

	LEGISLATIVE ASSEMBLY OF QUEENSLAND 1ST SESSION OF THE 52ND PARLIAMENT
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VOTES AND PROCEEDINGS

NO. 38 – TUESDAY, 4 SEPTEMBER 2007

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ABSENCE OF THE SPEAKER

The Clerk informed the House of the unavoidable absence of Mr Speaker and advised that the Deputy Speaker (Mr J M English) will take the Chair as Acting Speaker.

The Honourable Member for Keppel was nominated by Mr Acting Speaker as Deputy Speaker.

MEETING OF THE ASSEMBLY

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

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

PETITIONS

The following paper petition, lodged with the Clerk by the Member indicated, was received—

Mr Moorhead, from 79 petitioners, requesting the House to release the findings of the Service Delivery and Performance Commission to AMWU and QPSU representatives, before the matter is taken to the Cabinet Budget Review Committee.

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

Ms Stuckey, from 68 petitioners, requesting the House to return the 30 metres of rock wall to the groyne at Kirra and to renegotiate the Queensland / New South Wales sand bypass project.

Mr Weightman, from 1,148 petitioners, requesting the House to repeal the deadline and defer determination, of the State Government Local Growth Management Strategy.

PAPERS TABLED DURING THE RECESS

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

24 August 2007—

Interim Government Response from the Premier and Minister for Trade (Mr Beattie) to Public Accounts Committee Report No. 74 titled *Review of Auditor-General Report 6 for 2006 – Results of Performance Management Systems Audit of Workforce Planning at Departments of Education and Health*

Response from the Minister for Police and Corrective Services (Ms Spence) to paper petitions (824-07 and 844-07) presented by Mr Wellington from 199 and 38 petitioners respectively regarding the condition of Eumundi – Kenilworth Road

Response from the Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland (Mr Wallace) to two E-petitions (783-07 and 797-07) sponsored by Miss Simpson from 149 and 52 petitioners respectively, and one paper petition (828-07) presented by Miss Simpson from 2218 petitioners, regarding the Mooloolaba Spit Futures Study and opposition to the use of Crown land on the Spit for development of high rise buildings

28 August 2007—

Legal, Constitutional and Administrative Review Committee Report No. 60 – Annual Report 2006-07

29 August 2007—

Response from the Minister for Transport and Main Roads (Mr Lucas) to a paper petition (821-07) presented by Ms Spence from 29 petitioners regarding the Altandi to Kuraby rail upgrade
Report for the Minister for Communities prepared by the Department of Communities (Office for Children), pursuant to s 172(2) of the *Child Care Act 2002*, titled *Qualifications Review: Results of consultation and review of the qualifications provisions for licensed child care services in Queensland*

3 September 2007—

Response from the Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland (Mr Wallace) to a paper petition (860-07) presented by Mr Hobbs from 30 petitioners regarding freehold land rights

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

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 (Refer to Tabled Document 1931: replacement Recreation Areas Management Regulation 2007, No. 201)

Statutory Instruments Act 1992—

Statutory Instruments Amendment Regulation (No. 2) 2007, No. 206

Queensland Competition Authority Act 1997—

Queensland Competition Authority Regulation 2007, No. 207

Financial Intermediaries Act 1996—

Financial Intermediaries Regulation 2007, No. 208

Statutory Bodies Financial Arrangements Act 1982—

Statutory Bodies Financial Arrangements Regulation 2007, No. 209

Casino Control Act 1982, Charitable and Non-Profit Gaming Act 1999, Gaming Machine Act 1991, Interactive Gambling (Player Protection) Act 1998, Lotteries Act 1997, Wagering Act 1998—

Gambling Legislation Amendment Regulation (No. 2) 2007, No. 210

Keno Act 1996—

Keno Regulation 2007, No. 211

Exotic Diseases in Animals Act 1981—

Exotic Diseases in Animals (Equine Influenza—Standstill Zone) Notice 2007, No. 212

Public Service Act 1996—

Public Service Regulation 2007, No. 213

Government Owned Corporations Act 1993—

Government Owned Corporations (QPTC Restructure—Stage 2) Regulation 2007, No. 214

Evidence Act 1977—

Evidence Regulation 2007, No. 215

Public Trustee Act 1978—

Public Trustee Amendment Regulation (No. 5) 2007, No. 216

Environmental Protection Act 1994, Pastoral Workers' Accommodation Act 1980—

Environmental Protection Legislation Amendment and Repeal Regulation (No. 1) 2007, No. 217

Local Government Act 1993—

Local Government (Workforce Transition Code of Practice) Notice 2007, No. 218

Local Government Amendment Regulation (No. 2) 2007, No. 219

REPORT TABLED BY THE CLERK

The following report was tabled by The Clerk—

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

Statute Law (Miscellaneous Provisions) Bill 2006

Amendments made to Bill

Short title and consequential references to short title—

Omit—

'Statute Law (Miscellaneous Provisions) Act 2006'

Insert—

'Statute Law (Miscellaneous Provisions) Act 2007'.

MINISTERIAL STATEMENTS ([Record of Proceedings p.2910](#))

Ministerial statements were made.

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

Document titled *Hospital Staffing Numbers – Queensland Health payroll database*

Statements continued.

Papers: Minister for Local Government, Planning and Sport (Mr Fraser), during his statement, tabled the following papers—

Copy of a letter, dated 11 May 2005, from the Minister for Public Works, Housing and Racing (Mr Schwarten) to the Federal Minister for Agriculture, Fisheries and Forestry (Mr Truss) relating to post-arrival inspection of imported horses

Copy of a letter, dated 17 June 2005, from the Federal Minister for Agriculture, Fisheries and Forestry (Mr Truss) to the Minister for Public Works, Housing and Racing (Mr Schwarten) relating to post-arrival inspection of imported horses

Copy of a letter, dated 24 September 2004, from the Chairman of the Australian Racing Board Limited (Mr Andrew Ramsden) to the Federal Minister for Agriculture, Fisheries and Forestry (The Hon Warren Truss MP) relating to post-arrival inspection of imported horses

Copy of a letter, dated 6 May 2005, from the Chairman of the Australian Racing Board Limited (Mr Andrew Ramsden) to the Federal Minister for Agriculture, Fisheries and Forestry (Mr Truss) relating to post-arrival inspection of imported horse

Statements continued.

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

Copy of a press release by Serco, dated 4 September 2007, titled *Serco wins Borallon Correctional Centre management contract*

Statements continued.

Distinguished visitor—

Mr Acting Speaker informed the House of the presence in the Gallery of Ms Heidi Victoria, MP, Member of the Victorian Parliament.

Statements continued.

Statements concluded.

MOTION WITHOUT NOTICE – HOURS AND ORDER OF BUSINESS FOR TODAY

Leader of the House (Mr Schwarten), by leave, moved – That notwithstanding anything contained in Sessional Orders, for this day's sitting General Business is to take precedence from 7.30 pm this evening in lieu of Government Business.

Question put and agreed to.

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 2007

NOTICE OF MOTION – DISALLOWANCE OF STATUTORY INSTRUMENT

Mr Hobbs gave notice that he will move – That the Local Government Amendment Regulation (No. 2) 2007 (Subordinate Legislation No. 219 of 2007) tabled in the Parliament on 4 September 2007, be disallowed because on legal advice I believe the regulation is invalid.

QUESTIONS WITHOUT NOTICE ([Record of Proceedings p.2926](#))

Questions without notice were asked.

Paper: Leader of the Liberal Party (Dr Flegg) tabled the following paper—
Document titled *State Government Funded Anti-WorkChoices Initiative*

Questions continued.

Papers: Premier and Minister for Trade (Mr Beattie) tabled the following papers—
Bundle of documents from the Australian Government relating to drugs and young people
Copy of an article from the *Gold Coast Bulletin*, dated 4 September 2007, titled *A machine mans the office after Flegg takes some flak*
Document titled *Ambulances*

Questions continued.

Paper: Mr Wellington tabled the following paper—
Bundle of documents relating to Montville and iconic status

Questions continued.

Paper: Minister for Child Safety (Ms Boyle) tabled the following paper—
Copy of a letter, dated 22 August 2007, from the Executive Director of Foster Care Queensland to the Member for Currumbin relating to statements made by the Member

Questions continued.

Questions concluded.

ACTING SPEAKER'S RULING – PROCEDURE – AMENDMENT TO NOTICE OF MOTION

Mr Acting Speaker made the following ruling—

'Honourable Members—

Earlier today, the Member for Warrego gave notice of a motion of disallowance.

A motion of disallowance, if accepted by the House, is not a mere resolution expressing an opinion of the House. Such a motion, if accepted, expresses the will of the House and becomes an Order of the House because it will have legal effect.

It is, therefore, important that the terms of such a motion be clear and concise.

The proper place to argue the reasons of the case for the motion is in the debate on the motion, not in the motion itself.

The last ten words of the notice of motion are not only unnecessary, but essentially express the Member's legal advice, own view and essentially his argument as to why the disallowance should occur. This is a matter more properly reserved for the debate on the motion.

If the Member wished the House to note the legal advice, the notice of motion should have been drafted differently.

Pursuant to Standing Order 70, I have directed that the last ten words of the notice of motion be omitted.'

MATTERS OF PUBLIC INTEREST ([Record of Proceedings p.2938](#))

Matters of public interest were debated.

Paper: Mr Elmes, during his speech, tabled the following paper—
Symbolic document relating to council amalgamations titled *Declaration of War*

Debate continued.

Debate concluded.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN AMENDMENT BILL ([Record of Proceedings p.2949](#))

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.

Paper: Mr Dempsey, during his speech, tabled the following paper—
Non-conforming petition in relation to dangerous sexual offenders

Debate continued.

Question put and agreed to.

Bill read a second time.

Consideration in detail—

Clauses 1 to 6, as read, agreed to.

Consideration in detail completed—

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

Question put and agreed to.

Bill read a third time.

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

Question put and agreed to.

ENVIRONMENTAL PROTECTION AMENDMENT BILL ([Record of Proceedings p.2968](#))

Order of the day read for the adjourned debate on the motion of the Minister for Environment and Multiculturalism (Ms Nelson-Carr) – That the Bill be now read a second time.

Debate ensued.

Debate adjourned on the motion of Mr Messenger.

CIVIL LIABILITY (GOOD SAMARITAN) AMENDMENT BILL ([Record of Proceedings p.2990](#))

Order of the day read for the adjourned debate on the motion of the Leader of the Opposition (Mr Seeney) – That the Bill be now read a second time.

Debate ensued.

Question put.

The House divided.

AYES 27—

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

NOES 51—

<i>Attwood</i>	<i>Hayward</i>	<i>Lee</i>	<i>Nolan</i>	<i>Robertson</i>	<i>Wallace</i>
<i>Bombolas</i>	<i>Hinchliffe</i>	<i>Lucas</i>	<i>O'Brien</i>	<i>Schwarten</i>	<i>Weightman</i>
<i>Boyle</i>	<i>Hoolihan</i>	<i>Male *</i>	<i>Palaszczyk</i>	<i>Shine</i>	<i>Welford</i>
<i>Choi</i>	<i>Jarratt</i>	<i>McNamara</i>	<i>Pearce</i>	<i>Smith</i>	<i>Wendt</i>
<i>Darling</i>	<i>Jones</i>	<i>Mickel</i>	<i>Pitt</i>	<i>Spence</i>	<i>Wettenhall</i>
<i>Fenlon</i>	<i>Keech</i>	<i>Miller</i>	<i>Purcell</i>	<i>Stone</i>	<i>Wilson</i>
<i>Finn *</i>	<i>Kiernan</i>	<i>Moorhead</i>	<i>Reeves</i>	<i>Struthers</i>	
<i>Fraser</i>	<i>Lavarch</i>	<i>Mulherin</i>	<i>Reilly</i>	<i>Sullivan</i>	
<i>Gray</i>	<i>Lawlor</i>	<i>Nelson-Carr</i>	<i>Roberts</i>	<i>Van Litsenburg</i>	

*Tellers **

Question negated.

ACTING SPEAKER'S STATEMENT – PROTESTS IN THE PRECINCT

Mr Acting Speaker made the following statement—

'Honourable Members—

On 24 May and 5 June this year, Mr Speaker made statements about protests in the precinct, indignity to the precinct and the Parliament and the involvement of Members in such activities.

Mr Speaker stated, in part:

"It is the undoubted right of Queenslanders to peacefully protest and I support the right of peaceful protest and the right of Members to engage with protesters. However, that should not extend to any action that is an indignity to the precinct

...

Members involved in a protest cannot hide behind the actions of protesters when they are taking clear advantage of the same actions for a “media grab”.

Importantly, Members have a high duty to maintain the dignity of this House and its precinct. Members should use their best endeavours to ensure no indignity to the House or precinct occurs and not simply stand idly by waiting for an opportunity to gain politically.”

It has been reported to me that today, in breach of Speaker's By-Laws, a protest did occur in the precinct and Members may have been involved in that protest.

I intend to take no action at this time, but to remind all Honourable Members in the strongest possible terms of Mr Speaker's statement.'

ADJOURNMENT ([Record of Proceedings p.3001](#))

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

Debate ensued.

Question put and agreed to.

The House adjourned at 9.27 pm.

ATTENDANCE

The following Members were present—

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

J M ENGLISH
ACTING SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT