



LEGISLATIVE ASSEMBLY OF QUEENSLAND
FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT

VOTES AND PROCEEDINGS

NO. 89 – FRIDAY, 9 DECEMBER 2005

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MEETING OF THE ASSEMBLY

The Assembly met at 2.30 pm, pursuant to the instrument signed by Her Excellency the Governor on 7 December.

The Speaker (Honourable A McGrady) read prayers.

The Clerk read the instrument, viz—

Constitution of Queensland 2001

**ELIZABETH THE SECOND, by the Grace of God, Queen of
Australia and Her other Realms and
Territories, Head of the
Commonwealth.**

I, QUENTIN BRYCE, Governor, acting under Section 15(1) of the *Constitution of Queensland 2001*, in the name of Her Majesty summon the Legislative Assembly of the Fifty-First Parliament to a sitting to commence at 2.30pm on 9 December 2005 at the Legislative Assembly Chamber, Parliament House, George Street, Brisbane.

(signed)
Quentin Bryce

Signed and sealed with the Public Seal of the State on 7 December 2005.

By Command

Anna Bligh

RECORDED in the Register of Patents, No. 46, page 129, on 7 December 2005.

(signed)
Clerk of the Executive Council

MOTION WITHOUT NOTICE – ORDER OF BUSINESS FOR TODAY'S SITTING

Leader of the House (Mr Schwarten), by leave, moved—

- (1) That notwithstanding anything contained in Standing and Sessional Orders, for this day's special sitting of the House, the business to be considered will be as follows—
 - (a) Notifications of Tablings by the Clerk;
 - (b) Ministerial statements;
 - (c) A personal explanation by the Member for Sandgate; and
 - (d) A motion without notice to be moved by the Premier and Treasurer.
- (2) The time limits for each speaker on the motion to be moved by the Premier and Treasurer shall be as follows—
 - 20 minutes for mover of the motion;
 - 20 minutes for the Leader of the Opposition (or nominee);
 - 10 minutes for all other members; and
 - 10 minutes for reply to mover.
- (3) At the conclusion of consideration of the motion, motions for a special adjournment and adjournment shall be moved by the Leader of the House, each motion being put forthwith without debate.

Premier and Treasurer (Mr Beattie) seconded the motion.

Question put and agreed to.

PAPERS TABLED DURING THE RECESS

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

5 December 2005—

Response from the Minister for Environment, Local Government, Planning and Women (Ms Boyle) to a paper petition presented by Mr Knuth from 3327 petitioners regarding removal of bats from Charters Towers

Report on a decision by the Minister for Environment, Local Government, Planning and Women (Ms Boyle) regarding the call in of a development application under the *Integrated Planning Act 1997* – development application in relation to the Yungaba development proposal at Main Street, Holman Street, Wharf Street and Anderson Street, Kangaroo Point from PDI (QLD) Pty Ltd lodged with the Brisbane City Council – Volumes 1, 2 and 3

6 December 2005—

Members' Ethics and Parliamentary Privileges Committee – Information Notice No. 2 of 2005 – Reflections on the Chair

Response from the Minister for Transport and Main Roads (Mr Lucas) to a paper petition presented by Mrs Stuckey from 119 petitioners regarding proposed modifications by the Department of Main Roads to intersections at Tooloona and Kitchener Streets, Tugun

Response from the Minister for Transport and Main Roads (Mr Lucas) to a paper petition presented by Mr English from 195 petitioners regarding a request to install traffic lights at the intersection of Cleveland-Redland Bay Road and Magnolia Parade

Erratum to the Safe Food Queensland – Annual Report 2004-05

7 December 2005—

Crime and Misconduct Commission – Allegations concerning the Honourable Gordon Nuttall MP, Report of a CMC Investigation, December 2005

Crime and Misconduct Commission – Allegations concerning the Honourable Gordon Nuttall MP, Report of a CMC Investigation, December 2005 – Appendix 1

Crime and Misconduct Commission – Allegations concerning the Honourable Gordon Nuttall MP, Report of a CMC Investigation, December 2005 – Appendix 2

Crime and Misconduct Commission – Allegations concerning the Honourable Gordon Nuttall MP, Report of a CMC Investigation, December 2005 – Appendix 3

Crime and Misconduct Commission – Allegations concerning the Honourable Gordon Nuttall MP, Report of a CMC Investigation, December 2005 – Appendix 4

Crime and Misconduct Commission – Allegations concerning the Honourable Gordon Nuttall MP, Report of a CMC Investigation, December 2005 – Appendix 5

Crime and Misconduct Commission – Allegations concerning the Honourable Gordon Nuttall MP, Report of a CMC Investigation, December 2005 – Appendix 6

Response from the Minister for Transport and Main Roads (Mr Lucas) to a paper petition presented by Mr English from 888 petitioners regarding a request to build a bridge to Russell Island

Boards of Examiners – Annual Report 2004-05

Coal Mining Safety and Health Advisory Council – Annual Report 2004-05

Mining Safety and Health Advisory Council – Annual Report 2004-05

Response from the Minister for Health (Mr Robertson) to an E-petition sponsored by Mr McArdle from 224 petitioners regarding the effects of Myodil and other oil based and water contrast dyes and seeking costs of medical treatment and compensation

8 December 2005—

National Classification Code and Classification Guidelines

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Vocational Education, Training and Employment Act 2000—

Vocational Education, Training and Employment Amendment Regulation (No. 2) 2005, No. 284

State Buildings Protective Security Act 1983—

State Buildings Protective Security Amendment Regulation (No. 1) 2005, No. 285

Education (General Provisions) Act 1989, Education (Queensland Studies Authority) Act 2002, Higher Education (General Provisions) Act 2003—

Education Legislation Amendment Regulation (No. 2) 2005, No. 286

Wild Rivers Act 2005—

Proclamation commencing remaining provisions, No. 287

Commercial and Consumer Tribunal Act 2003—

Commercial and Consumer Tribunal Amendment Regulation (No. 2) 2005, No. 288

Land Sales Act 1984—

Land Sales Amendment Regulation (No. 2) 2005, No. 289

Forestry Act 1959, Nature Conservation Act 1992—

Forestry and Nature Conservation Legislation Amendment Regulation (No. 3) 2005, No. 290

Local Government Act 1993—

Local Government Legislation Amendment Regulation (No. 2) 2005, No. 291

State Penalties Enforcement Act 1999—

State Penalties Enforcement Amendment Regulation (No. 5) 2005, No. 292

Survey and Mapping Infrastructure Act 2003—

Survey and Mapping Infrastructure (Survey Standards) Notice (No. 2) 2005, No. 293

Parliament of Queensland Act 2001—

Parliament of Queensland Amendment Regulation (No. 2) 2005, No. 294

Transport Operations (Passenger Transport) Act 1994—

Transport Operations (Passenger Transport) Interim Standard (No. 2) 2005, No. 295

Transport Operations (Road Use Management) Act 1995—

Transport Operations (Road Use Management—Driver Licensing) Amendment Regulation (No. 1) 2005, No. 296

Transport Legislation Amendment Regulation (No. 3) 2005, No. 297

Police Powers and Responsibilities (Drug Detection Dogs) Amendment Act 2005—

Proclamation commencing remaining provisions, No. 298

Police Powers and Responsibilities Act 2000—

Police Powers and Responsibilities Amendment Regulation (No. 8) 2005, No. 299

Coal Mining Safety and Health Act 1999, Petroleum and Gas (Production and Safety) Act 2004—

Petroleum and Gas (Production and Safety) and Other Legislation Amendment Regulation (No. 1) 2005, No. 300 and Explanatory Notes for No. 300

Vegetation Management Act 1999—

Vegetation Management Amendment Regulation (No. 1) 2005, No. 301

Mineral Resources Act 1989—

Mineral Resources Amendment Regulation (No. 5) 2005, No. 302

Stock Act 1915—

Stock (Cattle Tick) Notice 2005, No. 304

State Development and Public Works Organisation Act 1971—

State Development and Public Works Organisation (Gold Coast Marine Development Project Board) Regulation 2005, No. 305

MINISTERIAL PAPERS TABLED BY THE CLERK

The following ministerial papers were tabled by the Clerk—

Minister for Natural Resources and Mines (Mr Palaszczuk)—

Response from the Minister for Natural Resources and Mines (Mr Palaszczuk) to a paper petition presented by Mr Seeney from 503 petitioners regarding the naming of a dam currently under construction on the Burnett River

Minister for Justice and Attorney-General (Mrs Lavarch)—

Crime and Misconduct Commission – Allegations concerning the Honourable Gordon Nuttall MP, Report of a CMC Investigation, December 2005 – Appendix 6 (Replacement of Appendix 6 tabled on 7 December 2005)

REPORT TABLED BY THE CLERK

The following report was tabled by the Clerk—

Report pursuant to Standing Order 158 (Clerical errors or formal changes to any bill) detailing amendments to certain Bills, made by the Clerk, prior to assent by Her Excellency the Governor, viz—

Justice and Other Legislation Amendment Bill 2005

Amendment made to Bill

After Clause 27—

At page 19, line 6, 'Appeals Cost'—

omit, insert—

'Appeal Costs'.

Clause 28—

At page 19, line 8, 'Appeals Cost'—

omit, insert—

'Appeal Costs'.

MINISTERIAL STATEMENTS (Hansard p. 4717, 2.33 pm)

- (a) Minister for Justice and Attorney-General (Mrs Lavarch) made a ministerial statement relating to the Crime and Misconduct Commission report into the Honourable Gordon Nuttall, MP, and the circumstances which led to this special sitting of the House.

Paper: Mrs Lavarch, during her statement, tabled the following papers—

Letter, dated 9 December 2005, from the Attorney-General to the Clerk of the Parliament relating to a report from the Crime and Misconduct Commission into its investigation into the Honourable Gordon Nuttall MP tabled in the Legislative Assembly on 7 December 2005

- (b) Premier and Treasurer (Mr Beattie) made a ministerial statement relating to developments following the tabling of the Crime and Misconduct Commission report into the Honourable Gordon Nuttall, MP.

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

Letter, dated 7 December 2005, from Mr Nuttall to the Premier resigning from the Cabinet

Letter, dated 7 December 2005, from Mr Nuttall to Her Excellency the Governor resigning from the Executive Council

Statement, dated 7 December 2005, by Mr Nuttall

Media release by the Crime and Misconduct Commission, dated 7 December 2005, titled *Investigation into Minister Gordon Nuttall completed*

Copy of *Queensland Government Gazette – Extraordinary*, dated Wednesday 7 December 2005

PERSONAL EXPLANATION (Hansard p. 4719, 2.43 pm)

Mr Nuttall made a personal explanation.

MOTION WITHOUT NOTICE – CRIME AND MISCONDUCT COMMISSION REPORT AND THE MEMBER FOR SANDGATE (Hansard p. 4720, 2.46 pm)

Premier and Treasurer (Mr Beattie) moved – That, notwithstanding anything contained in Standing and Sessional Orders—

1. the House notes the Crime and Misconduct Commission's report (the report) on its investigation into allegations against the Honourable Gordon Nuttall MP tabled by the Attorney-General and Minister for Justice on 7 December 2005;
2. the House notes the report by the Commissioner of the Queensland Police Service on these matters;
3. the House notes the resignation of the Member for Sandgate as a Minister and a Member of the Executive Council on 7 December 2005;

4. the House notes the Ministerial Statements made today by the Honourable the Premier and Treasurer and the Honourable the Attorney-General and Minister for Justice about the matters the subject of the report;
5. the House notes the Member's statement and apology to the House today about the matters the subject of the report;
6. the House determines under section 38 (Decisions on contempt) of the *Parliament of Queensland Act 2001* that the Member's conduct be now dealt with by this Parliament as a contempt; and
7. the House accepts the Member's resignation as a Minister and a member of the Executive Council and the apology made today to the Parliament as the appropriate penalty in accordance with section 39 (Assembly's power to deal with contempt) of the *Parliament of Queensland Act 2001*.

Motion seconded by Deputy Premier and Minister for Finance, Minister for State Development, Trade and Innovation (Ms Bligh).
Debate ensued.

And Mr Lingard rising on a point of order—

Speaker's ruling—

Mr Speaker ruled – Any resolution of the House overrides any other decision which has been taken.

Debate resumed.

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

Chapter 8 of the *Criminal Code Act 1899*

Paper (undated) by R Atkinson, Commissioner of Queensland Police in response to the Crime and Misconduct Commission report titled *Allegations concerning the Honourable Gordon Nuttall MP* dated 7 December 2005

Section 37 *Parliament of Queensland Act 2001*

Section 39 *Parliament of Queensland Act 2001*

Section 40 *Parliament of Queensland Act 2001*

Section 47 *Parliament of Queensland Act 2001*

Extract from *Hansard*, dated 16 September 1999 – Notice of Motion – Member for Ipswich West

Extract from *Hansard*, dated 17 September 1999 – Member for Ipswich West – Mr Speaker's admonishment

Members' Ethics and Parliamentary Privileges Committee Report No. 35 titled *Report on a Matter of Privilege – A Member Making a Deliberately Misleading Statement in a "Dissenting Report"*

Extract from *Hansard*, dated 12 May 1998 – Ministerial Statement by the Honourable J M Sheldon, MP

Article by Scott Emerson in *The Australian*, dated 13 May 1998 titled *Gaffe has Sheldon in sorry state*

Article by John Lehmann in *The Courier-Mail*, dated 30 April 1998 titled *Say sorry for foolish comment, Sheldon told*

Extract from *Hansard*, dated 16 June 1992 – Matter of Privilege concerning a breach of privilege by the Member for Landsborough

Members' Ethics and Parliamentary Privileges Committee Report No 52 titled *Report on a Matter of privilege – Matter Referred to the Committee on 9 April 2002*

Debate continued.

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

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

'this House resolves to refer the report of the Crime and Misconduct Commission into allegations concerning the Honourable Gordon Nuttall MP to the independent Director of Public Prosecutions for consideration.'

Amendment seconded by Mr Quinn.

Debate ensued.

Paper: Minister for Police and Corrective Services (Ms Spence), during her speech, tabled the following paper—
Document titled *Time Line Sequence of Key Events in Gordon Nuttall Investigation*

Debate continued.

Papers: Minister for Child Safety (Mr Reynolds), by leave, during his speech, tabled the following papers—
Bundle of press clippings

Debate continued.

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

The House divided.

AYES 23—

<i>Caltabiano</i>	<i>Foley</i>	<i>Lee Long</i>	<i>Menkens</i>	<i>Rickuss</i>	<i>Springborg</i>
<i>Copeland</i>	<i>Hobbs</i>	<i>Lingard</i>	<i>Messenger</i>	<i>Rogers *</i>	<i>Stuckey</i>
<i>Cunningham, E</i>	<i>Hopper *</i>	<i>Malone</i>	<i>Pratt</i>	<i>Seeney</i>	<i>Wellington</i>
<i>Flegg</i>	<i>Johnson</i>	<i>McArdle</i>	<i>Quinn</i>	<i>Simpson</i>	

NOES 52—

<i>Attwood</i>	<i>Clark, L</i>	<i>Hoolihan</i>	<i>Mickel</i>	<i>Purcell</i>	<i>Spence</i>
<i>Barry</i>	<i>Croft</i>	<i>Jarratt</i>	<i>Miller</i>	<i>Reeves *</i>	<i>Stone</i>
<i>Barton</i>	<i>Cummins</i>	<i>Keech</i>	<i>Molloy</i>	<i>Reynolds</i>	<i>Sullivan, C</i>
<i>Beattie</i>	<i>Cunningham, J</i>	<i>Lavarch</i>	<i>Mulherin</i>	<i>Roberts, N</i>	<i>Sullivan, T *</i>
<i>Bligh</i>	<i>Fenlon</i>	<i>Lee</i>	<i>Nolan</i>	<i>Robertson</i>	<i>Wallace</i>
<i>Boyle</i>	<i>Finn</i>	<i>Livingstone</i>	<i>O'Brien</i>	<i>Schwarten</i>	<i>Wells</i>
<i>Briskey</i>	<i>Fouras</i>	<i>Lucas</i>	<i>Palaszcuk</i>	<i>Scott</i>	<i>Wilson</i>
<i>Choi</i>	<i>Fraser</i>	<i>Male</i>	<i>Pearce</i>	<i>Shine</i>	
<i>Clark, E</i>	<i>Hayward</i>	<i>McNamara</i>	<i>Pitt</i>	<i>Smith</i>	

*Tellers **

Question negatived.

Question put – That the motion be agreed to.

The House divided.

AYES 52—

<i>Attwood</i>	<i>Clark, L</i>	<i>Hoolihan</i>	<i>Mickel</i>	<i>Purcell</i>	<i>Spence</i>
<i>Barry</i>	<i>Croft</i>	<i>Jarratt</i>	<i>Miller</i>	<i>Reeves *</i>	<i>Stone</i>
<i>Barton</i>	<i>Cummins</i>	<i>Keech</i>	<i>Molloy</i>	<i>Reynolds</i>	<i>Sullivan, C</i>
<i>Beattie</i>	<i>Cunningham, J</i>	<i>Lavarch</i>	<i>Mulherin</i>	<i>Roberts, N</i>	<i>Sullivan, T *</i>
<i>Bligh</i>	<i>Fenlon</i>	<i>Lee</i>	<i>Nolan</i>	<i>Robertson</i>	<i>Wallace</i>
<i>Boyle</i>	<i>Finn</i>	<i>Livingstone</i>	<i>O'Brien</i>	<i>Schwarten</i>	<i>Wells</i>
<i>Briskey</i>	<i>Fouras</i>	<i>Lucas</i>	<i>Palaszcuk</i>	<i>Scott</i>	<i>Wilson</i>
<i>Choi</i>	<i>Fraser</i>	<i>Male</i>	<i>Pearce</i>	<i>Shine</i>	
<i>Clark, E</i>	<i>Hayward</i>	<i>McNamara</i>	<i>Pitt</i>	<i>Smith</i>	

NOES 22—

<i>Caltabiano</i>	<i>Foley</i>	<i>Lee Long</i>	<i>Menkens</i>	<i>Rickuss</i>	<i>Springborg</i>
<i>Copeland</i>	<i>Hobbs</i>	<i>Lingard</i>	<i>Messenger</i>	<i>Rogers *</i>	<i>Wellington</i>
<i>Cunningham, E</i>	<i>Hopper *</i>	<i>Malone</i>	<i>Pratt</i>	<i>Seeney</i>	
<i>Flegg</i>	<i>Johnson</i>	<i>McArdle</i>	<i>Quinn</i>	<i>Simpson</i>	

*Tellers **

Question agreed to.

SPECIAL ADJOURNMENT

Leader of the House (Mr Schwarten) moved – That the House at its rising do adjourn until 9.30 am on Tuesday, 14 February 2006.

Question put and agreed to.

ADJOURNMENT

Leader of the House (Mr Swarten) moved – That this House do now adjourn.

Question put and agreed to.

The House adjourned at 8.03 pm.

ATTENDANCE

The following Members were present—

<i>Attwood</i>	<i>Cunningham, E</i>	<i>Johnson</i>	<i>Messenger</i>	<i>Reeves</i>	<i>Springborg</i>
<i>Barry</i>	<i>Cunningham, J</i>	<i>Keech</i>	<i>Mickel</i>	<i>Reynolds</i>	<i>Stone</i>
<i>Barton</i>	<i>English</i>	<i>Lavarch</i>	<i>Miller</i>	<i>Rickuss</i>	<i>Stuckey</i>
<i>Beattie</i>	<i>Fenlon</i>	<i>Lee</i>	<i>Molloy</i>	<i>Roberts, N</i>	<i>Sullivan, C</i>
<i>Bligh</i>	<i>Finn</i>	<i>Lee long</i>	<i>Mulherin</i>	<i>Robertson</i>	<i>Sullivan, T</i>
<i>Boyle</i>	<i>Flegg</i>	<i>Lingard</i>	<i>Nolan</i>	<i>Rogers</i>	<i>Wallace</i>
<i>Briskey</i>	<i>Foley</i>	<i>Livingstone</i>	<i>Nuttall</i>	<i>Rowell</i>	<i>Wellington</i>
<i>Caltabiano</i>	<i>Fouras</i>	<i>Lucas</i>	<i>O'Brien</i>	<i>Schwarten</i>	<i>Wells</i>
<i>Choi</i>	<i>Fraser</i>	<i>Male</i>	<i>Palaszczuk</i>	<i>Scott</i>	<i>Wilson</i>
<i>Clark, E</i>	<i>Hayward</i>	<i>Malone</i>	<i>Pearce</i>	<i>Seeney</i>	
<i>Clark, L</i>	<i>Hobbs</i>	<i>McArdle</i>	<i>Pitt</i>	<i>Shine</i>	
<i>Copeland</i>	<i>Hoolihan</i>	<i>McGrady</i>	<i>Pratt</i>	<i>Simpson</i>	
<i>Croft</i>	<i>Hopper</i>	<i>McNamara</i>	<i>Purcell</i>	<i>Smith</i>	
<i>Cummins</i>	<i>Jarratt</i>	<i>Menkens</i>	<i>Quinn</i>	<i>Spence</i>	

A McGRADY
SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT