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MEETING OF THE ASSEMBLY
The Assembly met at 9.30 am, pursuant to adjournment. The Speaker (Honourable A McGrady) read prayers.

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

10 November 2005—
A Bill for an Act to provide for the establishment and operation of a Service Delivery and Performance Commission, and for other purposes (Service Delivery and Performance Commission Act 2005 – Act No. 52 of 2005)

18 November 2005—
A Bill for an Act to amend the Environmental Protection Act 1994, and for other purposes (Environmental Protection and Other Legislation Amendment Act 2005 – Act No. 53 of 2005)
A Bill for an Act to amend local government legislation, and for other purposes (Local Government and Other Legislation Amendment Act 2005 – Act No. 54 of 2005)
A Bill for an Act to provide in Queensland provisions promoting uniform laws of defamation in Australia, to repeal the Defamation Act 1889, and to amend legislation administered by the Minister for Justice and Attorney-General (Defamation Act 2005 – Act No. 55 of 2005)
A Bill for an Act to amend the Water Act 2000 (Water Amendment Act 2005 – Act No. 56 of 2005)

STATEMENT BY SPEAKER – ROSES ON SPEAKER'S DAIS
Mr Speaker made the following statement—

‘Honourable Members—
The Member for Bundaberg has graciously donated these roses which are at the front of the Chamber. They come from Bundaberg and the company which grows these roses sells some two million each year to the local market, to Brisbane and to the Sydney market.’

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

Miss Roberts from 85 petitioners, requesting the House to stop the Queensland Parks and Wildlife Service from issuing permits to any group of motorcyclists in the future.
Ms Jarratt from 1403 petitioners, requesting the House to obtain the Department of Main Roads’ commitment to run a comprehensive community consultation process on each future occasion that traffic lights are to be proposed as a traffic management option for the Whitsunday Division, including additional locations currently under consideration.

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

Ms Jarratt from 107 petitioners, requesting the House to obtain the Department of Main Roads’ commitment to run a comprehensive community consultation process on each future occasion that traffic lights are to be proposed as a traffic management option for the Whitsunday Division, including additional locations currently under consideration.

PAPERS TABLED DURING THE RECESS
The Clerk informed the House that the following papers, received during the recess, were tabled on the dates indicated—

11 November 2005—
Response from the Minister for Employment, Training and Industrial Relations (Mr Barton) to a paper petition presented by Mr Lingard from 145 petitioners requesting the House to immediately dismantle the nine Yeronga TAFE metal trade stacks
Response from the Minister for Education and the Arts (Mr Welford) to (a) an E-petition sponsored by Dr Flegg from 3701 petitioners and a paper petition presented by Mr Foley from 44 petitioners requesting the House to immediately withdraw all financial support provided to the Big Brother
television program and commit to not funding Big Brother or similar ventures in the future; immediately cease the promotion of sexually explicit and highly graphic material to children and young people; withdraw all previous public statements of support for Big Brother; and take all practical measures to ensure inappropriate material is not made available to children through another medium including internet, mobiles or any other new media, in particular where the alternative medium is promoted to children on television or radio and (b) an E-petition sponsored by Mr Choi from 581 petitioners requesting the House to withdraw all funding provided to the Big Brother program; instigate an immediate review of television censorship guidelines to be undertaken by the appropriate authorities; that Channel 10 remove the uncut version or at the very least reschedule the uncut and daily timeslots to ensure the program is not aired when there is the remotest chance that our communities younger viewers will be exposed to its content.

Report on an overseas visit by the Minister for Energy and Aboriginal and Torres Strait Islander Policy (Mr Mickel) to Papua New Guinea from 12 to 14 October 2005

Department of Energy – Annual Report 2004-05


Department of Local Government, Planning, Sport and Recreation – Annual Report 2004-05

Department of Child Safety – Annual Report 2004-05

Safe Food Production Queensland – Annual Report 2004-05

Department of Primary Industries and Fisheries – Annual Report 2004-05

QRAA (formerly the Queensland Rural Adjustment Authority) – Annual Report 2004-05

Queensland Grain Research Foundation – Annual Report 2004-05

Queensland Transport – Annual Report and Financial Report (Volumes 1 and 2)

Department of Main Roads – Annual Report and Financial Report (Volumes 1 and 2)

Queensland Rail – Annual Report 2004-05 and Statement of Corporate Intent 2004-05

Bundaberg Port Authority – Annual Report 2004-05 and Statement of Corporate Intent 2004-05

Cairns Port Authority – Annual Report 2004-05 and Statement of Corporate Intent 2004-05

Mackay Port Authority – Annual Report 2004-05 and Statement of Corporate Intent 2004-05

Queensland Motorways – Annual Report 2004-05

Port of Brisbane – Annual Report 2004-05 and Statement of Corporate Intent 2004-05

The Gateway Bridge Company Limited – Annual Report 2004-05

Logan Motorway Company Limited – Annual Report 2004-05

Port Motorway Limited – Annual Report 2004-05

Central Queensland Ports Authority – Annual Report 2004-05

Gladstone Port Authority – Statement of Corporate Intent 2004-05

Port of Townsville – Annual Report 2004-05 and Statement of Corporate Intent 2004-05

The National Trust of Queensland – Annual Report 2004-05

14 November 2005—

Response from the Minister for Health (Mr Robertson) to a paper petition presented by Mrs E Cunningham from 252 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.

Response from the Minister for Emergency Services (Mr Purcell) to a paper petition presented by Mr English from 628 petitioners requesting the House to urgently consider placing a Fire Station in the southern part of the Redland Shire.

Department of Emergency Services – Annual Report 2004-05

Department of Tourism, Fair Trading and Wine Industry Development – Annual Report 2004-05

Department of Communities – Annual Report 2004-05

Disability Services Queensland – Annual Report 2004-05

Department of Aboriginal and Torres Strait Islander Policy – Annual Report 2004-05


Children Services Tribunal – Annual Report 2004-05

Crime and Misconduct Commission – Annual Report 2004-05

Legal Aid Queensland – Annual Report 2004-05
The Public Trustee of Queensland – Annual Report 2004-05
Queensland Law Reform Commission – Annual Report and Statement of Affairs 2004-05
Queensland Ombudsman – Annual Report 2004-05
Mount Isa Water Board – Annual Report 2004-05
Response from the Minister for Environment, Local Government, Planning and Women (Ms Boyle) to a paper petition presented by Mr Wellington from 172 petitioners requesting the House to set aside the area identified on this petition as Conservation Park with a provision for dog walking within the identified area
South Bank Corporation – Annual Report 2004-05

16 November 2005—
Response from the Minister for Environment, Local Government, Planning and Women (Ms Boyle) to an E-petition sponsored by Ms Stone from 623 petitioners requesting the House to prevent development of 180 residential lots planned for 113-131 Daisy Hill Road, Daisy Hill and remove Chatswood Road Reserve from the road gazette to prevent a dramatic increase in traffic to an already highly congested area and maintain one of the two main koala corridors between Venman Bushland Reserve, Daisy Hill State Forest Reserve and Springwood Conservation Park

21 November 2005—
Response from the Deputy Premier and Minister for Finance, State Development, Trade and Innovation (Ms Bligh) to a paper petition presented by Mr Beattie from 5235 petitioners requesting the House to refuse any applications made to build a cruise liner terminal in the Broadwater and any supporting residential and commercial development on the public open space on the Spit or other Broadwater foreshore and to seek a commitment from the House to retain and manage the public open space areas of the Spit and other Broadwater foreshores as natural areas for the benefit of residents now and in the future
Response from the Deputy Premier and Minister for Finance, State Development, Trade and Innovation (Ms Bligh) to a paper petition presented by Mr Beattie from 1098 petitioners requesting the House to refuse any applications made to build a cruise liner terminal in the Broadwater and any supporting residential and commercial development on the public open space on the Spit or other Broadwater foreshore and to seek a commitment from the House to retain and manage the public open space areas of the Spit and other Broadwater foreshores as natural areas for the benefit of residents now and in the future

STATUTORY INSTRUMENTS
The following statutory instruments were tabled by the Clerk—

State Development and Public Works Organisation Act 1971—
State Development and Public Works Organisation (State Development Areas) Amendment Regulation (No. 2) 2005, No. 267

Primary Industries Legislation Amendment Regulation (No. 1) 2005, No. 268

Statutory Bodies Financial Arrangements Act 1982—
Statutory Bodies Financial Arrangements Amendment Regulation (No. 4) 2005, No. 269

Police Powers and Responsibilities Act 2000—
Police Powers and Responsibilities Amendment Regulation (No. 7) 2005, No. 270

Police Service Administration Act 1990—
Police Service Administration Amendment Regulation (No. 1) 2005, No. 271

Water and Other Legislation Amendment Act 2005—
Proclamation commencing certain provisions, No. 272

Aboriginal Land Act 1991—
Aboriginal Land Amendment Regulation (No. 5) 2005, No. 273

Fair Trading Act 1989—
Fair Trading Amendment Regulation (No. 2) 2005, No. 274
Coastal Protection and Management Act 1995, Integrated Planning Act 1997—
  Coastal Protection and Management and Other Legislation Amendment Regulation (No. 1) 2005, No. 275

Building Act 1975—
  Standard Building Amendment Regulation (No. 3) 2005, No. 276

Vexatious Proceedings Act 2005—
  Proclamation commencing remaining provisions, No. 277

Nature Conservation Act 1992—

MINISTERIAL PAPER TABLED BY THE CLERK
The following ministerial paper was tabled by The Clerk—

Minister for Transport and Main Roads (Mr Lucas)—
  Report on an overseas visit by the Minister for Transport and Main Roads (Mr Lucas) to Stuttgart, Paris and London from 10 to 21 October 2005 – Overseas delegation to examine transport security and public transport initiatives and developments

MINISTERIAL STATEMENTS (Hansard p. 4022, 9.34 am)

(a) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to bird flu planning.
   Paper: Mr Beattie, during his statement, tabled the following paper—
      Document outlining worst case scenarios

(b) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to the Office of Economic and Statistical Research figures on population growth in Queensland.

(c) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to Federal funding for the Ipswich Motorway.

(d) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to schoolies week.

(e) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to a High Court challenge to the Federal Government’s industrial relations legislation.

(f) Premier and Treasurer (Mr Beattie) made a ministerial statement correcting an inaccuracy in an article in the Financial Review of 16 November 2005 comparing remuneration for the Prime Minister, Chief Ministers and Premiers.

(g) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to the redevelopment of the Westgate site.

(h) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to Telstra job losses.

(i) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to Mr Van Tuong Nguyen.

(j) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to the Young Bravehearts Awards.

(k) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to the Australian Conservation Foundation lunch in Melbourne on 17 November 2005.

(l) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to the Office of Urban Management.

(m) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to an award won by the IBM Asia-Pacific business transformation service centre in Brisbane.

(n) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to Stage I of the Ephraim Island residential development on the Gold Coast.

(o) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to Ms Leisel Jones.

(p) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to the Kelvin Grove Urban Village Open Day on Monday 28 November 2005.
(q) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to the National Liberal Coalition candidate pre-selection process in the electorate of Redlands.

(r) Deputy Premier and Minister for Finance, Minister for State Development, Trade and Innovation (Ms Bligh) made a ministerial statement relating to the construction of a new Visy Industries recycling plant in Stapleton.

**During Ms Bligh’s statement—**

*Suspension of sitting—*
At 9.53 am, the evacuation sirens were sounded and Parliament House was evacuated.

*Resumption of sitting—*
At 10.06 am, the sitting of the House resumed and Ms Bligh concluded her statement.

(s) Minister for Police and Corrective Services (Ms Spence) made a ministerial statement relating to the Queensland road toll and new highway vehicles.

(t) Minister for Employment, Training and Industrial Relations (Mr Barton) made a ministerial statement relating to the Labor Women’s Caucus and the Federal Government’s industrial relations legislation.

(u) Minister for Emergency Services (Mr Purcell) made a ministerial statement relating to compulsory smoke alarms in Queensland homes from 1 July 2007.

**STATEMENT BY SPEAKER – QUESTION TIME**

Mr Speaker made the following statement—

‘Honourable Members—
It is my intention to commence Question Time at 10.45 am and have questions until 11.45 am.’

(v) Minister for Transport and Main Roads (Mr Lucas) made a ministerial statement relating to the Ipswich Motorway.

(w) Minister for Education and Minister for the Arts (Mr Welford) made a ministerial statement relating to the capital program for the removal of asbestos roofs in State Schools.

(x) Minister for Health (Mr Robertson) made a ministerial statement relating to the safety of patients in Queensland hospitals and the Patient Safety Centre at the Royal Brisbane Women’s Hospital.

(y) Minister for Public Works, Housing and Racing (Mr Schwarten) made a ministerial statement relating to community housing reforms.

**MOTION WITHOUT NOTICE – POLICE POWERS AND RESPONSIBILITIES (DRUG DETECTION DOGS) AMENDMENT BILL AND POLICE POWERS AND RESPONSIBILITIES (MOTORBIKE NOISE) AMENDMENT BILL – COGNATE DEBATE**

Leader of the House (Mr Schwarten), by leave, moved – That, in accordance with Standing Order 129, the Police Powers and Responsibilities (Drug Detection Dogs) Amendment Bill and the Police Powers and Responsibilities (Motorbike Noise) Amendment Bill be treated as cognate Bills for their remaining stages—

(a) one question being put in regard to the second readings;
(b) the consideration of the Bills in detail together; and
(c) one question being put for the third readings and long titles.

Question put and agreed to.

**PERSONAL EXPLANATION** *(Hansard p. 4037, 10.30 am)*

Minister for Police and Corrective Services (Ms Spence) made a personal explanation.
Papers: Ms Spence, during her explanation, tabled the following papers—
Letter, dated 22 October 2005, from Ms Spence to Mr Gary Crooke QC, Integrity Commissioner relating to a rental property owned by Ms Spence
Letter of acknowledgement, dated 22 October 2005, from Mattea Slinger, Executive Coordinator to the Integrity Commissioner
Letter, dated 25 October 2005, from Mr Crooke to Ms Spence in response to her letter of 22 October 2005

PARLIAMENTARY CRIME AND MISCONDUCT COMMITTEE – PAPER (Hansard p. 4037, 10.33 am)
Chair of the Parliamentary Crime and Misconduct Committee (Mr Wilson) tabled the following paper—
Parliamentary Crime and Misconduct Committee—

SCRUTINY OF LEGISLATION COMMITTEE – PAPER
Chair of the Scrutiny of Legislation Committee (Mr Hayward) tabled the following paper—
Scrutiny of Legislation Committee—
Alert Digest No. 13 of 2005

PRIVATE MEMBERS’ STATEMENTS (Hansard p. 4038, 10.35 am)
Private Members’ statements were made.

STATEMENT BY SPEAKER – FAULTY SMOKE DETECTOR
Mr Speaker made the following statement—
‘I have to advise that the faulty detector was outside the media gallery. There was no apparent reason for the alarm this morning and officers are still investigating.’

QUESTIONS WITHOUT NOTICE (Hansard p. 4040, 10.47 am)
Questions without notice were asked.
Paper: Premier and Treasurer (Mr Beattie) tabled the following paper—
Possible Parliamentary Question PQ003036 relating to the risks associated with the capital works development at Sippy Downs
Questions continued.
Paper: Minister for Transport and Main Roads (Mr Lucas) tabled the following paper—
Google map indicating routes for a bus lane on Old Cleveland Road
Questions continued.
Paper: Premier and Treasurer (Mr Beattie) tabled the following paper—
Copy of a document titled Heads of Agreement – Budburst Investments Pty Ltd ACN 113 271 800 – The State of Queensland Represented by Queensland Department of Health
Questions continued.
Questions concluded.

MATTERS OF PUBLIC INTEREST (Hansard p. 4052, 11.46 am)
Matters of public interest were debated.

STATEMENT BY DEPUTY SPEAKER – LUNCH BREAK TODAY
Deputy Speaker (Mr Wallace) made the following statement—
‘Honourable Members—
I advise that the lunch break today will commence at 1.15 pm and finish at 2.30 pm.’
Debate resumed.

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

A submission and appendices from S & R Troiani dated November 2005

Debate continued.

Debate concluded.

**TERRORISM (PREVENTATIVE DETENTION) BILL** (Hansard p. 4064, 12.48 pm)

Premier and Treasurer (Mr Beattie) presented a Bill for an Act to authorise preventative detention in connection with terrorist acts, and for other purposes and Explanatory Notes and moved – That the Bill be now read a first time.

Question put and agreed to.

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

Debate ensued.

Leader of the Opposition (Mr Springborg) moved – That the debate be now adjourned.

Question put and agreed to.

**STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION AND OTHER LEGISLATION AMENDMENT BILL** (Hansard p. 4069, 2.30 pm)

Order of the day read for the adjourned debate on the motion of the Premier and Treasurer (Mr Beattie) – That the Bill be now read a second time.

Debate ensued.

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

Explanatory Notes to Mr Beattie’s amendments to the State Development and Public Works Organisation and Other Legislation Amendment Bill

Debate continued.

Question put and agreed to.

Bill read a second time.

*Consideration in detail*—

Clauses 1 to 64—

The following amendments, by leave, were proposed by Mr Beattie—

Clause 19 (Amendment of s 24 (Definitions for pt 4))—

At page 11, after line 15—

insert—

‘imposed condition’, for the undertaking of a project, see section 54B(2).

‘nominated entity’, for an imposed condition for the undertaking of a project, means an entity nominated for the condition, under section 54B(3).

‘relevant local government’, for a project, means the local government for the local government area in which the project is, or is to be, undertaken.’.”

Clause 20 (Amendment of s 26 (Declaration of significant project))—

At page 12, line 11, ‘carrying out’—

*omit, insert*—

‘undertaking’.

At page 12, line 15, ‘carrying out’—

*omit, insert*—

‘undertaking’.

Clause 26 (Amendment of s 35 (Coordinator-General evaluates EIS, submissions, other material and prepares report))—

At page 14, after line 28—

*insert*—

‘(2) Section 35(4)—

*insert*—

‘(d) if division 8 applies to the project—impose, under that division, conditions for the undertaking of the project.’.”
Clause 27 (Insertion of new s 35A)—
At page 15, after line 24—
insert—
‘(3) Also, the report does not lapse if—
(a) division 8 applies to the project; and
(b) there are imposed conditions for the undertaking of the project; and
(c) the undertaking of the project substantially starts within 4 years after the report is
prepared under section 35(3).’.”

Clause 28 (Insertion of new pt 4, div 3A)—
At page 16, line 2, after ‘project’—
insert—
‘or a condition of the project’
At page 18, after line 13—
insert—
‘(d) if division 8 applies to the project—impose, under that division, conditions for the
undertaking of the project.’.

New Clause 39A—
At page 25, after line 2—
insert—
‘39A Insertion of new pt 4, div 8
After section 54—
insert—
‘Division 8  Application of Coordinator-General’s report if no relevant approval
54A Application of div 8
‘This division applies to the extent that—
(a) the project does not involve a material change of use that, under the Integrated
Planning Act, is impact assessable; and
(b) division 4, subdivision 2 and divisions 5, 6, 6A and 7 do not apply to the project.
54B Report may impose conditions
‘(1) Subject to section 54C, the Coordinator-General’s report for the EIS for the project may
impose conditions for the undertaking of the project, and state when they take effect.
‘(2) A condition imposed in the report is an imposed condition for the undertaking of the
project.
‘(3) If there are imposed conditions for the undertaking of the project, the Coordinator-General
may, for any imposed condition for the undertaking of the project, nominate an entity that is
to have jurisdiction for the condition.1
‘(4) An entity may be nominated for 1 or more of the conditions.
‘(5) A nomination under subsection (3) may be in the report or by public notification.2
‘(6) The public notification may be made at any time.
‘(7) The Coordinator-General must give a copy of the report to each nominated entity for an
imposed condition for the undertaking of the project.
‘(8) Also, if a nomination under subsection (3) is by public notification, the Coordinator-General
must give each of the following a copy of the notification—
(a) the nominated entity under the nomination;
(b) the proponent for the project;
(c) the department in which the Environmental Protection Act is administered;
(d) the relevant local government for the project.
54C Provision for what conditions may be imposed
‘The Integrated Planning Act, 3.5.30(1) and 3.5.31(1)3 apply for imposed conditions for
the undertaking of the project as if the conditions were, under that Act, conditions of a
development approval being decided by an assessment manager for a development
application.
54D Effect of imposed conditions
‘(1) This section applies if there are imposed conditions for the undertaking of the project.

---

1 See section 54D (Effect of imposed conditions).
2 See also section 171 (Publication of document or information by Coordinator-General).
3 Integrated Planning Act, sections 3.5.30 (Conditions must be relevant or reasonable) and 3.5.31 (Conditions generally)
‘(2) The Integrated Planning Act, section 4.3.3 applies to the undertaking of the project as if—
(a) the project were development under that Act; and
(b) the imposed conditions were a development approval for the development.
‘(3) The Environmental Protection Act, sections 435 and 436 to 440 apply to the undertaking of
the project as if the imposed conditions were development conditions under that Act for a
development approval for the project.
‘(4) To remove any doubt, it is declared that the provisions mentioned in subsections (2) and
(3) apply to anyone who undertakes the project, including, for example—
(a) the proponent; and
(b) any of the following who undertake the project—
(i) an agent, contractor or subcontractor or licensee of the proponent;
(ii) an agent, contractor or subcontractor or licensee of a person mentioned in
subparagraph (i).
‘(5) Also, it is declared that—
(a) the Integrated Planning Act, section 4.4.3 applies in relation to an offence against
section 4.3.3 of that Act; and
(b) the Environmental Protection Act, section 493 applies in relation to an offence against
section 435 and 436 to 440 of that Act.

54E Imposed conditions override conditions of other approvals
‘If an imposed condition for the undertaking of the project is inconsistent with a condition of
an approval that applies to the undertaking of the project, the imposed condition prevails to
the extent of the inconsistency.

54F Provision about enforcement orders under the Integrated Planning Act
‘(1) This section applies if—
(a) a proceeding is proposed to be started in the Planning and Environment Court under—
(i) the Integrated Planning Act, chapter 4, part 3, division 5; or
(ii) the Environmental Protection Act, section 505; and
(b) the relief or remedy proposed to be sought in the proceeding relates to an offence, or
threatened or anticipated offence, against a provision of those Acts as applied under
section 54D; and
(c) the offence or threatened or anticipated offence relates to the project.
‘(2) Despite the provisions mentioned in subsection (1)(a), only the following persons may
bring the proceeding—
(a) the Coordinator-General;
(b) the nominated entity for a relevant imposed condition for the undertaking of the project;
(c) the relevant local government for the project;
(d) the proponent;
(e) someone else whose interests are significantly adversely affected by the subject
matter of the proceeding.

54G Declaration-making powers
‘(1) A proceeding mentioned in the Integrated Planning Act, section 4.1.21 can not be started
in relation to the project.
‘(2) However, a person mentioned in section 54F(2) may bring a proceeding in the Planning
and Environment Court for a declaration about whether there has been substantial
compliance with an imposed condition for the undertaking of the project.
‘(3) The court has jurisdiction to hear and decide the proceeding.
‘(4) The Integrated Planning Act, sections 4.1.22 and 4.1.23 apply to the proceeding as if as
it were a proceeding under section 4.1.21 of that Act.
‘(5) The court may, in deciding what orders it is to make in the proceeding, have regard to 1 or
more of the following—
(a) the laws and policies applying when the condition was imposed;

4 Integrated Planning Act, section 4.3.3 (Compliance with development approval)
5 Integrated Planning Act, section 4.4.3 (Executive officers must ensure corporation complies with Act)
6 Environmental Protection Act, section 493 (Executive officers must ensure corporation complies with Act)
7 Integrated Planning Act, chapter 4, part 3, division 5 (Enforcement orders of court)
8 Environmental Protection Act, section 505 (Restraint of contraventions of Act etc.)
9 Integrated Planning Act, section 4.1.21 (Court may make declarations)
10 Integrated Planning Act, sections 4.1.22 (Court may make orders about declarations) and 4.1.23 (Costs)
(b) the EIS for the project;
(c) the Coordinator-General's report for the EIS and any Coordinator-General's change report for the project;
(d) the financial implications of—
   (i) the imposed conditions for the undertaking of the project; or
   (ii) any proposed orders;
(e) the public interest;
(f) any environmental management plan required under the condition;
(g) any other matter the court considers relevant.’.’.

Clause 63 (Insertion of new pt 9, div 2)—

At page 34, after line 15—

‘‘178 Conditions for north-south bypass tunnel project
‘(1) This section applies for the significant project called the ‘north-south bypass tunnel project’.
‘(2) Sections 35(4)(d) and part 4, division 8 \[11\] are taken to apply to the project.
‘(3) The conditions stated in appendix 1, schedule 3 of the Coordinator-General’s report dated 25 August 2005 evaluating the EIS for the project are taken to be imposed conditions for the undertaking of the project.’.’.

Clause 64 (Amendment of schedule (Dictionary))—

At page 34, after line 24—

insert—

‘imposed condition, for part 4, see section 54B(2).
nominated entity, for part 4, see section 24.
relevant local government, for part 4, see section 24.’.’.

Debate ensued.

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

Clauses 1 to 64, as amended, agreed to.

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

Further Explanatory Notes to Mr Beattie’s amendments to the State Development and Public Works Organisation and Other Legislation Amendment Bill

New Clauses 65 to 67—

The following amendment was proposed by Mr Beattie—

At page 35, after line 4—

insert—

‘Part 4 Amendment of Freedom of Information Act 1992

‘65 Act amended in pt 4
‘66 Amendment of s 47A (Matter relating to investment incentive scheme)
‘Section 47A(2), definition department—
‘omitted,
‘department means the department administered by the Minister having responsibility for business, industry development, and investment opportunities and attraction as identified in the Administrative Arrangements and within which that responsibility is administered.’.

‘67 Insertion of new pt 11
‘After part 10—


‘123 Application of amendment of definition department
‘Section 47A \[12\], as amended by the State Development and Public Works Organisation and Other Legislation Amendment Act 2005, applies in relation to an application under this Act for access to a document, or for the review of a decision under this Act about access to a document, whether the application was made before or after the commencement of this

\[11\] Section 35 (Coordinator-General evaluates EIS, submissions, other material and prepares report) and part 4, division 8 (Application of Coordinator-General’s report if no relevant approval)

\[12\] Section 47A (Matter relating to investment incentive scheme)
Debate ensued.

Question put — That Mr Beattie’s amendment be agreed to.
The House divided.

AYES 55—

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NOES 25—

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<td>McArdle</td>
<td>Rogers *</td>
<td>Wellington</td>
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Tellers *

Question agreed to.

Consideration in detail completed—

Mr Beattie moved — That the Bill, as amended, be now read a third time.

Question put and agreed to.

Mr Beattie moved — That the long title of the Bill be agreed to.

Question put and agreed to.

HEALTH SERVICES AMENDMENT BILL and HEALTH PRACTITIONERS LEGISLATION AMENDMENT BILL (Hansard p. 4089, 4.09 pm)

Order of the day read for the adjourned debate on the motion of the Minister for Health (Mr Robertson) — That the Bills be now read a second time.

Debate ensued.

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

Non-conforming petition from 1079 petitioners relating to the lack of a doctor to service the Blackwater community

Debate continued.

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

Explanatory Notes to Mr Robertson’s amendments to the Health Services Amendment Bill

List of overseas-trained specialist medical practitioners

Debate continued.

Question put and agreed to.

Bills read a second time.

Consideration in detail—

Health Services Amendment Bill—

Clauses 1 and 2, as read, agreed to.

Clause 3 (Amendment of s 2 (Definitions))—

The following amendment was proposed by Mr Robertson—

At page 4, lines 8 to 11—

omit, insert—

‘(1) Section 2—
    insert—
    ‘elective surgery, for part 4A, see section 38A.
    elective surgery waiting list, for part 4A, see section 38A.
    health service area means a health service area declared under section 6A.
    prescribed public hospital, for part 4A, see section 38A.
    public hospitals performance report, for part 4A, see section 38A.
    stated public hospital, for part 4A, see section 38A.
    surgical outpatient waiting list, for part 4A, see section 38A.’.

‘(2) Section 2, definition, public sector health service facility, ', for part 7,‘—
    omit.’.

Debate ensued.

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

Clauses 3, as amended, agreed to.

Clauses 4 and 5, as read, agreed to.

Clause 6—
Debate ensued.

Question – That Clause 6, as read, stand part of the Bill.

The House divided.

AYES 48—

Attwood  Cunningham, J  Lawlor  Mulherin  Purcell  Stone
Barton  Fenlon  Lee  Nelson–Carr  Reeves *  Struthers
Boyle  Finn  Livingstone  Nolan  Reilly  Sullivan, C
Briskey  Fournas  Male  Nuttall  Robertson  Sullivan, T *
Choi  Fraser  McNamara  O’Brien  Schwarten  Wallace
Clark, E  Hayward  Mickel  Palaszczuk  Scott  Welford
Clark, L  Hoolihan  Miller  Pearce  Smith  Wells
Croft  Jarratt  Molloy  Poole  Spence  Wilson

NOES 25—

Caltabiano  Hobbs  Lee Long  Pratt  Rowell  Seeley
Copeland  Horan  Lingard  Quinn  Simpson
Cunningham, E  Johnson  McArdle  Rickuss *  Stuckey
Flegg  Knuth  Menkens  Roberts, E  Stuckey
Foley  Langbroek  Messenger  Rogers *  Wellington

Tellers *

Question agreed to.

Clauses 7 and 8, as read, agreed to.

New Clause 9—

The following amendment was proposed by Mr Robertson—

At page 6, after line 4—
    insert—
    ‘9 Insertion of new pt 4A
    After section 38—
    insert—

Part 4A  Public hospitals performance reports

‘38A Definitions for pt 4A

‘In this part—
    elective surgery means surgery that, in the opinion of the treating doctor, is necessary but
    for which admission to hospital can be delayed for at least 24 hours.
    elective surgery waiting list means a register kept by a prescribed public hospital that
    lists each patient assessed as needing elective surgery from the time the hospital accepts
    the referral of the patient for surgery until—
    (a) the surgery is performed; or
    (b) the patient’s name is sooner removed from the register.
    prescribed public hospital means—
    (a) a public sector hospital that falls within criteria prescribed under a regulation; or
    Examples of what criteria included in a regulation may be about—
    budget, type and volume of services offered, number of patients treated
    (b) the Mater Misericordiae Public Hospitals.
**public hospitals performance report** see section 38B(1).

**stated public hospital** means a prescribed public hospital that—

(a) uses an electronic appointment scheduling system; and

(b) collects data relating to surgery under guidelines established by the chief executive.

**surgical outpatient waiting list** means a register kept by a stated public hospital that lists each patient who requires an appointment at a surgical outpatient clinic from the time the hospital accepts the referral of the patient until—

(a) the patient attends the initial appointment; or

(b) the patient’s name is sooner removed from the register.

**38B Chief executive to give Minister annual report about the performance of public hospitals**

(1) The chief executive must prepare and give the Minister a report (a **public hospitals performance report**) each year about the performance of prescribed public hospitals.

(2) The report must state the period it covers.

(3) The first report must be given in 2006.

**38C Matters to be included in report—key indicators**

(1) A public hospitals performance report must include information for each prescribed public hospital about the following key indicators—

(a) clinical performance, including the quality of care and clinical practice;

(b) efficiency, including the cost of services and resource management;

(c) patient satisfaction, including patients’ views on the quality and outcomes of care and treatment received;

(d) system integration and change, including—

(i) the use of benchmarks and standardised approaches to clinical management; and

(ii) integration with the local community; and

(iii) quality and use of information; and

(iv) safety and quality of services; and

(v) work force management.

(2) By using the key indicators, the report must compare each prescribed public hospital—

(a) with prescribed public hospitals that are of a similar type; and

(b) generally with all prescribed public hospitals.

**38D Other information about surgery to be included in report**

(1) A public hospitals performance report must also include the following information for each stated public hospital—

(a) the number of patients on elective surgery waiting lists as at a date stated in the report;

(b) the number of patients on surgical outpatient waiting lists as at a date stated in the report;

(c) the number of patients who received elective surgery for a period stated in the report;

(d) the number of patients who attended an appointment at a surgical outpatient clinic for a period stated in the report.

(2) A date or period mentioned in subsection (1) need not be in, or be the same as, the period stated in the report under section 38B(2).

**38E Information relating to Mater Misericordiae Public Hospitals**

‘This part is to be construed as requiring the chief executive to include information relating to the Mater Misericordiae Public Hospitals in a public hospitals performance report only to the extent the information is available to the chief executive.

**38F Report may be included in department’s annual report**

(1) A public hospitals performance report given to the Minister in a particular year may be included in the department’s annual report under the **Financial Administration and Audit Act 1977** given to the Minister in that year.

(2) If the public hospitals performance report is not included, or to be included, in the department’s annual report, the Minister must table it in the Legislative Assembly within 7 sitting days after receiving it.’.

Debate ensued.

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

*Health Practitioners Legislation Amendment Bill—*

Clauses 1 to 8—

The following amendments, by leave, were proposed by Dr Flegg—.
Clause 2 (Commencement)—
At page 4, line 7—
\textit{omit, insert—}
\begin{itemize}
\item ‘Part 2 and part 3, section 8 commence on 1 January 2006.’.
\end{itemize}

New Clauses 9 to 12—
At page 6, after line 8—
\textit{insert—}
\begin{itemize}
\item \textbf{9 Insertion of new s 135A}
\item After section 135—
\item \textit{insert—}
\item ‘135A Restriction on practice in area of need’
\item ‘Despite section 135, a person may not be registered under that section to practise the profession in a specialty in an area of need.’.
\item \textbf{10 Omission of s 143A (Deemed specialist registration)}
\item Section 143A—
\item \textit{omit.}
\item \textbf{11 Amendment of pt 11 (Repeal and transitional provisions)}
\item Part 11, division 2, heading, after ‘provisions’—
\item \textit{insert—}
\item ‘for Act No. 7 of 2001’.
\item \textbf{12 Insertion of new pt 11, div 3}
\item After section 301—
\item \textit{insert—}
\item Division 3 Transitional provision for Health Practitioners Legislation Amendment Act 2005
\item ‘302 Provision for particular special purpose registrants’
\item ‘(1) This section applies to a person registered, under section 135 before the commencement, to practice the profession in a specialty in an area of need for a medical service.
\item ‘(2) If, on the commencement, the person is employed in the State to practice the profession in the specialty in the area, the person’s registration under the section ends on the day the contract under which the person is employed ends.
\item ‘(3) If, on the commencement, the person is not employed in the State to practice the profession in the specialty in the area, the person’s registration under the section ends on the commencement.
\item ‘(4) For subsection (2), this Act as in force before the commencement continues to apply in relation to the person’s registration under the section until the day the contract under which the person is employed ends.
\item ‘(5) In this section—
\item \textit{commencement} means the day this provision commences.’.
\end{itemize}

\textbf{Paper:} Dr Flegg, during his speech, tabled the following paper—
Explanatory Notes to Dr Flegg’s amendments to the Health Practitioners Legislation Amendment Bill

Debate ensued.
Question put – That Dr Flegg’s amendments be agreed to.
The House divided.


divided.

\begin{tabular}{llllll}
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Caltabiano & Horan & Lingard & Pratt & Rogers * & Stuckey \\
Copeland & Knuth & McArdle & Quinn & Rowell & \\
Flegg & Langbroek & Menkens & Rickuss * & Seeney & \\
Hobbs & Lee Long & Messenger & Roberts, E & Simpson & \\
\end{tabular}
Debate adjourned on the motion of the Leader of the House (Mr Schwarten).

ADJOURNMENT (Hansard p. 4136, 10.26 pm)

Leader of the House (Mr Schwarten) moved – That this House do now adjourn. Debate ensued. Question put and agreed to. The House adjourned at 10.57 pm.

ATTENDANCE

The following Members were present—

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Tellers *

NOES 50—

Attwood Barton Boyle Briskey Choi Clark, E Clark, L Croft Cunningham, E Cunningham, J Lavarch Lee Livingstone Male McNamara Michel Miller Molloy Mulherin