

2001–03



LEGISLATIVE ASSEMBLY OF QUEENSLAND

FIRST SESSION OF THE FIFTIETH PARLIAMENT

VOTES AND PROCEEDINGS

NO. 143

TUESDAY, 25 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 MATTER OF PRIVILEGE (Hansard p. 5005, 9.31am)

Minister for Tourism and Racing and Minister for Fair Trading (Ms Rose) rose on a matter of privilege.

Paper: Ms Rose, by leave, during her speech, tabled the following paper—
Letter, dated 24 November 2003, from Matt Miller, Commissioner for Fair Trading to the editor of *The Courier-Mail* relating to an article in *The Courier-Mail* by Steven Wardill entitled *Report contradicts Rose's version*

3 MATTER OF PRIVILEGE (Hansard p. 5005, 9.33am)

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

4 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 18 November 2003—

A Bill for an Act to amend the *Magistrates Act 1991*, and for other purposes (*Magistrates Amendment Act 2003* - Act No. 86 of 2003)

A Bill for an Act to amend the *Guardianship and Administration Act 2000*, and for other purposes (*Guardianship and Administration and Other Acts Amendment Act 2003* - Act No. 87 of 2003)

A Bill for an Act to amend Acts administered by the Minister for Education, and for other purposes (*Education and Other Legislation (Student Protection) Amendment Act 2003* - Act No. 88 of 2003)

A Bill for an Act to amend the *Education (General Provisions) Act 1989* (*Education (General Provisions) Amendment Act 2003* - Act No. 89 of 2003)

A Bill for an Act to amend the *First Home Owner Grant Act 2000* (*First Home Owner Grant Amendment Act 2003* - Act No. 90 of 2003)

A Bill for an Act to provide for matters relating to disaster management in the State, and for other purposes (*Disaster Management Act 2003* - Act No. 91 of 2003)

5 AUDITOR—GENERAL – REPORT

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

Audit Report No. 2 2003-04 – Results of a Review of Governance at James Cook University and Queensland University of Technology

6 PAPERS TABLED BY THE SPEAKER

The following papers were tabled by the Speaker—

Letters, dated 13 November 2003, from Speaker Hollis, to Hon Paul Calvert, President of the Senate and to Hon Neil Andrew MP, Speaker of the House of Representatives, enclosing a copy of a resolution agreed to by the Legislative Assembly of Queensland on 11 November 2003 in relation to Pauline Hanson and David Ettridge

7 STATEMENT BY SPEAKER – ROSES FROM BUNDABERG ON SPEAKER'S DAIS

Mr Speaker made the following statement—

'I note Honourable Members' interest in the floral arrangements on my dais. I can assure Members that I am not celebrating the English 'Roses' Rugby World Cup win.

The Honourable Minister for Local Government has brought these beautiful roses from Bundaberg to brighten the House for this last sitting week of the year.'

8 PETITIONS

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

Mr Johnson, 3 petitions, from 6780 petitioners in total, requesting the House to reassess the discriminatory cut backs of regional race meetings throughout regional Queensland and reinstate all race meetings and ensure prize money, as race meetings are an essential part of the social fabric in rural, regional and remote areas.

Mr Pitt from 264 petitioners requesting the House to direct the Department of Transport to undertake a review of bus routes, service times, frequency of service and the provision of disability accessible buses in the southern suburbs of Cairns.

Mr Speaker from 1573 petitioners requesting the House to not approve any residential or multi-level development and halts the sale of the reclaimed Scarborough Boat Harbour Precinct Breakwater and that it protects the existing mangrove stand on the south western edge from any extensions proposed for that area and that the mangrove stand and adjoining reclaimed foreshore be protected and given to the people as enduring parkland.

9 PAPERS TABLED DURING THE RECESS

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

14 November 2003—

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. This response replaces a previous response tabled on 31 October 2003

Non-State Schools Accreditation Board – Annual Report 2002-03

Queensland Tertiary Education Foundation – Annual Report 2002-03

Department of Justice and Attorney-General – Annual Report and Financial Statements 2002-03

Legal Ombudsman – Annual Report 2002-03

The National Trust of Queensland – Annual Report 2002-03

Cane Protection and Productivity Boards – Addendum Annual Reports 2002-03

Department of Primary Industries – Annual Report 2002-03

Department of Emergency Services – Annual Report 2002-03

Department of Tourism, Racing and Fair Trading incorporating Liquor Licensing – Annual Report 2002-03

Greyhound Racing Authority – Annual Report 2002-03

Queensland Harness Racing Board – Annual Report 2002-03

Trustees of the Albion Park Paceway – Annual Report 2002-03

Department of Families – Annual Report 2002-03

Department of Aboriginal and Torres Strait Islander Policy – Annual Report 2002-03

Disability Services Queensland – Annual Report 2002-03

Building Services Authority – Annual Report 2002-03

Department of Housing – Annual Report 2002-03

Residential Tenancies Authority – Annual Report 2002-03

Aboriginal Co-ordinating Council – Annual Report 2002-03

Island Co-ordinating Council – Annual Report 2002-03

17 November 2003—

Anti-Discrimination Commission – Annual Report 2002-03

Land and Resources Tribunal – Annual Report 2002-03

18 November 2003—

Children Services Tribunal – Annual Report 2002-03

21 November 2003—

Response from the Minister for Transport and Minister for Main Roads (Mr Bredhauer) to a paper petition presented by Mr Speaker from 2891 petitioners regarding the Scarborough Boat Harbour

Response from the Minister for Transport and Minister for Main Roads (Mr Bredhauer) to a paper petition presented by Mr Lucas from 2457 petitioners regarding the Manly Boat Harbour

24 November 2003—

Queensland Law Reform Commission – Annual Report and Statement of Affairs 2002-03

10 STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Body Corporate and Community Management Act 1997—

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

Stock Act 1915—

Stock (Cattle Tick) Amendment Notice (No. 2) 2003, No. 277

Youth Participation in Education and Training Act 2003—

Proclamation commencing remaining provisions, No. 278

Pest Management Act 2001—

Pest Management Amendment Regulation (No. 1) 2003, No. 279

Evidence (Protection of Children) Amendment Act 2003—

Proclamation commencing remaining provisions, No. 280

Tourism Services Act 2003—

Proclamation commencing remaining provisions, No. 281

Tourism Services Act 2003—

Tourism Services Regulation 2003, No. 282 and Explanatory Notes for No. 282

Tourism Services Act 2003—

Tourism Services (Code of Conduct for Inbound Tour Operators) Regulation 2003, No. 283 and Explanatory Notes for No. 283

Treasury Legislation Amendment Act (No. 2) 2002—

Treasury Legislation Amendment (Postponement) Regulation 2003, No. 284

Arts Legislation Amendment Act 2003—

Proclamation commencing remaining provisions, No. 285

Police Powers and Responsibilities Act 2000—

Police Powers and Responsibilities Amendment Regulation (No. 6) 2003, No. 286

Cremations Act 2003—

Cremations Regulation 2003, No. 287

Child Protection (International Measures) Act 2003—

Proclamation commencing remaining provisions, No. 288

Child Protection Act 1999—

Child Protection Amendment Regulation (No. 2) 2003, No. 289

Second-hand Dealers and Pawnbrokers Act 2003—

Proclamation commencing certain provisions, No. 290

Property Agents and Motor Dealers Act 2000—

Property Agents and Motor Dealers Amendment Regulation (No. 1) 2003, No. 292

Public Trustee Act 1978—

Public Trustee (Fees and Charges Notice) (No. 2) 2003

11 MINISTERIAL PAPER TABLED BY THE CLERK

The following ministerial paper was tabled by The Clerk—

Minister for State Development (Mr Barton)—

Statement of Paul Fennelly, Coordinator-General, giving details of negotiations by the proponent of an infrastructure facility of significance with the owners of land to be taken by the Coordinator-General to acquire the land by agreement under section 125(6) of the *State Development and Public Works Organisation Act 1971*

12 MINISTERIAL PAPERS

The following ministerial papers were tabled—

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

Report on an overseas trip to world financial centres in Tokyo, London, Frankfurt, Munich, Zurich, Toronto, Boston, Chicago, New York and San Francisco with the Queensland Treasury Corporation from 15 to 26 September 2003

- (b) *Minister for Employment, Training and Youth and Minister for the Arts (Mr M Foley)*—
Response to Public Works Committee Report No. 81 - *Cooloola Sunshine Institute of TAFE Redevelopment Stage 2 (Mooloolaba)*

13 MINISTERIAL STATEMENTS (Hansard p.5010, 9.38am)

- (a) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to Schoolies Week.

- (b) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Environmental Protection Agency's fire fighting units.

Paper: Mr Beattie, during his statement, tabled the following paper—
Media release, dated 25 November 2003, entitled *Qld comes up with smart response to bush fire-fighting challenges*

- (c) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Growing the Smart State funding program.

Papers: Mr Beattie, during his statement, tabled the following papers—
Media releases, dated 25 November 2003, entitled *PhD students helping to advance the Smart State: Beattie*; *Griffith students to enhance Smart State policy development*; *James Cook PhD students dominate Smart State grants*; *QUT students advancing the Smart State*; and *UQ students to help advance Smart State policies*
A document by the Institute of Health and Biomedical Innovation entitled *Real innovations real outcomes*

- (d) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to Sunshine Coast cane lands.

- (e) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to International Day for the Elimination of Violence Against Women.

- (f) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Kelvin Grove Urban Village.

Paper: Mr Beattie, during his statement, tabled the following paper—
A document by Department of Housing and QUT entitled *Kelvin Grove Urban Village*

- (g) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Queensland Australian of the Year Award nominations.

- (h) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the release of a Health Report.

Paper: Mr Beattie, during his statement, tabled the following paper—
The Health Report 2003 - Queensland the State of our State's Health
www.teambeattie.com

- (i) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Royal Brisbane and Women's Hospital and British Bali bomb survivor, Polly Miller.

- (j) Minister for Education (Ms Bligh) made a ministerial statement relating to the release of *Education and Training Reform for the Future*.

- (k) Minister for Employment, Training and Youth and Minister for the Arts (Mr M Foley) made a ministerial statement relating to the Australian National Training Authority (ANTA) agreement.

Papers: Mr Foley, during his statement, tabled the following papers—
ANTA Ministerial Council resolution, dated 21 November 2003, entitled *Queensland paper on funding under the ANTA Agreement 2004-2006*

Letter, dated 18 November 2003, from various Queensland industry leaders to Dr Brendan Nelson, Federal Minister for Education, Science and Training regarding the ANTA Agreement 2004-2006

- (l) Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond) made a ministerial statement relating to Cryoablation procedures at The Prince Charles Hospital.
- (m) Minister for Natural Resources and Minister for Mines (Mr Robertson) made a ministerial statement relating to the backlog of mining exploration permits.
- (n) Minister for State Development (Mr Barton) made a ministerial statement giving a Queensland development update.
- (o) Minister for Police and Corrective Services and Minister Assisting the Premier on the Carpentaria Minerals Province (Mr McGrady) made a ministerial statement relating to Queensland's decreasing crime rates.

14 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. 13 of 2003

15 MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE – PAPER

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

Members' Ethics and Parliamentary Privileges Committee—
Report No. 62 – *Report on a Citizen's Right of Reply No. 15*

16 PARLIAMENTARY CRIME AND MISCONDUCT COMMITTEE – PAPERS

Chair of the Parliamentary Crime and Misconduct Committee (Mr Wilson) tabled the following papers—

Parliamentary Crime and Misconduct Committee—

Report No. 62 entitled *A report on an investigation by the Parliamentary Crime and Misconduct Commissioner into the Crime and Misconduct Commission's handling of allegations against Mr Chris Murphy*
Report No. 63 - Report on activities

Crime and Misconduct Commission—

Report entitled *Public perceptions of the Queensland Public Service and Local Government – Findings from the 2002 Public Attitudes Survey*

17 PRIVATE MEMBERS' STATEMENTS (Hansard p.5023, 10.19am)

Private Members' statements were made.

18 QUESTIONS WITHOUT NOTICE (Hansard p.5026, 10.30am)

Questions without notice were asked.

Paper: Premier and Minister for Trade (Mr Beattie) tabled the following paper—
A document entitled *Queensland events regional development program - round 5*

Questions continued.

Papers: Minister for Education (Ms Bligh) tabled the following papers—
Letter, dated 24 November 2003, from Michelle Kennedy, President, Dakabin State High School P&C Association to Councillor Chris Monsour, Pine Rivers Shire Council relating to Dakabin State High School
Letter, dated 24 November 2003, from Bill Wilson, Head of Department - Science to Councillor Chris Monsour, Pine Rivers Shire Council relating to an article published in the *Sunday Mail* concerning Dakabin State High School

Letter, dated 24 November 2003, from Daniel Davison to Councillor Chris Monsour, Pine Rivers Shire Council relating to an article published in the *Sunday Mail* concerning Dakabin State High School

Questions continued.

Paper: Premier and Minister for Trade (Mr Beattie) tabled the following paper—
An article, dated 19 November 2003, from the Sandgate *Bayside Star* entitled *Former premier comes to campaign aid*

Questions continued.

Questions concluded.

19 MATTER OF PRIVILEGE (Hansard p.5038, 11.30am)

Minister for Public Works and Minister for Housing (Mr Schwarten) rose on a matter of privilege.

20 MATTERS OF PUBLIC INTEREST (Hansard p.5038, 11.31am)

Matters of public interest were debated.

Paper: Leader of the Opposition (Mr Springborg), during his speech, tabled the following paper—
A letter, dated 7 June 2003, from Queen Elizabeth II Jubilee Hospital and Health District to a patient (unnamed) relating to the Gastroenterology waiting list.

Debate continued.

Debate concluded.

21 NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT BILL (NO. 2) (Hansard p.5050, 12.31pm)

Minister for Natural Resources and Minister for Mines (Mr Robertson), by leave, moved – That leave be granted to bring in a Bill for an Act to amend legislation about natural resources, and for other purposes.

Question put and agreed to.

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

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

Debate ensued.

Mr Seeney 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.5052, 12.36pm)

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.

Paper: Mr McGrady, during his speech, tabled the following paper—
Explanatory Notes to Amendments in Committee to the Police Powers and Responsibilities and Other Legislation Amendment Bill

Debate continued.

Question put and agreed to.

Bill read a second time.

Bill committed on the motion of Mr McGrady.

In Committee

Clause 1, as read, agreed to.

Clause 2 (Commencement)—

The following amendment was proposed by Mr McGrady—

- At page 8, line 8, ‘13² commences’—
omit, insert—
 ‘13 and part 11A¹ commence’.
- Question – That Mr McGrady’s amendment be agreed to – put and agreed to.
 Clause 2, as amended, agreed to.
 Clauses 3 to 12, as read, agreed to.
 Clause 13 (Replacement of s 371A (Power to seize potentially harmful things))—
 The following amendments were proposed by Mr McGrady—
 At page 24, lines 12 to 14—
omit, insert—
 ‘review for 9 months after the sections commence.
 ‘(2) The conduct of the review and the preparation of the report is a function of the CMC for the Crime and Misconduct Act 2001.
 ‘(3) In the course of preparing the report, the CMC must consult with the Minister.
 ‘(4) The CMC must give a copy of the report to the Speaker for tabling in the Legislative Assembly.’
- At page 24, line 16, after ‘371E’—
insert—
 ‘and this section’.
- At page 24, line 17, after ‘provisions’—
insert—
 ‘and this section’.
- Question – That Mr McGrady’s amendments be agreed to – put and agreed to.
 Clause 13, as amended, agreed to.
 Clauses 14 to 21, as read, agreed to.
 Clause 22 (Amendment of s 54 (Transfer to court))—
 The following amendment was proposed by Mr McGrady—
 At page 29, line 6, ‘complaint and’—
omit.
- Question – That Mr McGrady’s amendment be agreed to – put and agreed to.
 Clause 22, as amended, agreed to.
 New Clauses 22A and 22B—
 The following amendment was proposed by Mr McGrady—
 At page 29, after line 8—
insert—
- ‘PART 5A—AMENDMENT OF CRIMINAL CODE**
- ‘22A Act amended in pt 5A**
 ‘This part amends the Criminal Code.
‘22B Amendment of s 328A (Dangerous operation of a vehicle)
 ‘(1) Section 328A(4)(b), from ‘concentration of alcohol’ to ‘100 ml of blood’—
omit, insert—
 ‘offender was, at that time, over the high alcohol limit’.
 ‘(2) Section 328A(5)—
insert—
 ‘ “**high alcohol limit**” see the *Transport Operations (Road Use Management) Act 1995*, section 79A.².
 ‘(3) Section 328A(5), definition “operates, or in any way interferes with the operation of, a vehicle dangerously”, paragraph (d), after ‘in the operator’s blood’—
insert—
 ‘or breath’.’.
- Question – That Mr McGrady’s amendment be agreed to – put and agreed to.
 Clauses 23 to 28, as read, agreed to.
 New Clauses 28A and 28B—
 The following amendment was proposed by Mr McGrady—
 At page 31, after line 19—

¹ Section 13 (Replacement of s 371A (Power to seize potentially harmful things)) and part 11A (Amendment of Public Service Act 1996)

² Transport Operations (Road Use Management) Act 1995, section 79A (When is a person over the limit)

insert—

‘PART 8A—AMENDMENT OF POLICE POWERS AND RESPONSIBILITIES (FORENSIC PROCEDURES) AMENDMENT ACT 2003

‘28A Act amended in pt 8A

‘This part amends the *Police Powers and Responsibilities (Forensic Procedures) Amendment Act 2003*.

‘28B Amendment of s 10 (Replacement of ch 8, pts 2–4 and pt 5, hdg of Act No. 5 of 2000)

‘Section 10, new section 318ZF(6), definition “reporting notice”, from ‘section 318B(2)’—
omit, insert—

‘section 318A(2).³’.

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

Clauses 29 to 47, as read, agreed to.

New Clauses 47A to 47D—

The following amendment was proposed by Mr McGrady—

At page 53, after line 17—

insert—

‘PART 11A—AMENDMENT OF PUBLIC SERVICE ACT 1996

‘47A Act amended in pt 11A

‘This part amends the *Public Service Act 1996*.

‘47B Insertion of new pt 9A

‘After section 114—

insert—

‘PART 9A—CRIMINAL HISTORY REPORTS IF ENGAGED TO PERFORM RELEVANT DUTIES

‘114A Definitions for pt 9A

‘In this part—

“**criminal history**” see the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 3.

“**criminal history report**” means a report given under section 114D to a chief executive by the commissioner of the police service about the criminal history of a person.

“**engage**”, a person, includes any of the following—

- (a) appoint, employ, promote, redeploy or second the person within or to a department;
- (b) allow the person to participate in a work performance arrangement or an interchange arrangement, within the meaning of section 82,⁴ in a department;
- (c) start training the person in a department as an apprentice or trainee, within the meaning of the *Training and Employment Act 2000*, chapter 1, part 2.⁵

“**relevant duties**” means the particular duties in a department in relation to which the chief executive of the department decides, under section 114C(1), it may be necessary to have regard to the criminal history of anyone engaged to perform those duties to ensure the person so engaged is suitable to perform them.

‘114B Relationship of part with other laws

‘(1) This part does not limit any other law under which the criminal history of a person may be obtained, including any other part of this Act.

‘(2) Also, this part is subject to the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

‘114C Chief executive may decide to obtain criminal history

‘(1) This section applies if the chief executive of a department decides, under a directive issued for this part, that, because of the nature of particular duties to be performed in the department, it may be necessary to have regard to the criminal history of anyone engaged to perform those duties to ensure the person so engaged is suitable to perform them.

‘(2) When the chief executive proposes to engage a person to perform the relevant duties, the chief executive may, under a directive issued for this part, ask the person for written consent for the chief executive to obtain the person’s criminal history.

‘(3) Subsection (2) applies to a person even if the person is a public service employee at the time the chief executive proposes to engage the person to perform the relevant duties.

³ Section 318A (Prisoner serving term of imprisonment for prescribed indictable offence)

⁴ Section 82 (Work performance and interchange arrangements)

⁵ *Training and Employment Act 2000*, chapter 1 (Preliminary), part 2 (Definitions and basic concepts)

‘114D Obtaining criminal history with consent

‘(1) If a person gives written consent under section 114C(2) to obtain the person’s criminal history, the chief executive may ask the commissioner of the police service for a written report about the person’s criminal history.

‘(2) Subject to subsection (3), the commissioner of the police service must give the report to the chief executive.

‘(3) The duty imposed on the commissioner of the police service to comply with the request applies only to information in the commissioner’s possession or to which the commissioner has access.

‘114E Assessment of suitability using criminal history report and subsequent destruction of the report

‘(1) In making an assessment about the person’s suitability for engagement to perform the relevant duties after obtaining a criminal history report about the person, the chief executive must, under a directive issued for this part, consider the person’s criminal history.

‘(2) If, after making the assessment mentioned in subsection (1), the person’s criminal history report is no longer required to be kept under a directive issued for this part, the chief executive must destroy the report and any other document required by the directive to be destroyed.

‘114F If person does not consent to obtaining criminal history

‘If a person does not consent to the chief executive obtaining the person’s criminal history, the chief executive is not required to consider, or further consider, the person for engagement to perform the relevant duties.

‘114G Confidentiality

‘(1) This section applies to a person who—

- (a) is, or has been, a public service employee in a department or a selection panel member; and
- (b) in that capacity acquired information, or gained access to a document, under this part about someone else’s criminal history, including, for example, a criminal history report.

‘(2) The person must not disclose the information, or give access to the document, to anyone else.

Maximum penalty—100 penalty units.

‘(3) Subsection (2) does not apply to the disclosure of information, or giving of access to a document, about a person—

- (a) to a public service employee in the department or a selection panel member, for the purpose of assessing the person’s suitability to be engaged to perform the relevant duties in relation to which the criminal history report about the person was obtained; or
- (b) with the person’s consent; or
- (c) if the disclosure or giving of access is otherwise required under an Act.

‘(4) In this section—

“**selection panel member**” means a member of a panel formed to make a recommendation to the chief executive of a department about engaging a person to perform relevant duties in the department.

‘114 H Commissioner may issue a directive or guideline for this part

‘(1) For this part, the commissioner may issue directives and guidelines under section 34.⁶

‘(2) Without limiting subsection (1) or section 34, a directive issued for this part must make provision for—

- (a) the circumstances in which a chief executive may decide that it is necessary to obtain the criminal history of a person under section 114D; and
- (b) a reasonable opportunity to be given to a person to make written representations about a criminal history report obtained about the person before an adverse decision relating to the person is made.

‘(3) In this section—

“**adverse decision**”, relating to a person, means a decision about the person’s suitability for engagement to perform the relevant duties in relation to which a criminal history

⁶ Section 34 (Rulings of industrial relations Minister and commissioner)

report was obtained, other than a decision that the person is suitable for engagement to perform the relevant duties.’.

‘47C Insertion of new pt 11, div 3

‘After section 145—

insert—

‘Division 3—Transitional provision for the Police Powers and Responsibilities and Other Legislation Amendment Act 2003

‘146 Chief executive may ask for consent to obtain criminal history only if engagement is after the commencement

‘The chief executive may not, under section 114C,⁷ ask a person for the person’s written consent to obtain a report of the person’s criminal history unless the chief executive proposes to engage the person to perform relevant duties after the commencement of this section.’.

‘47D Amendment of sch 3 (Dictionary)

‘Schedule 3—

insert—

‘ **“criminal history”**, for part 9A and section 146, see section 114A.

“criminal history report”, for part 9A, see section 114A.

“engage”, for part 9A and section 146, see section 114A.

“relevant duties”, for part 9A and section 146, see section 114A.’.

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

Clauses 48 and 49, as read, agreed to.

Clause 50 (Replacement of s 7 (Obscene, abusive language etc.))—

The following amendment was proposed by Mr McGrady—

At page 55, lines 11 to 13—

omit, insert—

‘ **(6)** As soon as practicable after 18 months after the commencement of this section, the Crime and Misconduct Commission must review the use of this section.

(7) The conduct of the review and the preparation of the report is a function of the *Crime and Misconduct Commission for the Crime and Misconduct Act 2001*.

(8) In the course of preparing the report, the Crime and Misconduct Commission must consult with the Minister.

(9) The Crime and Misconduct Commission must give a copy of the report to the Speaker for tabling in the Legislative Assembly.’.

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

Clause 50, as amended, agreed to.

Clauses 51 to 61, as read, agreed to.

Clause 62 (Amendment of s 132 (Conditions for concealable firearms licence))—

The following amendment was proposed by Mr McGrady—

At page 62, lines 13 and 14—

omit.

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

Clause 62, as amended, agreed to.

Clause 63, as read, agreed to.

Clause 64 (Amendment of sch 1 (Subject matter for regulations))—

The following amendments were proposed by Mr McGrady—

At page 63, lines 13 to 16—

omit.

At page 63, line 18—

omit, insert—

‘omit, insert—’.

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

Clause 64, as amended, agreed to.

Clauses 65 to 69, as read, agreed to.

New Clause 69A—

⁷ Section 114C (Chief executive may decide to obtain criminal history)

The following amendment was proposed by Mr McGrady—

At page 65, after line 17—

insert—

‘69A Amendment of s 52 (Physical possession and use of weapon sometimes allowed for the purpose of training a minor)

‘(1) Section 52(1) and (2), after ‘category A or B weapon’—

insert—

‘or a category M crossbow’.

‘(2) Section 52(2), after ‘category A or B weapons’—

insert—

‘or category M crossbows’.

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

Clauses 70 to 76, as read, agreed to.

Clause 77 (Insertion of new s 185)—

The following amendments were proposed by Mr McGrady—

At page 66, line 21, **‘s 185’—**

omit, insert—

‘ss 185–186’.

At page 67, after line 9—

insert—

‘ ‘186 Transitional regulation-making power

‘(1) A regulation (a “transitional regulation”) may make provision of a saving or transitional nature for category M crossbows for which—

(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act before the commencement of this section to the operation of this Act after the commencement; and

(b) this Act does not make provision or sufficient provision.

‘(2) A transitional regulation may have retrospective operation to a day not earlier than the commencement.

‘(3) A transitional regulation must declare it is a transitional regulation.

‘(4) This section and any transitional regulation expire 1 year after the commencement.’.

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

Clause 77, as amended, agreed to.

Clauses 78 to 83, 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 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.

23 SUPERANNUATION LEGISLATION AMENDMENT BILL (Hansard p.5102, 6.46pm)

Order of the day read for the adjourned debate on the motion of the Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth) – 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 Mackenroth.

In Committee

Clause 1, as read, agreed to.

Clause 2 (Commencement)—

The following amendment was proposed by Mr Mackenroth—

At page 4, after line 11—
insert—

‘• section 5A’.

Question – That Mr Mackenroth’s amendments be agreed to – put and agreed to.
Clause 2, as amended, agreed to.

Paper: Mr Mackenroth, during his speech, tabled the following paper—
Explanatory Notes to Amendments in Committee to the Superannuation Legislation Amendment Bill.

Clauses 3 to 5, as read, agreed to.

New Clause 5A—

The following amendment was proposed by Mr Mackenroth—

At page 5, after line 18—

insert—

‘5A Amendment of s 25C (Superannuation contributions surcharge)

‘Section 25C(3)—

omit, insert—

‘(3) The maximum amount that the trustees may deduct is the total of the following amounts—

- (a) 15% of the State-financed component of the part of the benefit that accrued after 20 August 1996 and before 1 July 2003;
- (b) 14.5% of the State-financed component of the part of the benefit that accrued after 30 June 2003 and before 1 July 2004;
- (c) 13.5% of the State-financed component of the part of the benefit that accrued after 30 June 2004 and before 1 July 2005;
- (d) 12.5% of the State-financed component of the part of the benefit that accrued after 30 June 2005.’.

Question – That Mr Mackenroth’s amendment be agreed to – put and agreed to.
Clauses 6 to 9, 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 Mackenroth, 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.

24 POSTPONED ORDERS – GOVERNMENT BUSINESS

Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth) moved – That Government Business Order of the Day No. 3 be postponed until a later hour of the sitting.
Question put and agreed to.

25 ADJOURNMENT (Hansard p.5103, 6.50pm)

Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth) moved – That this House do now adjourn.

Debate ensued.

Paper: Mr Pitt, during his speech, tabled the following paper—
Non-conforming petition relating to Sunday trading at Mt Sheridan Plaza.

Debate continued.

Question put and agreed to.

The House adjourned at 7.20pm.

26 ATTENDANCE

The following members were present—

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

R K HOLLIS
SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT