MEETING OF THE ASSEMBLY ......................................................................................................... 484
SPEAKER’S STATEMENT – PARLIAMENTARY CRIME AND MISCONDUCT COMMISSIONER .. 484
SPEAKER’S STATEMENT – CPA ANNUAL GENERAL MEETING...................................................... 484
SPEAKER’S RULING – PRIVILEGE – EXPLANATORY NOTES ...................................................... 484
MOTION WITHOUT NOTICE – EXPLANATORY NOTES TO THE CRIMINAL CODE (ASSAULTS AGAINST POLICE AND OTHERS) AMENDMENT BILL – PAPER WITHDRAWN ..................... 485
PAPERS TABLED DURING THE RECESS........................................................................................ 485
STATUTORY INSTRUMENTS............................................................................................................ 486
MINISTERIAL STATEMENTS (Record of Proceedings p.3519) ..................................................... 486
QUESTIONS WITHOUT NOTICE (Record of Proceedings p.3529) ............................................. 487
SPEAKER’S RULING – PROCEDURE – QUESTIONS CONCERNING MATTERS SUB JUDICE... 487
MATTERS OF PUBLIC INTEREST (Record of Proceedings p.3540) ............................................ 487
APPROPRIATION (PARLIAMENT) BILL (NO. 2) AND APPROPRIATION BILL (NO. 2) – MESSAGES FROM HER EXCELLENCY THE GOVERNOR................................................................. 487
APPROPRIATION (PARLIAMENT) BILL (NO. 2) (Record of Proceedings p.3551) ......................... 488
APPROPRIATION BILL (NO. 2) (Record of Proceedings p.3552) .................................................. 488
VOCATIONAL EDUCATION, TRAINING AND EMPLOYMENT AND OTHER LEGISLATION AMENDMENT BILL (Record of Proceedings p.3553) ...................................................................... 488
WORKERS’ COMPENSATION AND REHABILITATION AND OTHER ACTS AMENDMENT BILL (Record of Proceedings p.3556) ......................................................................................... 489
WATER AND OTHER LEGISLATION AMENDMENT BILL (Record of Proceedings p.3558) .... 489
MINISTERIAL STATEMENT (Record of Proceedings p.3561) ...................................................... 489
MINING AND OTHER LEGISLATION AMENDMENT BILL (Record of Proceedings p.3561) .. 489
QUEENSLAND BUILDING SERVICES AUTHORITY AND OTHER LEGISLATION AMENDMENT BILL (Record of Proceedings p.3594) ................................................................. 491
SPORTS DRUG TESTING AMENDMENT BILL (Record of Proceedings p.3614) ......................... 492
ADJOURNMENT (Record of Proceedings p.3622) ......................................................................... 492
ATTENDANCE .................................................................................................................................... 493
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.

SPEAKER’S STATEMENT – PARLIAMENTARY CRIME AND MISCONDUCT COMMISSIONER
Mr Speaker made the following statement—

‘Honourable Members—
I report that, pursuant to the provisions of the Parliamentary Service Act 1988 and the Crime and Misconduct Act 2001, I have approved the reappointment of Mr Alan MacSporran SC as Parliamentary Crime and Misconduct Commissioner.
This reappointment is for a period of one year from 13 December 2007 to 12 December 2008. It was made following advice from the Chair of the Parliamentary Crime and Misconduct Committee.’

SPEAKER’S STATEMENT – CPA ANNUAL GENERAL MEETING
Mr Speaker made the following statement—

‘I remind Honourable Members that the annual general meeting of the Commonwealth Parliamentary Association Queensland Branch will be held in the Legislative Assembly chamber at 1.00 pm on Thursday, 19 October. I encourage Members to stay or to come back to the chamber for that 1.00 pm meeting of the Commonwealth Parliamentary Association Queensland Branch.’

SPEAKER’S RULING – PRIVILEGE – EXPLANATORY NOTES
Mr Speaker made the following ruling—

‘Honourable Members—
Section 22(1) of the Legislative Standards Act 1992 provides that a Member who presents a Bill to the Legislative Assembly must, before the resumption of the second reading debate, circulate to members an explanatory note for the Bill. In reality, in all cases explanatory notes are presented with the Bill.
Section 23 of the Act outlines the material required to be included in an explanatory note. It includes matters such as: the Bill’s short title; a brief statement of the policy objectives of the Bill and the reasons for them; a brief statement of the way the policy objectives will be achieved by the Bill and why this way of achieving the objectives is reasonable and appropriate; a brief statement of any reasonable alternative way of achieving the policy objectives and why the alternative was not adopted; a brief assessment of the administrative cost to government of implementing the Bill, including staffing and program costs but not the cost of developing the Bill; a brief assessment of the consistency of the Bill with fundamental legislative principles and, if it is inconsistent with fundamental legislative principles, the reasons for the inconsistency; a brief statement of the extent to which consultation was carried out in relation to the Bill; and a simple explanation of the purpose and intended operation of each clause of the Bill.
In short, explanatory notes are meant to assist in understanding the Bill and not to be a substitute for debate.
Unlike the Bills themselves, the drafting of explanatory notes is not the responsibility of the Office of the Queensland Parliamentary Counsel.
In respect of Government Bills, explanatory notes are usually drafted by the responsible department and forwarded to the government printer at or around the same time the Bill is printed.
In respect of private members’ Bills, the member is responsible for drafting the explanatory notes; although the Table Office, as a service, usually makes copies of the explanatory notes for the member prior to the Bill being introduced.
Explanatory notes are published with Bills and placed on the Parliamentary Counsel’s website with the Bill.'
The responsibility for content of the explanatory notes is for the Member introducing the Bill, not staff that may act for the Member, including departmental staff acting for a Minister, or Opposition staff acting for an Opposition Member, or Parliamentary Officers that simply distribute the explanatory notes.

I have previously made rulings regarding inappropriate matters being in material incorporated in the parliamentary record. The basic rule is that incorporations should not contain any matter not able to be spoken in the House.

In accordance with this principle, Speakers have previously ordered material containing sub judice material and unparliamentary language to be expunged from the parliamentary record and a second reading speech redistributed and the record so amended.

Given the nature of explanatory notes and the fact they are published with the Bill, and placed on authorised websites, I intend to apply similar rules and approaches to explanatory notes as I would to material incorporated in the parliamentary record.

I have received complaints from two Ministers about the content of the explanatory notes to the Criminal Code (Assaults Against Police and Others) Amendment Bill, introduced by the Member for Burnett.

Both Ministers have found references in the explanatory notes offensive. I have considered the explanatory notes and agree that if the matters contained in the explanatory notes had been said in the House, then the Ministers could have properly asked for their withdrawal in the House.

On an objective view, the comments made in the explanatory notes are offensive and not what is expected in a document of this nature.

Whilst not a matter extending to a particular member of the judiciary, I also find that the explanatory notes have been generally offensive in tone against the judiciary.

I note the Leader of the Opposition’s offer last week to cooperate in having the explanatory notes replaced. I thank him for that gesture.

I ordered that the explanatory notes be removed from circulation until I considered the matter.

I believe that the appropriate procedure now is for the House by order to direct that the explanatory notes be withdrawn, those notes no longer being a tabled document, and that the Member replace the explanatory notes with new explanatory notes with offending material removed.

I have asked the Clerk, who is aware of the offending portions, to liaise with the Member.’

MOTION WITHOUT NOTICE – EXPLANATORY NOTES TO THE CRIMINAL CODE (ASSAULTS AGAINST POLICE AND OTHERS) AMENDMENT BILL – PAPER WITHDRAWN

Leader of the House (Mr Schwarten), by leave, moved – That the House direct that the explanatory notes to the Criminal Code (Assaults Against Police and Others) Amendment Bill, introduced by the Member for Burnett on Wednesday, 10 October 2007 be withdrawn and no longer be considered a tabled document, and the Member be ordered to replace the explanatory notes with new explanatory notes with offending material removed.

Motion seconded by the Leader of the Opposition (Mr Seeney).

Question put and agreed to.

PAPERS TABLED DURING THE RECESS

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

12 October 2007—

Report by the Minister for Transport, Trade, Employment and Industrial Relations (Mr Mickel), pursuant to s 56A(1)(b) of the Statutory Instruments Act 1992, in relation to the Transport Operations (Marine Pollution) Regulation 1995

Response from the Minister for Main Roads and Local Government (Mr Pitt) to a paper petition (835-07) presented by Mrs Pratt from 817 petitioners requesting a 40km/hour zone in front of Woodford State School
Response from the Minister for Main Roads and Local Government (Mr Pitt) to paper petitions (840-07 and 846-07 presented by Mr Hobbs and 841-07 presented by Mr Malone) from 12,188 petitioners, 1,185 petitioners and 2,505 petitioners, respectively regarding the forced amalgamation of Queensland Councils.

Response from the Minister for Main Roads and Local Government (Mr Pitt) to a paper petition (804-07) presented by Mr Wellington from 237 petitioners requesting a pedestrian crossing on Mapleton Road, Nambour Heights.


Response from the Minister for Main Roads and Local Government (Mr Pitt) to a paper petition (842-07) presented by Mr Pearce from 285 petitioners regarding local government reform and the amalgamation of Duaringa Shire Council.

15 October 2007—


STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Police Powers and Responsibilities Act 2000—
  Police Powers and Responsibilities (Gold Coast Lexmark Indy 300) Regulation 2007, No. 246 and Explanatory Notes for No. 246.

  Education Legislation Amendment Regulation (No. 1) 2007, No. 247.

Transport Operations (Marine Safety) Act 1994—
  Transport Operations (Marine Safety) Amendment Regulation (No. 4) 2007, No. 248.

Local Government Act 1993—
  Local Government (Internal Boundaries) Regulation 2007, No. 249.

Rural and Regional Adjustment Act 1994—
  Rural and Regional Adjustment Amendment Regulation (No. 6) 2007, No. 250.

Plant Protection Act 1989—
  Plant Protection (Approved Sugarcane Varieties) Amendment Declaration (No. 3) 2007, No. 251.

MINISTERIAL STATEMENTS (Record of Proceedings p.3519)

Ministerial statements were made.

Paper: Minister for Sustainability, Climate Change and Innovation (Mr McNamara), during his statement, tabled the following paper—

Statements continued.

Statements concluded.
QUESTIONS WITHOUT NOTICE (Record of Proceedings p.3529)

Questions without notice were asked.

And the Leader of the Opposition (Mr Seeney) having asked a question without notice—

SPEAKER'S RULING – PROCEDURE – QUESTIONS CONCERNING MATTERS SUB JUDICE

Mr Speaker made the following ruling—

‘I will allow the question to be answered by the Premier as long as we do not in any way, shape or form go into the matters that are presently before the court.’

Questions resumed.

Paper: Miss Simpson tabled the following paper—


Questions continued.

Papers: Deputy Premier and Minister for Infrastructure and Planning (Mr Lucas) tabled the following papers—

Copy of a page from the Caloundra City Council website titled Calaqua
Media release, dated 30 August 2007, by Steve Dickson MP titled Our dam’s running over - let’s lift restrictions

Questions continued.

Papers: Minister for Police, Corrective Services and Sport (Ms Spence) tabled the following papers—

Copy of Commissioner’s Guidelines issued pursuant to section 69(2) of the Child Protection (Offender Reporting) Act 2004
Copy of a delegation, dated 27 November 2006, made pursuant to Section 69(1)(a) of the Child Protection (Offender Reporting) Act 2004, titled Access to the Child Protection Register
Copy of a delegation, dated 27 November 2006, made pursuant to Section 69(1)(b) of the Child Protection (Offender Reporting) Act 2004, titled Disclosure of Information in the Child Protection Register
Copy of draft text for a letter from the Director–General of Queensland Corrective Services to the Editor of the Sunday–Mail relating to prison uniforms

Questions continued.

Questions concluded.

MATTERS OF PUBLIC INTEREST (Record of Proceedings p.3540)

Matters of public interest were debated.

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

Statement, dated 8 October 2007, by Rebecca Jayne Glover and other documents, relating to QPrime
Letter, dated 16 October 2007, from Mr Messenger to Mr Robert Needham, Chairperson, Crime and Misconduct Commission, and to Mr Glenn Poole, Auditor-General, relating to QPrime

Debate continued.

Debate concluded.

APPROPRIATION (PARLIAMENT) BILL (NO. 2) AND APPROPRIATION BILL (NO. 2) – MESSAGES FROM HER EXCELLENCY THE GOVERNOR

And a Messenger from Her Excellency the Governor having been admitted to the Chamber—

Mr Speaker read the following messages from Her Excellency the Governor—
“MESSAGE
APPROPRIATION BILL (NO. 2) 2007
Constitution of Queensland 2001, section 68

I, QUENTIN BRYCE, Governor, recommend to the Legislative Assembly a Bill intituled—
A Bill for an Act authorising the Treasurer to pay amounts from the consolidated fund for departments for the financial year starting 1 July 2006.

Quentin Bryce
GOVERNOR
15 October 2007”

“MESSAGE
APPROPRIATION (PARLIAMENT) BILL (NO. 2) 2007
Constitution of Queensland 2001, section 68

I, QUENTIN BRYCE, Governor, recommend to the Legislative Assembly a Bill intituled—
A Bill for an Act authorising the Treasurer to pay amounts from the consolidated fund for the Legislative Assembly and parliamentary service for the financial year starting 1 July 2006.

Quentin Bryce
GOVERNOR
15 October 2007”

Papers: Mr Speaker tabled the following papers—
Messages from the Governor relating to the Appropriation Bill (No. 2) and to the Appropriation (Parliament) Bill (No. 2)

APPROPRIATION (PARLIAMENT) BILL (NO. 2) (Record of Proceedings p.3551)
Treasurer (Mr Fraser) presented a Bill for an Act authorising the Treasurer to pay an amount from the consolidated fund for the Legislative Assembly and parliamentary service for the financial year starting 1 July 2006 and Explanatory Notes and moved – That the Bill be now read a first time.
Question put and agreed to.
Mr Fraser moved – That the Bill be now read a second time.
Debate ensued.
Miss Simpson moved – That the debate be now adjourned.
Question put and agreed to.

APPROPRIATION BILL (NO. 2) (Record of Proceedings p.3551)
Treasurer (Mr Fraser) presented a Bill for an Act authorising the Treasurer to pay amounts from the consolidated fund for departments for the financial year starting 1 July 2006 and Explanatory Notes and moved – That the Bill be now read a first time.
Question put and agreed to.
Mr Fraser moved – That the Bill be now read a second time.
Debate ensued.

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

Debate continued.
Miss Simpson moved – That the debate be now adjourned.
Question put and agreed to.

VOCATIONAL EDUCATION, TRAINING AND EMPLOYMENT AND OTHER LEGISLATION AMENDMENT BILL. (Record of Proceedings p.3552)
Minister for Education and Training Minister for the Arts (Mr Welford) presented a Bill for an Act to amend the Vocational Education, Training and Employment Act 2000 and other Acts 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.
Miss Simpson moved – That the debate be now adjourned.
Question put and agreed to.

WORKERS’ COMPENSATION AND REHABILITATION AND OTHER ACTS AMENDMENT BILL
(Record of Proceedings p.3556)
Minister for Transport, Trade, Employment and Industrial Relations (Mr Mickel) presented a Bill for an Act to amend the Workers’ Compensation and Rehabilitation Act 2003, the Electrical Safety Act 2002, the Industrial Relations Act 1999 and the Workplace Health and Safety Act 1995 and Explanatory Notes and moved – That the Bill be now read a first time.
Question put and agreed to.
Mr Mickel moved – That the Bill be now read a second time.
Debate ensued.
Mr Nicholls moved – That the debate be now adjourned.
Question put and agreed to.

WATER AND OTHER LEGISLATION AMENDMENT BILL (Record of Proceedings p.3558)
Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland (Mr Wallace) presented a Bill for an Act to amend the Water Act 2000, and for other particular purposes and Explanatory Notes and moved – That the Bill be now read a first time.
Question put and agreed to.
Mr Wallace moved – That the Bill be now read a second time.
Debate ensued.
Mr Hopper moved – That the debate be now adjourned.
Question put and agreed to.

MINISTERIAL STATEMENT (Record of Proceedings p.3561)
A Ministerial statement, by leave, was made.

MINING AND OTHER LEGISLATION AMENDMENT BILL (Record of Proceedings p.3561)
Order of the day read for the adjourned debate on the motion of the Minister for Mines and Energy (Mr Wilson) – That the Bill be now read a second time.
Debate ensued.

Paper: Mrs Cunningham, during her speech, tabled the following paper—
Copy of a letter, dated 21 September 2007, from D I Smith, Brian L Finlayson, Peter M James, consulting to EEMAG to the Hon Craig Wallace MP, in relation to East End Mine, Groundwater Issues
Debate continued.
Question put and agreed to.
Bill read a second time.

Consideration in detail—
Clause 1, as read, agreed to.

Clause 2—
Mr Wilson moved – That Clause 2 be postponed until after the consideration of amendment No. 3 circulated in Mr Wilson’s name.
Question put and agreed to.
Clauses 3 to 43, as read, agreed to.
New Clauses 43A and 43B—
The following amendment was proposed by Mr Wilson—
At page 28, after line 11—
insert—
Part 3A Amendment of Environmental Protection Act 1994

43A Act amended in pt 3A
This part amends the Environmental Protection Act 1994.

43B Insertion of new ch 12, pt 4A
After section 579—
insert—

Part 4A Validation

579A Validation of amendment of environmental authority MIM800098402
(1) This section applies to the amendment application made on 6 April 2005 for environmental authority (mining lease) number MIM800098402.
(2) The Minister’s decision made on 8 March 2007 to grant the application is taken to have been validly made under chapter 5.
(3) The environmental authority as amended under the decision is taken to have been issued under chapter 5 on 22 March 2007.

Debate ensued.

Paper: Mr Wilson, during his speech, tabled the following paper—
Explanatory Notes to Mr Wilson’s amendments to the Mining and Other Legislation Amendment Bill

Debate continued.

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

Clauses 44 to 91, as read, agreed to.

New Clause 91A—
The following amendment was proposed by Mr Wilson—
At page 59, after line 24—
insert—

91A Insertion of new s 418AA
After section 418A—
insert—

418AA Validation of inclusion of additional surface area No. 2 in mining lease 4761
(1) This section applies to mining lease 4761.
(2) The application made under section 275 to include additional surface area No. 2 in the mining lease is taken to have been validly granted on 29 March 2007.
(3) Additional surface area No. 2 is taken to have been included in the mining lease on 29 March 2007.
(4) To remove any doubt, it is declared that nothing in this section affects an agreement, or determination by the tribunal, made under this Act before the commencement of this section about compensation payable by the holder of the mining lease for additional surface area No. 2 being included in the mining lease.
(5) To remove any doubt, it is declared that this section does not limit or otherwise affect the operation of section 416 in relation to the application or the mining lease.
(6) In this section—
additional surface area No. 2 means the area identified as surface area 3 in mine plan 37891 recorded under this Act in the register kept by the mining registrar.

Debate ensued.

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

Clause 2 (Commencement)—
The following amendment was proposed by Mr Wilson—
At page 14, line 7, after ‘This Act’—
insert—
‘, other than part 3A and section 91A,’.

Debate ensued.

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

Clause 2, as amended, agreed to.

Clauses 92 to 241, as read, agreed to.

Schedule, as read, agreed to.

Consideration in detail completed—

Mr Wilson 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 Wilson moved – That the long title of the Bill be agreed to.
Question put and agreed to.

QUEENSLAND BUILDING SERVICES AUTHORITY AND OTHER LEGISLATION AMENDMENT BILL. (Record of Proceedings p.3594)
Order of the day read for the adjourned debate on the motion of the Minister for Public Works, Housing and Information and Communication Technology (Mr Schwarten) – 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 79, as read, agreed to.
New Clause 79A—
The following amendment was proposed by Mr Schwarten—
At page 71, after line 31—

‘79A Insertion of new s 115
After section 114—

‘115 Authority may provide services to a professional board
(1) The authority may provide services to a professional board in relation to a disciplinary proceeding being, or that may be, conducted by the tribunal.
Example—
The authority might make a lawyer performing work for it under a work performance arrangement available to represent a professional board at a disciplinary proceeding being conducted by the tribunal.
‘(2) The authority may enter into arrangements with a professional board about the fees to be paid to the authority for services provided under subsection (1).
‘(3) In this section—

disciplinary proceeding means—
(a) a disciplinary proceeding under the Architects Act 2002; or
(b) a disciplinary proceeding under the Professional Engineers Act 2002.

professional board means —
(a) the Board of Architects of Queensland established under the Architects Act 2002; or
(b) the Board of Professional Engineers of Queensland established under the Professional Engineers Act 2002.’.

Paper: Mr Schwarten, during his speech, tabled the following paper—
Explanatory Notes to Mr Schwarten’s amendments to the Queensland Building Services Authority and Other Legislation Amendment Bill

Question – That Mr Schwarten’s amendment be agreed to – put and agreed to.
Clauses 80 to 90, as read, agreed to.
New Clauses 90A, 90B and 90C—
The following amendment was proposed by Mr Schwarten —
At page 83, after line 23—

‘Part 3A Amendment of Housing Act 2003
‘90A Act amended in pt 3A
‘This part amends the Housing Act 2003.

‘90B Amendment of s 12 (General powers)
‘Section 12—

insert—
‘(3) The chief executive may, on the terms and conditions and subject to the restrictions, exceptions and reservations the chief executive thinks fit, dispose of portfolio property that is surplus to the requirements of the department.’.
'90C Amendment of s 128 (Land set apart under the repealed Act, s 18)

Section 128—

insert—

(5) The Governor in Council may, by gazette notice—
(a) repeal the notification to wholly revoke the setting apart of the land for use for the purposes of this Act; or
(b) amend the notification, including to partly revoke the setting apart of the land for use for the purposes of this Act.

(6) The chief executive may, as agent of the State, apply under the Land Act 1994 for land to which the notification applies to be—
(a) granted in fee simple; or
(b) leased for a term of years or in perpetuity.

(7) For dealing with an application mentioned in subsection (6) under the Land Act 1994—
(a) section 16 of that Act does not apply; and
(b) a deed of grant or lease may be granted without competition.

(8) The registration of a deed of grant under the Land Title Act 1994, or registration of a lease under the Land Act 1994, for land to which the notification applies revokes the notification to the extent it sets apart that land for use for the purposes of this Act.'

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

Clauses 91 to 93, as read, agreed to.

Consideration in detail completed—

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

Question put and agreed to.

Bill read a third time.

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

Question put and agreed to.

SPORTS DRUG TESTING AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the (then) Minister for Local Government, Planning and Sport (Mr Fraser) – That the Bill be now read a second time.

Debate ensued.

Debate adjourned on the motion of Mr Reeves.

ADJOURNMENT

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

Debate ensued.

Paper: Mrs Pratt, during her speech, tabled the following paper—

Copy of a Council of the Shire of Esk Officers Report, dated 6 July 2007, relating to vandalism

Debate continued.

Question put and agreed to.

The House adjourned at 10.27 pm.
ATTENDANCE

The following Members were present—

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M F REYNOLDS
SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT

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