on Bestman Road East Sandstone Point to accommodate a State school.

The following E-petitions, sponsored by the Members indicated, were received—

Mr Lee from 527 petitioners requesting the House to focus its legislative support on adult stem cell research to find the cures and therapies necessary to treat the illness and diseases of suffering Queenslanders and that no taxpayers funds are used for destructive embryonic stem cell research.

Mr Lee from 114 petitioners requesting the House to legislate maroon as the State of Queensland's official State colour as there is no official State colour and that State sporting teams wear maroon out of tradition.

7 MINISTERIAL PAPERS

The following ministerial papers were tabled—

Premier and Minister for Trade (Mr Beattie)—

Annual Reports 2002-03—

Department of the Premier and Cabinet

Office of Queensland Parliamentary Counsel

South Bank Corporation

Queensland Commission for Children and Young People

Public Interest Monitor pursuant to the *Police Powers and Responsibilities Act 2000* and the *Crime and Misconduct Act 2001*

Parliamentary Contributory Superannuation Fund

Queensland Competition Authority

Queensland Ombudsman

Crime and Misconduct Commission

Office of the Public Service Commissioner

Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth)—

Department of Innovation and Information Economy, Sport and Recreation Queensland - Annual Report 2002-03

8 MINISTERIAL NOTICE OF MOTION

Premier and Minister for Trade (Mr Beattie) gave notice that he will move - That this Parliament refers to the Crime and Misconduct Commission for consideration and advice:

1. Comments regarding the Queensland justice system in the judgement of the Court of Appeal in the cases of Pauline Hanson and David Ettridge, in particular:

(39) "it should be understood that result (the release of the appellants) will not mean the process has to this point been unlawful. While the appellants experience will in that event have been insupportably painful they will have endured the consequence of adjudication through due process in accordance with what is compendiously termed the rule of law.

(40) "...it is my view that had both appellants been represented by experienced trial counsel throughout, the relevance of all of the evidence would more likely have been addressed with appropriate precision."

(41) "the case will in my view provide a further illustration of the need for a properly resourced, highly talented, top level team of prosecutors within or available to the Office of the Director of Public Prosecutions. In this complex case which resulted in a trial of that length, and the consumption of vast public resources, highly talented lawyers of broad common law experience should desirably been engaged from the outset in the preparation and then presentation of the Crown case.had that been done, the present difficulty may well have been avoided."
2. The involvement of Federal Minister, Tony Abbott and others in the original legal action against Pauline Hanson and David Ettridge.
3. Submissions from any interested party in relation to these matters.

Further, this parliament calls on the Australian Electoral Commission to ensure that donors to the fund established by Tony Abbott are fully disclosed in the public arena.

9 MINISTERIAL STATEMENTS (Hansard p.4691, 9.34am)

- (a) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the 2003 Rugby World Cup.

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

List of attendees at Queensland Government Corporate Hospitality held in Townsville and Brisbane

A letter, dated 5 November 2003, from the Ambassador for Uruguay to Mr Beattie relating to the Rugby World Cup

A letter, dated 10 November 2003, from Joe Lemer, Bristol, UK, to the Editor of the *Courier-Mail* relating to Suncorp Stadium

Various documents relating to advertising costs

- (b) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the death of R M Williams.
- (c) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to Remembrance Day.
- (d) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the community ambulance cover.
- (e) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the review of the Department of Justice and Attorney-General.
- (f) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to illegal drug use.

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

Report entitled *Protecting the Future – Reducing illicit drug use and harm: Queensland illicit drug action plan 2003/2004 to 2006/2007*

Report entitled *Just Treatment: A review of international programs for the diversion of drug related offenders from the criminal justice system*

- (g) Minister for Education (Ms Bligh) made a ministerial statement relating to the home schooling review.

Paper: Ms Bligh, during her statement, tabled the following paper—
A report entitled *Home Schooling Review*

- (h) Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond) made a ministerial statement relating to overseas trained doctors.

Paper: Mrs Edmond, during her statement, tabled the following paper—
Document outlining the recruitment processes relating to overseas trained doctors

- (i) Minister for State Development (Mr Barton) made a ministerial statement relating to the sugar industry.
- (j) Minister for Transport and Minister for Main Roads (Mr Bredhauer) made a ministerial statement relating to upgrades of the Gold Coast rail service.
- (k) Minister for Public Works and Minister for Housing (Mr Schwarten) made a ministerial statement relating to public housing.

Paper: Mr Schwarten, during his statement, tabled the following paper—
Report entitled *More Than Just a Roof: A study of family homelessness in Queensland*

- (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 a new business model for Disability Services Queensland.
- (m) Minister for Primary Industries and Rural Communities (Mr Palaszczuk) made a ministerial statement relating to the fire ant eradication program.

10 [PERSONAL EXPLANATION](#) (Hansard p.4699, 10.12am)

A personal explanation was made by Mr Wellington.

11 MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE – PAPER

Chair of the Members' Ethics and Parliamentary Privileges Committee (Mrs Attwood) tabled the following paper—

Members' Ethics and Parliamentary Privileges Committee—
Report No 60 – *Report on Inquiry into Communications to Members, Members' Representations to Government and Information Provided to Members* and associated submissions.

12 NOTICE OF MOTION – HOUSE TO TAKE NOTE OF COMMITTEE REPORT

Chair of the Members' Ethics and Parliamentary Privileges Committee (Mrs Attwood) gave notice that she will moved – That the House take note of Members' Ethics and Parliamentary Privileges Committee Report No 60 entitled *Report on Inquiry into Communications to Members, Members' Representations to Government and Information Provided to Members*.

13 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. 12 of 2003

14 NOTICE OF MOTION

Leader of the Opposition (Mr Springborg) gave notice that he will move – That this House requests—

- The establishment of a Crime and Misconduct Commission Inquiry, including Public Hearings, into all matters surrounding the investigation, prosecution, conviction and subsequent acquittal of Pauline Hanson and David Ettridge.
- That such Inquiry consider the comments of Chief Justice de Jersey that the lack of senior prosecutors overseeing the case may have contributed to the failure to properly consider the merits of the case against Hanson and Ettridge.

- That such Inquiry consider systemic historical funding issues for the DPP and the appropriateness of the State Government's response to these issues and their impact on the proper functioning of that office and the Queensland Justice System.
- That such Inquiry consider other systemic issues relevant to the effective, efficient and fair operations of Queensland's Justice System including the operation of the courts.
- That the CMC reports to the Parliament its findings and recommendations to enhance the effective operation of the Queensland Justice System.

15 PRIVATE MEMBERS' STATEMENTS (Hansard p.4700, 10.17am)

Private Members' statements were made.

16 QUESTIONS WITHOUT NOTICE (Hansard p.4703, 10.30am)

Questions without notice were asked.

Remembrance Day: Mr Speaker made the following statement—

'I rise to interrupt Question Time to ask Honourable Members to observe the tradition of Remembrance Day. In 1918 at the 11th hour of the 11th day of the 11th month the guns of the Great War fell silent.

Since that Armistice, however, the terror of war has consistently re-ignited with countless casualties.

85 years later, Australians continue to serve overseas in dangerous circumstances. We, therefore, also hold high in our thoughts the Australian military personnel in Afghanistan, Iraq, East Timor and the Solomon Islands.

At this historic hour, we pause to remember those who were lost and those who suffered. All Members will rise in their place for two minutes' silence.'

Whereupon Members stood in silence for 2 minutes.

Questions resumed.

Paper: Minister for Employment, Training and Youth and Minister for the Arts (Mr M Foley) tabled the following paper—

Letter, sent on 12 June 2003, signed by various Queensland organisations to Dr B Nelson, Commonwealth Minister for Education, Science and Training relating to the 2004-2006 ANTA Agreement

Questions continued.

Paper: Minister for Environment (Mr Wells) tabled the following paper—

National Trust of Queensland – Currumbin Wildlife Sanctuary: Statement of financial performance for the year ended 30 June 2003

Questions continued.

Questions concluded.

17 MATTERS OF PUBLIC INTEREST (Hansard p.4715, 11.31am)

Matters of public interest were debate.

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

Documents on case studies relating to fishing quotas.

Debate continued.

Debate concluded.

18 NOTICE OF MOTION – REFERRAL TO CRIME AND MISCONDUCT COMMISSION (Hansard p.4727, 12.32pm)

Premier and Minister for Trade (Mr Beattie), by leave, pursuant to notice, moved—

That this Parliament refers to the Crime and Misconduct Commission for consideration and advice:

1. Comments regarding the Queensland justice system in the judgement of the Court of Appeal in the cases of Pauline Hanson and David Ettridge, in particular:
 - (39) "it should be understood that result (the release of the appellants) will not mean the process has to this point been unlawful. While the appellants experience will in that event have been insupportably painful they will have endured the consequence of adjudication through due process in accordance with what is compendiously termed the rule of law.
 - (40) "...it is my view that had both appellants been represented by experienced trial counsel throughout, the relevance of all of the evidence would more likely have been addressed with appropriate precision."
 - (41) "the case will in my view provide a further illustration of the need for a properly resourced, highly talented, top level team of prosecutors within or available to the Office of the Director of Public Prosecutions. In this complex case which resulted in a trial of that length, and the consumption of vast public resources, highly talented lawyers of broad common law experience should desirably been engaged from the outset in the preparation and then presentation of the Crown case.had that been done, the present difficulty may well have been avoided."
 2. The involvement of Federal Minister, Tony Abbott and others in the original legal action against Pauline Hanson and David Ettridge.
 3. Submissions from any interested party in relation to these matters.
- Further, this parliament calls on the Australian Electoral Commission to ensure that donors to the fund established by Tony Abbott are fully disclosed in the public arena.

Debate ensued.

The following amendment was proposed by the Leader of the Opposition (Mr Springborg)—

That after the words 'for' in the first paragraph insert—

'the establishment of an Inquiry, including Public Hearings, into:

- 1 All matters surrounding the investigation, prosecution, conviction and subsequent acquittal of Pauline Hanson and David Ettridge.
- 2 That such Inquiry consider the comments of Chief Justice de Jersey that the lack of senior prosecutors overseeing the case may have contributed to the failure to properly consider the merits of the case against Hanson and Ettridge.
- 3 That such Inquiry consider systemic historical funding issues for the DPP and the appropriateness of the State Government's response to these issues and their impact on the proper functioning of that office and the Queensland Justice System.
- 4 That such Inquiry consider other systemic issues relevant to the effective, efficient and fair operations of Queensland's Justice System including the operation of the courts.
- 5 That such Inquiry reports to the Parliament its findings and recommendations to enhance the effective operation of the Queensland Justice System.
- 6 And that it refers ...

Then insert the remainder of the Premiers motion.'

Debate ensued.

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

Undated brochure titled 'On March 22 Give the Girl a Go: A message from Pauline Hanson to the Voters of New South Wales'.

Memorandum dated 24 March 1999 to the Honourable Attorney-General from R N Miller QC, Director of Public Prosecutions, Brisbane regarding understaffing on the Office of the Director of Public Prosecutions

Letter, dated 8 April 1999, from the Hon Matt Foley MLA, Minister for Justice and Attorney-General and Minister for Arts to Mr R N Miller QC, Director of Public Prosecutions, Brisbane regarding funding for the Office of the Director of Public Prosecutions

An article, dated Saturday 7 August 1999, from *The Courier-Mail* entitled 'Judge fears for funding'

Extracts from the Daily Hansard dated 25 August 1999 (page 3470) and 16 November 2000 (page 4624)

Letter, dated 9 September 1999, from Lawrence Springborg MLA, Deputy Leader of the Opposition to Mr Brendan Butler SC, Chairman, Criminal Justice Commission regarding the Office of the Director of Public Prosecutions

An article from *The Courier-Mail* dated Thursday 10 February 2000 entitled 'Prosecutors quit 'over interference'

An article from *The Courier-Mail* dated Thursday 17 February 2000 entitled 'DPP boss slams 'cut-rate' bureau'

Letter, dated 2 April 2000, from Lawrence Springborg MLA, Deputy Leader of the Opposition to Hon Matt Foley MLA, Attorney-General, Minister for Justice and Minister for Arts regarding the appointment of the Director of Public Prosecutions

Letter, dated 8 June 2000, from Lawrence Springborg MLA, Deputy Leader of the Opposition to Hon Matt Foley MLA, Attorney-General, Minister for Justice and Minister for Arts regarding the appointment of the Director of Public Prosecutions

Letter, dated 22 June 2000, from Lawrence Springborg MLA, Deputy Leader of the Opposition to Hon Matt Foley MLA, Attorney-General, Minister for Justice and Minister for Arts regarding the appointment of the Director of Public Prosecutions

A bundle of documents concerning the Office of the Director of Public Prosecutions

Debate continued.

The following amendment to Mr Springborg's amendment was proposed by Mr Flynn—

Delete all words after 'Parliament' and insert the following—

- '(1) refers to the Crime and Misconduct Commission for consideration and advice comments regarding the Queensland justice system the judgement of the Court of Appeal in the cases of Pauline Hanson and David Ettridge, in particular:
 - (39) "it should be understood that result (the release of the appellants) will not mean the process has to this point been unlawful. While the appellants experience will in that event have been insupportably painful they will have endured the consequence of adjudication through due process in accordance with what is compendiously termed the rule of law."
 - (40) "...it is my view that had both appellants been represented by experienced trial counsel throughout, the relevance of all of the evidence would more likely have been addressed with appropriate precision." and
 - (41) "the case will in my view provide a further illustration of the need for a properly resourced, highly talented, top level team of prosecutors within or available to the Office of the Director of Public Prosecutions. In this complex case which resulted in a trial of that length, and the consumption of vast public resources, highly talented lawyers of broad common law experience should desirably been engaged from the outset in the preparation and then presentation of the Crown case.had that been done, the present difficulty may well have been avoided";
- (2) requests the Commonwealth Parliament to establish an inquiry to investigate the possible involvement of members of the Commonwealth Parliament and others in the process or funding of the investigation and civil and criminal prosecution of Pauline Hanson and David Ettridge and that the Speaker, on behalf of the Legislative Assembly, relay this request to both Houses of the Commonwealth Parliament; and
- (3) encourages the CMC and the Commonwealth Parliament's inquiry to call for submissions and take evidence from any interested party in relation to these matters.'

Debate ensued.

The following amendment to Mr Flynn's amendment was proposed by Mr Hobbs—

In (1) omit "consideration and advice" and insert "inquiry and report"

After (1), insert (1A)

(1A) In conducting its inquiry and preparing its report into (1) above the Crime and Misconduct Commission should take into account:

- (a) All matters surrounding the investigation, prosecution, conviction and subsequent acquittal of Pauline Hanson and David Ettridge.
- (b) The comments of Chief Justice de Jersey that the lack of senior prosecutors overseeing the case may have contributed to the failure to properly consider the merits of the case against Hansen and Ettridge.

- (c) The systemic historical funding issues for the DPP and the appropriateness of the State Government's response to these issues and their impact on the proper functioning of that office and the Queensland Justice System.
- (d) Other systemic issues relevant to the effective, efficient and fair operations of Queensland's Justice System including the operation of the courts.
- (e) Enhancements to approve the effective operation of the Queensland Justice System.

Omit (2) and (3)

Debate ensued.

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

The House divided.

AYES 14—

| | | | | |
|-----------------|-----------------|---------------|----------------|-------------------|
| <i>Copeland</i> | <i>Horan</i> | <i>Malone</i> | <i>Seeney</i> | <i>Springborg</i> |
| <i>Hobbs</i> | <i>Lester *</i> | <i>Quinn</i> | <i>Sheldon</i> | <i>Watson *</i> |
| <i>Hopper</i> | <i>Lingard</i> | <i>Rowell</i> | <i>Simpson</i> | |

NOES 72—

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

* Tellers

Question negatived.

The following amendment was proposed to Mr Flynn's amendment by Mr Beattie—

- *Omit* the deletions from the original motion in the amendment.
- *Omit* paragraphs (1) and (3)
- *Insert* in paragraph (2) at the beginning the words “that this House” and *insert* the amended paragraph to the end of the original motion moved by the Premier earlier today.

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

Question – That Mr Flynn's amendment, as amended, be agreed to – put and agreed to.

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

19 SUPERANNUATION LEGISLATION AMENDMENT BILL (Hansard p.4762, 5.28pm)

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 *Parliamentary Contributory Superannuation Act 1970* and the *Superannuation (State Public Sector) Act 1990*.

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.

20 MAGISTRATES AMENDMENT BILL (Hansard p.4762, 5.31pm)

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

In Committee

Clauses 1 to 7, as read, agreed to.
 Clause 8 (Insertion of new pts 5A, 5B and 5C)—
 The following amendment was proposed by Mr Welford—
 At page 11, line 20 and page 13, line 32, 'Petrie,'—
omit.

Question – That Mr Welford's amendment be agreed to – put and agreed to.
 Clause 8, as amended, agreed to
 Clauses 9 to 14, as read, agreed to.
 Clause 15 (Insertion of new s 22A)—
 The following amendment was proposed by Mr Welford—
 At page 28, lines 17 and 18—
omit, insert—

'Division 4—Transitional provision for Act No. 3 of 2003

'27A Acting magistrates who are clerks of the court

- '(1)*** This section applies in relation to a person if—
 (a) immediately before the commencement of the Sexual Offences (Protection of Children) Amendment Act 2003, section 26B, the person was a clerk of the court who held an appointment to act as a magistrate; and
 (b) the person's appointment was not for a specified period or for a specified matter.
'(2) It is declared that—
 (a) the appointment has, and has always had, effect according to its terms; and
 (b) section 6(3) applies, and has always applied, to the person.

'Division 5—Transitional provisions for Magistrates Amendment Act 2003'.

Question – That Mr Welford's amendment be agreed to – put and agreed to.
 Clause 15, as amended, agreed to.

Paper: Mr Welford, during his speech, tabled the following paper—
 Explanatory Notes to Amendments in Committee to the Magistrates Amendment Bill

Debate continued.
 Clause 16, 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.
 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.

21 [GUARDIANSHIP AND ADMINISTRATION AND OTHER ACTS AMENDMENT BILL](#) (Hansard p.4774, 6.44pm)

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.
 Debate adjourned on the motion of Minister for Primary Industries and Rural Communities (Mr Palaszczuk).
Ordered – That the resumption of the debate be made an order of the day for tomorrow.

22 **ADJOURNMENT** (Hansard p.4777, 7pm)

Minister for Primary Industries and Rural Communities (Mr Palaszczuk) moved – That this House do now adjourn.

Debate ensued.

Question put and agreed to.

The House adjourned at 7.30pm.

23 **ATTENDANCE**

The following members were present—

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

R K HOLLIS
SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT