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MEETING OF THE ASSEMBLY

The Assembly met at 9.30 am, pursuant to adjournment. The Acting Speaker (Mr J M English) read prayers.

PROCEDURE – ACTING SPEAKER’S STATEMENT – COMPLAINTS REGARDING REGISTER OF MEMBERS’ INTERESTS REQUIREMENTS

Mr Acting Speaker made the following statement—

‘Honourable Members—

A member has written to me seeking guidance as to the application of Standing Order 269 and whether it allows Honourable Members to refer to the contents of the Register of Members’ Interests during debate provided they do not raise issues of contempt.

I commence my statement providing general guidance on this issue by referring to a statement by Mr Speaker, on 1 November 2006, wherein Mr Speaker stated, and I quote:

"Standing Order 269 provides the procedure for raising a matter of privilege and states that with the exception of matters suddenly arising, a Member must write to the Speaker."

Later Mr Speaker stated, and I quote:

"Sessional Orders provides a time for matters of privilege to be raised. The Standing Orders also provides that once a matter is referred, it cannot be referred to in debate in the House.

I take a very dim view of Members not complying with the spirit of Standing and Sessional Orders, by not raising as a matter of privilege, but using another time on the business program, such as matters of public interest, private Members’ statements or the adjournment debate, to raise and air matters of privilege."

Less than a month later, on 28 November 2006, Mr Speaker, in response to various allegations being made in the House regarding the registration of interests, stated, and I quote:

"Standing Orders makes it clear that once a matter is referred to the Members’ Ethics and Parliamentary Privileges Committee, it should not be referred to in debate in the House. I made a number of rulings in relation to a particular matter both in private Members’ statements and question time this morning. Despite my rulings, Honourable Members, on both sides of the House, have transgressed Standing Orders to refer, in more than general terms, to a particular matter and make prejudicial statements in relation to that matter.

I add that on at least one occasion this action was done in response to another Member’s reflections upon the character of past and current Members and allegations, without any proffered evidence, about the declarations of interests. The Standing Orders provide for a process in the event of evidence of non-disclosure. Where there is evidence of non-disclosure those processes should be used, not simply baseless or formless allegations or innuendo raised in the House."

To summarise the position, therefore, I advise:

Firstly, the privileges enjoyed by this House and its Members allow members a general right to debate any matter relevant to the question before the Chair, or in items of business such as adjournment, matters of public interest or private Members’ statements, debate any subject matter they desire. They also have the privilege and right, unusual in Westminster parliaments, to table any document they desire at any time during debate when they have the call.

Secondly, the general privileges and rights of Members to speak and table documents are only tempered by rules introduced and approved by this House, either through legislation, Standing Orders, Sessional Orders or rulings of the Chair relying on practice and procedure where available. In reality, there are few such restrictions, but the restrictions include: the requirement for parliamentary language; to refrain from personal reflections; to avoid discussion of matters sub judice; to not anticipate the debate on a question; to follow the procedures and processes laid down by Standing Orders for matters of privilege or an alleged breach of Standing Orders, such as a complaint of a breach of the requirements to register interests as required.

Thirdly, Mr Speaker has made it quite clear that matters of privilege and complaints or allegations of a breach of the requirements should be made in accordance with the procedure.
laid down in Standing Orders, either SO 269 for a matter of privilege or alleged contempt, or s.14 of Schedule 2 of Standing Orders for an alleged failure to comply with the requirements to register interests.

Fourthly, Mr Speaker has indicated that he takes a dim view of Members failing to make a complaint in accordance with Standing Orders, but standing in the House on other business and making unsubstantiated allegations or innuendo. I think that in such a circumstance, the Chair has the right or obligation to draw the Member's attention to Standing Orders and suggest they adhere to the proper procedure and even sit them down if they insist on ignoring those procedures.

In conclusion, there is generally no restriction on a Member referring to the contents of the Register of Members Interests; if that is all they are really doing. But if they are making allegations or complaint, then they should adhere to the procedures in Standing Orders.'

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

Mr Wellington from 127 petitioners requesting the House to reject the application by Maroochy Shire Council for a proposed landfill site at Ferntree Creek Road, Kulangoor.

Mr Wellington from 111 petitioners requesting the House to reject the application by Maroochy Shire Council for a proposed landfill site at Ferntree Creek Road, Kulangoor.

Mrs Stuckey from 95 petitioners requesting the House to rescind new land valuations, review the land valuation process and ensure each new valuation is accompanied by a detailed description of the process involved to reach the new amount.

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

Premier and Minister for Trade (Mr Beattie)—

Email on behalf of the Premier and Minister for Trade to the Clerk of Parliament with a replacement attachment containing a whole of Government response to Questions on Notice Nos. 43, 49, 50, 51, 58, 61, 62, 64, 68, 69, 70, 71, 72, 77 and 78 of 2007 that now includes information relating to Question on Notice No. 96

MINISTERIAL STATEMENTS (Record of Proceedings p.966)
Ministerial statements were made.

Papers: Premier and Minister for Trade (Mr Beattie), during his statements, tabled the following papers—
Griffith University Film School brochure titled A Starring Role
Queensland Government document titled Cyclone Larry Anniversary 20 March 2007 – 1 year on – Milestones and Achievements
Brochure by Geodynamics titled SourceOne Lightning Rig

Statements continued.

Paper: Minister for Education and Training Minister for the Arts (Mr Welford), during his statement, tabled the following paper—
List of 2007 T J Ryan Awards recipients

Statements continued.

Paper: Minister for Police and Corrective Services (Ms Spence), during her statement, tabled the following paper—

Statements continued.

Statements concluded.
Motion seconded by the Minister for Police and Corrective Services (Ms Spence).

Debate ensued.

Question put.

The House divided.

AYES 52—

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**MOTION WITHOUT NOTICE – AMENDMENT TO STANDING ORDERS** (Record of Proceedings p.979)

Leader of the House (Mr Schwarten), by leave, moved – That Standing Orders be amended by the insertion of a new Standing Order 233A and Schedule 5 to Standing Orders, regarding the protection of whistleblowers, to commence on proclamation of the Whistleblower (Disclosure to Member of Parliament) Amendment Act 2007, circulated in my name, viz—

**233A – Protection of Whistleblowers**

(1) Members should exercise care to avoid saying anything inside the House about a public interest disclosure which would lead to the identification of persons who have made public interest disclosures (“whistleblowers”), which may interfere in an investigation of a public interest disclosure, or cause unnecessary damage to the reputation of persons before the investigation of the allegations has been completed.

(2) Schedule 5 contains guidelines for members about when and how public interest disclosures should be revealed in a parliamentary proceeding.

**SCHEDULE 5 – GUIDELINES FOR THE PROTECTION OF WHISTLEBLOWERS**

(1) These guidelines apply when there is a public interest disclosure to a member pursuant to the Whistleblower Protection Act 1994.

(2) These guidelines seek to provide guidance to a member who receives and acts upon a public interest disclosure about whether a member should or should not reveal the disclosure in a parliamentary proceeding.

(3) Compliance with these guidelines is not mandatory, and a breach of these guidelines is not a breach of privilege or a contempt, but members are called upon to adhere to these guidelines so as to ensure public interest disclosures are properly investigated, that those making disclosures are protected and that no person’s reputation is unnecessarily damaged before the investigation of the allegations has been finalised.

(4) In general, members should exercise care to avoid saying anything inside the House about a public interest disclosure to a member which:

(a) could lead to the unnecessary identification of persons who have made public interest disclosures (unless such persons have consented to the disclosure of their identity);

(b) could cause unnecessary damage to any person’s reputation before allegations have been appropriately investigated; and

(c) may jeopardise the investigation of a public interest disclosure by the appropriate entities.

(5) If a public interest disclosure is received by any member of the Legislative Assembly and the member refers that disclosure to an appropriate entity to investigate the disclosure in accordance with s.28A of the Whistleblower Protection Act 1994, members should avoid disclosing the substance of the disclosure or the referral in any public parliamentary proceedings, unless:

(d) after inquiry with an appropriate entity in accordance with s.32 of the Whistleblower Protection Act 1994, a member is not satisfied that the matter is being investigated or otherwise resolved; or

(e) the disclosure has referred to an appropriate entity, but a member has a reasonable belief that further disclosure in a parliamentary proceeding is justified to prevent harm to any person; or

(f) the disclosure has been referred to an appropriate entity, but a member decides to also bring the disclosure to the attention of a committee of the House that has responsibility for the area about which the matter relates.

(6) In these guidelines “appropriate entity” and “public interest disclosure” have the same meaning as in the Whistleblower Protection Act 1994.
NOES 29—

Copeland  Flegg  Horan  Lingard  Nicholls  Springborg  
Cripps      Foley  Johnson  Malone  Pratt  Stevens  
Cunningham  Gibson  Knuth  McArdle  Rickuss *  Stuckey  
Dempsey     Hobbs  Langbroek  Menkens  Seeney  Wellington  
Elmes *     Hopper  Lee Long  Messenger  Simpson  

Tellers *

Question agreed to.

NOTICE OF MOTION – LOCAL AUTHORITIES WATER SUPPLY

Mrs Cunningham gave notice that she will move – That this House acknowledges the work done by Queensland Local Authorities over many years to provide a safe and reliable reticulated water supply to their communities and calls on the Premier to work co-operatively with Councils in the South East and across Queensland to continue these positive relationships and arrangements.

QUESTIONS WITHOUT NOTICE (Record of Proceedings p.981)

Questions without notice were asked.

And the Premier and Minister for Trade (Mr Beattie) having exhausted the time allocated for answering a question without notice—

MOTION – PREMIER BE FURTHER HEARD

Leader of the House (Mr Schwarten) moved – That Mr Beattie be further heard. Question put. The House divided.

AYES 53—

Atwood  Barry  Beattie  Bligh  Bombolas  Boyle  Croft  Darling  Fenlon  Finn *  Kieman  Lawlor  Nolan *  Nelson–Carr  Roberts  Van Litsenburg  
Barry      Fraser  Gray  Hayward  Hinchliffe  Hoolihan  Jarratt  Jones  Kech  Kieman  Lawlor  Nolan *  Nelson–Carr  Roberts  Van Litsenburg  
Beattie    Fraser  Gray  Hayward  Hinchliffe  Hoolihan  Jarratt  Jones  Kech  Kieman  Lawlor  Nolan *  Nelson–Carr  Roberts  Van Litsenburg  
Bligh      Fraser  Gray  Hayward  Hinchliffe  Hoolihan  Jarratt  Jones  Kech  Kieman  Lawlor  Nolan *  Nelson–Carr  Roberts  Van Litsenburg  
Bombolas  Fraser  Gray  Hayward  Hinchliffe  Hoolihan  Jarratt  Jones  Kech  Kieman  Lawlor  Nolan *  Nelson–Carr  Roberts  Van Litsenburg  
Boyle     Fraser  Gray  Hayward  Hinchliffe  Hoolihan  Jarratt  Jones  Kech  Kieman  Lawlor  Nolan *  Nelson–Carr  Roberts  Van Litsenburg  
Croft     Fraser  Gray  Hayward  Hinchliffe  Hoolihan  Jarratt  Jones  Kech  Kieman  Lawlor  Nolan *  Nelson–Carr  Roberts  Van Litsenburg  
Darling   Fraser  Gray  Hayward  Hinchliffe  Hoolihan  Jarratt  Jones  Kech  Kieman  Lawlor  Nolan *  Nelson–Carr  Roberts  Van Litsenburg  
Fenlon    Fraser  Gray  Hayward  Hinchliffe  Hoolihan  Jarratt  Jones  Kech  Kieman  Lawlor  Nolan *  Nelson–Carr  Roberts  Van Litsenburg  

NOES 29—

Copeland  Flegg  Horan  Lingard  Nicholls  Springborg  
Cripps      Foley  Johnson  Malone  Pratt  Stevens  
Cunningham  Gibson  Knuth  McArdle  Rickuss *  Stuckey  
Dempsey     Hobbs  Langbroek  Menkens  Seeney  Wellington  
Elmes *     Hopper  Lee Long  Messenger  Simpson  

Tellers *

Question agreed to.

Questions resumed.

Papers  Premier and Minister for Trade (Mr Beattie) tabled the following papers—

Extract from Votes and Proceedings of 9 August 2006
Extract from Votes and Proceedings of 22 February 2007

Questions continued.
Questions concluded.

MINISTERIAL STATEMENT (Record of Proceedings p.991)

A Ministerial statement, by leave, was made.
Mr Hobbs rose on a matter of privilege suddenly arising and advised that he would be writing to the Acting Speaker on the matter.

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

**COMMUNITY AMBULANCE COVER AND OTHER ACTS AMENDMENT BILL** *(Record of Proceedings p.993)*

Deputy Premier, Treasurer and Minister for Infrastructure (Ms Bligh) present a Bill for an Act to amend the *Community Ambulance Cover 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.

Ms Bligh moved – That the Bill be now read a second time.

Debate ensued.

Leader of the Liberal Party (Dr Flegg) moved – That the debate be now adjourned.

Question put and agreed to.

**MOTION – GOVERNOR’S OPENING SPEECH – ADDRESS–IN–REPLY** *(Record of Proceedings p.994)*

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.

Question put and agreed to.

**ADDRESS–IN–REPLY – PRESENTATION TO GOVERNOR**

Deputy Speaker (Ms Jones) advised the House that the Address–in–Reply will be presented to Her Excellency the Governor at Government House at a time and date to be advised.

**SECURITY PROVIDERS AMENDMENT BILL** *(Record of Proceedings p.1002)*

Order of the day read for the adjourned debate on the motion of the Minister for Tourism, Fair Trading, Wine Industry Development and Women (Mrs Keech) – That the Bill be now read a second time.

Debate ensued.

Debate adjourned on the motion of Mrs Keech.

**MOTION – LOCAL AUTHORITIES WATER SUPPLY** *(Record of Proceedings p.1032)*

Mrs Cunningham moved – That this House acknowledges the work done by Queensland Local Authorities over many years to provide a safe and reliable reticulated water supply to their communities and calls on the Premier to work co-operatively with Councils in the South East and across Queensland to continue these positive relationships and arrangements.
Paper: Mrs Cunningham, during her speech, tabled the following paper—

Debate continued.
Motion seconded by Mrs Pratt.
Debate ensued.
The following amendment was proposed by the Deputy Premier, Treasurer and Minister for Infrastructure (Ms Bligh)—
That all words after ‘Authorities’ are deleted and the following words inserted:
in partnership with the State Government over many years to provide a safe and reliable reticulated water supply to their communities and recognises the importance of State and Local Governments working co-operatively in the South East and across Queensland to continue these positive relationships and arrangements.'

Amendment seconded by the Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland (Mr Wallace).

Debate ensued.
Papers: Mr Wellington, during his speech, tabled the following papers—
Copy of the Aquagen Annual Report 2004–05
Copy of the Aquagen Water & Renewable Energy Annual Financial Statements for the year ended 30 June 2005
Documents downloaded on 14 March 2007 concerning the Caloundra-Maroochy water supply
Correspondence, dated 14 March 2007, from Mr Bob Abbot, Mayor, Noosa Council
Local Government news release, dated 14 March 2007, titled Survey supports Councils’ maintaining Control of Water
Details of investments by the Maroochydore Shire Council in water services

Debate continued.

Question put – That Ms Bligh’s amendment be agreed to.
The House divided.

AYES 50—

Attwood  Barry  Bligh  Boyle  Choi  Croft  Darling  Fenton  Finn  Nolan  O'Brien  O'Brien  Pallaszczuk  Pearce  Pitt  Purcell  Reilly  Van Litsenburg  Wallace

Lawlor  Lee  Lucas  Male  McNamara  Miller  Moorhead  Kean  Nelson-Carr

Scott  Shine  Smith  Spence  Stone  Struthers  Sullivan  Van Litsenburg  Wallace

Welford  Wells  Wendt  Wettenhall  Wilson

NOES 29—

Copeland  Cripps  Cunningham  Dempsey  Elmes  Flegg  Foley  Gibson  Hobbs  Hopper  Horan  Johnson  Knuth  Langbroek  Lee  Long

Lingard  Malone  Mc Ardle  Menkens  Messenger  Nicholls  Pratt  Rickuss  See ney  Simpson

Stevens  Springborg  Stuckey  Wellington

Tellers *

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

Motion, as agreed—
That this House acknowledges the work done by Queensland Local Authorities in partnership with the State Government over many years to provide a safe and reliable reticulated water supply to their communities and recognises the importance of State and Local Governments working co-operatively in the South East and across Queensland to continue these positive relationships and arrangements.
TRANSPORT AND OTHER LEGISLATION AMENDMENT REGULATION (NO. 1) 2006 – MOTION FOR DISALLOWANCE (Record of Proceedings p.1042)

Motion seconded by Mr Hobbs.
Debate ensued.

Paper: Mrs Cunningham, during her speech, tabled the following paper—
Correspondence, dated 12 February 2007, from Mr Joshua Morris, Training and Fatigue Management, Martins Group of Companies to the Minister for Transport and Main Roads (Mr Lucas) regarding demerit points and fines for heavy vehicle drivers

Debate continued.

Paper: Minister for Transport and Main Roads (Mr Lucas), during his speech, tabled the following paper—
Document titled Summary comparison of heavy vehicle fatigue offences, old and new fines, and demerit points from 1 March 2007

Debate continued.

Question put.
The House divided.

AYES 24—

Copeland
Cripps
Dempsey
Elmes *

Flegg
Gibson
Hobbs
Hopper

Horan
Johnson
Knuth
Langbroek

Lee Long
Lingard
Malone
McArdle

Messenger
Nicholls
Pratt
Rickuss *

Seeney
Simpson
Stevens
Stuckey

NOES 50—

Attwood
Barry
Boyle
Choi
Croft

Cunningham
Fenton
Finn
Foley

Gray
Hayward
Hinchliffe
Hoolihan
Jarratt

Lee
Lucas
Maie *
McNamara
Mickel

Nolan *
O’Brien
Palaszczuk
Pearce
Pitt

Smith
Spence
Stone
Struthers
Sullivan

Wellington
Wells
Wendt
Wettenhall
Wilson

Tellers *

Question negatived.

ADJOURNMENT (Record of Proceedings p.1062)

Acting Leader of the House (Ms Spence) moved – That the House do now adjourn.
Debate ensued.
Question put and agreed to.
The House adjourned at 10.05 pm.
ATTENDANCE

The following Members were present—

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