



## LEGISLATIVE ASSEMBLY OF QUEENSLAND

### 1<sup>ST</sup> SESSION OF THE 52<sup>ND</sup> PARLIAMENT

# VOTES AND PROCEEDINGS

NO. 41 – TUESDAY, 9 OCTOBER 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.

**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 Bills on 11 September 2007—

A Bill for an Act to amend the *Commission for Children and Young People and Child Guardian Act 2000 (Commission for Children and Young People and Child Guardian Amendment Act 2007 – Act No. 40 of 2007)*

A Bill for an Act for the development of land in particular parts of the State, and for related purposes (*Urban Land Development Authority Act 2007 – Act No. 41 of 2007*)

A Bill for an Act to amend Acts administered by the Treasurer (*Revenue and Other Legislation Amendment Act (No. 2) 2007 – Act No. 42 of 2007*)

*Paper:* Mr Speaker tabled the following paper—

Letter, dated 12 September, from Her Excellency the Governor to Mr Speaker advising of assent to Bills on 11 September 2007

**ELECTORATE OF BRISBANE CENTRAL – RESIGNATION OF MEMBER**

Mr Speaker reported that he had received the following letter from Mr Peter Beattie MP, Member for the Electoral District of Brisbane Central—

'14 September 2007

Dear Mike

I hereby tender my resignation as Member for Brisbane Central, effective on and from 14 September 2007.

Yours sincerely

Peter Beattie'

*Paper:* Mr Speaker tabled the following paper—

Letter, dated 14 September 2007, from Mr Peter Beattie MP to Mr Speaker advising of his resignation as Member for Brisbane Central

**ELECTORATE OF BRISBANE CENTRAL – WRIT FOR BY-ELECTION**

Mr Speaker informed the House that Her Excellency the Governor has issued a Writ for the Election of a Member to serve in the Legislative Assembly of Queensland for the Electoral District of Brisbane Central.

The dates in connection with the issue of the Writ are as follows—

Issue of Writ – 16 September 2007;  
Cut-off day for electoral roll – 22 September 2007;  
Nomination day – 25 September 2007;  
Polling day – 13 October 2007; and  
Return of Writ – 12 November 2007.

*Paper:* Mr Speaker tabled the following paper—

Copy of a writ for election, dated 16 September 2007, for the electoral district of Brisbane Central

**SPEAKER'S STATEMENT – CAMERA OPERATORS IN THE CHAMBER**

Mr Speaker made the following statement—

'Honourable Members—

I would advise that I have been informed by the President of the Media Gallery, that it is taking longer than previously anticipated for the four TV networks to capture the broadcast in their studios in the Annexe.

I am also undertaking investigations to ensure that the quality of the pictures and sound given to the four networks is of a high standard. I would therefore advise that, in consultation with the President of the Gallery, I have decided to allow the camera operators on to the floor of the Parliament for the October and November sittings this year.'

### **SPEAKER'S STATEMENT – PANEL OF TEMPORARY SPEAKERS – APPOINTMENT**

Mr Speaker made the following statement—

'Honourable Members—

In accordance with Standing Order 11, I have appointed the Member for Ipswich West to the panel of temporary speakers to replace the Member for Ashgrove.'

### **PETITIONS**

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

Mr Purcell, from 11,509 petitioners, requesting the House to abandon the proposed legislative changes that may stop Cash Converters from providing short-term cash loans.

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

Ms Lee Long, from 25 petitioners, requesting the House to construct a road tunnel instead of the proposed four-lane, multi-bridged upgrade of the Kuranda Range Road.

Mr Langbroek, from 112 petitioners, requesting the House to relocate the Needle Exchange Program which recently opened in Burleigh Heads.

Mr Moorhead, from 103 petitioners, requesting the House to release the findings of the Service Delivery and Performance Commission review of Goprint before the matter is taken to the Cabinet Budget Review Committee.

Mr English, from 42 petitioners, requesting the House to take all necessary action to ensure no change to the boundaries of the Redland Shire.

Mr Fraser, from 25 petitioners, requesting the House to amend the liquor licensing practices to enable licensing of convenience stores and supermarkets for the sale of alcohol.

Mr Stevens, from 14 petitioners, requesting the House to reopen the Palliative Care Unit at the Robina Hospital.

Mr Stevens, from 67 petitioners, requesting the House to reopen the Palliative Care Unit at the Robina Hospital.

### **PAPERS TABLED DURING THE RECESS**

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

*7 September 2007—*

Local Government Electoral and Boundaries Review Commission report titled *2007 Redivision of Electoral Wards within the City of Brisbane, Final Determination, 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 (869-07) presented by Ms Lee Long from 225 petitioners regarding the rock wall construction and reclamation of Webber Esplanade, Cooktown

Response from the Minister for Education and Training and Minister for the Arts (Mr Welford) to a paper petition (874-07) presented by Dr Flegg from 3757 petitioners requesting access by students in Mt Crosby, Karana Downs, Karalee and Chuwar to Kenmore State High School and planning for the construction of a new high school within the area

Department of Natural Resources and Water report titled *Final Report: Millmerran Shire River Improvement Trust 1 July 2006 – 18 May 2007*

**10 September 2007—**

Response from the Minister for Education and Training Minister for the Arts (Mr Welford) to a paper petition (858-07) presented by Mr Hobbs from 135 petitioners requesting funding for air conditioning in schools across south-west Queensland

Response from the Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland (Mr Wallace) to a paper petition (802-07) presented by Mr Elmes from 196 petitioners requesting a change of name for Weyba Downs to Peregian Beach West

**12 September 2007—**

Office of the Information Commissioner – Annual Report 2006-07

Response from the Minister for Education and Training Minister for the Arts (Mr Welford) to a paper petition (870-07) presented by Ms Lee Long from 90 petitioners regarding the future of the old Atherton Primary School

Response from the Minister for Local Government, Planning and Sport (Mr Fraser) to an e-petition (718-06) sponsored by Mr Moorhead from 105 petitioners regarding hazardous and noxious industries near residential areas

Response from the Minister for Local Government, Planning and Sport (Mr Fraser) to a paper petition (838-07) presented by Mr Foley from 103 petitioners requesting a change of boundary to make all of Division 3 of Tiaro Shire a part of Cooloola Shire officially

**13 September 2007—**

Report on an overseas visit by the Minister for Transport and Main Roads (Mr Lucas) to the Sustainability-TrafiNZ Conference, New Zealand Traffic Institute, held in Taupo, New Zealand from 13-15 August 2007

**17 September 2007—**

Response from the Minister for Transport and Main Roads (Mr Lucas) to a paper petition (866-07) presented by Mr Foley from 622 petitioners regarding a new boat ramp and associated facilities for Burrum Heads

**18 September 2007—**

Seventh Annual Report of the Controlled Operations Committee delivered pursuant to the Police Powers and Responsibilities Act

**19 September 2007—**

Response from the Minister for Transport and Main Roads (Mr Lucas) to paper petitions (843-07 and 862-07) presented by Mr Wellington (from 42 and 169 petitioners respectively) requesting an upgrade of sections of the Nambour-Mapleton Road

**20 September 2007—**

Response from the Minister for Main Roads and Local Government (Mr Pitt) to an e-petition (826-07) sponsored by Mr Choi from 101 petitioners regarding potential amalgamation of Redland Shire

Response from the Minister for Police and Corrective Services (Ms Spence) to an e-petition (747-07) sponsored by Mrs Stuckey from 87 petitioners requesting an upgrade of the Nerang and Mudgeeraba Police Stations to 24 hour counter operations

**25 September 2007—**

Report on an overseas visit by the Minister for Health (Mr Robertson) to the USA and Canada, 9-21 August 2007

Interim Government Response from the Minister for Transport, Trade, Employment and Industrial Relations (Mr Mickel) to Travelsafe Committee Report No. 47 titled *Report on the inquiry into Q-RIDE*

**26 September 2007—**

Auditor-General of Queensland, Report to Parliament No. 6 for 2007 Beyond Agency Risk

Response from the Minister for Sustainability, Climate Change and Innovation (Mr McNamara) to an e-petition (798-07) sponsored by Mrs Stuckey from 68 petitioners regarding the build-up of sand in and around Kirra Beach

**28 September 2007—**

Response from the Minister for Mines and Energy (Mr Wilson) to a paper petition (861-07) presented by Mrs Stuckey from 1806 petitioners requesting that the proposed high voltage transmission lines between Algester and Larapinta Substations be placed underground

Response from the Minister for Education and Training Minister for the Arts (Mr Welford) to a paper petition (883-07) presented by Mr Cripps from 221 petitioners regarding teacher aide hours for prep classes in Queensland schools

Response from the Minister for Education and Training Minister for Arts (Mr Welford) to a paper petition (889-07) presented by Mr Malone from 1010 petitioners regarding the sale of the former Sarina State Preschool Centre

Response from the Minister for Health (Mr Robertson) to an e-petition (807-07) sponsored by Mr Messenger from 53 petitioners regarding dental health treatment in the Bundaberg–Burnett region  
Report by the Minister for Primary Industries and Fisheries (Mr Mulherin) pursuant to section 56A(4) of the *Statutory Instruments Act 1992* regarding the Fisheries Regulation 1995

Response from the Minister for Primary Industries and Fisheries (Mr Mulherin) to a paper petition (855-07) presented by Mr Schwarten from 2046 petitioners regarding the law relating to net fishing in Queensland

1 October 2007—

Response from the Minister for Police, Corrective Services and Sport (Ms Spence) to an e-petition (687-06) sponsored by Mr Caltabiano from 153 petitioners requesting a ban on the sale and possession of slingshots

Letter, dated 26 September 2007, from the Premier (Ms Bligh) 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 11 September 2007 and the National Interest Analyses for the proposed treaty actions listed

Government Response from the Minister for Transport, Trade, Employment and Industrial Relations (Mr Mickel) to Select Committee of Travelsafe Report No. 48 titled *Investigation into the road safety implications of mandatory 12 hour shifts for Jilalan traincrew*

2 October 2007—

Response from the Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland (Mr Wallace) to a paper petition (870-07) presented by Ms Lee Long from 90 petitioners requesting that the old Atherton Primary School remain in the hands of the State Government and be fully maintained

Response from the Minister for Main Roads and Local Government (Mr Pitt) to a paper petition (871-07) presented by Ms Lee Long from 1697 petitioners regarding the amalgamation of four Tableland shire councils into the Tableland Regional Council

Response from the Minister for Main Roads and Local Government (Mr Pitt) to a paper petition (873-07) presented by Ms van Litsenburg from 11,113 petitioners regarding local government reform in the Redcliffe City area

3 October 2007—

Response from the Minister for Main Roads and Local Government (Mr Pitt) to a paper petition (872-07) presented by Mr English from 562 petitioners regarding the construction of a toll bridge to North Stradbroke Island via Russell Island

4 October 2007—

Response from the Minister for Main Roads and Local Government (Mr Pitt) to a paper petition (893-07) presented by Mr O'Brien from 137 petitioners regarding the recommendations of the Local Government Reform Commission

Response from the Minister for Main Roads and Local Government (Mr Pitt) to a paper petition (895-07) presented by Ms Lee Long from 286 petitioners regarding the amalgamation of four Tablelands shire councils into the Tableland Regional Council

Queensland Law Society, 2006/07 Annual Report

Reports by the Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland (Mr Wallace), pursuant to section 56A(4) of the *Statutory Instruments Act 1992*, in relation to the Aboriginal Land Regulation 1991, Land Regulation 1995 and Torres Strait Islander Land Regulation 1991

8 October 2007—

Response from the Minister for Main Roads and Local Government (Mr Pitt) to a paper petition (875-07) presented by Mr O'Brien from 1942 petitioners regarding the amalgamation of Douglas Shire Council into the Cairns Regional Council

Response from the Minister for Main Roads and Local Government (Mr Pitt) to a paper petition (856-07) presented by Mr Springborg from 3259 petitioners regarding amalgamation of Queensland councils

## STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

### *Industrial Relations Act 1999—*

Industrial Relations Amendment Regulation (No. 1) 2007, No. 220

### *Forestry Act 1959, Nature Conservation Act 1992—*

Forestry and Nature Conservation Legislation Amendment Regulation (No. 3) 2007, No. 221

### *Exotic Diseases in Animals Act 1981—*

Exotic Diseases in Animals (Equine Influenza) Notice 2007, No. 222

### *Commissions of Inquiry Act 1950—*

Commissions of Inquiry (Fuel Subsidy Inquiry—Evidence) Regulation 2007, No. 223

### *Service Delivery and Performance Commission Act 2005—*

Service Delivery and Performance Commission Regulation 2007, No. 224

### *Superannuation (State Public Sector) Act 1990—*

Superannuation (State Public Sector) Amendment of Deed Regulation (No. 2) 2007, No. 225

### *Transport Operations (Road Use Management) Act 1995—*

Transport Legislation Amendment Regulation (No. 2) 2007, No. 226

### *Transport Operations (Road Use Management) Act 1995—*

Transport Operations (Road Use Management—Driver Licensing Transitional) Regulation 2007, No. 227

### *Transport Legislation Amendment Act 2005—*

Proclamation commencing remaining provision, No. 228

### *Transport Legislation and Another Act Amendment Act 2007—*

Proclamation commencing certain provisions, No. 229

### *State Penalties Enforcement Act 1999—*

State Penalties Enforcement Amendment Regulation (No. 3) 2007, No. 230

### *Keno Act 1996—*

Keno Rule 2007, No. 231

*Agricultural Chemicals Distribution Control Act 1966, Animal Care and Protection Act 2001, Apiaries Act 1982, Brands Act 1915, Chemical Usage (Agricultural and Veterinary) Control Act 1988, Drugs Misuse Act 1986, Food Production (Safety) Act 2000, Land Protection (Pest and Stock Route Management) Act 2002, Stock Act 1915, Timber Utilisation and Marketing Act 1987, Veterinary Surgeons Act 1936—*

Primary Industries Legislation Amendment Regulation (No. 2) 2007, No. 232

### *Exotic Diseases in Animals Act 1981—*

Exotic Diseases in Animals (Equine Influenza) Amendment Notice (No. 1) 2007, No. 233

### *Exotic Diseases in Animals Act 1981—*

Exotic Diseases in Animals Amendment Regulation (No. 1) 2007, No. 234

### *Urban Land Development Authority Act 2007—*

Proclamation commencing certain provisions, No. 235

### *Land Court and Other Legislation Amendment Act 2007—*

Proclamation commencing remaining provisions, No. 236

### *Fair Trading Act 1989—*

Interim Prohibition Order pursuant to s 85A(1) prohibiting the supply of dangerous goods or undesirable goods (children's toys having accessible materials with a lead migration level greater than 90 mg/kg of lead)

### *Government Owned Corporations Act 1993—*

Government Owned Corporations (Bundaberg Port Authority Wind-up) Regulation 2007, No. 237

*Transport Infrastructure Act 1994—*

Transport Infrastructure (Ports) Amendment Regulation (No. 1) 2007, No. 238

*Stock Act 1915—*

Stock Identification Amendment Regulation (No. 1) 2007, No. 239

*Security Providers Amendment Act 2007—*

Proclamation commencing certain provisions, No. 240

*Justice and Other Legislation Amendment Act 2007—*

Proclamation commencing certain provisions, No. 241

*Water Act 2000—*

Water Resource (Logan Basin) Amendment Plan (No. 1) 2007, No. 242

*Aboriginal Land Act 1991—*

Aboriginal Land Amendment Regulation (No. 1) 2007, No. 243

*Exotic Diseases in Animals Act 1981, Stock Act 1915—*

Exotic Diseases in Animals and Other Legislation Amendment Regulation (No. 1) 2007, No. 244

*Health Practitioners (Special Events Exemption) Act 1998*

Health Practitioners (Special Events Exemption) Amendment Regulation (No. 1) 2007, No. 245

**MINISTERIAL STATEMENTS** ([Record of Proceedings p.3217](#))

Ministerial statements were made.

*Papers:* Premier (Ms Bligh), during her statements, tabled the following papers—

Queensland Government Gazette, Vol. 346, No. 9, dated 13 September 2007

Queensland Government Gazette, Vol. 346, No. 23, dated 21 September 2007

Statements continued.

*Papers:* Minister for Emergency Services (Mr Roberts), during his statement, tabled the following papers—

Document, undated, titled *Audit of the Queensland Ambulance Service*

Copy of a joint statement, dated 8 October 2007, by the Commissioner, Queensland Ambulance Service, and the Secretary, Liquor, Hospitality and Miscellaneous Union titled *Roster Reform Evaluation Outcomes*

Statements continued.

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

Media release, dated 8 October 2007, by the Queensland Police Service titled *Random Breath Testing Figures*

Statements continued.

Statements concluded.

**MOTION WITHOUT NOTICE – STANDING ORDERS COMMITTEE – APPOINTMENT**

Leader of the House (Mr Swarten), by leave, moved – That the Deputy Premier and Minister for Infrastructure and Planning (Mr Lucas), be appointed as a member of the Standing Orders Committee, to fill the vacancy caused by the resignation of the former Premier and Minister for Trade (Mr Beattie).

Question put and agreed to.

**MOTION WITHOUT NOTICE – PREMIER OF QUEENSLAND**

Leader of the House (Mr Swarten), by leave, moved – That this House acknowledges the significance of this historic occasion where, for the first time since the commencement of the Queensland Parliament on 22 May 1860, there is a female Premier of Queensland.

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

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. 10 of 2007

**QUESTIONS WITHOUT NOTICE** ([Record of Proceedings p.3228](#))

Questions without notice were asked.

*Paper:* Mrs Stuckey tabled the following paper—  
Copy of a Queensland Injectors Health Network flyer

Questions continued.

Questions concluded.

**MATTERS OF PUBLIC INTEREST** ([Record of Proceedings p.3239](#))

Matters of public interest were debated.

*Paper:* Mrs Stuckey tabled the following paper—  
Copy of a Queensland Injectors Health Network flyer

Debate continued.

Debate concluded.

**TRANSPORT LEGISLATION AMENDMENT BILL** ([Record of Proceedings p.3250](#))

Order of the day read for the adjourned debate on the motion of the (then) Minister for Transport and Main roads (Mr Lucas) – That the Bill be now read a second time.

Debate ensued.

*Papers:* Mr Nicholls, by leave, during his speech, tabled the following papers—  
Copy of a letter, dated 30 September 2007, from John Quane, President, Limousine Association Queensland Inc to the Minister for Transport relating to the Transport Legislation Amendment Bill  
Copy of a letter, dated 30 September 2007, from John Quane, President, Limousine Association Queensland Inc to the Premier relating to the Transport Legislation Amendment Bill  
Copy of a letter, dated 3 October 2007, from John Quane, President, Limousine Association Queensland Inc to the Minister for Transport relating to the Transport Legislation Amendment Bill

Debate continued.

Debate adjourned on the motion of Mr Nicholls.

**FINANCIAL ADMINISTRATION AND AUDIT AND ANOTHER ACT AMENDMENT BILL** ([Record of Proceedings p.3254](#))

Treasurer (Mr Fraser) presented a Bill for an Act to amend the *Financial Administration and Audit Act 1977* and the *Government Owned Corporations Act 1993* 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.

Mr Nicholls moved – That the debate be now adjourned.

Question put and agreed to.

**TRANSPORT LEGISLATION AMENDMENT BILL** ([Record of Proceedings p.3255](#))

Order of the day read for the adjourned debate on the motion of the (then) Minister for Transport and Main Roads (Mr Lucas) – That the Bill be now read a second time.

Debate ensued.

*Paper:* Minister for Transport, Trade, Employment and Industrial Relations (Mr Mickel), during his speech, tabled the following paper—  
Explanatory Notes to Mr Mickel's amendments to the Transport Legislation Amendment Bill

Question put and agreed to.

Bill read a second time.

*Consideration in detail—*

Clauses 1 to 43, as read, agreed to.

Clause 44 (Insertion of new ss 35A–35C)—

The following amendment was proposed by Mr Mickel—

At page 53, line 15, 'enter a'—

*omit, insert—*

' , to enable the officer to effectively exercise a power under this Act in relation to a heavy vehicle, enter the'.

Debate ensued.

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

Clause 44, as amended, agreed to.

Clauses 45 to 50, as read, agreed to.

Clause 51 (Insertion of new s 48A)—

The following amendment was proposed by Mr Mickel—

At page 68, lines 17 to 22—

*omit, insert—*

' **heavy vehicle offence** means an offence against a transport Act that involves or relates to a heavy vehicle, other than an offence against—

(a) the Queensland Road Rules; or

(b) a regulation made under this Act applying to the transport of dangerous goods.'.

Debate ensued.

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

Clause 51, as amended, agreed to.

Clauses 52 to 65, as read, agreed to.

Clause 66 (Amendment of s 60 (Evidentiary aids))—

The following amendments were proposed by Mr Mickel—

At page 89, after line 19—

*insert—*

'(la) a specified report or specified information required to be given to the chief executive under a transport Act was received on a specified day or has not been received;

(lb) no report or information of a specified type required to be given to the chief executive under a transport Act has been received by a specified day;'

At page 90, line 5, 'safely.'.—

*omit, insert—*

'safely;

(u) a specified mathematical or statistical procedure was carried out in relation to specified information generated, recorded, stored, displayed, analysed, transmitted or reported by an approved intelligent transport system and the results of the procedure being carried out.'.

At page 90, after line 7—

*insert—*

' (3A) A procedure specified in a certificate under subsection (2)(u) is presumed, unless the contrary is proved—

(a) to be valid and reliable for the purpose for which it was used; and

(b) to have been carried out correctly.'.

Debate ensued.

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

Clause 66, as amended, agreed to.

Clause 67, as read, agreed to.

New Clause 67A—

The following amendment was proposed by Mr Mickel—

At page 91, after line 25—

*insert—*

**'67A Insertion of new ss 61D–61G**

'Before section 62—

*insert—*

**'61D Certificates of TCA**

- '(1) A certificate purporting to be signed by a person on behalf of TCA stating any of the following matters is evidence of the matter—
- (a) a specified map in electronic form is or is not an intelligent access map issued by TCA for a specified date or for a specified period;
  - (b) a specified document is or is not a copy of an intelligent access map, or a specified part of an intelligent access map, issued by TCA for a specified date or for a specified period.
- '(2) A certificate purporting to be signed by a person on behalf of TCA stating any of the following matters is evidence of the matter—
- (a) a specified intelligent transport system was or was not an approved intelligent transport system on a specified date or during a specified period;
  - (b) a specified person was or was not an IAP service provider on a specified date or during a specified period;
  - (c) a specified person was or was not an IAP auditor on a specified date or during a specified period.
- '(3) A person who purportedly signs a certificate of a type mentioned in subsection (1) or (2) on behalf of TCA is presumed, unless the contrary is proved, to have been authorised by TCA to sign the certificate on TCA's behalf.

'(4) In this section—

**IAP auditor** means a person engaged by TCA to be an auditor for the intelligent access program.

**IAP service provider** means a person certified by TCA as a service provider for the intelligent access program.

**'61E Intelligent access map**

- '(1) An intelligent access map, or a document that is a copy of an intelligent access map or a specified part of an intelligent access map, issued by TCA for a specified date or for a specified period—
- (a) is admissible in a proceeding under a transport Act relating to a heavy vehicle; and
  - (b) is presumed, unless the contrary is proved, to be a correct representation of the national road network or the specified part of the national road network shown on the map or document, on the specified date or for the specified period.
- '(2) If a defendant for a charge of an offence against a transport Act intends to challenge the correctness of the representation of the national road network or the specified part of the national road network shown on a map or document mentioned in subsection (1) on the specified date or for the specified period, the defendant must give the chief executive written notice of the intention to challenge.
- '(3) The notice must—
- (a) be signed by the defendant or the defendant's lawyer; and
  - (b) state the grounds on which the defendant intends to rely to challenge the matter mentioned in subsection (2); and
  - (c) be given at least 14 days before the day fixed for the hearing of the charge.

**'61F Approved intelligent transport system**

- '(1) An approved intelligent transport system, including all the equipment and software that makes up the system, is presumed, unless the contrary is proved, to have operated properly on any particular occasion.
- '(2) Without limiting subsection (1), information generated, recorded, stored, displayed, analysed, transmitted and reported by an approved intelligent transport system is presumed, unless the contrary is proved, to have been correctly generated, recorded, stored, displayed, analysed, transmitted and reported by the system.
- '(3) Without limiting subsection (1) or (2), information generated by an approved intelligent transport system is presumed, unless the contrary is proved, not to have been changed by being recorded, stored, displayed, analysed, transmitted or reported by the system.
- '(4) If in a proceeding it is established by contrary evidence that particular information recorded or stored by an approved intelligent transport system is not a correct representation of the information generated by the system, the presumption mentioned in subsection (3) continues

to apply to the remaining information recorded or stored by the system despite that contrary evidence.

- (5) If a defendant for a charge of an offence against a transport Act intends to challenge any of the following matters, the defendant must give the chief executive written notice of the intention to challenge—
- (a) that an approved intelligent transport system has operated properly;
  - (b) that information generated, recorded, stored, displayed, analysed, transmitted or reported by an approved intelligent transport system has been correctly generated, recorded, stored, displayed, analysed, transmitted or reported by the system;
  - (c) that information generated by an approved intelligent transport system has not been changed by being recorded, stored, displayed, analysed, transmitted or reported by the system.
- (6) The notice must—
- (a) be signed by the defendant or the defendant's lawyer; and
  - (b) state the grounds on which the defendant intends to rely to challenge a matter mentioned in subsection (5)(a), (b) or (c); and
  - (c) be given at least 14 days before the day fixed for the hearing of the charge.
- (7) This section does not limit section 60(6) or 61.

**61G Reports and statements made by approved intelligent transport system**

- (1) A report purporting to be made by an approved intelligent transport system—
- (a) is presumed, unless the contrary is proved—
    - (i) to have been properly made by the system; and
    - (ii) to be a correct representation of the information generated, recorded, stored, displayed, analysed, transmitted and reported by the system; and
  - (b) is admissible in a proceeding under a transport Act relating to a heavy vehicle; and
  - (c) is evidence of the matters stated in it.
- (2) However, subsection (1)(c) does not apply to information stated in a report made by an approved intelligent transport system that has been manually entered into the system by an operator or driver of a heavy vehicle.
- Example—*  
If a driver of a heavy vehicle enters the total mass of the vehicle into the intelligent transport system, the information about the total mass of the vehicle stated in a report made by the system is not evidence of the total mass of the vehicle.
- (3) Also, if in a proceeding it is established by contrary evidence that a part of a report made by an approved intelligent transport system is not a correct representation of particular information generated, recorded, stored, displayed, analysed, transmitted or reported by the system, the presumption mentioned in subsection (1)(a) continues to apply to the remaining parts of the report despite that contrary evidence.
- (4) If a defendant for a charge of an offence against a transport Act intends to challenge any of the following matters, the defendant must give the chief executive written notice of the intention to challenge—
- (a) that a report made by an approved intelligent transport system has been properly made;
  - (b) that a report made by an approved intelligent transport system is a correct representation of the information generated, recorded, stored, displayed, analysed, transmitted and reported by the system;
  - (c) the correctness of a statement of a vehicle's position on the surface of the earth at a particular time that is made by an approved intelligent transport system.
- (5) The notice must—
- (a) be signed by the defendant or the defendant's lawyer; and
  - (b) state the grounds on which the defendant intends to rely to challenge the matter mentioned in subsection (4)(a), (b) or (c); and
  - (c) be given at least 14 days before the day fixed for the hearing of the charge.
- (6) This section does not limit section 60(6) or 61.'.'.

Debate ensued.

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

Clauses 68 to 76, as read, agreed to.

Clause 77 (Amendment of sch 4 (Dictionary))—

The following amendments were proposed by Mr Mickel—

At page 104, after line 8—

*insert—*

‘**approved intelligent transport system** means an intelligent transport system approved by TCA for use under the intelligent access program.’.

At page 109, after line 24—

*insert—*

‘**intelligent access map** means a map in electronic form issued by TCA showing the national road network.

**intelligent access program** means a program under this Act that allows particular heavy vehicles to have access, or improved access, to the road network in return for monitoring, by an approved intelligent transport system, of the vehicles’ compliance with conditions imposed on the access or improved access.’.

At page 109, line 28, ‘collect’—

*omit, insert—*

‘generate, record’.

At page 116, line 28, ‘60mm’—

*omit, insert—*

‘600mm’.

At page 117, line 29, ‘35mm’—

*omit, insert—*

‘350mm’.

At page 118, after line 4—

*insert—*

‘**TCA** means Transport Certification Australia Limited ACN 113 379 936.’.

Debate ensued.

Question – That Mr Mickel’s amendments be agreed to – put and agreed to.

Clause 77, as amended, agreed to.

Clause 78 (Amendment of s 62 (Proceedings for offences))—

The following amendment was proposed by Mr Mickel—

At page 120, line 11, ‘3 years’—

*omit, insert—*

‘5 years’.

Debate ensued.

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

Clause 78, as amended, agreed to.

Clauses 79 to 82, as read, agreed to.

Clause 83 (Insertion of new s 124A)—

The following amendments were proposed by Mr Mickel—

At page 121, line 25, after ‘section’—

*insert—*

‘61E(2), 61F(5), 61G(4),’.

At page 121, line 27, after ‘section’—

*insert—*

‘61E(3), 61F(6), 61G(5),’.

At page 122, line 7, after ‘section’—

*insert—*

‘61E(2), 61F(5), 61G(4),’.

Debate ensued.

Question – That Mr Mickel’s amendments be agreed to – put and agreed to.

Clause 83, as amended, agreed to.

Clauses 84 to 92, as read, agreed to.

Schedule (Minor amendments of Transport Operations (Road Use Management) Act 1995)—

The following amendment was proposed by Mr Mickel—

At page 129, lines 18 and 19, from ‘37(2)(b)’ to ‘39(3)(b)’—

*omit, insert—*

‘37(2), penalty, paragraph (b), 37(3), penalty, paragraph (b), 38(3), penalty, paragraph (b), 39(3), penalty, paragraph (b)’.

Debate ensued.

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

Schedule, as amended, agreed to.

*Consideration in detail completed—*

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

Question put and agreed to.

**ENVIRONMENTAL PROTECTION AMENDMENT BILL** ([Record of Proceedings p.3313](#))

Order of the day read for the adjourned debate on the motion of the (then) 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.

**ADJOURNMENT** ([Record of Proceedings p.3314](#))

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

Debate ensued.

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

Bundle of correspondence relating to the iconic status for The Blackall Range and the Conondale Range

Debate continued.

Question put and agreed to.

The House adjourned at 10.26pm.

**ATTENDANCE**

The following Members were present—

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

**M F REYNOLDS**  
**SPEAKER**

**N J LAURIE**  
**CLERK OF THE PARLIAMENT**

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