

2001–03



LEGISLATIVE ASSEMBLY OF QUEENSLAND

FIRST SESSION OF THE FIFTIETH PARLIAMENT

# VOTES AND PROCEEDINGS

NO. 144

WEDNESDAY, 26 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 DAILY TRAVELLING ALLOWANCE CLAIMS BY MEMBERS – ANNUAL REPORT**

The following paper was tabled by the Speaker—

Daily Travelling Allowance Claims by Members of the Legislative Assembly – Annual Report 2002-03

**3 PETITIONS**

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

Mr Wellington from 1058 petitioners requesting the House stop all present mining activities and reject the mining lease application No. 50203 and further to stop any future mining of minerals in the North Arm district.

Mr Choi from 721 petitioners requesting the House that as the koala has recently been classified as a vulnerable species it urgently provides wildlife warning signs advising motorists to “reduce speeds at night” and reflective markers on various roads in the Redland Shire with a view to alerting motorists to the risk of encountering native wildlife on roads at night.

Mr Quinn from 2499 petitioners requesting the House to resolve to request the Government to establish as a matter of urgency a Royal Commission into all forms of child abuse in Queensland with particular reference to the failure of the Families Department and other instruments of Government to protect children in care.

Mr Johnson from 404 petitioners requesting the House to introduce container deposit legislation using the guidelines of that of South Australia and overseas examples and that a refundable deposit of ten cents be implemented, as recommended by the recent review of container deposit legislation in New South Wales.

Mr Springborg from 921 petitioners requesting the House to ensure that no road closures occur as part of the master plan in the redevelopment of Lake Eacham.

The following Honourable Member has sponsored an E-Petition which is now closed and presented—

Mr Quinn from 92 petitioners requesting the House to resolve to request the Government to establish as a matter of urgency a Royal Commission into all forms of child abuse in Queensland with particular reference to the failure of the Families Department and other instruments of Government to protect children in care.

**4 MINISTERIAL PAPER**

The following Ministerial paper was tabled—

*Minister for Employment, Training and Youth and Minister for the Arts (Mr M Foley)—*  
Smart Investment: Queensland Training and Employment Priorities 2003-2004

**5 MINISTERIAL NOTICE OF MOTION**

Premier and Minister for Trade (Mr Beattie) gave notice that he will move – That this House amends the Standing Rules and Orders of the Legislative Assembly by:

- (a) omitting the current Chapter XVI – Petitions (Standing Orders 219-238A);
- (b) inserting the proposed Chapter XVI – Petitions (Standing Orders 219-225), circulated in my name; viz—

**PROPOSED NEW CHAPTER XVI OF STANDING RULES AND ORDERS OF THE LEGISLATIVE ASSEMBLY**

**“CHAPTER XVI - PETITIONS**

**219. Purpose and effect**

(1) The following requirements and provisions set out in this Chapter relate to the petitioning of the Legislative Assembly (“the House”).

(2) The House shall recognise two types of petitions:

- (a) Paper petitions; and
- (b) Electronic petitions ("E-Petitions").

## 220. Paper petitions

A paper petition is a petition:

- (a) in the correct form, stating a grievance and containing a request for action by the House;
- (b) fairly written or printed, and free from erasures and interlineations;
- (c) physically signed by at least one person on the sheet on which the petition is written or printed;
- (d) lodged by a Member with the Clerk for presentation to the House.

## 221. Electronic petition ("E-Petition")

(1) An E-Petition is a petition:

- (a) in the correct form, stating a grievance and containing a request for action by the House;
- (b) sponsored by a Member and lodged with the Clerk for publication on the Parliament's Internet Website for a nominated period ("posted period");
- (c) persons may elect to indicate their support of the petition ("join the petition") by electronically providing their name, address (including postcode), email address and signifying their intention to join the petition.

(2) The posted period for an E-Petition is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament's Internet Website.

(3) The member sponsoring the E-Petition must provide the Clerk with the details of the petition in the correct form; the posted period and a signed acknowledgment that they are prepared to sponsor the E-Petition.

(4) Once published on the Parliament's Internet Website an E-Petition cannot be altered.

(5) Only one E-Petition dealing with substantially the same grievance and requesting substantially the same action by the House shall be published on the Parliament's Internet Website at the same time.

(6) Once the posted period for an E-Petition has elapsed, a paper copy of the petition shall be printed by the Clerk in full (including the names, addresses and email addresses of the persons who joined the petition) and presented to the House in the name of the Member that sponsored the E-Petition.

(7) An E-Petition published on the Parliament's Internet Website, but not presented to the House prior to the dissolution of the Parliament, shall be presented to the subsequent Parliament and becomes a petition of the subsequent Parliament.

(8) An E-Petition cannot be sponsored after the dissolution of the Parliament.

## 222. Correct form for all petitions

(1) All petitions shall be in the following correct form—

"PETITION

TO: The Honourable the Speaker and Members of the Legislative Assembly of Queensland.

The Petition of

- (a) citizens of Queensland or
- (b) residents of the State of Queensland or
- (c) electors of the Division of ....

draws to the attention of the House

(*State Grievance*)

Your petitioners, therefore request the House to

(*State action required*)

Name and address of principal petitioner

(*Here follows the Signatures*)

(2) The text of the grievance and action required in each petition shall not exceed 250 words in total.

## 223. General Rules for Petitions

(1) A petition shall be in the English language, or if in another language shall be accompanied by an English translation, certified by the member who sponsors or lodges it to be a true and correct translation.

(2) A petition of a company must be made under its common seal (if the company has a common seal).

(3) Letters, affidavits, or other documents may not be attached to a petition and, in the case of E-Petitions, no reference to Universal Resource Locators (URLs) or other links or web based references are permitted in the petition.

(4) A petition must be respectful, decorous and temperate and not contain any unparliamentary language or otherwise offend any rule or practice of the House.

(5) Application shall not be made by a petition for any grant of public money, nor for compounding debts due to the Crown, nor for the remission of duties payable by any person, unless it is first recommended by the Governor.

(6) In respect of paper petitions, signatures shall be written upon the petition itself, and not pasted upon it, or otherwise affixed or transferred to it.

(7) Persons must sign paper petitions by their names or marks, and by no one else, except in case of incapacity from sickness.

(8) Persons must join an E-Petition by filling out their correct details and personally agreeing to join the E-Petition, and by no one else, except in case of incapacity from sickness.

(9) A person cannot sign or join the same paper petition or E-Petition more than once.

(10) The correct form of the petition (including the name, address and, in the case of an E-Petition the email address, of the principal petitioner) must appear on each page of the petition to be presented to the House.

#### **224. Presentation of petitions to the House**

(1) At the appointed time in the order of business of the House the Speaker will ask the Clerk to read the list of petitions lodged.

(2) Every petition presented to the House in accordance with (1) is deemed to have been received by the House unless a motion that it not be received is moved immediately and agreed to.

#### **225. Duties and powers of the Speaker and Clerk regarding petitions**

(1) The Clerk may return a paper petition not in conformity with these Standing Orders to the member who lodged the petition.

(2) The Clerk may decline to publish an E-Petition on the Parliament's Internet Website not in conformity with these Standing Orders and advise the sponsoring member accordingly.

(3) The Clerk or a member may seek a ruling from the Speaker about the conformity of any petition with these Standing Orders.

(4) The Speaker or the Clerk may allow a petition not in strict compliance with these rules to be presented or published, but only if the non-compliance is minor and relates to the form of the petition and not its substance.

(5) The Clerk shall ensure that the details of all petitions received after these Standing Orders are adopted, together with all ministerial responses received are published on the Parliament's Internet Website. The details may be removed after the dissolution of each Parliament.

(6) The Clerk is authorised to create and maintain an appropriate Internet Website on which to publish electronic petitions, paper petitions, responses to petitions and explanatory information and do all things necessary in order to give effect to these Standing Orders.

(7) The Clerk must dispose of all electronic personal data related to the posting and joining of an E-Petition within six months after an electronic petition is printed and presented to the House.

#### **226. Instructions to members lodging or sponsoring petitions**

(1) A member lodging a paper petition shall place their name and signature at the beginning of that petition and indicate the number of petitioners.

(2) A member lodging or sponsoring a petition shall take care that it is in conformity with these Standing Orders.

(3) A member cannot lodge or sponsor their own petition.

(4) If a member desires a paper petition to be presented on a particular sitting day, the member must lodge the petition with the Clerk of the Parliament at least two hours prior to the time set for the commencement of the meeting of the House on that sitting day.

(5) If a member desires a number of petitions to be presented together on a particular sitting day, then the member may request the Clerk to hold any petitions lodged or sponsored for presentation on a particular day.

#### **227. Petitions referred to a Minister and responses tabled and published**

(1) The Clerk shall refer a copy of the material parts of every petition presented to and received by the House to the Minister responsible for the administration of the matter which is the subject of the petition.

(2) The Minister may forward the Clerk's advice to another Minister for response.

(3) The Minister may forward a response ("ministerial response") to a petition to the Clerk and the Clerk shall:

- (a) table the response;
- (b) forward a copy of the response to the member who presented the petition; and
- (c) ensure the response is published on the Parliament's Internet Website.

(4) If the House is not sitting when the Clerk receives a ministerial response to a petition, the response is deemed to be tabled when it is received by the Clerk.

(5) The details of all ministerial responses to petitions received by the Clerk and deemed to be tabled and the day they are received by the Clerk must be recorded in the Votes and Proceedings and Hansard on the next sitting day."

- (c) inserting after Standing Order 158A the proposed Standing Order 158B (relating to the disclosure in representations or communication of pecuniary interests) circulated in my name; viz—

#### **PROPOSED AMENDMENT TO STANDING RULES AND ORDERS NEW STANDING ORDER 158B**

**"158B Disclosure in representations or communications of pecuniary interest**

In any representation or communication which a member may have with other members or with Ministers or servants of the Crown, a member shall disclose any pecuniary interest (of which the member is aware) that the member or a related person (as defined by the resolution for Members' Register of Interest) has in the subject matter of the representation or communication, if such pecuniary interest is significantly greater than the interest held in common with subjects of the Crown or members of the House generally."

and

- (d) inserting after Standing Order 301 the proposed Standing Order 301A (Papers Forwarded By A Minister Or The Governor During Recess Deemed Tabled) circulated in my name. viz—

**PROPOSED AMENDMENT TO STANDING RULES AND ORDERS  
NEW STANDING ORDER 301A**

**"301A. Papers forwarded by a minister or the governor during recess deemed tabled**

(1) A Minister or the Governor may table any paper or report concerning the affairs of the State when the House is not sitting.

(2) A Minister or the Governor may table a paper or report when the House is not sitting by providing the paper or report to the Clerk of the Parliament with a request that the paper or report be tabled.

(3) Papers or reports provided in accordance with (2) are deemed to have been tabled in the House on the day they are received by the Clerk of the Parliament.

(4) The details of all papers or reports tabled and the day they are received by the Clerk of the Parliament during a recess must be recorded in the Votes and Proceedings and Hansard on the next sitting day."

**6 MINISTERIAL STATEMENTS** (Hansard p.5114, 9.35am)

- (a) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the achievements of the Department of the Premier and Cabinet in 2003.
- (b) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the conservation of the Noosa River.

*Paper:* Mr Beattie, during his statement, tabled the following paper—  
Noosa Council Strategic Planning Draft, October 2003 - *Noosa River Plan 2003 - Draft*

- (c) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Centre for Low Emission Technologies.
- (d) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to Queensland's e-democracy successes.
- (e) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Biotech Code of Ethics.
- (f) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Suncorp Stadium.

*Papers:* Mr Beattie, during his statement, tabled the following papers—  
Various comments relating to the Suncorp Stadium

- (g) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Strategic Management Review of the Queensland Audit Office.

*Paper:* Mr Beattie, during his statement, tabled the following paper—  
Strategic Management Review of the Queensland Audit Office – Terms of Reference

- (h) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Queensland Community Foundation, Mr Mike Ahern and the late Jill Bain McAdam.
- (i) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to Queensland's global rankings.
- (j) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the State's wine industry and wine show.
- (k) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to Schoolies Week.

- (l) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to education reforms in Queensland.
- (m) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to fire safety standards for budget accommodation.
- (n) Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth) made a ministerial statement relating to the State's economic position.  
*Paper:* Mr Mackenroth, during his statement, tabled the following paper—  
*Queensland State Accounts, 2002-03*
- (o) Minister for Education (Ms Bligh) made a ministerial statement relating to the State's education reforms.
- (p) Minister for Transport and Minister for Main Roads (Mr Bredhauer) made a ministerial statement relating to Queensland's transport infrastructure and achievements.

## 7 MINISTERIAL PAPERS

The following Ministerial papers were tabled—

*Attorney-General and Minister for Justice (Mr Welford)—*

Report by the Electoral Commission of Queensland on its Audit of the conduct of preselection ballots relating to the Maryborough By-election held on 26 April 2003

Report by the Electoral Commission of Queensland on its inquiry into the conduct of a preselection ballot by the Queensland Greens

Report by the Electoral Commission of Queensland on its inquiries into the conduct of pre-selection ballots by the Liberal Party of Australia (Queensland Division)

## 8 MINISTERIAL STATEMENTS (Hansard p. 5127, 9.58m)

- (a) Attorney-General and Minister for Justice (Mr Welford) made a ministerial statement relating to dangerous prisoners.
- (b) Minister for Innovation and Information Economy (Mr Lucas) made a ministerial statement relating to telecommunication services in Queensland.
- (c) Minister for Industrial Relations (Mr Nuttall) made a ministerial statement relating to the State's industrial relations achievements.
- (d) Minister for Public Works and Minister for Housing (Mr Schwarten) made a ministerial statement relating to Queensland's public works and housing achievements.  
*Papers:* Mr Schwarten, during his statement, tabled the following papers—  
 List of significant achievements of the Departments of Public Works, June 1998-November 2003  
 List of significant achievements of the Department of Housing, June 1998-November 2003
- (e) 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 Families portfolio achievements.

## 9 MOTION WITHOUT NOTICE – HOURS AND ORDER OF BUSINESS FOR TODAY

Leader of the House (Ms Bligh), by leave, moved—That notwithstanding anything contained in the Standing and Sessional Orders, for this day's sitting, the House can continue to meet past 7.30pm.

Private Members' motions will be debated between 6 and 7pm.

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

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

Question put and agreed to.

# **10 MOTION WITHOUT NOTICE – HOUSE TO TAKE NOTE OF COMMITTEE REPORT**

Leader of the House (Ms Bligh), by leave, moved—

- (1) That this House notes Report No. 62 of the Members' Ethics and Parliamentary Privileges Committee and the recommendation of the Committee that a reply by a citizen be incorporated into Hansard under the citizen's right of reply resolution.
- (2) That the House adopt the Committee's recommendation.

Question put and agreed to.

# **11 NOTICE OF MOTION**

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

# **12 PRIVATE MEMBERS' STATEMENTS** (Hansard p.5134, 10.20am)

Private Members' statements were made.

# **13 QUESTIONS WITHOUT NOTICE** (Hansard p.5137, 10.31am)

Questions without notice were asked.

*Paper:* Leader of the Opposition (Mr Springborg) tabled the following paper—  
Letter, dated 7 June 2003, from Queen Elizabeth II Jubilee Hospital and Health District to patient (unnamed), relating to the gastroenterology waiting listing

Questions continued.

*Paper:* Mr Sullivan tabled the following paper—  
Minutes, dated 30 June 2002, of the Annual General Meeting of the Liberal Party of Australia (Queensland Division), Ryan Federal Electorate Council

Questions continued.

*Paper:* Miss Simpson tabled the following paper—  
Letter, dated 20 November 2003, from Mr George Smith to the Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond) relating to surgery waiting lists

Questions continued.

*Papers:* Minister for Innovation and Information Economy (Mr Lucas) tabled the following papers—  
Letter, dated 3 November 2003, from Mr Ian Macfarlane, Federal Minister for Industry, Tourism and Resources to the Minister for Innovation and Information Economy (Mr Lucas) relating to the Gas Full Retail Contestability  
Article, dated 26 November 2003, from *The Australian* by Nigel Wilson entitled *Power Plays Backfire*

Questions continued.

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*Matter of Privilege:* Minister for Transport and Minister for Main Roads (Mr Bredhauer) rose on a matter of privilege. (Hansard p.5148, 11.24am)

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Questions resumed.

Questions concluded.

**14 BUILDING AND CONSTRUCTION INDUSTRY PAYMENTS BILL** (Hansard p. 5149, 11.31am)

Minister for Public Works and Minister for Housing (Mr Swarten), by leave, moved – That leave be granted to bring in a Bill for an Act to provide for adjudication of payment disputes under construction contracts, and for other purposes.

Question put and agreed to.

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

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

Debate ensued.

Mr Hopper 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.

**15 TOURISM, RACING AND FAIR TRADING (MISCELLANEOUS PROVISIONS) BILL** (Hansard p.5151, 11.39am)

Order of the day read for the adjourned debate on the motion of the Minister for Tourism and Racing and Minister for Fair Trading (Ms Rose) – 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 Ms Rose.

---

*In Committee*

Clause 1, as read, agreed to.

*Paper:* Ms Rose, during her speech, tabled the following paper—

Explanatory Notes to Amendments in Committee to the Tourism, Racing and Fair Trading (Miscellaneous Provisions) Bill

Debate continued.

Clause 2 (Commencement)—

The following amendment was proposed by Ms Rose—

At page 8, after line 9—

*insert—*

**‘(4) Part 14A commences or is taken to have commenced on 30 November 2003.’**

Debate ensued.

Question – That Ms Rose’s amendment be agreed to – put and agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 72, as read, agreed to.

New Clause 72A—

The following amendment was proposed by Ms Rose—

At page 30, after line 9—

*insert—*

**‘72A Insertion of new s 630A**

**‘Chapter 19, part 1, after section 630—**

*insert—*

**‘630A Provision for particular stolen motor vehicles**

**‘(1) This section applies to a claim made against the fund in relation to a purchase of a used motor vehicle within the meaning of the repealed Act from a motor dealer licensed under the repealed Act if—**

- (a) the person who makes the claim purchased the vehicle before 1 July 2001; and
- (b) the person did not gain clear title to the vehicle when the person purchased it because the vehicle was a stolen vehicle; and
- (c) a police officer seized the vehicle under the *Police Powers and Responsibilities Act 2000* on or after 1 July 2001; and
- (d) the person could not have made a claim against the former fund or the fund within either of the periods mentioned in section 119(5) of the repealed Act because the



person did not know the vehicle was a stolen vehicle until after the expiry of the time limit mentioned in section 119(5).

‘(2) Section 511 applies to the claim as if it were a claim under this Act.’.

Question – That Ms Rose’s amendment be agreed to – put and agreed to.

Clauses 73 to 80, as read, agreed to.

New Clauses 80A to 80C—

The following amendment was proposed by Ms Rose—

At page 32, after line 9—

*insert—*

**‘PART 14A—AMENDMENT OF SECOND-HAND DEALERS AND PAWNBROKERS ACT 2003**

**‘80A Act amended in pt 14A**

‘This part amends the *Second-hand Dealers and Pawnbrokers Act 2003*.

**‘80B Amendment of s 140 (Amendment of s 5 of Act No. 72 of 1982)**

‘Section 140(2), ‘section 88’—

*omit, insert—*

‘section 89’.

**‘80C Amendment of s 149 (Replacement of pt 4, hdg of Act No. 72 of 1982)**

‘Section 149, before ‘EXISTING’—

*insert—*

**‘PART 4—’.**

Question – That Ms Rose’s amendment be agreed to – put and agreed to.

Clauses 81 to 93, as read, agreed to.

Bill to be reported with amendments.

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*In the House*

Bill reported with amendments.

*Ordered* – That the Bill, as amended, be taken into consideration.

Ms Rose, 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 ENVIRONMENTAL PROTECTION LEGISLATION AMENDMENT BILL and ENVIRONMENTAL LEGISLATION AMENDMENT BILL** (Hansard p.5178, 3.55pm)

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

Debate resumed.

*Paper:* Mr Roberts, during his speech, tabled the following paper—

Article, dated 19 December 1985, from *The Courier Mail* by Elizabeth Allen entitled *Council picks Boondall developers*

Debate continued.

Debate adjourned on the motion of the Minister for Environment (Mr Wells).

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

**17 NOTICE OF MOTION – FUNDING FOR DEPARTMENT OF FAMILIES** (Hansard p.5199, 6.00pm)

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

Debate ensued.

The following amendment was proposed by Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services and Minister for Seniors (Ms Spence)—

That all words after 'House' are *omitted* and the following words *inserted*—

'recognises that the Beattie Government has doubled the funding for the Department of Families; almost doubled the number of frontline child protection workers; added an additional \$1 million for training; established audit and review teams and appointed senior practitioners and extra SCAN co-ordinators to improve the response and monitoring of families with reported problems.'

Debate ensued.

*Paper:* Mr Sullivan, during his speech, tabled the following paper—

Extract, dated 30 October 1997, from Hansard debates, pages 4139 to 4151

Debate continued.

Question put – That Ms Spence's amendment be agreed to.

The House divided.

AYES 53—

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

NOES 18—

Copeland	Foley, C	Lee Long	Malone	Rowell	Simpson
Cunningham, E	Hobbs	Lester *	Pratt	Seeney	Watson *
Flynn	Hopper	Lingard	Roberts, E	Sheldon	Wellington

\* Tellers

Question agreed to.

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

The House divided.

AYES 55—

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

NOES 16—

Copeland	Foley, C	Lee Long	Malone	Seeney	Watson *
Cunningham, E	Hobbs	Lester *	Pratt	Sheldon	
Flynn	Hopper	Lingard	Rowell	Simpson	

\* Tellers

Question agreed to.

## 18 [ENVIRONMENTAL PROTECTION LEGISLATION AMENDMENT BILL and ENVIRONMENTAL LEGISLATION AMENDMENT BILL](#) (Hansard p.5211, 8.30pm)

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

Debate resumed.

*Paper:* Mrs E Cunningham, during her speech, tabled the following paper—

Letter, dated 19 October 2003, from Yarwun Targinnie Fruit & Vegetable Growers Association to the Minister for State Development relating to land acquisitions in the Targinnie District.

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*Quorum:* At 9.33pm, a quorum was formed.

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Debate continued.  
Question put and agreed to.  
Bills read a second time.  
Bills committed on the motion of Mr Wells.

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*In Committee*

*Environmental Protection Legislation Amendment Bill—*

Clauses 1 to 56, as read, agreed to.  
Schedule, as read, agreed to.

*Environmental Legislation Amendment Bill—*

Clause 1, as read, agreed to.  
Clause 2 (Commencement)—  
The following amendment was proposed by Mr Wells'—  
At page 6, lines 7 to 9—  
*omit, insert—*  
'This Act commences on a day to be fixed by proclamation.'

*Paper:* Mr Wells, during his speech, tabled the following paper—  
Explanatory Notes for Amendments in Committee to the Environmental Legislation Amendment Bill

Debate continued.  
Question – That Mr Wells' amendment be agreed to – put and agreed to.  
Clause 2, as amended, agreed to.  
Clauses 3 to 22, as read, agreed to.  
Clause 23—  
Debate ensued.

*Paper:* Mr Flynn, by leave, during his speech, tabled the following paper—  
Letter, dated 28 November 2003, from the Australian Lychee Growers Association to Mr Flynn MP relating to the Environmental Legislation Amendment Bill.

Debate continued.  
Question put – That Clause 23, as read, stand part of the Bill.  
The Committee divided.

AYES 58—

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

## NOES 19—

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

\* Tellers

Question agreed to.

Clause 23, as read, agreed to.

Clauses 24 to 28, as read, agreed to.

Schedule (Minor and consequential amendments)—

The following amendment was proposed by Mr Wells'—

At page 26, lines 6 to 8—

*omit, insert—***'1 Section 144(1), after 'indictable offence'—***insert—*

', and is a misdemeanour'.

**'2 After section 176—***insert—***'176A References to certification and notification under the repealed Canals Act, s 8(1)****'(1)** Subsection (2) applies if certification or notification under the repealed Canals Act, section 8(1), in relation to a contract for the sale of land to which an approval mentioned in section 176(1) relates, has not taken place before 20 October 2003.**'(2)** Any reference in the contract to the certification or notification is, on and from 20 October 2003, taken to be a reference to the relevant local government's certification under section 119(2) on a plan of subdivision relating to the land.'**'3 Section 181(1), 'This section applies'—***omit, insert—*

'Subsections (2) and (3) apply'.

**'4 Section 181—***insert—***'(1A)** Subsections (2) and (3) also apply if—

(a) an application to reconfigure a lot in a coastal management district—

(i) was made to a local government under the Integrated Planning Act 1997;  
and

(ii) was not finally decided before 20 October 2003; and

(b) the local government issues a development permit for the reconfiguration on or after 20 October 2003.''.

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

Schedule, as amended, agreed to.

Environmental Protection Legislation Amendment Bill to be reported without amendment.

Environmental Legislation Amendment Bill to be reported with amendments.

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*In the House*

Environmental Protection Legislation Amendment Bill reported without amendment.

Environmental Legislation Amendment Bill reported with amendments.

**Ordered** – That the Environmental Legislation Amendment Bill, as amended, be taken into consideration.

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

Question put and agreed to.

Bills read a third time and passed.

Titles agreed to.

**19 LEGAL PROFESSION BILL** (Hansard p.5238, 11.29pm)

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.  
And the House having continued to sit till 12 midnight—

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THURSDAY, 27 NOVEMBER 2003

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Debate continued.  
Debate adjourned on the motion of Mr Welford.  
*Ordered* – That the resumption of the debate be made an order of the day for tomorrow.

**20** [ADJOURNMENT](#) (Hansard p.5249, 12.30am)

Attorney-General and Minister for Justice (Mr Welford) moved – That this House do now adjourn.  
Debate ensued.  
Question put and agreed to.  
The House adjourned at 12.59am.

**21 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>Palaszcuk</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**