

**1998-1999-2000-2001**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**MINUTES OF PROCEEDINGS**

**No. 131**

**THURSDAY, 21 JUNE 2001**

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- 1** The Assembly met at 10.30 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Cornwell) ordered the bells to be rung. A quorum having been formed the Speaker took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

**2 PETITION**

The Clerk announced that the following Member had lodged a petition for presentation:

Mrs Burke, from 64 residents, requesting that the Assembly support education in the ACT by redirecting the \$27.4m school bus funding, on a needs basis into the ACT education sector, with the priority being the reduction of class sizes and programs to support students at risk.

Mrs Burke, by leave, made a statement in relation to her presentation of the petition.

**3 CASINO CONTROL AMENDMENT BILL 2001**

Mr Humphries (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Casino Control Act 1988*.

*Paper:* Mr Humphries presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Humphries moved - That this Bill be agreed to in principle.

Debate adjourned (Mr Quinlan) and the resumption of the debate made an order of the day for the next sitting.

**4 ENVIRONMENT PROTECTION AMENDMENT BILL 2001**

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Environment Protection Act 1997*.

*Paper:* Mr Smyth presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Smyth moved - That this Bill be agreed to in principle.

Debate adjourned (Mr Corbell) and the resumption of the debate made an order of the day for the next sitting.

## **5 TERRITORY RECORDS BILL 2001**

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act about Territory Records, and for other purposes.

*Paper:* Mr Smyth presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Smyth moved - That this Bill be agreed to in principle.

Debate adjourned (Mr Berry) and the resumption of the debate made an order of the day for the next sitting.

## **6 ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2001**

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Road Transport (Safety and Traffic Management) Act 1999*.

*Paper:* Mr Smyth presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Smyth moved - That this Bill be agreed to in principle.

Debate adjourned (Mr Hargreaves) and the resumption of the debate made an order of the day for the next sitting.

## **7 SUPREME COURT AMENDMENT BILL 2001**

Mr Stefaniak (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Supreme Court Act 1933*, and for other purposes.

*Paper:* Mr Stefaniak presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Stefaniak moved - That this Bill be agreed to in principle.

Debate adjourned (Mr Hargreaves) and the resumption of the debate made an order of the day for the next sitting.

## **8 FAIR TRADING LEGISLATION AMENDMENT BILL 2001**

Mr Stefaniak (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Fair Trading Act 1992*, the *Fair Trading (Consumer Affairs) Act 1973*, the *Magistrates Court Act 1930*, the *Sale of Goods Act 1954* and for other purposes.

*Paper:* Mr Stefaniak presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Stefaniak moved - That this Bill be agreed to in principle.

Debate adjourned (Mr Berry) and the resumption of the debate made an order of the day for the next sitting.

**9 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – INQUIRIES – PRINTING, CIRCULATION AND PUBLICATION OF REPORTS**

Mr Hird (Chair), by leave, moved – That if the Assembly is not sitting when the Standing Committee on Planning and Urban Services has completed its inquiries on the following matters:

- Section master planning for Turner, sections 46, 47, 48 and 62;
- Mawson/Athllon Drive land use; and
- National Competition Policy review of the ACT taxi and hire car legislation;

the Committee may send its report to the Speaker, or in the absence of the Speaker, the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication and the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Question – put and passed.

**10 CHIEF MINISTER'S PORTFOLIO – STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) – PUBLIC ACCOUNTS COMMITTEE REPORT NO. 21 – REVIEW OF AUDITOR-GENERAL'S REPORT NO. 1, 1999 – STAMP DUTY ON MOTOR VEHICLE REGISTRATIONS – REPORT NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Quinlan (Chair) – That the report be noted (*presented 26 August 1999*) –

Chief Minister's Portfolio – Standing Committee (incorporating the duties of a Public Accounts Committee) – Public Accounts Committee Report No. 21 – Review of Auditor-General's Report No. 1, 1999 – Stamp duty on motor vehicle registrations, dated August 1999 –

Question – put and passed.

**11 DISCHARGE OF ORDER OF THE DAY – ASSEMBLY BUSINESS**

The order of the day having been called on –

Mr Quinlan, by leave, moved – That order of the day No. 2, Assembly business, relating to the proposed referral of the Cooperatives exposure draft legislation, together with the explanatory memorandum be referred to the Standing Committee for the Chief Minister's Portfolio for inquiry and report by 21 October 1999, be discharged from the *Notice Paper*.

Question – put and passed.

**12 JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE - REPORT NO. 4 – PROPOSED A.C.T. PRISON FACILITY: PHILOSOPHY AND PRINCIPLES (SECOND INTERIM REPORT IN THE PRISON SERIES) – REPORT NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Osborne (Chair) – That the report be noted (*presented 21 October 1999*) –

Justice and Community Safety - Standing Committee - Report No. 4 - The proposed ACT Prison Facility: Philosophy and Principles (Second interim report in the prison series, dated 11 October 1999 –

Question – put and passed.

**13 EXECUTIVE MEMBER'S BUSINESS – PRECEDENCE**

Mr Moore (Manager of Government Business), by leave, moved that Executive Member's business be called on.

Question – put and passed.

**14 EXECUTIVE DOCUMENTS RELEASE BILL 2000**

The order of the day having been read for the resumption of the debate on the question - That this Bill be agreed to in principle -

Debate resumed.

Mr Berry moved – That the debate be adjourned.

Question – put.

The Assembly voted –

Ayes, 6

Noes, 9

Mr Berry  
Mr Hargreaves  
Mr Kaine  
Mr Quinlan  
Mr Stanhope

Mr Wood

Mrs Burke  
Mr Cornwell  
Mr Hird  
Mr Humphries  
Mr Moore

Mr Osborne  
Mr Rugendyke  
Mr Stefaniak  
Ms Tucker

And so it was negatived.

Debate continued.

Question - That this Bill be agreed to in principle - put and passed.

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*Detail stage*

Bill, by leave, taken as a whole –

*Paper:* Mr Moore presented a supplementary explanatory memorandum to his amendments to the Bill.

Mr Moore, by leave, moved his amendments Nos 1 to 5 together (*see* Schedule 1).

Debate continued.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

## **15 QUESTIONS**

Questions without notice were asked.

## **16 PAPER**

Mr Humphries (Treasurer), having added to an answer, presented the following paper:

TransACT – Exposure of funds – Answer to question without notice asked of Mr Humphries by Mr Kaine and taken on notice on 15 June 2001.

## **17 PRESENTATION OF PAPERS**

The Speaker presented the following papers:

Legislative Assembly (Broadcasting of Proceedings) Act, pursuant to section 8 – Authority to broadcast proceedings concerning:

Debate on the Financial Management Amendment Bill 2001 (No 2) (on Wednesday 20 June 2001), dated 20 June 2001.

Standing Committee on Planning and Urban Services in relation to its inquiries into the National Competition Policy review of ACT taxi and hire legislation (on 22 June 2001) and the land administration information system for the ACT (on 6 July 2001), dated 21 June 2001.

Standing Committee on Health and Community Care in relation to its inquiries into elder abuse (on 4 July 2001) and Naltrexone treatment (on 4 July 2001), dated 21 June 2001.

Study trips – Reports by –

Ms Tucker MLA –

Adelaide SA, 15-16 April 2001, dated 21 June 2001.

Capetown South Africa, 23-27 October 2000, dated 21 June 2001.

## **18 PRESENTATION OF PAPERS**

Mr Humphries (Chief Minister) presented the following papers:

Ministerial Travel Report for the period 1 January to 31 March 2001.

Remuneration Tribunal Act, pursuant to section 12 – Determinations, together with statements for:

Members of the ACT Legislative Assembly – Determination No. 83, dated 8 June 2001.

Chief Executives and Executives – Determination No. 84, dated 8 June 2001.

Full-time holders of public office – Determination No. 85, dated 8 June 2001.

Part-time holders of public office (Commissioner for Public Administration) – Determination No. 86, dated 8 June 2001.

Part-time holders of public office (Commissioner for Surveys) – Determination No. 87, dated 8 June 2001.

Part-time holders of public office (Building and Construction Industry Training Fund Board) – Determination No. 88, dated 8 June 2001.

Part-time holders of public office (ACT Government Procurement Board) – Determination No. 89, dated 8 June 2001.

## **19 PRESENTATION OF PAPERS**

Mr Stefaniak (Attorney-General) presented the following papers:

ACT Law Reform Commission – Report No. 17 – Sexual Assault, dated April 2001.

Administration of Justice – Statistical profile – March 2001 quarter.

*Statement by Minister:* Mr Stefaniak, by leave, made a statement in relation to the Law Reform Commission Report.

## **20 PRESENTATION OF PAPERS**

Mr Moore (Minister for Health, Housing and Community Services) presented the following papers:

Information bulletins –

Calvary Public Hospital – Patient Activity Data – March and April 2001.

The Canberra Hospital – Patient Activity Data – March and April 2001.

## **21 HEALTH AND COMMUNITY CARE – STANDING COMMITTEE – REPORT NO. 9 – 2001/2002 DRAFT BUDGET – DEPARTMENT OF HEALTH, HOUSING AND COMMUNITY CARE – GOVERNMENT RESPONSE – PAPER NOTED**

Mr Moore (Minister for Health, Housing and Community Services) presented the following paper:

Health and Community Care – Standing Committee – Report No. 9 – Report on the Inquiry into the 2001/2002 Draft Budget (*presented 29 March 2001*) – Government response entitled ACT Government response to the Report on the Inquiry into the 2001/2002 Draft Budget for the Department of Health, Housing and Community Care, dated June 2001 –

and moved – That the Assembly takes note of the paper.

Question – put and passed.

## **22 SUBORDINATE LEGISLATION (INCLUDING EXPLANATORY STATEMENTS, UNLESS OTHERWISE STATED) – PAPERS**

Mr Moore (Manager of Government Business) presented the following papers:

Subordinate Laws Act, pursuant to section 6 –

Adoption Regulations, Agents Act, Associations Incorporation Act, Births, Deaths and Marriages Registration Act, Business Names Act, Classification (Publications, Films and Computer Games) (Enforcement) Act, Consumer Credit (Administration) Act, Instruments Act, Land Titles Act, Liquor Act, Magistrates Court Act, Prostitution Act,

Public Trustees Act, Registration of Deeds Act, Sale of Motor Vehicles Act, Supreme Court Act, Trade Measurement (Administration) Act – Determination of fees and charges for 2001/2002 – Instrument No. 105 of 2001 (No. 24, dated 14 June 2001).

Bookmakers Act – Bookmakers Regulations Amendment – Subordinate Law 2001 No 16 (No. 24, dated 14 June 2001).

Emergency Management Act – Determination of fees and charges for 2001/2002 – Instrument No. 106 of 2001 (No. 24, dated 14 June 2001).

Health and Community Care Services Act – Determination of fees and charges – Instrument No. 110 of 2001 (No. 24, dated 14 June 2001).

Land (Planning and Environment) Act –

Appointment of member of the ACT Heritage Council – Instrument No. 109 of 2001 (No. 24, dated 14 June 2001).

Supplementary determination of fees and explanatory memorandum – Instrument No. 104 of 2001 (S30, dated 15 June 2001).

Road Transport (General) Act - Declaration – Road transport legislation not to apply to certain vehicles and persons – Instrument No. 107 of 2001 (S31, dated 7 June 2001).

Veterinary Surgeons Act – Determination of fees – Instrument No. 108 of 2001 (No. 24, dated 14 June 2001).

## **23 PRESENTATION OF PAPERS**

Mr Moore (Manager of Government Business) presented the following papers:

Petition which does not conform with the standing orders – Mrs Burke – Reid Oval – Proposed skate ramp (46 citizens) and covering correspondence, dated 2 March and 28 May 2001.

## **24 A.C.T. DIGITAL DIVIDE TASK FORCE REPORT – MINISTERIAL STATEMENT AND GOVERNMENT RESPONSE**

Mr Humphries (Chief Minister), by leave, made a ministerial statement concerning the ACT Digital Divide Task Force Report and presented the following paper:

ACT Digital Divide Task Force Report – Government response.

## **25 EXECUTIVE DOCUMENTS RELEASE BILL 2000**

The Assembly, according to order, resumed consideration at the detail stage.

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### *Detail stage*

Bill, by leave, as a whole –

Consideration resumed on amendments Nos 1 to 5 (*see* Schedule 1) moved by Mr Moore (Minister for Health, Housing and Community Services).

Mr Humphries (Chief Minister), by leave, moved his amendments Nos 1 and 2 (*see* Schedule 2) to Mr Moore's amendments.

Debate continued.

Question – That Mr Humphries amendments to Mr Moore's amendments be agreed to – put.

The Assembly voted -

Ayes, 12

Noes, 5

Mr Berry	Mr Humphries	Mr Kaine
Mrs Burke	Mr Quinlan	Mr Moore
Mr Corbell	Mr Smyth	Mr Osborne
Mr Cornwell	Mr Stanhope	Mr Rugendyke
Mr Hargreaves	Mr Stefaniak	Ms Tucker
Mr Hird	Mr Wood	

And so it was resolved in the affirmative.

Question – That Mr Moore's amendments, as amended, be agreed to – put and passed.

Bill, as a whole, as amended, agreed to.

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Question - That this Bill, as amended, be agreed to - put and passed.

## 26 APPROPRIATION BILL 2001-2002

The Assembly, according to order, resumed consideration at the detail stage.

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### *Detail stage*

Schedule 1 – Appropriations –

Proposed expenditure – Part 9 – Health, Housing and Community Care, \$395,394,000 (net cost of outputs), \$35,026,000 (capital injection) and \$14,886,000 (payments on behalf of the Territory), totalling \$445,306,000 – agreed to.

Proposed expenditure – Part 10 – ACT Housing, nil expenditure – agreed to.

Proposed expenditure – Part 11 – Urban Services, \$207,196,000 (net cost of outputs), \$89,603,000 (capital injection) and \$1,042,000 (payments on behalf of the Territory), totalling \$297,841,000 – debated –

Mr Berry, by leave, moved his amendments Nos 1 and 2 together (*see* Schedule 3).

Debate continued.

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*Adjournment negated:* It being 5 p.m. – The question was proposed – That the Assembly do now adjourn.

Mr Smyth (Minister for Urban Services) requiring the question to be put forthwith without debate –

Question – put and negated.

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Debate continued.

Mr Smyth (Minister for Urban Services), by leave, was granted an extension of time.

Question – put.

The Assembly voted -

Ayes, 6		Noes, 11	
Mr Berry	Mr Wood	Mrs Burke	Mr Osborne
Mr Corbell		Mr Cornwell	Mr Rugendyke
Mr Hargreaves		Mr Hird	Mr Smyth
Mr Quinlan		Mr Humphries	Mr Stefaniak
Mr Stanhope		Mr Kaine	Ms Tucker
		Mr Moore	

And so it was negatived.

Proposed expenditure agreed to.

Proposed expenditure – Part 12 – Land and Property, \$1,216,000 (capital injection), totalling \$1,216,000 – agreed to.

Proposed expenditure – Part 13 – ACTION, \$4,200,000 (capital injection), totalling \$4,200,000 – debated –

Mr Berry, by leave, moved his amendments Nos 3 and 4 together (*see* Schedule 3).

Amendments negatived.

Proposed expenditure agreed to.

Proposed expenditure – Part 14 – ACT Forests, \$1,290,000 (capital injection), totalling \$1,290,000 – debated and agreed to.

Proposed expenditure – Part 15 – ACT Workcover, \$3,186,000 (net cost of outputs), totalling \$3,186,000 – agreed to.

Proposed expenditure – Part 16 – Justice and Community Safety, \$97,199,000 (net cost of outputs), \$17,089,000 (capital injection) and \$76,282,000 (payments on behalf of the Territory), totalling \$190,570,000 – debated and agreed to.

Proposed expenditure – Part 17 – Education and Community Services, \$419,905,000 (net cost of outputs), \$29,235,000 (capital injection) and \$132,606,000 (payments on behalf of the Territory), totalling \$581,746,000 – debated and agreed to.

Proposed expenditure – Total appropriated to Departments, \$1,217,640,000 (net cost of outputs), \$274,362,000 (capital injection) and \$376,948,000 (payments on behalf of the Territory), totalling \$1,868,950,000 – agreed to.

Proposed expenditure – Part 18 – Treasurer's Advance, \$18,600,000 – agreed to.

Proposed expenditure – Total appropriations, \$1,217,640,000 (net cost of outputs), \$274,362,000 (capital injection) and \$376,948,000 (payments on behalf of the Territory), including the Treasurer's Advance (\$18,600,000), totalling \$1,887,550,000 – agreed to.

Remainder of Bill, by leave, taken as a whole and agreed to.

*Suspension of standing and temporary orders – Vote on agreement to Bill:* Mr Humphries (Treasurer) moved – That so much of the standing orders be suspended as would enable a vote to be taken on the question – That this Bill be agreed to.

Debate ensued.

Question – put.

The Assembly voted -

Ayes, 10		Noes, 6	
Mrs Burke	Mr Osborne	Mr Berry	Mr Wood
Mr Cornwell	Mr Rugendyke	Mr Corbell	
Mr Hird	Mr Smyth	Mr Hargreaves	
Mr Humphries	Mr Stefaniak	Mr Quinlan	
Mr Moore	Ms Tucker	Mr Stanhope	

And so it was resolved in the affirmative.

Question - That this Bill be agreed to – put.

The Assembly proceeding to a vote, and confusion having arisen, the Speaker directed that the call of the Assembly recommence –

The Assembly voted -

Ayes, 15		Noes, 1
Mr Berry	Mr Osborne	Ms Tucker
Mrs Burke	Mr Quinlan	
Mr Corbell	Mr Rugendyke	
Mr Cornwell	Mr Smyth	
Mr Hargreaves	Mr Stanhope	
Mr Hird	Mr Stefaniak	
Mr Humphries	Mr Wood	
Mr Moore		

And so it was resolved in the affirmative – Bill agreed to.

## 27 ADJOURNMENT

Mr Moore (Manager of Government Business) moved – That the Assembly do now adjourn.

*Statement by Speaker – Retirement of Mr Pat Torpy:* The Speaker made a statement informing the Assembly of the impending retirement of Mr Pat Torpy, Assembly Attendant.

Debate ensued.

Question – put and passed.

And then the Assembly, at 10.21 p.m., adjourned until Tuesday, 7 August 2001 at 10.30 a.m.

**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting.

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**M J McRAE**

Clerk of the Legislative Assembly

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## SCHEDULES OF AMENDMENTS

### Schedule 1

#### EXECUTIVE DOCUMENTS RELEASE BILL 2000

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Amendments circulated by Mr Moore

1

#### Clause 3

##### Proposed new definition

##### Page 2, line 7—

Before the definition of *Assembly*, insert the following new definition:

*accessible executive document* means an executive document (or part of an executive document) on or after its earliest release day.

2

#### Clause 3

##### Proposed new definition

##### Page 2, line 9—

After the definition of *Assembly*, insert the following new definition:

*earliest release day*, for an executive document, means the later of the following days:

- (a) the next 1 July after the end of 6 years after the document's submission day;
- (b) 1 July 2001.

##### Example

If an executive document's submission day was 1 May 1997, its *earliest release day* is 1 July 2003.

3

#### Clause 3

##### Proposed new definitions

##### Page 2, line 18—

After the definition of *executive document*, insert the following new definitions:

*later release day*—see section 7A (7) (Release delayed or denied).

*protected private information*—see section 7A (2) (b).

*release restraint determination*—see section 7A (2).

**4****Clause 3****Definition of *release day*****Page 2, line 19—**

Omit the definition.

**5****Clauses 5, 6 and 7****Proposed new clauses 5, 6 and 7, 7A, 7B and 7C****Page 3, line 1—**

Omit the clauses, substitute the following new clauses:

**5 Application to previous executive documents**

This Act applies to an executive document even if its submission day was before this Act commenced.

**6 List of released executive documents must be published**

- (1) The chief executive must arrange for a list of all accessible executive documents to be available to the public, without charge, in printed and in electronic form.

**Example**

To make the list available to the public in electronic form, the chief executive might make an electronic copy of the list available on a website.

*Note* An executive document becomes an *accessible executive document* on its *earliest release day* (see s 3, defs of *accessible executive document* and *earliest release day*).

- (2) The chief executive must also arrange for any release restraint determination to be listed in relation to the relevant executive document while the determination is in force.
- (3) The entry on the list for any release restraint determination must include a notice in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

**7 Availability of released documents**

- (1) On request by a person, the chief executive must, without charge, give the person a copy of an accessible executive document as soon as practicable after receiving the request, unless—
  - (a) the chief executive has decided, or decides, to make a release restraint determination about the document (see section 7A (Release delayed or denied)); and
  - (b) the release restraint determination is in force.
- (2) If a release restraint determination about the document is in force, the chief executive must, without charge—

- (a) for any part of the document to which the determination does not apply—give the person a copy of the part as soon as practicable after receiving the request; and
  - (b) for any part of the document to which the determination applies—
    - (i) if the request is made before the later release day for the part—refuse the request; or
    - (ii) if the request is made on or after the later release day for the part—give the person a copy of the part as soon as practicable after receiving the request.
- (3) However, the chief executive must refuse a request for a copy of a part of a document if—
- (a) a release restraint determination is in force determining the part to contain protected private information; and
  - (b) the determination provides that the part is not to be released at all.
- (4) Despite subsections (2) (b) (i) and (3), the chief executive must give a person a copy of a part of the document as soon as practicable after receiving the request if—
- (a) a release restraint determination is in force determining the part to contain protected private information; and
  - (b) either—
    - (i) the protected private information relates to that person, and that person only; or
    - (ii) if the person to which the information relates is dead—the person requesting the copy is the dead person’s legal personal representative.

**Example**

If the protected private information relates to a number of people, and is made jointly by all those people, or by a person with the authority of all those people, s (4) (b) would apply to allow the request to be granted.

- (5) If the chief executive has made a release restraint determination about the document that is in force, the chief executive must (whether or not the chief executive gives the person a copy of any part of the document), as soon as practicable after receiving the request, give the person—
- (a) a copy of the determination; and
  - (b) if the determination was made after the request was received—a copy of the notice about the determination mentioned in section 6 (3).

## 7A Release delayed or denied

- (1) Before giving a copy of an accessible executive document to a person under section 7, the chief executive must assess whether it contains information that would, at the time of the assessment, make it an exempt document under the *Freedom of Information Act 1989*, part 4 (Exempt documents), other than section 35 (Executive documents).
- (2) The chief executive may (by a ***release restraint determination***) determine—
  - (a) that any part of the document containing such information is only to be released on or after the later release day; or
  - (b) for any information (***protected private information***) that would, at the time of the assessment, make it an exempt document under the *Freedom of Information Act 1989*, section 41 (Documents affecting personal privacy)—
    - (i) that the part containing the information is only to be released on or after the later release day; or
    - (ii) that the part containing the information is not to be released at all.
- (3) The determination must state the reasons for making the determination.
- (4) Unless the determination states that the relevant part of the document is not to be released at all (see subsection (2) (b) (ii)), it—
  - (a) may determine a day for subsection (7) (a), by stating a particular day or providing a way of working out the day; and
  - (b) must explain how the later release day for the document is worked out under subsection (7).
- (5) A copy of the determination must be kept with the document.
- (6) The determination commences on the day it is made.
- (7) The ***later release day*** for a part of the document is the earliest of the following:
  - (a) the determined day (if any) under subsection (4) (a);
  - (b) the day 5 years after the document's earliest release day;
  - (c) the next 1 July after the end of 20 years after the document's submission day;
  - (d) if the determination ceases to be in force—the day it ceases to be in force.

*Note* The chief executive may, by instrument, change or revoke a release restraint determination at any time after its making. The power to change or revoke the determination is exercisable in the same way, and

subject to the same conditions, as the power to make the determination.  
(See *Interpretation Act 1967*, s 27D.)

**7B Freedom of Information Act access not prevented**

The Act must not be interpreted as restricting any right of access to information under the *Freedom of Information Act 1989*.

**7C Review of release restraint determination by AAT**

Application may be made to the administrative appeals tribunal for review of a release restraint determination.

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## Schedule 2

### EXECUTIVE DOCUMENTS RELEASE BILL 2000

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Amendments circulated by Mr Humphries to the amendments proposed by Mr Moore

**1**

**Amendment 2**

**Clause 3**

**Proposed new definition of *earliest release day***

**Paragraph (a)**

**Page 2, line 9—**

Omit “6 years”, substitute “10 years”.

**2**

**Amendment 2**

**Clause 3**

**Proposed new definition of *earliest release day***

**Example**

**Page 2, line 9—**

Omit “1 July 2003”, substitute “1 July 2007”.

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## **Schedule 3**

### **APPROPRIATION BILL 2001-2002**

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#### **Amendments circulated by Mr Berry**

**1**

**Schedule 1**

**Part 11, column 3**

**Page 6—**

Omit '207 196 000', substitute '201 666 000'.

**2**

**Schedule 1**

**Part 11, column 6**

**Page 6—**

Omit '297 841 000', substitute '292 311 000'.

**3**

**Schedule 1**

**Part 13, column 4**

**Page 6—**

Omit '4 200 000'.

**4**

**Schedule 1**

**Part 13, column 6**

**Page 6—**

Omit '4 200 000'.

**5**

**Schedule 1**

***'Total appropriated to departments' row***

**Page 6—**

Omit the row, substitute the following row:

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<i>Total appropriated to departments</i>	1 212 110 000	270 162 000	376 948 000	1 859 220 000
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**6**  
**Schedule 1**  
**Part 18**  
**Page 6—**

Omit the part, substitute the following part:

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<b>Part 18</b>	18 500 000
<i>Treasurer's advance</i>	

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**7**  
**Schedule 1**  
**‘Total appropriations’ row**  
**Page 6—**

Omit the row, substitute the following row:

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<i>Total appropriations</i>	1 212 110 000	270 162 000	376 948 000	1 877 720 000
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**8**  
**Clause 6**  
**Heading**  
**Page 2, line 20—**

Omit ‘\$1 887 550 000’, substitute ‘\$1 877 720 000’.

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