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

ASSENT TO BILLS
Letter from the Governor was reported, informing the House that Her Excellency had, in the name and on behalf of Her Majesty, assented to the following Bills on 13 October 2006—
A Bill for an Act to facilitate the disposal of particular energy businesses, including by facilitating the restructure or sale of energy entities, and for other purposes (Energy Assets (Restructuring and Disposal) Act 2006 – Act No. 42 of 2006)
A Bill for an Act to provide for the acquisition of land for a hospital and associated health and medical facilities at Yeppoon (Yeppoon Hospital Site Acquisition Act 2006 – Act No. 43 of 2006)

Paper: Mr Speaker tabled the following paper—
Letter, dated 16 October 2006, from Her Excellency the Governor to Mr Speaker advising of assent to Bills

SPEAKER'S STATEMENT – QUEENSLAND PARLIAMENTARY SERVICE – ANNUAL REPORT 2005–06
Mr Speaker made the following statement—

‘Honourable Members—
I lay upon the table of the House the Queensland Parliamentary Service Annual Report for 2005-06.
As well as meeting all mandatory reporting obligations, the report provides a range of additional information about the operations of the service during the year.
I wish to thank all Parliamentary Service staff for their ongoing work, which is essential to the operations of the Parliament. I also wish to thank staff members of the Annual Report Committee, which was primarily responsible for preparation of the report – Andrea Frost, Megan Mackee, Jennifer Martin, Jo Mathers, Lynelle Osborne and Kylie Sareen.
I commend this annual report to all Honourable Members.’

Paper: Mr Speaker tabled the following paper—
Queensland Parliamentary Service – Annual Report 2005–06

SPEAKER'S STATEMENT – COMMONWEALTH PARLIAMENTARY ASSOCIATION – ANNUAL GENERAL MEETING
Mr Speaker made the following statement—

‘Honourable Members—
I remind Honourable Members that the Annual General Meeting of the Commonwealth Parliamentary Association Queensland Branch will be held in the Chamber at 1pm today and I look forward to seeing a number of Members at that AGM at 1pm today.’

PETITIONS
The following paper petitions, lodged with the Clerk by the Members indicated, were received—
Mr Knuth, from 654 petitioners, requesting the House to require the Minister of Transport to give priority to the importance of having the route between Tambo and Clermont of the Clermont to Alpha Road in the division of Charters Towers sealed for the safety of all road users; the promotion of the area as a tourism venture and the efficiency of the cattle industry. Your petitioners also point out that the journey for travellers in inland Queensland will be significantly shortened by this sealing thereby reducing the traffic on coastal highways and promoting tourism in rural areas.
Dr Flegg, from 479 petitioners, requesting the House to allow families resident in Mt Crosby, Karana Downs & Moggill continue to be allowed access to Kenmore State High School and to immediately begin construction of a high school within this area (Moggill, Bellbowrie, Karana Downs, Mt Crosby, Karalee) to service the needs of the many children within this growth area.

Mr Beattie, from 1552 petitioners, requesting the House to instruct the Police Commissioner to terminate employment of Senior Sergeant Hurley and to provide every support and assistance to the Director of Public Prosecutions to finalise her assessment of the Coroner's findings so that criminal charges may be brought against certain parties who were responsible for the unlawful killing of Mulrunji in the Palm Island watch house.

Mr Wells, from 40 petitioners, requesting the House to amend section (1) Definitions and (3) Tenancies of the Scheme as it does not conform to a 'normal' lease for aged pensioners, both full and part, leasing accommodation in retirement villages.

Mr Wells, from 162 petitioners, requesting the House to amend section (1) Definitions and (3) Tenancies of the Scheme as it does not conform to a 'normal' lease for aged pensioners, both full and part, leasing accommodation in retirement villages.

Mr Foley, from 764 petitioners, requesting the House to abandon plans for the dam at Traveston and consider other options.

Mr Elmes, from 185 petitioners, requesting the House to support the Coalition to investigate the persecution of Falun Gong to investigate forced organ harvesting allegations and the illegal detention of Falun Gong Practitioners in detention centres, labour camps, prisons and hospitals in China.

Mr Langbroek, from 349 petitioners, requesting the House to review rate rises based on the published advertisements and the actual increases in rates, and the legality of discriminating against rate payers based on the height of their unit.

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

Mr Fraser, from 4021 petitioners, requesting the House to fund the placement of a full time teacher aide in every classroom containing prep children

Mr Lee, from 1088 petitioners, requesting the House to maintain Queensland's existing ban on uranium mining.

**PAPERS TABLED DURING THE RECESS**

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

13 October 2006—

Electricity Industry Code – Second Edition made under the *Electricity Act 1994*

Annexure (Volume 1) to the Report on a Decision made on 13 June 2006 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 for the Emerald Tower Development Proposal at 550 Queen Street, Brisbane by Emerald Developments (Australia) Pty Ltd lodged with the Brisbane City Council

Annexure (Volume 2) to the Report on a Decision made on 13 June 2006 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 for the Emerald Tower Development Proposal at 550 Queen Street, Brisbane by Emerald Developments (Australia) Pty Ltd lodged with the Brisbane City Council

2005-06 Annual Report on the *Administration of the Foreign Ownership of Land Register Act 1988* pursuant to s16(1) of the *Foreign Ownership of Land Register Act 1988*

18 October 2006—

Response from the Deputy Premier, Treasurer and Minister for Infrastructure (Ms Bligh) to an E-petition sponsored by Mr Quinn from 101 petitioners regarding the fire at Binary Industries at the Narangba Industrial Estate
20 October 2006—
Response from the Minister for Mines and Energy (Mr Wilson) to a paper petition presented by Mr Knuth from 138 petitioners regarding electricity supply in the Jericho Shire
Final Report of the Rail Safety Investigation QT1755 into the Triple Rail Fatality, Train 10M1 at Goodna, Queensland on 11 March 2006

23 October 2006—
Gold Coast Hospital Foundation – Annual Report 2005-06

24 October 2006—
Report on an investigation commissioned by Minister for Local Government, Planning, Sport and Recreation re Douglas Shire Council

25 October 2006—
Extract from the Queensland Government Gazette of 13 October 2006 detailing the Administrative Arrangements Amendment Order (No. 8) 2006

27 October 2006—
Primary Industries Standing Committee Model Code of Practice for the Welfare of Animals – Cattle 2nd Edition
Queensland Code of Practice for the welfare of animals in film production under the Animal Care and Protection Act 2001
Response from the Minister for Transport and Main Roads (Mr Lucas) to an E-petition sponsored by Mr Caltabiano from 122 petitioners regarding the proposed Eastern Busway
Response from the Minister for Transport and Main Roads (Mr Lucas) to a paper petition presented by Mr Briskey from 298 petitioners regarding an the proposed Eastern Busway

30 October 2006—
Coal Mining Safety and Health Advisory Council – Annual Report 2005-06
Mining Safety and Health Advisory Council – Annual Report 2005-06
Boards of Examiners (Statutory certificates of competency for safe mine management) – Annual Report 2005-06
CS Energy Ltd – Annual Report 2005-06
CS Energy Ltd – Statement of Corporate Intent 2005-06
ENERGEX Limited – Annual Report 2005-06
ENERGEX Limited – Statement of Corporate Intent 2005-06
Enertrade – Annual Report 2005-06
Enertrade – Statement of Corporate Intent 2005-06
Ergon Energy Corporation Limited – Annual Report 2005-06
Ergon Energy Corporation Limited – Concise Sustainability Report 2005-06
Ergon Energy Corporation Limited – Corporate Reports 2005-06
Ergon Energy Corporation Limited – Delivering to Central Queensland 2005-06
Ergon Energy Corporation Limited – Delivering to Queensland’s North 2005-06
Ergon Energy Corporation Limited – Delivering to Queensland’s South 2005-06
Ergon Energy Corporation Limited – Statement of Corporate Intent 2005-06
Powerlink Queensland – Annual Report 2005-06
Powerlink Queensland – Statement of Corporate Intent 2005-06
Stanwell Corporation Limited – Annual Report 2005-06
Stanwell Corporation Limited – Statement of Corporate Intent 2005-06
Sun Retail Pty Ltd – Annual Report 2005-06
Tarong Energy Corporation Limited – Annual Report 2005-06
Tarong Energy Corporation Limited – Statement of Corporate Intent 2005-06

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Prostitution Act 1999—
Prostitution Amendment Regulation (No. 1) 2006, No. 250

Integrated Planning and Other Legislation Amendment Act 2006—
Proclamation commencing certain provisions, No. 251
Nature Conservation Act 1992—
Nature Conservation (Administration) Amendment Regulation (No. 1) 2006, No. 252

Financial Administration and Audit Act 1977—
Financial Management Amendment Standard (No. 1) 2006, No. 253

Police Powers and Responsibilities Act 2000—
Police Powers and Responsibilities (Gold Coast Lexmark Indy 300) Regulation 2006, No. 254 and Explanatory Notes for No. 254

Gaming Machine Act 1991—
Gaming Machine Amendment Regulation (No. 1) 2006, No. 255

Trade Measurement Act 1990—
Trade Measurement (Weighbridges) Amendment Regulation (No. 1) 2006, No. 256

Nature Conservation Act 1992—
Nature Conservation Legislation Amendment Regulation (No. 4) 2006, No. 257

Transport Legislation Amendment Act 2005—
Transport Legislation Amendment (Postponement) Regulation 2006, No. 258

Public Health Act 2005—
Public Health (Postponement) Regulation 2006, No. 259

Workplace Health and Safety Act 1995—
Workplace Health and Safety (Postponement) Regulation 2006, No. 260

Fisheries Act 1994—
Fisheries (East Coast Trawl) Amendment Management Plan (No. 1) 2006, No. 261

Mineral Resources Act 1989—
Mineral Resources Amendment Regulation (No. 3) 2006, No. 262

Water Act 2000—
Water Amendment Regulation (No. 7) 2006, No. 263

Aboriginal Land Act 1991—
Aboriginal Land Amendment Regulation (No. 4) 2006, No. 264

MINISTERIAL PAPER TABLED BY THE CLERK

The following ministerial paper was tabled by The Clerk—

Minister for State Development, Employment and Industrial Relations (Mr Mickel)—

MINISTERIAL PAPERS

The following Ministerial papers were tabled—

Deputy Premier, Treasurer and Minister for Infrastructure (Ms Bligh)—
South East Queensland Regional Plan 2005–06 Amendment 1
Golden Casket Lottery Corporation Limited – Annual Report 2005–06
Golden Casket Lottery Corporation Limited – Statement of Corporate Intent 2005–06
Motor Accident Insurance Commission – Annual Report 2005–06
Queensland Investment Corporation – Annual Report 2005–06
Queensland Investment Corporation – Statement of Corporate Intent 2005–06
QSuper Board of Trustees and the Government Superannuation Office – Annual Report 2005–06
Queensland Treasury – Annual Report 2005–06

Minister for State Development, Employment and Industrial Relations (Mr Mickel), by leave—
Queensland Workers’ Compensation Regulatory Authority – Annual Report–2005–06
MINISTERIAL STATEMENTS (Record of Proceedings p.235)

Ministerial statements were made.

Papers: Premier and Minister for Trade (Mr Beattie), during his statement, tabled the following papers—
- Paper, dated 26 October 2006, titled Nuclear Power Station by Roam Consulting Pty Ltd
- Review of the Whistleblowers Protection Act 1994, dated October 2006, by the Office of the Public Service Commissioner
- Queensland Government Smart State 2006-07 Progress Report
- Queensland Government Smart State 2006-07 Progress Report - Highlights
- Copy of Queensland Government advertisement, dated 27 October 2006, titled Today’s Queensland ... is the Smart State
- Information pack relating to the QUT Institute of Health and Biomedical Innovation
- Copy of QUT news release, dated 24 October 2006, titled Smart State gets smarter: QUT unveils new institute
- The Australian Institute for Bioengineering and Nanotechnology, University of Queensland – Annual Report 2005
- Document relating to official launch of the Australian Institute for Bioengineering and Nanotechnology, University of Queensland
- Copy of UQ news release, dated 23 October 2006, titled $70m new research institute opens at UQ

Statements continued.

SPEAKER’S STATEMENT – DIVISION BELLS

Mr Speaker made the following statement—

‘Before calling the Minister for Education and Training Minister for the Arts, I indicate that there was a power failure in the Annexe today in regard to the division bells not ringing in certain areas. That has now been fixed.’

Statements resumed.

Papers: Minister for Transport and Main Roads (Mr Lucas), during his statement, tabled the following papers—
- Letter, dated 20 October 2006, from the Director General of the Department of Main Roads to Mr Lucas enclosing a report, dated 20 October 2006, relating to the Riverside Expressway, Brisbane
- Report, dated 20 October 2006, titled Engineering Evaluation of Ann Street and Alice Street Ramps - Riverside Expressway, Brisbane and attachments
- Document, dated 17 October 2006, by the Department of Main Roads titled Briefing note for Ann Street and Alice Street Onramp Closures
- Letter, dated 27 October 2006, from the Director-General of the Department of Main Roads to Mr Lucas enclosing a report, dated 27 October 2006, relating to the Riverside Expressway, Brisbane
- Report, dated 27 October 2006, by the Department of Main Roads titled Report on Engineering Evaluation of Ann and Alice Street Ramps and Others, Riverside Expressway Brisbane

Statements continued.

Statements concluded.
MOTION WITHOUT NOTICE – APPROPRIATION (PARLIAMENT) BILL (NO. 2) AND APPROPRIATION BILL (NO. 2) – COGNATE DEBATE

Leader of the House (Mr Schwarten), by leave, moved – That, in accordance with Standing Order 129, the Appropriation (Parliament) Bill (No. 2) and the Appropriation Bill (No. 2) 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 (Record of Proceedings p.246)

Minister for Police and Corrective Services (Ms Spence) made a personal explanation.

SCRUTINY OF LEGISLATION COMMITTEE – PAPER

Chair of the Scrutiny of Legislation Committee (Mrs Sullivan) tabled the following paper—

Scrutiny of Legislation Committee—
Alert Digest No. 9 of 2006

SELECT COMMITTEE ON TRAVELSAFE – PAPERS (Record of Proceedings p.247)

Chair of the Select Committee on Travelsafe (Mr Pearce) tabled the following papers—

Select Committee on Travelsafe—
Report No. 46, dated October 2006, titled Getting Tough on Drink Drivers
Document titled Getting Tough on Drink Drivers – Conclusions and Recommendations from Report No. 46 – October 2006

WHISTLEBLOWERS PROTECTION AMENDMENT BILL (Record of Proceedings p.247)

Leader of the Opposition (Mr Seeney) presented a Bill for an Act to amend the Whistleblowers Protection Act 1994 to implement the recommendations of the Queensland Public Hospitals Commission of Inquiry and Explanatory Notes and moved – That the Bill be now read a first time.

Question put and agreed to.

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

Debate ensued.

Premier and Minister for Trade (Mr Beattie) moved – That the debate be now adjourned.

Question put and agreed to.

QUESTIONS WITHOUT NOTICE (Record of Proceedings p.248)

Questions without notice were asked.

Distinguished visitors—
Mr Speaker informed the House of the presence in the Gallery of the Honourable Jane Aagaard MLA, Speaker of the Legislative Assembly of the Northern Territory and Mr George Dawson MLA, Member for East Antrim, Northern Ireland Assembly.

Questions resumed.
And the time having expired for the Minister for Education and Training Minister for the Arts and Acting Attorney-General and Minister for Justice and Women (Mr Welford) to answer a question without notice—

MOTION – MINISTER BE FURTHER HEARD
Premier and Minister for Trade (Mr Beattie) moved – That the Minister be further heard. Question put and agreed to.

Questions continued.
Questions concluded.

MINISTERIAL STATEMENT (Record of Proceedings p.260)
A Ministerial statement was made.

Paper: Ms Bligh, during her statement, tabled the following paper—

MATTERS OF PUBLIC INTEREST (Record of Proceedings p.261)
Matters of public interest were debated.

STATE PENALTIES ENFORCEMENT AND OTHER LEGISLATION AMENDMENT BILL (Record of Proceedings p.271)
Acting Attorney-General and Minister for Justice and Women (Mr Welford) presented a Bill for an Act to amend the State Penalties Enforcement Act 1999 and other Acts administered by the Attorney-General and Minister for Justice and Women and Explanatory Notes and moved – That the Bill be now read a first time. Question put and agreed to.
Mr Welford moved – That the Bill be now read a second time. Debate ensued.
Mr Messenger moved – That the debate be now adjourned. Question put and agreed to.

EDUCATION LEGISLATION AMENDMENT BILL (Record of Proceedings p.273)
Minister for Education and Training Minister for the Arts (Mr Welford) presented a Bill for an Act to amend Acts administered by the Minister for Education and Training Minister for the Arts, and for other purposes and Explanatory Notes and moved – That the Bill be now read a first time. Question put and agreed to.
Mr Welford moved – That the Bill be now read a second time. Debate ensued.
Mr Messenger moved – That the debate be now adjourned. Question put and agreed to.

MEDICAL BOARD (ADMINISTRATION) BILL (Record of Proceedings p.274)
Minister for Health (Mr Robertson) presented a Bill for an Act to provide for administrative arrangements for the Medical Board of Queensland, and for other purposes and Explanatory Notes and moved – That the Bill be now read a first time. Question put and agreed to.
Mr Robertson moved – That the Bill be now read a second time. Debate ensued.
Mr Langbroek moved – That the debate be now adjourned. Question put and agreed to.
HEALTH SERVICES AMENDMENT BILL (Record of Proceedings p.275)
Minister for Health (Mr Robertson) presented a Bill for an Act to amend the Health Services Act 1991, and for other purposes and Explanatory Notes and moved – That the Bill be now read a first time.
Question put and agreed to.
Mr Robertson moved – That the Bill be now read a second time.
Debate ensued.
Mr Langbroek moved – That the debate be now adjourned.
Question put and agreed to.

WILD RIVERS AND OTHER LEGISLATION AMENDMENT BILL (Record of Proceedings p.276)
Minister for Natural Resources and Water (Mr Shine) presented a Bill for an Act to amend the Wild Rivers Act 2005, and for other purposes and Explanatory Notes and moved – That the Bill be now read a first time.
Question put and agreed to.
Mr Shine moved – That the Bill be now read a second time.
Debate ensued.
Mr Messenger moved – That the debate be now adjourned.
Question put and agreed to.

WHISTLEBLOWERS (DISCLOSURE TO MEMBER OF PARLIAMENT) AMENDMENT BILL (Record of Proceedings p.278)
Premier and Minister for Trade (Mr Beattie) presented a Bill for an Act to amend the Whistleblowers Protection Act 1994 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.
Mr Dempsey moved – That the debate be now adjourned.
Question put and agreed to.

MAJOR SPORTS FACILITIES AMENDMENT BILL (Record of Proceedings p.280)
Premier and Minister for Trade (Mr Beattie) presented a Bill for an Act to amend the Major Sports Facilities Act 2001, 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 Seeney) moved – That the debate be now adjourned.
Question put and agreed to.

ELECTRICITY AND OTHER LEGISLATION AMENDMENT BILL (Record of Proceedings p.281)
Minister for Mines and Energy (Mr Wilson) presented a Bill for an Act to amend the Electricity Act 1994 and the Gas Supply Act 2003, and for other purposes and Explanatory Notes and moved – That the Bill be now read a first time.
Question put and agreed to.
Mr Wilson moved – That the Bill be now read a second time.
Debate ensued.
Leader of the Opposition (Mr Seeney) moved – That the debate be now adjourned.
Question put and agreed to.

ENERGY OMBUDSMAN BILL (Record of Proceedings p.283)
Minister for Mines and Energy (Mr Wilson) presented a Bill for an Act to provide for the investigation into and resolution of particular disputes involving energy entities, or particular former energy entities, and for other purposes and Explanatory Notes and moved – That the Bill be now read a first time.
Question put and agreed to.
Mr Wilson moved – That the Bill be now read a second time.
Debate ensued.
Leader of the Opposition (Mr Seeney) moved – That the debate be now adjourned.
Question put and agreed to.

MOTION – GOVERNOR’S OPENING SPEECH – ADDRESS–IN–REPLY (Record of Proceedings p.284)
Order of the day read for the resumption of debate on the motion of Ms Jones – That the following address be presented to the Governor in reply to the speech delivered by Her Excellency in opening this, the First Session of the 52nd Parliament of Queensland—

“May it please Your Excellency—

We, the Members of the Legislative Assembly of Queensland, wish to assure Your Excellency of our continued respect for the Crown and loyalty to the system of government in this State and to tender our thanks for the speech with which you opened the First Session.

The various measures to which Your Excellency referred, and all other matters that may be brought before us, will receive our careful consideration, and we shall strive to deal with them so that our endeavours may contribute to the advancement and prosperity of the people of this State.”

Debate ensued.
Debate adjourned on the motion of Mrs Pratt.

GOVERNMENT OWNED CORPORATIONS AMENDMENT BILL (Record of Proceedings p.294)
Deputy Premier, Treasurer and Minister for Infrastructure (Ms Bligh) presented a Bill for an Act to amend the Government Owned Corporations Act 1993, and for other purposes and Explanatory Notes and moved – That the Bill be now read a first time.
Question put and agreed to.
Ms Bligh moved – That the Bill be now read a second time.
Debate ensued.
Dr Flegg moved – That the debate be now adjourned.
Question put and agreed to.

REVENUE AND OTHER LEGISLATION AMENDMENT BILL (Record of Proceedings p.296)
Order of the day read for the adjourned debate on the motion of the Deputy Premier, Treasurer and Minister for Infrastructure (Ms Bligh) – That the Bill be now read a second time.
Debate ensued.

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

Article by Ms Nolan, dated 24 August 2006, titled *What’s Happened to the Australian Dream of Buying Your Own Home*

Debate continued.
Question put and agreed to.
Bill read a second time.

**Consideration in detail**—

Clauses 1 to 44, as read, agreed to.

Clauses 45 and 46—

The following amendment was proposed by Dr Flegg—

Page 27, line 17 to page 28, line 12—

*omit, insert—*

‘45 Omission of ch 5 (Mortgage duty)

‘Chapter 5—

*omit.’.

Debate ensued.

**Papers:** Ms Bligh, by leave, during her speech, tabled the following papers—

Document titled *Timetable for mortgage duty abolition*
Schedule to the GST and Related Matters Act 2000 titled Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations

Debate continued.

Question put – That Dr Flegg’s amendment be agreed to.

The House divided.

**AYES 25—**

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**NOES 56—**

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Question negatived.

Clauses 45 and 46, as read, agreed to.

Clause 47 to 69, as read, agreed to.

Clause 70 (Insertion of new s 571 and ch 17, pt 6, divs 3–5)—

The following amendment was proposed by Dr Flegg—

Page 41, after line 20—

‘Division 6 Savings and transitional provisions for ending of mortgage duty

‘584 Transitional regulation-making power

‘(1) A regulation (a transitional regulation) may make provision about a matter for which—

(a) it is necessary to make provision to allow or facilitate the doing of anything relating to the ending of mortgage duty under the amending Act; and

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

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

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

Debate ensued.

Question put – That Dr Flegg’s amendment be agreed to.

The House divided.

**AYES 25—**

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NOES 56—

Attwood  Foley  Lawlor  Palaszczuk  Scott  Welford
Barry  Fraser  Lee  Pearce  Shine  Wellington
Beattie  Gray  Male  *  Pitt  Smith  Wells
Bligh  Hayward  McNamara  Pratt  Spence  Wendt
Bombolas  Hinchliffe  Mickel  Purcell  Stone  Wattenhall
Boyle  Hoolihan  Miller  Reeves  Struthers  Wilson
Cunningham  Jarratt  Moorhead  Reilly  Sullivan
Darling  Jones  Mulherin  Roberts  Van Litsenburg
Fenlon  Keech  Nelson–Carr  Robertson  Wallace
Finn  *  Kiernan  Nolan  Schwarten  Weightman

Tellers  *

Question negatived.

Clause 70, as read, agreed to.
Clauses 71 to 94, as read, agreed to.

Consideration in detail completed—

Ms Bligh moved – That the Bill be now read a third time.
Question put and agreed to.
Bill read a third time.
Ms Bligh moved – That the long title of the Bill be agreed to.
Question put and agreed to.

CRIMINAL CODE (DRINK SPIKING) AND OTHER ACTS AMENDMENT BILL 2006  (Record of Proceedings p.312)

Order of the day read for the adjourned debate on the motion of the (then) Attorney-General and Minister for Justice and Women (Mrs Lavarch) – That the Bill be now read a second time.
Debate ensued.

Paper:  Mr Langbroek, during his speech, tabled the following paper—
List of members of the Model Criminal Code Officers Committee of the Standing Committee of Attorneys–General

Debate continued.
Question put and agreed to.
Bill read a second time.

Consideration in detail—

Clauses 1 to 3, as read, agreed to.

Clause 4 (Insertion of new s 316A)—
The following amendment was proposed by the Acting Attorney-General and Minister for Justice and Women (Mr Welford)—
At page 4, line 14 to page 6, line 8—

omit, insert—

‘316A  Unlawful drink spiking

‘(1) A person who administers, or attempts to administer, in drink a substance to another person (the other person) without the other person having knowledge of the substance with intent to cause the other person to be stupefied or overpowered is guilty of a crime and is liable to imprisonment for 5 years.

‘(2) If the substance is alcohol, for section 24 only, the circumstances in which the other person is taken to have knowledge of the alcohol include where the other person would not object to the administration of the alcohol if the other person had actual knowledge of it.

‘(3) The following matters are immaterial—
(a) whether the lack of knowledge of the substance is lack of knowledge of the presence at all of the substance or of the particular quantity of the substance;
(b) whether the substance is capable of having the effect intended;
(c) whether a particular person is intended to be the person to whom the substance is administered or attempted to be administered.

‘(4) A reference to causing the other person to be stupefied or overpowered is—
(a) a reference to causing the other person to be stupefied or overpowered in circumstances where the other person is not intending to be stupefied or overpowered at all; or
(b) a reference to causing the other person to be further stupefied or overpowered in circumstances where the other person is not intending to be further stupefied or overpowered at all or to the extent intended by the person who administers, or attempts to administer, the substance.

‘(5) This section does not apply to an act lawfully done in the course of the practice of a health professional, the carrying out of a function under an Act or the performance of the responsibilities of a parent or carer.

‘(6) In relation to an attempt to administer a substance, for this section and section 4, attempt includes adding a substance to drink in preparation for the administration of the substance.

‘(7) In this section—
adding a substance, to drink, includes, without limiting section 7, the following—
(a) cause to be added to drink;
(b) substitute drink with other drink containing the substance;
(c) take any step to provide drink containing the substance instead of other drink.
circumstances, where the other person is not intending to be stupefied or overpowered, includes any circumstance of timing, place, condition, or way of stupefaction or overpowering.
dangerous drug see the Drugs Misuse Act 1986, section 4.
drink includes water, beverage, or other liquid, intended or prepared for human consumption.
health professional has the meaning given by the Health Services Act 1991, section 60.
stupefied or overpowered includes—
(a) a state of intoxication caused by alcohol, a drug or another substance; and
(b) behavioural change caused by a dangerous drug, whether or not the mind is otherwise affected.’.
ATTENDANCE

The following Members were present—

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M F REYNOLDS
SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT