



VOTES AND PROCEEDINGS

NO. 35 – TUESDAY, 21 AUGUST 2007

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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.

Mr Speaker acknowledged the Traditional Owners of the land upon which this Parliament is assembled and the Custodians of the sacred lands of our State.

APPROPRIATION (PARLIAMENT) BILL AND APPROPRIATION BILL – PRESENTATION TO GOVERNOR

Mr Speaker reported that on Monday, 20 August 2007, he had presented to Her Excellency the Governor, the Appropriation (Parliament) Bill and the Appropriation Bill for Royal Assent, and Her Excellency was pleased in his presence to subscribe her assent thereto in the name and on behalf of Her Majesty.

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 Bill on 10 August 2007—

A Bill for an Act to provide for the implementation of structural reform of local governments, and for other purposes (*Local Government Reform Implementation Act 2007* – Act No. 31 of 2007)

Paper: Mr Speaker tabled the following paper—

Letter, dated 13 August 2007, from Her Excellency the Governor to Mr Speaker advising of assent to a Bill on 10 August 2007

PAPER TABLED BY SPEAKER – EXPENDITURE OF THE OFFICE OF THE SPEAKER

Mr Speaker tabled the following paper—

Statement for Public Disclosure – Expenditure of the Office of the Speaker of the Legislative Assembly for the period 10 October 2006 to 30 June 2007

PETITIONS

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

Mr Nicholls, from 216 petitioners, requesting the House to commence the Nielsens Road Interchange to enable left hand turning lanes from Hinkler Drive to Alexander Drive.

Mr Nicholls, from 124 petitioners, requesting the House to reconsider the intended closure of Exit 75, Elysium Road on the M1.

Mr Hobbs, from 930 petitioners, requesting the House to honour the in principal agreement to fund a full time Senior Breast Care Nurse position at Toowoomba.

Mr Hobbs, from 945 petitioners, requesting the House to ensure there is no reduction of services of the Flying Obstetrician and Gynaecologist based in Roma.

Mr Cripps, from 221 petitioners, requesting the House to allocate more teachers aide hours to prep classes in Queensland Schools.

Mr Gibson, from 381 petitioners, requesting the House to abandon plans for the Traveston Dam and consider alternative solutions.

PAPERS TABLED DURING THE RECESS

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

10 August 2007—

Select Committee on Travelsafe – Annual Report 2006-2007

Response from the Premier and Minister for Trade (Mr Beattie) to an E-petition (725-06) sponsored by Mr McNamara from 235 petitioners regarding the Oil Depletion Protocol

13 August 2007—

Report on an overseas visit by the Minister for Tourism, Fair Trading, Wine Industry Development and Women (Mrs Keech) titled *Report to the Queensland Parliament on Tourism Trade Mission to Malaysia 11-12 July 2007*

14 August 2007—

Report on an overseas visit by the Minister for Police and Corrective Services (Ms Spence) titled *Report on the Parliamentary Trade Delegation to Germany, Poland, Hungary, Czech Republic, Italy and Singapore led by The Honourable Judy Spence MP, Minister for Police and Corrective Services, 6-20 May 2007*

16 August 2007—

Response from the Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland (Mr Wallace) to a paper petition (796-07) presented by Mrs Stuckey from 95 petitioners regarding the making of valuations for rating and taxation purposes

17 August 2007—

Public Works Committee – Annual Report 2006–07

Report on an overseas visit by the Speaker (Mr Reynolds), titled *Report to Parliament by Honourable Mike Reynolds AM MP on travel to and attendance at the 38th CPA Presiding Officers and Clerks' Conference of the Australian and Pacific Region, Raratonga, Cook Islands, 7-14 July 2007*

Report by the Minister for Primary Industries and Fisheries (Mr Mulherin) pursuant to section 56A(4) of the *Statutory Instruments Act 1992* regarding the *Stock Regulation 1988*

Letter, dated 16 August 2007, from the Premier and Minister for Trade (Mr Beattie) to the Clerk of the Parliament enclosing a copy of a letter from the Commonwealth Parliament's Joint Standing Committee on Treaties listing proposed international treaty actions tabled in both houses of the Federal Parliament on 7 August 2007 and the National Interest Analyses for the proposed treaty actions listed

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Plant Protection Act 1989—

Plant Protection (Approved Sugarcane Varieties) Amendment Declaration (No. 2) 2007, No. 190

Government Owned Corporations Act 1993—

Government Owned Corporations (BACH Shares Transfer) Regulation 2007, No. 191

Prostitution Act 1999—

Prostitution Amendment Regulation (No. 1) 2007, No. 192 and Explanatory Notes and Regulatory Impact Statement for No. 192

Property Agents and Motor Dealers Act 2000—

Property Agents and Motor Dealers Amendment Regulation (No. 1) 2007, No. 193

Fair Trading Act 1989—

Fair Trading Amendment Regulation (No. 1) 2007, No. 194 and Explanatory Notes for No. 194

Local Government (Community Government Areas) Act 2004—

Local Government (Community Government Areas) Amendment Regulation (No. 3) 2007, No. 195

Local Government Act 1993—

Local Government Amendment Regulation (No. 1) 2007, No. 196

Superannuation (State Public Sector) Act 1990—

Superannuation (State Public Sector) Amendment Regulation (No. 1) 2007, No. 197

Government Owned Corporations Act 1993—

Government Owned Corporations (QPTC Restructure—Stage 1) Regulation 2007, No. 198

Transport Operations Legislation Amendment Act 2007—

Proclamation commencing remaining provisions, No. 199

State Penalties Enforcement Act 1999, Transport Operations (Passenger Transport) Act 1994, Transport Operations (Road Use Management) Act 1995, Transport Planning and Coordination Act

1994—

Transport Operations (Passenger Transport) and Other Legislation Amendment Regulation (No. 2) 2007, No. 200

Forestry Act 1959, Marine Parks Act 2004, Nature Conservation Act 1992, Police Powers and Responsibilities Act 2000, Recreation Areas Management Act 2006, State Penalties Enforcement Act 1999—

Recreation Areas Management Regulation 2007, No. 201 and Explanatory Notes and Regulatory Impact Statement for No. 201

Recreation Areas Management Act 1988—

Recreation Areas Management Amendment Regulation (No. 1) 2007, No. 202

Recreation Areas Management Act 2006—

Proclamation commencing certain provisions, No. 203

Nature Conservation Act 1992—

Nature Conservation Legislation Amendment Regulation (No. 1) 2007, No. 204

Nature Conservation (Protected Areas Management) Amendment Regulation (No. 2) 2007, No. 205

SPEAKER'S PAPER TABLED BY THE CLERK

The Clerk tabled the following Speaker's paper—

Speaker of the Queensland Parliament (Mr Reynolds)—

Replacement page to the report on an overseas visit by the Speaker (Mr Reynolds), titled *Report to Parliament by Honourable Mike Reynolds AM MP on travel to and attendance at the 38th CPA Presiding Officers and Clerks' Conference of the Australian and Pacific Region, Raratonga, Cook Islands, 7-14 July 2007*, tabled on 17 August 2007

MINISTERIAL STATEMENTS ([Record of Proceedings p.2627](#))

Ministerial statements were made.

Papers: Premier and Minister for Trade (Mr Beattie), during his statements, tabled the following papers—

Document titled *Department of the Premier and Cabinet – Ministerial Gifts Register – Gifts Received Over Threshold, 1 July 2006 to 30 June 2007*

Document, dated 20 August 2007, titled *Public Report of Ministerial Expenses – Independent Auditor's Report*

Public Report for Ministerial Expenses for the period 1 July 2006 to 30 June 2007

Statements continued.

Papers: Deputy Premier, Treasurer and Minister for Infrastructure (Ms Bligh), during her statements, tabled the following papers—

Report, dated August 2007, by the Commissioner of State Revenue to the Deputy Premier, Treasurer and Minister for Infrastructure titled *Summary of Findings of the Fuel Subsidy Task Force*

Document titled *Terms of Reference – Fuel Commission of Inquiry*

Document, dated August 2007, by the Queensland Treasury titled *Submission to the Australian Competition and Consumer Commission's Inquiry into the Price of Unleaded Petrol*

Statements continued.

Statements concluded.

NOTICE OF MOTION – AMENDMENT OF SESSIONAL ORDERS

Leader of the House (Mr Schwarten) gave notice that he will move – That the Sessional Orders of the 52nd Parliament be amended in accordance with the amendment circulated in my name, viz—.

AMENDMENT OF SESSIONAL ORDERS

1. In Sessional Order 1.(b) under 9.30am – 10.30am (each day)—, omit:
“Private Members' Bills (Introductions)”

- Private Members' Statements"
2. In Sessional Order 1.(b) omit:
 "11.30am – 1.00pm (Wednesday and Thursday)—
 Government Business"
 and insert:
 "11.30am – 12.00pm (Wednesday)—
 Private Members' Statements (Leader of the Opposition or nominee having first call)"
 "12.00pm – 1.00pm (Wednesday)—
 Government Business"
 "11.30am – 1.00pm (Thursday)—
 Government Business"
3. In the Heading to Sessional Order 3, omit:
 "Debate of"
4. Renumber Sessional Order 3.(1) as 3.(2) and renumber Sessional Order 3.(2) as 3.(3)
5. Insert new Sessional Order 3.(1):
 3.(1) A member who is not a Minister may introduce a Bill during time set aside in the Order of Business for Private Members' Statements. The time for a statement having expired, the member may incorporate the remainder of their second reading speech, so long as the speech has been shown to the Speaker in accordance with Standing Order 25(2)

REPORTS

Leader of the Opposition (Mr Seeney) tabled the following reports—

Independent Audit Report, dated 20 August 2007, titled *Public Report of Office Expenses for the Office of the Leader of the Opposition*
 Public Report of Office Expenses for the Office of the Leader of the Opposition for the periods 1 July 2006 to 12 September 2006 and 13 September 2006 to 30 June 2007

PUBLIC ACCOUNTS COMMITTEE – PAPER ([Record of Proceedings p.2640](#))

Chair of the Public Accounts Committee (Mr Hayward) tabled the following paper—

Public Accounts Committee—

Report No. 76 – Review of Auditor-General Report No. 2 for 2006 – Results of Performance Management Systems Audits of Government Owned Corporations' Performance Reporting

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. 8 of 2007

QUESTIONS WITHOUT NOTICE ([Record of Proceedings p.2641](#))

Questions without notice were asked.

Paper: Premier and Minister for Trade (Mr Beattie) tabled the following paper—

Copy of a media release, dated 20 August 2007, by Macarthur Coal titled *Redundancies at Coppabella Mine*

Questions continued.

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 the Premier be further heard.

Question put and agreed to.

Questions resumed.

And the Minister for Child Safety (Ms Boyle) having exhausted the time allocated for answering a question without notice—

MOTION – MINISTER BE FURTHER HEARD

Leader of the House (Mr Swarten) moved – That the Minister be further heard.
Question put and agreed to.

Questions resumed.
Questions concluded.

MATTERS OF PUBLIC INTEREST ([Record of Proceedings p.2652](#))

Matters of public interest were debated.

Paper: Mr Horan, during his speech, tabled the following paper—
Copy of a letter, dated 14 August 2007, from Dr Evan Jones, Conservation Officer, Queensland Game Fishing Association Inc, to the Minister for Environment and Multiculturalism (Ms Nelson-Carr), relating to the Moreton Bay Marine Park review

Debate continued.
Debate concluded.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN AMENDMENT BILL ([Record of Proceedings p.2663](#))

Premier and Minister for Trade (Mr Beattie) presented a Bill for an Act to amend the *Commission for Children and Young People and Child Guardian Act 2000* 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 Messenger moved – That the debate be now adjourned.
Question put and agreed to.

TERRORISM LEGISLATION AMENDMENT BILL ([Record of Proceedings p.2665](#))

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

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

Consideration in detail—

Clauses 1 to 46, as read, agreed to.

Schedule (Minor amendments)—

The following amendments, on behalf of Mr Beattie, were proposed by the Minister for Police and Corrective Services (Ms Spence)—

At page 39, line 13, '6(1)'—

omit, insert—

'6(2)'.
omit.

At page 41, lines 4 and 5—

omit.

Papers: Ms Spence, during her speech, tabled the following papers—
Explanatory Notes to Mr Beattie's amendments to the Terrorism Legislation Amendment Bill
Copy of an answer to a Question on Notice asked at Estimates Committee B on 11 July 2007

Debate continued.
Question – That Ms Spence's amendments be agreed to – put and agreed to.
Schedule, as amended, agreed to.

Consideration in detail completed—

Ms Spence moved – That the Bill, as amended, be now read a third time.

Question put and agreed to.

Bill, as amended, read a third time.

Ms Spence moved – That the long title of the Bill be agreed to.

Question put and agreed to.

DANGEROUS PRISONERS (SEXUAL OFFENDERS) AMENDMENT BILL ([Record of Proceedings p.2692](#))

Order of the day read for the adjourned debate on the motion of the Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland (Mr Shine) – That the Bill be now read a second time.

Debate ensued.

Question put

The House divided.

AYES 55—

Attwood	English	Jones	Mickel	Roberts	Wellington
Barry	Fenlon	Keech	Miller	Schwarten	Wells
Beattie	Finn *	Kiernan	Mulherin	Shine	Wendt
Bligh	Foley	Lavarch	Nelson-Carr	Smith	Wettenhall
Bombolas	Fraser	Lawlor	Nolan *	Spence	Wilson
Boyle	Gray	Lee	Palaszcuk	Sullivan	
Choi	Hayward	Lee Long	Pearce	Van Litsenburg	
Croft	Hinchliffe	Lucas	Pitt	Wallace	
Cunningham	Hoolihan	Male	Purcell	Weightman	
Darling	Jarratt	McNamara	Reilly	Welford	

NOES 21—

Copeland	Flegg	Horan	Malone	Seeney	Stuckey
Cripps	Gibson	Johnson	McArdle	Simpson	
Dempsey	Hobbs	Knuth	Messenger	Springborg	
Elmes *	Hopper	Langbroek	Nicholls	Stevens *	

*Tellers **

Question agreed to.

Bill read a second time.

Consideration in detail—

Clauses 1 and 2, as read, agreed to.

New Clauses 2A and 2B—

The following amendments were proposed by Mr McArdle—

At page 4, after line 7—

insert—

‘2A Insertion of new s 9AA

‘After section 9—

insert—

‘9AA Victim’s submission relating to division 3 order

‘(1) As soon as practicable after the court sets a date for the hearing of an application for a division 3 order, the Attorney-General must give written notice of the application and hearing date to the following eligible person—

- (a) subject to paragraph (b), the actual victim of the serious sexual offence for which the prisoner is serving a term or period of imprisonment;
- (b) if the victim is under 18 years or has a legal incapacity, the victim’s parent or guardian.

‘(2) The notice must invite the eligible person to give to the Attorney-General, before the date stated in the notice, a written submission stating—

- (a) the person’s views about any division 3 order or conditions of release to which the prisoner should be subject; and
- (b) any other matters prescribed under a regulation.

'(3) It is sufficient compliance with subsection (1) for the Attorney-General to give the notice to the eligible person at the eligible person's last-known address recorded in the eligible persons register.

'(4) The Attorney-General must place before the court for the hearing of the division 3 order any submission received from the eligible person before the hearing date.

'(5) For the purposes of this section, the chief executive (corrective services) is authorised, if requested by the Attorney-General, to give to the Attorney-General details of the eligible person's identity and contact details recorded in the eligible persons register.'.

At page 4, after line 7—

insert—

'2B Amendment of s 10 (Discontinuing application for division 3 order)

'Section 10—

insert—

'(4) If the Attorney-General received a submission from an eligible person in response to a notice given to the person under section 9AA, the Attorney-General must give the person written notice of the discontinuance of the application.'.

Debate ensued.

Question put – That Mr McArdle's amendments be agreed to – put and agreed to.

New Clause 2C—

The following amendment, by leave, was proposed by Mr Shine—

At page 4, after line 7—

insert—

'2C Amendment of s 13 (Division 3 orders)

'Section 13(5)(b), 'conditions'—

omit, insert—

'requirements'.

Debate ensued.

Question – That Mr Shine's amendment, as amended, be agreed to – put and agreed to.

Clause 3 (Amendment of s 16 (Conditions for supervised release))—

The following amendment was proposed by Mr McArdle—

At page 4, line 9—

omit, insert—

'(1) Section 16(1)—'.

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

Explanatory Notes to Mr McArdle's amendments to the Dangerous Prisoners (Sexual Offenders) Amendment Bill

Debate continued.

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

The House divided.

AYES 27—

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

NOES 50—

<i>Attwood</i>	<i>English</i>	<i>Jones</i>	<i>Mickel</i>	<i>Roberts</i>	<i>Welford</i>
<i>Barry</i>	<i>Fenlon</i>	<i>Keech</i>	<i>Miller</i>	<i>Schwarten</i>	<i>Wells</i>
<i>Beattie</i>	<i>Finn *</i>	<i>Kiernan</i>	<i>Mulherin</i>	<i>Shine</i>	<i>Wendt</i>
<i>Bligh</i>	<i>Fraser</i>	<i>Lavarch</i>	<i>Nelson-Carr</i>	<i>Smith</i>	<i>Wettenhall</i>
<i>Bombolas</i>	<i>Gray</i>	<i>Lawlor</i>	<i>Nolan</i>	<i>Spence</i>	<i>Wilson</i>
<i>Boyle</i>	<i>Hayward</i>	<i>Lee</i>	<i>Palaszczuk</i>	<i>Sullivan</i>	
<i>Choi</i>	<i>Hinchliffe</i>	<i>Lucas</i>	<i>Pearce</i>	<i>Van Litsenburg</i>	
<i>Croft</i>	<i>Hoolihan</i>	<i>Male *</i>	<i>Purcell</i>	<i>Wallace</i>	
<i>Darling</i>	<i>Jarratt</i>	<i>McNamara</i>	<i>Reilly</i>	<i>Weightman</i>	

*Tellers **

Question negated.

The following amendment was proposed by Mr Shine—

At page 4, lines 9 to 12—

omit, insert—

‘(1) Section 16, heading, ‘Conditions’—

omit, insert—

‘Requirements’.

‘(2) Section 16(1)—

insert—

‘(da) comply with a curfew direction or monitoring direction; and

(db) comply with every reasonable direction of a corrective services officer; and’.

‘(3) Section 16(2), ‘order’, second mention—

omit, insert—

‘requirement’.

‘(4) Section 16(2)(a), examples, ‘an order’—

omit, insert—

‘a requirement’.

Debate ensued.

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

The House divided.

AYES 51—

Attwood	Fenlon	Keech	Mulherin	Reilly	Van Litsenburg
Barry	Finn	Kiernan	Nelson–Carr	Roberts	Wallace
Bligh	Fraser	Lavarch	Nolan *	Schwarten	Weightman
Bombolas	Gray	Lawlor	O’Brien	Shine	Wells
Boyle	Hayward	Lee	Palaszczuk	Smith	Wendt
Choi	Hinchliffe	Male *	Pearce	Spence	Wettenhall
Croft	Hoolihan	McNamara	Pitt	Stone	
Cunningham	Jarratt	Miller	Purcell	Struthers	
English	Jones	Moorhead	Reeves	Sullivan	

NOES 25—

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

Tellers *

Question agreed to.

The following amendment was proposed by Mr McArdle—

At page 4, after line 12—

insert—

‘(db) not leave a stated place between stated hours whether of the day, night or day and night; and

(dc) wear a monitoring device fitted to the prisoner under section 17A; and

(dd) permit any associated monitoring equipment to be installed, as directed by a corrective services officer, at the place where the prisoner resides; and’.

‘(2) Section 16(2)(a), third dot point—

omit.’.

Debate ensued.

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

The House divided.

AYES 25—

<i>Copeland</i>	<i>Gibson</i>	<i>Knuth</i>	<i>McArdle</i>	<i>Simpson</i>
<i>Cripps</i>	<i>Hobbs</i>	<i>Langbroek</i>	<i>Menkens</i>	<i>Springborg</i>
<i>Dempsey</i>	<i>Hopper</i>	<i>Lee Long</i>	<i>Messenger</i>	<i>Stevens *</i>
<i>Elmes *</i>	<i>Horan</i>	<i>Lingard</i>	<i>Nicholls</i>	<i>Stuckey</i>
<i>Flegg</i>	<i>Johnson</i>	<i>Malone</i>	<i>Seeney</i>	<i>Wellington</i>

NOES 52—

<i>Attwood</i>	<i>Fenlon</i>	<i>Keech</i>	<i>Mulherin</i>	<i>Reilly</i>	<i>Van Litsenburg</i>
<i>Barry</i>	<i>Finn</i>	<i>Kieman</i>	<i>Nelson–Carr</i>	<i>Roberts</i>	<i>Wallace</i>
<i>Bligh</i>	<i>Fraser</i>	<i>Lavarch</i>	<i>Nolan *</i>	<i>Schwarten</i>	<i>Weightman</i>
<i>Bombolas</i>	<i>Gray</i>	<i>Lawlor</i>	<i>O'Brien</i>	<i>Shine</i>	<i>Welford</i>
<i>Boyle</i>	<i>Hayward</i>	<i>Lee</i>	<i>Palaszczuk</i>	<i>Smith</i>	<i>Wells</i>
<i>Choi</i>	<i>Hinchliffe</i>	<i>Male *</i>	<i>Pearce</i>	<i>Spence</i>	<i>Wendt</i>
<i>Croft</i>	<i>Hoolihan</i>	<i>McNamara</i>	<i>Pitt</i>	<i>Stone</i>	<i>Wettenhall</i>
<i>Cunningham</i>	<i>Jarratt</i>	<i>Miller</i>	<i>Purcell</i>	<i>Struthers</i>	
<i>English</i>	<i>Jones</i>	<i>Moorhead</i>	<i>Reeves</i>	<i>Sullivan</i>	

Tellers *

Question negated.

Clause 3, as amended, agreed to.

New Clause 3A—

The following amendment was proposed by Mr McArdle—

At page 4, after line 12—

insert—

‘3A Insertion of new pt 2, div 3D**‘Part 2—**

insert—

Division 3D Monitoring released prisoners**‘17A Fitting of monitoring device**

‘As soon as practicable after a supervision order or interim supervision order is made for a prisoner, or is amended to contain the requirements mentioned in section 16(1)(db) to (dd), the chief executive must arrange for—

- (a) the released prisoner to be fitted with a device for monitoring the released prisoner’s location (monitoring device) at all times during the period of the order; and
- (b) any associated monitoring equipment to be installed, during the period of the order, at the place where the prisoner resides.

‘17B Removal of monitoring device

‘(1) This section applies if a released prisoner is fitted with a monitoring device.

‘(2) Immediately after the period of the released prisoner’s supervision order or interim supervision order ends, the chief executive must arrange for—

- (a) the monitoring device to be removed from the released prisoner; and
- (b) any associated monitoring equipment to be removed from the place where the released prisoner resides or resided.

‘17C Damaging monitoring device or equipment

‘A released prisoner who is fitted with a monitoring device must not damage the device or any associated monitoring equipment.

Editor’s note—

See the Criminal Code, section 469 for the offence of wilful damage to property.’.

Debate ensued.

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

The House divided.

AYES 27—

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

NOES 51—

Attwood	Fenlon	Keech	Mulherin	Reilly	Van Litsenburg
Barry	Finn	Kiernan	Nelson–Carr	Roberts	Wallace
Beattie	Fraser	Lavarch	Nolan *	Schwarten	Weightman
Bligh	Gray	Lawlor	O'Brien	Shine	Welford
Bombolas	Hayward	Lee	Palaszczyk	Smith	Wendt
Boyle	Hinchliffe	Male *	Pearce	Spence	Wettenhall
Choi	Hoolihan	McNamara	Pitt	Stone	
Croft	Jarratt	Miller	Purcell	Struthers	
Darling	Jones	Moorhead	Reeves	Sullivan	

Tellers *

Question negatived.

New Clauses 3A to 3C—

The following amendments were proposed by Mr Shine—

At page 4, after line 12—

insert—

'3A Insertion of new s 16A

'Part 2, division 3B—

insert—

'16A Curfew and monitoring directions

'(1) The purpose of this section is to enable the movements of a released prisoner to be restricted and to enable the location of the released prisoner to be monitored.

'(2) A corrective services officer may give 1 or both of the following directions to the released prisoner—

(a) a direction to remain at a stated place for stated periods (**curfew direction**);

Example—

a direction to remain at the released prisoner's place of residence from 2.30p.m. to 7.00p.m. on school days, if the prisoner is not required to be at a place of employment during these hours

(b) a direction to do 1 or both of the following (**monitoring direction**)—

(i) wear a stated device;

(ii) permit the installation of any device or equipment at the place where the released prisoner resides.

'(3) A corrective services officer may give any reasonable directions to a released prisoner that are necessary for the proper administration of a curfew direction or monitoring direction.

'(4) This section and section 16(1)(da) do not limit section 16(1)(db).'. '

At page 4, after line 12, after clause 3A as previously inserted—

insert—

'3B Amendment of s 19 (Amendment of conditions of supervision order or interim supervision order)

'(1) Section 19, 'conditions'—

omit, insert—

'requirements'.

'(2) Section 19—

insert—

'(3) If the court amends the requirements on an application made by the chief executive, the court must also amend the supervision order or interim supervision order to include the requirements mentioned in section 16(1)(da) and (db), if the order does not already include the requirements.

'(4) To the extent the supervision order or interim supervision order includes a requirement mentioned in section 16(1), the order can not be amended under this section in relation to the requirement.'. '

At page 4, after line 12, after clause 3B as previously inserted—

insert—

'3C Insertion of new s 19A

'Part 2, division 4—

insert—

'19A Removal or reinstatement of requirement to comply with curfew direction or monitoring direction

- '(1) This section applies to a requirement of a supervision order or interim supervision order that a released prisoner comply with a curfew direction or monitoring direction.
- '(2) The court may, on application by the released prisoner, remove the requirement if the released prisoner satisfies the court on the balance of probabilities that the adequate protection of the community can be ensured without the requirement.
- '(3) An application under subsection (2) may only be made—
 - (a) for the first time, after 2 years from the date the requirement was included in the order; or
 - (b) if paragraph (a) does not apply, after 1 year from the date an application by the released prisoner under this section was last decided.
- '(4) At the hearing of the application, the chief executive may place before the court evidence of the released prisoner's compliance, or noncompliance, with the order.
- '(5) The court must have regard to the evidence placed before it under subsection (4) in considering whether the adequate protection of the community can be ensured without the requirement.
- '(6) The court may, on application made at any time by the chief executive with the Attorney-General's consent, reinstate a requirement of a supervision order or interim supervision order removed under this section.'.

Paper. Mr Shine, during his speech, tabled the following paper—

Explanatory Notes to Mr Shine's amendments to the Dangerous Prisoners (Sexual Offenders) Amendment Bill

Debate ensued.

Question – That Mr Shine's amendments be agreed to – put and agreed to.

Clause 4 (Amendment of s 20 (Summons or warrant for released prisoner suspected of contravening a supervision order or interim supervision order))—

The following amendment was proposed by Mr Shine—

At page 4, after line 18—

insert—

'(1A) Section 20(1), 'condition'—

omit, insert—

'requirement'.'. .

Debate ensued.

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

Clause 4, as amended, agreed to.

Clause 5 (Replacement of s 21 (Contravention of supervision order or interim supervision order))

The following amendment was proposed by Mr Shine—

At page 6, lines 24 and 25—

omit, insert—

'the **existing order**) as amended under subsection (7).

'(7) For subsection (6), the court—

- (a) must amend the existing order to include the requirements mentioned in section 16(1)(da) and (db), if the existing order does not already include the requirements; and
- (b) may amend the existing order to include any other requirements the court considers appropriate to ensure adequate protection of the community.'.

Debate ensued.

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

Clause 5, as amended, agreed to.

New Clause 5A—

The following amendment was proposed by Mr McArdle—

At page 6, after line 25—

insert—

'5A Insertion of new s 21A

'After section 21—

insert—

'21A Victim's submission relating to further order

- '(1) As soon as practicable after the court sets a date for the hearing for making its final decision under section 22 in relation to the prisoner, the Attorney-General must give written notice of the issue of the warrant and hearing date to the following eligible person—

- (a) subject to paragraph (b), the actual victim of the serious sexual offence for which the prisoner is serving a term or period of imprisonment;
- (b) if the victim is under 18 years or has a legal incapacity, the victim's parent or guardian.
- '(2) The notice must invite the eligible person to give to the Attorney-General, before the date stated in the notice, a written submission stating—
 - (a) the person's views about any further order or conditions of release to which the prisoner should be subject; and
 - (b) any other matters prescribed under a regulation.
- '(3) It is sufficient compliance with subsection (1) for the Attorney-General to give the notice to the eligible person at the eligible person's last-known address recorded in the eligible persons register.
- '(4) The Attorney-General must place before the court for the hearing of the division 3 order any submission received from the eligible person before the hearing date.
- '(5) For the purposes of this section, the chief executive (corrective services) is authorised, if requested by the Attorney-General, to give to the Attorney-General details of the eligible person's identity and contact details recorded in the eligible persons register.'.

The following amendment to the above amendment was moved by Mr McArdle—

In 21A(1)(a), after 'the' first occurring—

insert—

'person mentioned in section 9AA(1)(a) as the'.

In 21A(1)(a), after 'prisoner' first occurring—

Delete 'is', insert 'was'.

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

Proposed amendment to Mr McArdle's amendment No. 6

Debate continued.

Question – That Mr McArdle's proposed amendment to his amendment No. 6 be agreed to – put and agreed to.

Question – That Mr McArdle's amendment No. 6, as amended, be agreed to – put and agreed to.

Clause 6 (Amendment of s 22 (Court may make further order))—

The following amendment was proposed by Mr Shine—

At page 6, lines 26 to 33 and page 7, lines 1 to 35—

omit, insert—

'6 Replacement of s 22 (Court may make further order)

'Section 22—

omit, insert—

'22 Court may make further order

- '(1) The following subsections apply if the court is satisfied, on the balance of probabilities, that the released prisoner is likely to contravene, is contravening, or has contravened, a requirement of the supervision order or interim supervision order (each the **existing order**).
- '(2) Unless the released prisoner satisfies the court, on the balance of probabilities, that the adequate protection of the community can, despite the contravention or likely contravention of the existing order, be ensured by the existing order as amended under subsection (7), the court must—
 - (a) if the existing order is a supervision order, rescind it and make a continuing detention order; or
 - (b) if the existing order is an interim supervision order, rescind it and make an order that the released prisoner be detained in custody for the period stated in the order.
- '(3) For the purpose of deciding whether to make a continuing detention order as mentioned in subsection (2)(a), the court may do any or all of the following—
 - (a) act on any evidence before it or that was before the court when the existing order was made;
 - (b) make any order necessary to enable evidence of a kind mentioned in section 13(4) to be brought before it, including an order in the nature of a risk assessment order.
- '(4) To remove any doubt, it is declared that the court need not make an order in the nature of a risk assessment order if the court is satisfied that the evidence otherwise available under subsection (3) is sufficient to make a decision under subsection (2)(a).

- '(5) If the court makes an order in the nature of a risk assessment order, the psychiatrist or each psychiatrist examining the released prisoner must prepare a report about the released prisoner and, for that purpose, section 11 applies.
- '(6) For applying section 11 to the preparation of the report—
- (a) section 11(2) applies with the necessary changes; and
 - (b) section 11(3) only applies to the extent that a report or information mentioned in the subsection has not previously been given to the psychiatrist.
- '(7) If the released prisoner satisfies the court, on the balance of probabilities, that the adequate protection of the community can, despite the contravention or likely contravention of the existing order, be ensured by a supervision order or interim supervision order, the court—
- (a) must amend the existing order to include the requirements mentioned in section 16(1)(da) and (db), if the existing order does not already include the requirements; and
 - (b) may otherwise amend the existing order in a way the court considers appropriate—
 - (i) to ensure adequate protection of the community; or
 - (ii) for the prisoner's rehabilitation or care or treatment.
- '(8) The existing order may not be amended under subsection (7)(b) so as to remove any requirements mentioned in section 16(1).'.'

Debate ensued.

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

Clause 6, as amended, agreed to.

Clauses 7 and 8, as read, agreed to.

New Clause 8A and 8B—

The following amendments were proposed by Mr Shine—

'8A Amendment of s 30 (Review hearing)

'Section 30—

insert—

'(4A) If the court makes the order under subsection (3)(b), the supervision order must include the requirements mentioned in section 16(1)(da) and (db).'.'

At page 8, after line 25, after clause 8A as previously inserted—

insert—

'8B Amendment of s 31 (Appeals)

'Section 31, after 'a decision'—

insert—

'of the court'.'.'

Debate ensued.

Question – That Mr Shine's amendments be agreed to – put and agreed to.

Clause 9 (Insertion of new s 43B)—

The following amendment was proposed by Mr Shine—

At page 9, line 5, 'condition'—

omit, insert—

'requirement'.

Debate ensued.

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

The House divided.

AYES 53—

Attwood	English	Jones	Mulherin	Reilly	Van Litsenburg
Barry	Fenlon	Keech	Nelson–Carr	Roberts	Wallace
Beattie	Finn *	Kiernan	Nolan	Schwarten	Weightman
Bombolas	Fraser	Lavarch	O'Brien	Shine	Welford
Boyle	Gray	Lawlor	Palaszczyk	Smith	Wellington
Choi	Hayward	Lee	Pearce	Spence	Wendt
Croft	Hinchliffe	Male *	Pitt	Stone	Wettenhall
Cunningham	Hoolihan	McNamara	Purcell	Struthers	Wilson
Darling	Jarratt	Miller	Reeves	Sullivan	

NOES 24—

<i>Copeland</i>	<i>Flegg</i>	<i>Horan</i>	<i>Lee Long</i>	<i>Menkens</i>	<i>Simpson</i>
<i>Cripps</i>	<i>Gibson</i>	<i>Johnson</i>	<i>Lingard</i>	<i>Messenger</i>	<i>Springborg</i>
<i>Dempsey</i>	<i>Hobbs</i>	<i>Knuth</i>	<i>Malone</i>	<i>Nicholls</i>	<i>Stevens *</i>
<i>Elmes *</i>	<i>Hopper</i>	<i>Langbroek</i>	<i>McArdle</i>	<i>Seeney</i>	<i>Stuckey</i>

*Tellers **

Question agreed to.

Clause 9, as amended, agreed to.

Clauses 10 and 11, as read, agreed to.

Clause 12 (Insertion of new pt 7)

The following amendment was proposed by Mr Shine—

At page 10, lines 23 to 27—

omit, insert—

‘(1) Section 16(1)(da) and (db) do not apply to a supervision order or interim supervision order that is in force at the commencement (the existing order), unless the court amends the requirements of the existing order to include the requirements stated in the paragraphs.

‘(1A) Without limiting the *Acts Interpretation Act 1954*, section 20, the repeal and re-enactment of section 22 does not affect any order made under section 22 before its repeal.’.

Debate ensued.

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

Clause 12, as amended, agreed to.

Clause 13 (Amendment of schedule (Dictionary))—

The following amendment was proposed by Mr McArdle—

At page 11, after line 1—

insert—

‘(1) Schedule—

insert—

eligible person means a person registered as an eligible person in relation to the prisoner on the eligible persons register.

eligible persons register means the eligible persons register kept under the *Corrective Services Act 2006*.

‘(2)’.

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

Document titled *Mr McArdle's Revised Amendment 10 to Clause 13*

Debate ensued.

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

The following amendments were proposed by Mr Shine—

At page 11, after line 1—

insert—

‘(1) Schedule—

insert—

curfew direction see section 16A(2)(a).

monitoring direction see section 16A(2)(b).

requirement, of an order, includes—

(a) a condition, including a condition of an order made before the commencement of the *Dangerous Prisoners (Sexual Offenders) Amendment Act 2007*; and

(b) a provision of an order made before the commencement of that Act under section 16(2) or 22(1) as in force at any time before the commencement of that Act.

At page 11, line 5—

omit, insert—

‘21(2)(a) or 22(2)(b)’.

Debate ensued.

Question – That Mr Shine's amendments be agreed to – put and agreed to.

Clause 13, as amended, agreed to.

Consideration in detail completed—

Mr Shine moved – That the Bill, as amended, be now read a third time.

Question put and agreed to.

Bill, as amended, read a third time.

Mr Shine moved – That the long title of the Bill be agreed to.

Question put and agreed to.

ADJOURNMENT ([Record of Proceedings p.2718](#))

Acting Leader of the House (Mr Shine) moved – That the House do now adjourn.

Debate ensued.

Question put and agreed to.

The House adjourned at 10.04 pm.

ATTENDANCE

The following Members were present—

<i>Attwood</i>	<i>Fenlon</i>	<i>Jones</i>	<i>Menkens</i>	<i>Reilly</i>	<i>Struthers</i>
<i>Barry</i>	<i>Finn</i>	<i>Keech</i>	<i>Messenger</i>	<i>Reynolds</i>	<i>Stuckey</i>
<i>Beattie</i>	<i>Flegg</i>	<i>Kiernan</i>	<i>Mickel</i>	<i>Rickuss</i>	<i>Sullivan</i>
<i>Bligh</i>	<i>Foley</i>	<i>Knuth</i>	<i>Miller</i>	<i>Roberts</i>	<i>Van Litsenburg</i>
<i>Bombolas</i>	<i>Fraser</i>	<i>Langbroek</i>	<i>Moorhead</i>	<i>Robertson</i>	<i>Wallace</i>
<i>Boyle</i>	<i>Gibson</i>	<i>Lavarch</i>	<i>Mulherin</i>	<i>Schwarten</i>	<i>Weightman</i>
<i>Choi</i>	<i>Gray</i>	<i>Lawlor</i>	<i>Nelson–Carr</i>	<i>Scott</i>	<i>Welford</i>
<i>Copeland</i>	<i>Hayward</i>	<i>Lee</i>	<i>Nicholls</i>	<i>Seeney</i>	<i>Wellington</i>
<i>Cripps</i>	<i>Hinchliffe</i>	<i>Lee Long</i>	<i>Nolan</i>	<i>Shine</i>	<i>Wells</i>
<i>Croft</i>	<i>Hobbs</i>	<i>Lingard</i>	<i>O'Brien</i>	<i>Simpson</i>	<i>Wendt</i>
<i>Cunningham</i>	<i>Hoolihan</i>	<i>Lucas</i>	<i>Palaszcuk</i>	<i>Smith</i>	<i>Wettenhall</i>
<i>Darling</i>	<i>Hopper</i>	<i>Male</i>	<i>Pearce</i>	<i>Spence</i>	<i>Wilson</i>
<i>Dempsey</i>	<i>Horan</i>	<i>Malone</i>	<i>Pitt</i>	<i>Springborg</i>	
<i>Elmes</i>	<i>Jarratt</i>	<i>McArdle</i>	<i>Purcell</i>	<i>Stevens</i>	
<i>English</i>	<i>Johnson</i>	<i>McNamara</i>	<i>Reeves</i>	<i>Stone</i>	

M F REYNOLDS
SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT