



LEGISLATIVE ASSEMBLY OF QUEENSLAND
FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT

VOTES AND PROCEEDINGS

NO. 46 – THURSDAY, 10 MARCH 2005

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MEETING OF THE ASSEMBLY

The Assembly met at 9.30 am, pursuant to adjournment. The Speaker (Honourable R K Hollis) read prayers.

MATTER OF PRIVILEGE (Hansard p. 509, 9.31 am)

Minister for Public Works, Housing and Racing (Mr Schwarten) rose on a matter of privilege.

Paper: Mr Schwarten, during his speech, tabled the following paper—
Letter, dated 21 February 2005, from Mr Schwarten to Ms Erykah Kyle relating to the actions of a public servant on Palm Island

STATEMENT BY SPEAKER – MATTER OF PRIVILEGE RAISED BY THE MEMBER FOR MAROOCHYDORE

Mr Speaker made the following statement—

'Honourable Members—

Yesterday evening, during debate on the Private Members' Motion, the Member for Maroochydore rose on a matter of privilege during the Attorney-General's contribution to the debate.

The Member complained that the Attorney-General was breaching Standing Order 209 by referring in the House to proceedings in a Committee which had not been reported.

The only words of the Attorney-General that relate to the Committee were:

"The transparency did exist on the committee. The committee was aware of all the connections, of all the past history, of all the CV of the appointee."

And later:

"Not only did we consult the parliamentary committee and provide that parliamentary committee with all the information ..."

I make the following points relating to Standing Order 209—

- It is difficult for the Speaker and their Deputies to determine whether the Standing Order has been breached and the extent and seriousness of the breach, as they are unlikely to be aware of committee proceedings.
- It is for this reason that the Members' Ethics and Privileges Committee, in its Report No. 42, recommended a procedure to be followed should there be an alleged breach of a Committee's confidence that involves the Committee making an assessment as to whether there has been a breach and if it is serious enough to take any action.
- It is also for this reason that Standing Order 268(1) enables a Committee to report a breach of its privilege and effectively refer the matter to the Members' Privileges and Ethics Committee without reference to the Speaker.
- In short, the preferred method is for the Committee concerned to be informed and the Committee to make an assessment as to whether its privileges have been breached and to take the action it deems appropriate.

However, I emphasise to Committees considering Standing Order 209 that a common sense approach must be made to its application and resolutions of any issues.

I also note that consultation with the Committee was already a public matter. Indeed, members of the Committee, namely the Chair and the Member for Maroochydore, had revealed in an earlier debate on 22 February that there was a consultation process with the Committee.

I intend to take no further action.'

MATTER OF PRIVILEGE (Hansard p. 509, 9.34 am)

Miss Simpson rose on a matter of privilege.

PETITIONS

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

Mr Foley from 215 petitioners requesting the House to resolve the concerns over the proposed declaration and zoning of the Great Sandy Marine Park draft plan in a manner that is fair and equitable to both recreational and commercial fishing interests.

Mr Foley from 401 petitioners requesting the House to either disallow commercial beam trawling and netting in the proposed Sandy Straits Yellow Conservation Zone or re-zone the entire area to Light Blue Zone for General Use.

MINISTERIAL PAPER

The following Ministerial paper was tabled—

Minister for Communities, Disability Services and Seniors (Mr Pitt)—

Report on official visit to New Zealand from 31 January to 2 February 2005

MINISTERIAL STATEMENTS (Hansard p. 510, 9.36 am)

- (a) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to Tropical Cyclone Ingrid.
- (b) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to Federal Government funding for public hospitals.
- (c) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to Australian Helicopters.
- (d) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Brown and Hurley centre.
- (e) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Heads of Australian Country Operations conference to be held at Cooloom.
- (f) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to Wendy Erhart, winner of the Businesswoman of the Year Award.
- (g) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the opening of the third and final tower of Chevron Renaissance.
- (h) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to Queensland Events Regional Development Program.
Paper: Mr Beattie, during his statement, tabled the following paper—
Queensland Events Corporation – Report titled *2005 and beyond*
- (i) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to multicultural events and the Multicultural Assistance Program.
- (j) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to the Community Cabinet meeting in Ipswich on 20 and 21 March 2005.
- (k) Premier and Minister for Trade (Mr Beattie) made a ministerial statement relating to a report in *The Courier-Mail* concerning a letter from the Premier.
- (l) Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth) made a ministerial statement relating to consultation and submissions received on the draft South East Queensland Regional Plan and paid tribute to the staff of the Office of Urban Management.
- (m) Minister for Education and the Arts (Ms Bligh) made a ministerial statement relating to the Safe and Healthy Schools Policy and the first Healthy Schools Van.
- (n) Minister for Health (Mr Nuttall) made a ministerial statement relating to funding for renal care.
- (o) Minister for Public Works, Housing and Racing (Mr Schwarten) made a ministerial statement relating to stories in *The Courier-Mail* by reporter Tuck Thompson regarding complaints against the Building Services Authority.
- (p) Minister for Police and Corrective Services (Ms Spence) made a ministerial statement relating to a review of prostitution laws.

- (q) Minister for Transport and Main Roads (Mr Lucas) made a ministerial statement relating to the jailing of Tony Roy Wolf for the running aground of the Karma.
- (r) Minister for Primary Industries and Fisheries (Mr Palaszczuk) made a ministerial statement relating to the citrus industry and access to Australian markets.
- (s) Minister for Energy and Aboriginal and Torres Strait Islander Policy (Mr Mickel) made a ministerial statement relating to the replacement of the high voltage transmission power line between Innisfail and Kareeya and Ergon Energy's response to Tropical Cyclone Ingrid.

PUBLIC WORKS COMMITTEE – PAPER

Chair of the Public Works Committee (Mr Livingstone) tabled the following paper—

Public Works Committee—

Report No. 87 – Queensland Rail Coal Electric Locomotives Upgrade Project (Stage 1)

LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE – PAPER

Chair of the Legal, Constitutional and Administrative Review Committee (Dr L Clark) tabled the following paper—

Legal, Constitutional and Administrative Review Committee—

Report No. 48 – Publication of Committee Proceedings

MATTER OF PRIVILEGE (Hansard p. 522, 10.18 am)

Miss Simpson rose on a matter of privilege.

Mr Speaker asked Miss Simpson to write to him on the matter and advised that he would respond.

NOTICE OF MOTION – DISALLOWANCE OF STATUTORY INSTRUMENT

Mr Rickuss gave notice that he will move – That part 4, section 32 of the Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2004 (Subordinate Legislation No. 316 of 2004) tabled in the Parliament on 22 February 2005, be disallowed.

PRIVATE MEMBERS' STATEMENTS (Hansard p. 522, 10.20 am)

Private Members' statements were made.

QUESTIONS WITHOUT NOTICE (Hansard p. 524, 10.30 am)

Questions without notice were asked.

Paper: Premier and Minister for Trade (Mr Beattie) tabled the following paper—
Statement relating to St Patrick's Day

Questions continued.

Papers: Mr Messenger tabled the following papers—
Letter, dated 24 February 2005, from the Moore Park State School Parents & Citizens Association to Mr Messenger relating to air-conditioning for the Moore Park State School

Questions continued.

MATTER OF PRIVILEGE (Hansard p. 529, 10.56 am)

Deputy Leader of the Opposition (Mr Seeney) rose on a matter of privilege.

Questions resumed.

Paper: Mr Beattie tabled the following paper—
Page 39 of the report on the Palm Island airfare controversy

Questions resumed.

Questions concluded.

MINISTERIAL STATEMENT (Hansard p. 535, 11.28 am)

Premier and Minister for Trade (Mr Beattie), by leave, made a ministerial statement relating to matters raised and comments by the Leader of the Opposition (Mr Springborg).

Paper: Mr Beattie, during his statement, tabled the following paper—
Copy of a document titled *Transcript – Press conference with Premier Peter Beattie – Sunday 21 March 2004 – Re: Peter Forster child protection blueprint; Premier's family's use of electorate car*

CRIMINAL CODE (CHILD PORNOGRAPHY AND ABUSE) AMENDMENT BILL (Hansard p. 543, 11.29 am)

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

Debate ensued.

Question put and agreed to.

Bill read a second time.

Consideration in detail—

Clause 1 to 5, as read, agreed to.

Clause 6 (Insertion of new ss 228A–228H)—

The following amendment was proposed by the Leader of the Opposition (Mr Springborg)—

At page 7, line 18, '5 years imprisonment'—

omit, insert—

'10 years imprisonment'.

Debate ensued.

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

Explanatory Notes to amendments to the Criminal Code (Child Pornography and Abuse) Amendment Bill

Debate ensued.

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

The House divided.

AYES 25—

<i>Copeland</i>	<i>Horan</i>	<i>Lingard</i>	<i>Pratt</i>	<i>Seeney</i>
<i>Cunningham, E</i>	<i>Johnson</i>	<i>Malone *</i>	<i>Quinn</i>	<i>Simpson</i>
<i>Flegg</i>	<i>Knuth</i>	<i>McArdle</i>	<i>Rickuss</i>	<i>Springborg</i>
<i>Hobbs</i>	<i>Langbroek</i>	<i>Menkens</i>	<i>Roberts, E</i>	<i>Stuckey</i>
<i>Hopper *</i>	<i>Lee Long</i>	<i>Messenger</i>	<i>Rowell</i>	<i>Wellington</i>

NOES 55—

<i>Attwood</i>	<i>Croft</i>	<i>Lawlor</i>	<i>Nelson–Carr</i>	<i>Reynolds</i>	<i>Sullivan, C</i>
<i>Barry</i>	<i>Cummins</i>	<i>Lee</i>	<i>Nolan *</i>	<i>Roberts, N</i>	<i>Sullivan, T *</i>
<i>Barton</i>	<i>English</i>	<i>Livingstone</i>	<i>Nuttall</i>	<i>Robertson</i>	<i>Welford</i>
<i>Beattie</i>	<i>Fenlon</i>	<i>Lucas</i>	<i>O'Brien</i>	<i>Schwarten</i>	<i>Wells</i>
<i>Bligh</i>	<i>Finn</i>	<i>Mackenroth</i>	<i>Palaszczuk</i>	<i>Scott</i>	<i>Wilson</i>
<i>Boyle</i>	<i>Fraser</i>	<i>Male</i>	<i>Pearce</i>	<i>Shine</i>	
<i>Briskey</i>	<i>Hayward</i>	<i>McNamara</i>	<i>Poole</i>	<i>Smith</i>	
<i>Choi</i>	<i>Hoolihan</i>	<i>Mickel</i>	<i>Purcell</i>	<i>Spence</i>	
<i>Clark, E</i>	<i>Jarratt</i>	<i>Miller</i>	<i>Reeves</i>	<i>Stone</i>	
<i>Clark, L</i>	<i>Lavarch</i>	<i>Molloy</i>	<i>Reilly</i>	<i>Struthers</i>	

*Tellers **

Question negated.

The following amendment was proposed by Mr Springborg—

At page 7, line 25, 'artistic,'—

omit.

Debate ensued.

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

The House divided.

AYES 24—

<i>Copeland</i>	<i>Horan</i>	<i>Lee Long</i>	<i>Menkens</i>	<i>Rickuss</i>	<i>Simpson</i>
<i>Flegg</i>	<i>Johnson</i>	<i>Lingard</i>	<i>Messenger</i>	<i>Roberts, E</i>	<i>Springborg</i>
<i>Hobbs</i>	<i>Knuth</i>	<i>Malone *</i>	<i>Pratt</i>	<i>Rowell</i>	<i>Stuckey</i>
<i>Hopper *</i>	<i>Langbroek</i>	<i>McArdle</i>	<i>Quinn</i>	<i>Seeney</i>	<i>Wellington</i>

NOES 56—

<i>Attwood</i>	<i>Croft</i>	<i>Lavarch</i>	<i>Molloy</i>	<i>Reilly</i>	<i>Struthers</i>
<i>Barry</i>	<i>Cummins</i>	<i>Lawlor</i>	<i>Nelson–Carr</i>	<i>Reynolds</i>	<i>Sullivan, C</i>
<i>Barton</i>	<i>Cunningham, E</i>	<i>Lee</i>	<i>Nolan</i>	<i>Roberts, N</i>	<i>Sullivan, T *</i>
<i>Beattie</i>	<i>English</i>	<i>Livingstone</i>	<i>Nuttall</i>	<i>Robertson</i>	<i>Welford</i>
<i>Bligh</i>	<i>Fenlon</i>	<i>Lucas</i>	<i>O'Brien</i>	<i>Schwarten</i>	<i>Wells</i>
<i>Boyle</i>	<i>Finn</i>	<i>Mackenroth</i>	<i>Palaszczuk</i>	<i>Scott</i>	<i>Wilson</i>
<i>Briskey</i>	<i>Fraser</i>	<i>Male</i>	<i>Pearce</i>	<i>Shine</i>	
<i>Choi</i>	<i>Hayward</i>	<i>McNamara</i>	<i>Poole</i>	<i>Smith</i>	
<i>Clark, E</i>	<i>Hoolihan</i>	<i>Mickel</i>	<i>Purcell</i>	<i>Spence</i>	
<i>Clark, L</i>	<i>Jarratt</i>	<i>Miller</i>	<i>Reeves *</i>	<i>Stone</i>	

Tellers *

Question negatived.

The following amendment was proposed by Mr Welford—

At page 11, line 25—

omit, insert—

'Examples of conduct that may be reasonable for the performance of a law enforcement officer's duties—

- 1 Copying child exploitation material for the purposes of preparing a brief for police prosecutors
- 2 Supplying child exploitation material to a classification officer for classification or to the Office of the Director of Public Prosecutions for use during the prosecution of a person for an offence
- 3 Keeping child exploitation material obtained during an investigation for legitimate intelligence purposes

'(2) However, subsection (1) does not apply to the extent that the person's conduct consists of—

- (a) engaging in an activity as part of an investigation of chapter 5 criminal activity; or
- (b) engaging in conduct that is directed to obtaining evidence of the commission of an offence against a particular person.¹

'(3) In this section—

chapter 5 criminal activity has the meaning given by the *Police Powers and Responsibilities Act 2000*.'.

Debate ensued.

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

Explanatory Notes to amendments to the Criminal Code (Child Pornography and Abuse) Amendment Bill

Debate ensued.

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

Clause 6, as amended, agreed to.

Clauses 7 to 12, as read, agreed to.

Consideration in detail completed—

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

Question put and agreed to.

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

Question put and agreed to.

SPECIAL ADJOURNMENT

Leader of the House (Ms Bligh) moved – That the House at its rising do adjourn until 9.30am on Tuesday, 22 March 2005.

Question put and agreed to.

¹ See the *Police Powers and Responsibilities Act 2000*, chapter 5, which provides for the approval of, and protection from liability of persons involved in, controlled operations and controlled activities.

ADJOURNMENT (Hansard p. 581, 5.54 pm)

Leader of the House (Ms Bligh) moved – That this House do now adjourn.

Debate ensued.

Question put and agreed to.

The House adjourned at 6.24 pm.

ATTENDANCE

The following Members were present—

<i>Attwood</i>	<i>English</i>	<i>Keech</i>	<i>McNamara</i>	<i>Pratt</i>	<i>Simpson</i>
<i>Barry</i>	<i>Fenlon</i>	<i>Knuth</i>	<i>Menkens</i>	<i>Purcell</i>	<i>Smith</i>
<i>Barton</i>	<i>Finn</i>	<i>Langbroek</i>	<i>Messenger</i>	<i>Quinn</i>	<i>Spence</i>
<i>Beattie</i>	<i>Flegg</i>	<i>Lavarch</i>	<i>Mickel</i>	<i>Reeves</i>	<i>Springborg</i>
<i>Bligh</i>	<i>Foley</i>	<i>Lawlor</i>	<i>Miller</i>	<i>Reilly</i>	<i>Stone</i>
<i>Boyle</i>	<i>Fouras</i>	<i>Lee</i>	<i>Molloy</i>	<i>Reynolds</i>	<i>Struthers</i>
<i>Briskey</i>	<i>Fraser</i>	<i>Lee long</i>	<i>Mulherin</i>	<i>Rickuss</i>	<i>Stuckey</i>
<i>Choi</i>	<i>Hayward</i>	<i>Lingard</i>	<i>Nelson–Carr</i>	<i>Roberts, E</i>	<i>Sullivan, C</i>
<i>Clark, E</i>	<i>Hobbs</i>	<i>Livingstone</i>	<i>Nolan</i>	<i>Roberts, N</i>	<i>Sullivan, T</i>
<i>Clark, L</i>	<i>Hollis</i>	<i>Lucas</i>	<i>Nuttall</i>	<i>Robertson</i>	<i>Wallace</i>
<i>Copeland</i>	<i>Hoolihan</i>	<i>Mackenroth</i>	<i>O'Brien</i>	<i>Rowell</i>	<i>Welford</i>
<i>Croft</i>	<i>Hopper</i>	<i>Male</i>	<i>Palaszczuk</i>	<i>Schwarten</i>	<i>Wellington</i>
<i>Cummins</i>	<i>Horan</i>	<i>Malone</i>	<i>Pearce</i>	<i>Scott</i>	<i>Wells</i>
<i>Cunningham, E</i>	<i>Jarratt</i>	<i>McArdle</i>	<i>Pitt</i>	<i>Seeney</i>	<i>Wilson</i>
<i>Cunningham, J</i>	<i>Johnson</i>	<i>McGrady</i>	<i>Poole</i>	<i>Shine</i>	

R K HOLLIS
SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT