



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2008–2009–2010–2011**

**MINUTES OF PROCEEDINGS**

**No. 94**

**WEDNESDAY, 9 MARCH 2011**

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**1** The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mr Rattenbury) 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 CHILDREN AND YOUNG PEOPLE (DEATH REVIEW) AMENDMENT BILL  
2010**

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

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*Detail Stage*

Bill, by leave, taken clause by clause—

Clause 1 agreed to.

Clause 2—

On the motion of Ms Burch (Minister for Children and Young People), her amendment No. 1 (*see* [Schedule 1](#)) was made, after debate.

*Paper:* Ms Burch presented a supplementary explanatory statement to the Government amendments.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4—

On the motion of Ms Burch, her amendment No. 2 (*see* [Schedule 1](#)) was made, after debate.

On the motion of Ms Hunter, her amendment No. 1 (*see* [Schedule 2](#)) was made, after debate.

On the motion of Ms Hunter, her amendment No. 2 (*see* [Schedule 2](#)) was made, after debate.

On the motion of Ms Burch, her amendment No. 4 (*see* [Schedule 1](#)) was made, after debate.

On the motion of Ms Burch, her amendment No. 5 (*see* [Schedule 1](#)) was made, after debate.

On the motion of Ms Hunter, her amendment No. 3 (*see* [Schedule 2](#)) was made, after debate.

On the motion of Ms Burch, her amendment No. 7 (*see* [Schedule 1](#)) was made, after debate.

On the motion of Ms Burch, her amendment No. 8 (*see* [Schedule 1](#)) was made, after debate.

On the motion of Ms Hunter, her amendment No. 4 (*see* [Schedule 2](#)) was made, after debate.

On the motion of Ms Burch, her amendment No. 10 (*see* [Schedule 1](#)) was made, after debate.

On the motion of Ms Burch, her amendment No. 11 (*see* [Schedule 1](#)) was made, after debate.

On the motion of Ms Burch, her amendment No. 12 (*see* [Schedule 1](#)) was made, after debate.

On the motion of Ms Burch, her amendment No. 13 (*see* [Schedule 1](#)) was made, after debate.

On the motion of Ms Burch, her amendment No. 14 (*see* [Schedule 1](#)) was made, after debate.

On the motion of Ms Burch, by leave, her amendments Nos. 15 and 16 (*see* [Schedule 1](#)) were made together, after debate.

Ms Burch moved her amendment No. 17 (*see* [Schedule 1](#)).

Debate continued.

Amendment negatived.

Ms Burch, by leave, moved her amendments Nos. 18 and 19 together (*see* [Schedule 1](#)).

Debate continued.

Amendments negatived.

On the motion of Ms Hunter, her amendment No. 5 (*see* [Schedule 2](#)) was made, after debate.

On the motion of Ms Hunter, her amendment No. 6 (*see* [Schedule 2](#)) was made, after debate.

Ms Burch, by leave, moved her amendments Nos. 20 and 21 together (*see* [Schedule 1](#)).

Debate continued.

Amendments negatived.

On the motion of Ms Hunter, her amendment No. 7 (*see* [Schedule 2](#)) was made.

Ms Burch moved her amendment No. 22 (*see* [Schedule 1](#)).

On the motion of Ms Hunter, by leave, her amendments Nos. 1 and 2 to Ms Burch's proposed amendment (*see* [Schedule 3](#)) were made together, after debate.

Ms Burch's amendment, as amended, agreed to.

Clause 4, as amended, agreed to.

Clause 5 agreed to.

Title agreed to.

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

### 3 ATTORNEY-GENERAL—PROPOSED CENSURE

Mr Hanson, pursuant to notice, moved—That this Assembly:

- (1) notes:
  - (a) that the Chief Minister and the Attorney-General have both repeatedly misled the Assembly and the public in relation to operations at the Alexander Maconochie Centre (AMC) with regard to:
    - (i) the AMC's inability to receive prisoners for six months following the official opening on the eve of the ACT election;
    - (ii) the actual capacity of 245 which was repeatedly stated as 300; and
    - (iii) the drug testing of prisoners on entry to the AMC; and
  - (b) that since the fake opening of the AMC in 2008, there have been extensive failures within ACT Corrections, from the under delivery and cost blowouts in the prison project through to the recent failure of the radio frequency identification system;
- (2) calls on the Attorney-General to:
  - (a) explain the reasons why after repeatedly informing the public and the Assembly that the prisoner capacity of the AMC is 300, that the capacity has now been stated as 245;
  - (b) report to the Assembly by the last sitting day in March 2011 on:
    - (i) the costs of retro-fitting prisoner cells with bunk beds;
    - (ii) the Government's latest projections on prisoner population numbers; and
    - (iii) the Government's options to deal with the increase in prisoner population numbers;
  - (c) confirm to the Assembly by close of business today that all programs listed by the Chief Minister in the Assembly on 22 September 2010 are actually occurring at the AMC as he has stated; and
  - (d) apologise to the Assembly for repeatedly misleading Members with regard to operations at the AMC; and

- (3) that this Assembly censures Simon Corbell MLA for mismanagement of the corrections portfolio and for repeatedly misleading the Assembly and the community with regard to operations at the AMC.

Debate ensued.

Ms Bresnan moved the following amendment: Omit all words after “notes”, substitute: “concerns about the capacity of the Alexander Maconochie Centre (AMC), in terms of the configuration of prisoners and the number of remandees at any given time; and

- (2) calls on the Attorney-General to report to the Assembly by the last sitting day in August 2011 on:
- (a) the trend in prisoner population numbers since the AMC opened, and projections for the coming years;
  - (b) what are the best and worst case scenarios for AMC’s capacity for holding prisoners and remandees;
  - (c) what are the Government’s options to deal with an increase in prisoner population numbers; and
  - (d) matters concerning community corrections, including:
    - (i) whether there are sufficient sentencing options available under the *Crimes (Sentence Administration) Act 2005* for community corrections programs;
    - (ii) what is the full list of community-based correction programs that judges can sentence offenders to;
    - (iii) how many of the community corrections programs have been or are operating at near capacity;
    - (iv) if prisoners are ever sent to the AMC because community corrections programs are at capacity;
    - (v) the financial cost (including per prisoner) of each of the community corrections programs; and
    - (vi) any analysis or research that has been undertaken to assess the comparative rates of recidivism for offenders sentenced to community orders and those sentenced to imprisonment.”.

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.

#### 4 QUESTIONS

Questions without notice were asked.

#### 5 PRESENTATION OF PAPER

Mr Stanhope (Chief Minister) presented the following paper:

Ministerial Travel Report—1 January to 31 December 2010—Erratum.

**6 ALEXANDER MACONOCHIE CENTRE—CAPACITY**

The order of the day having been read for the resumption of the debate on the motion of Mr Hanson, and on the amendment moved by Ms Bresnan (*see entry 3*)—

Debate resumed.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 10		NOES, 5
Mr Barr	Mr Hargreaves	Mr Doszpot
Ms Bresnan	Ms Hunter	Mrs Dunne
Ms Burch	Ms Le Couteur	Mr Hanson
Mr Corbell	Mr Rattenbury	Mr Seselja
Ms Gallagher	Mr Stanhope	Mr Smyth

And so it was resolved in the affirmative.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes concerns about the capacity of the Alexander Maconochie Centre (AMC), in terms of the configuration of prisoners and the number of remandees at any given time; and
- (2) calls on the Attorney-General to report to the Assembly by the last sitting day in August 2011 on:
  - (a) the trend in prisoner population numbers since the AMC opened, and projections for the coming years;
  - (b) what are the best and worst case scenarios for AMC’s capacity for holding prisoners and remandees;
  - (c) what are the Government’s options to deal with an increase in prisoner population numbers; and
  - (d) matters concerning community corrections, including:
    - (i) whether there are sufficient sentencing options available under the *Crimes (Sentence Administration) Act 2005* for community corrections programs;
    - (ii) what is the full list of community-based correction programs that judges can sentence offenders to;
    - (iii) how many of the community corrections programs have been or are operating at near capacity;
    - (iv) if prisoners are ever sent to the AMC because community corrections programs are at capacity;
    - (v) the financial cost (including per prisoner) of each of the community corrections programs; and
    - (vi) any analysis or research that has been undertaken to assess the comparative rates of recidivism for offenders sentenced to community orders and those sentenced to imprisonment.”—

be agreed to—put.

The Assembly voted—

AYES, 10		NOES, 5
Mr Barr	Mr Hargreaves	Mr Doszpot
Ms Bresnan	Ms Hunter	Mrs Dunne
Ms Burch	Ms Le Couteur	Mr Hanson
Mr Corbell	Mr Rattenbury	Mr Seselja
Ms Gallagher	Mr Stanhope	Mr Smyth

And so it was resolved in the affirmative.

## 7 POSTPONEMENT OF NOTICE

Mr Hargreaves moved—That notice No. 2, Private Members' business, relating to organ and tissue donation, be postponed until a later hour this day.

Debate ensued.

Question—put and passed.

## 8 AUDITOR-GENERAL AMENDMENT BILL 2009

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—

Mr Stanhope (Chief Minister) moved—That debate be adjourned.

Question—put.

The Assembly voted—

AYES, 10		NOES, 5
Mr Barr	Mr Hargreaves	Mr Doszpot
Ms Bresnan	Ms Hunter	Mrs Dunne
Ms Burch	Ms Le Couteur	Mr Hanson
Mr Corbell	Mr Rattenbury	Mr Seselja
Ms Gallagher	Mr Stanhope	Mr Smyth

And so it was resolved in the affirmative.

Question—That the resumption of the debate be made an order of the day for the next sitting—put and passed.

## 9 PRECEDENCE TO NOTICE

Mr Hargreaves moved—That notice No. 2, Private Members' business, relating to organ and tissue donation, be called on forthwith.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 10		NOES, 5
Mr Barr	Mr Hargreaves	Mr Doszpot
Ms Bresnan	Ms Hunter	Mrs Dunne
Ms Burch	Ms Le Couteur	Mr Hanson
Mr Corbell	Mr Rattenbury	Mr Seselja
Ms Gallagher	Mr Stanhope	Mr Smyth

And so it was resolved in the affirmative.

## 10 ORGAN AND TISSUE DONATION

Mr Hargreaves, pursuant to notice, moved—That this Assembly:

- (1) notes:
  - (a) that 98 per cent of Australians agree that organ and tissue donation has the potential to save and improve lives;
  - (b) that around 1 700 people are currently on Australian organ transplant waiting lists;
  - (c) that, on average, people on the transplant list can wait between six months and four years;
  - (d) that one organ and tissue donor can save up to 10 lives and improve the lives of many more;
  - (e) that Canberra saw a record number of multi organ donations in 2010, with 10 multi organ donor families which have transformed the lives of 32 Australians; and
  - (f) that Australia has a world class reputation for successful transplant outcomes yet still has one of the lowest organ donation rates in the developed world with only 40 per cent of Australians knowing the donation wishes of their loved ones;
- (2) congratulates the organisers of the inaugural *DonateLife Week 2011*, Australia's National Awareness Week to promote organ and tissue donation, and for providing a range of important forum to discuss and reflect on organ and tissue donation;
- (3) acknowledges the effort that was put into *DonateLife Week* across the country which included events in the ACT including the launch of the *Book of Life*, the organised *DonateLife Walk* around the lake, the *Heart to Heart Ball* and the *ACT Chief Minister's Awards*; and
- (4) calls on all Members of the Assembly to consider registering as organ and tissue donors and to talk about this important issue with their community in an effort to increase awareness about organ and tissue donation.

Debate ensued.

Question—put and passed.

## 11 COMMUNITY GARDENS

Ms Le Couteur, pursuant to notice, moved—That this Assembly:

- (1) notes:
  - (a) that community and household gardens make positive contributions towards food provision, social inclusion and environmental sustainability in the ACT;
  - (b) the success of community gardens in Canberra, in particular those run by Canberra Organic Growers Society;
  - (c) the high demand for the expansion of community gardens which is increasing as Canberra's density increases; and
  - (d) that demand for community gardens is far outstripping supply; and

- (2) calls upon the ACT Government to facilitate the establishment and operation of community gardens:
- (a) by setting aside space for community gardens in all new residential developments and identifying appropriate sites to develop community gardens in established suburbs;
  - (b) by developing a standard licence arrangement for the Department of Territory and Municipal Services or private land owners to enter into with the operators of community gardens;
  - (c) by facilitating group insurance provisions for operators of community gardens;
  - (d) by providing funding for:
    - (i) a support person to help coordinate the expansion of community gardens in the ACT;
    - (ii) a grants program to help meet the costs of new community gardens; and
    - (iii) gardening/food growing training, open to all members of the community;
  - (e) by assisting public and community housing tenants to be involved in community garden projects;
  - (f) by developing a policy paper on local food production, including community and household gardens, to be tabled in the Assembly by June 2011; and
  - (g) and report back to the Assembly on each of the above issues by June 2011.

Mr Stanhope (Minister for Territory and Municipal Services) moved the following amendment: Omit paragraphs (1)(d) and (2), substitute:

- “(d) that demand for community gardens is outstripping supply in some areas; and
  - (e) that the ACT Government has established an inter-agency working group to consider improved support for the establishment and operation of community gardens;
- (2) calls upon the Government to consider through the inter-agency working group:
- (a) setting aside space for community gardens in all new residential developments and identifying appropriate sites to develop community gardens in established suburbs;
  - (b) improving the existing standard licence arrangement for the Department of Territory and Municipal Services and developing a model agreement for private leaseholders, to enter into with the operators of community gardens;
  - (c) facilitating group insurance provisions for operators of community gardens;

- (d) providing additional resources to:
    - (i) support person to help co-ordinate the expansion of community gardens in the ACT;
    - (ii) grants to help meet the costs of new community gardens; and
    - (iii) gardening/food growing training, open to all members of the community;
  - (e) improving existing assistance available to public and community housing tenants to be involved in community garden projects; and
  - (f) developing a policy paper on local food production, including community and household gardens, to be tabled in the Assembly by June 2011; and
- (3) calls upon the Government to report back to the Assembly on each of the above issues by the last sitting day in June 2011.”.

Debate continued.

Mr Coe, who had already spoken, by leave, again addressed the Assembly.

Debate continued.

Amendment agreed to.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
  - (a) that community and household gardens make positive contributions towards food provision, social inclusion and environmental sustainability in the ACT;
  - (b) the success of community gardens in Canberra, in particular those run by Canberra Organic Growers Society;
  - (c) the high demand for the expansion of community gardens which is increasing as Canberra’s density increases;
  - (d) that demand for community gardens is outstripping supply in some areas; and
  - (e) that the ACT Government has established an inter-agency working group to consider improved support for the establishment and operation of community gardens;
- (2) calls upon the Government to consider through the inter-agency working group:
  - (a) setting aside space for community gardens in all new residential developments and identifying appropriate sites to develop community gardens in established suburbs;
  - (b) improving the existing standard licence arrangement for the Department of Territory and Municipal Services and developing a model agreement for private leaseholders, to enter into with the operators of community gardens;

- (c) facilitating group insurance provisions for operators of community gardens;
  - (d) providing additional resources to:
    - (i) support person to help co-ordinate the expansion of community gardens in the ACT;
    - (ii) grants to help meet the costs of new community gardens; and
    - (iii) gardening/food growing training, open to all members of the community;
  - (e) improving existing assistance available to public and community housing tenants to be involved in community garden projects; and
  - (f) developing a policy paper on local food production, including community and household gardens, to be tabled in the Assembly by June 2011; and
- (3) calls upon the Government to report back to the Assembly on each of the above issues by the last sitting day in June 2011.”—

be agreed to—put and passed.

## 12 TERRITORY LAND—MAINTENANCE

Mr Coe, pursuant to notice, moved—That this Assembly:

- (1) notes:
  - (a) the importance of delivering core services to Canberrans, including the delivery of basic urban services;
  - (b) that mowing unleased Territory land should be a priority for a municipal government;
  - (c) that many Canberrans are unhappy with the increased taxes, rates, fees and charges they pay and feel that there is a deterioration in the quality of service delivery from the ACT Government; and
  - (d) that whilst the summer of 2010-11 was the wettest since 1998 and demand for mowing was high, the ACT Government did not save money in the years when less mowing was needed; and
- (2) calls on the Government:
  - (a) to develop a plan for how they will better address demand for mowing in the future;
  - (b) to develop a clear policy as to who is responsible for mowing land adjacent to private property, including road verges;
  - (c) to prioritise the delivery of core services to Canberrans; and
  - (d) to report back to the Assembly by 30 June 2011 about the progress of the above.

Mr Stanhope (Minister for Territory and Municipal Services) moved the following amendment: Omit all words after “That this Assembly”, substitute:

- “(1) notes:
- (a) the importance of delivering core services to ACT residents, including basic urban services;

- (b) that mowing unleased Territory land is a priority for a municipal authority;
  - (c) that ACT residents expect the delivery of high quality municipal services;
  - (d) that many ACT residents are unhappy with increases in living expenses; and
  - (e) that the summer of 2010-11 was the wettest since 1947-48 and demand for mowing was extreme; and
- (2) calls on the Government to:
- (a) make public and promote:
    - (i) the Government's strategy for managing increased demand for mowing; and
    - (ii) the Government's policy as to who is responsible for mowing land adjacent to private property, including road verges;
  - (b) prioritise the delivery of core services to ACT residents; and
  - (c) report back to the Assembly by 30 June 2011 about the progress of the above.”.

Debate continued.

Mr Seselja (Leader of the Opposition) addressing the Assembly—

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*Adjournment negatived:* It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Mr Stanhope requiring the question to be put forthwith without debate—

Question—put and negatived.

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Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 10		NOES, 5
Mr Barr	Mr Hargreaves	Mr Coe
Ms Bresnan	Ms Hunter	Mr Doszpot
Ms Burch	Ms Le Couteur	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Seselja
Ms Gallagher	Mr Stanhope	Mr Smyth

And so it was resolved in the affirmative.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
  - (a) the importance of delivering core services to ACT residents, including basic urban services;

- (b) that mowing unleased Territory land is a priority for a municipal authority;
  - (c) that ACT residents expect the delivery of high quality municipal services;
  - (d) that many ACT residents are unhappy with increases in living expenses; and
  - (e) that the summer of 2010-11 was the wettest since 1947-48 and demand for mowing was extreme; and
- (2) calls on the Government to:
- (a) make public and promote:
    - (i) the Government's strategy for managing increased demand for mowing; and
    - (ii) the Government's policy as to who is responsible for mowing land adjacent to private property, including road verges;
  - (b) prioritise the delivery of core services to ACT residents; and
  - (c) report back to the Assembly by 30 June 2011 about the progress of the above."—

be agreed to—put and passed.

### 13 ADJOURNMENT

Mr Stanhope (Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.55 p.m., adjourned until tomorrow at 10 a.m.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting, except Ms Porter\*.

\*on leave

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**Tom Duncan**  
Clerk of the Legislative Assembly

# SCHEDULES OF AMENDMENTS

## Schedule 1

### CHILDREN AND YOUNG PEOPLE (DEATH REVIEW) AMENDMENT BILL 2010

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Amendments circulated by the Minister for Children and Young People

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**1**

**Clause 2**

**Page 2, line 4—**

*omit clause 2, substitute*

## **2 Commencement**

This Act commences on a day fixed by the Minister by written notice.

*Note 1* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

*Note 3* If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

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**2**

**Clause 4**

**Proposed new section 727B (d)**

**Page 3, line 9—**

*omit proposed new section 727B (d), substitute*

(d) to identify areas requiring further research, by the committee or another entity, that arise from the identified patterns and trends in relation to the deaths of children and young people;

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**3**

**Clause 4**

**Proposed new section 727B (2)**

**Page 3, line 19—**

*insert*

(2) The CYP death review committee has no function in relation to the review of the death of a particular child or young person.

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**4****Clause 4****Proposed new section 727E (3) and (4)****Page 5, line 24—**

*omit proposed new section 727E (3) and (4), substitute*

- (3) Also, the Minister must not appoint someone unless satisfied that the person—
  - (a) has the expertise or experience to be the chair of the CYP death review committee; and
  - (b) is otherwise suitable to be the chair.
- (4) In considering whether someone is suitable to be a chair of the CYP death review committee, the Minister—
  - (a) must consider relevant information mentioned in section 65 (1), definition of *suitability information*, paragraphs (a), (b) and (c) about the person; and
  - (b) may consider other suitability information about the person.
- (5) The appointment of the chair is for not longer than 3 years.
- (6) The conditions of appointment of the chair are the conditions stated in the appointment, subject to any determination under the *Remuneration Tribunal Act 1995*.

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**5****Clause 4****Proposed new sections 727EA and 727EB****Page 6, line 2—**

*insert*

**727EA Conflict of interest**

A member of the CYP death review committee must take all reasonable steps to avoid being placed in a position where a conflict of interest arises during the exercise of the committee's functions.

**727EB Appointment of advisers**

- (1) The Minister may, on the request of the CYP death review committee, appoint a person as an adviser to the committee.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

*Note 3* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (2) However, the Minister must not appoint someone unless satisfied that the person has the experience or expertise to exercise the functions of an adviser.
- (3) An appointment may be subject to conditions stated in the appointment.
- (4) An adviser must, on request of the CYP death review committee, provide advice to the committee in relation to the committee's functions and otherwise in accordance with any conditions of appointment.
- (5) The Minister may end the appointment of an adviser if the adviser breaches a condition of appointment.

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**6****Clause 4****Proposed new section 727H (1)****Page 7, line 6—***omit*

each year

*substitute*

in a reporting period under section 727O

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**7****Clause 4****Proposed new section 727J (1)****Page 7, line 15—***omit* $\frac{3}{4}$ *substitute* $\frac{2}{3}$ 

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**8****Clause 4****Proposed new section 727K (3)****Page 7, line 22—***insert*

- (3) Despite subsection (1), if the votes are equal, the chair has a deciding vote.
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**9****Clause 4****Proposed new section 727L (2) (d)****Page 8, line 18—**

*omit proposed new section 727L (2) (d), substitute*

- (d) whether, at the time of death of the child or young person, the chief executive had parental responsibility for the child or young person;

*Note* Parental responsibility may be transferred to, or shared with, the chief executive under certain provisions (see s 17 and s 18).

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**10****Clause 4****Proposed new section 727L (3A)****Page 9, line 5—**

*insert*

- (3A) If the death of a child or young person is subject to a coronial inquest or review by the Territory, the CYP death review committee must not include any information on the register about the cause or circumstances of the death until the coronial inquest or review has ended.

**Examples—review by Territory**

- an internal review by the Office for Children, Youth and Family Support
- a joint review by ACT Health and the Office for Children, Youth and Family Support

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

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**11****Clause 4****Proposed new section 727L (5) and (6)****Page 9, line 10—**

*insert*

- (5) The CYP death review committee—
- (a) must use its best endeavours to include on the register information about the deaths of children and young people that occurred during the period starting on 1 January 2004 and ending the day before the commencement of this section; and
- (b) may include on the register information about the deaths of children and young people that occurred before 1 January 2004.
- (6) This subsection and subsection (5) expire 6 years after the day this subsection commences.
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12

Clause 4

Proposed new sections 727LA and 727LB

Page 9, line 10—

*insert*

**727LA Obtaining information from certain entities**

- (1) A relevant entity must give the CYP death review committee the following information in relation to the death of a child or young person:
  - (a) information required under section 727L (2) to be included on the register;
  - (b) other information requested in writing by the committee that the committee considers is necessary to exercise its functions.
- (2) Information mentioned in subsection (1) (a) must be given within 3 months after the death of the child or young person.
- (3) Information mentioned in subsection (1) (b) must be given as soon as practicable after the request is made.
- (4) However, information mentioned in section 727L (3A) must be given as soon as practicable after the end of the inquest or review.
- (5) A relevant entity is only required to give information under this section that is within the knowledge of the entity because of the exercise of its functions.
- (6) In this section:

***relevant entity*** means each of the following:

  - (a) the chief police officer;
  - (b) the registrar-general;
  - (c) the Coroner's Court;
  - (d) the chief executive responsible for administering this Act, chapter 10;
  - (e) the chief executive responsible for administering the *Education Act 2004*, chapter 2;
  - (f) the chief executive responsible for administering the *Health Act 1993*, part 3;
  - (g) a licensed proprietor of a childcare service;
  - (h) an entity prescribed by regulation.

**727LB Exchanging information with corresponding interstate entities**

The CYP death review committee may enter into an agreement with an entity who exercises a function under a law of a State, that corresponds or substantially corresponds to a function of the committee, to exchange information relevant to the function.

**13**

**Clause 4**

**Proposed new section 727M (2), new note**

**Page 9, line 19—**

*insert*

*Note* Information given or contained in a document or something else produced is protected information (see ch 25).

**14**

**Clause 4**

**Proposed new section 727M (2A)**

**Page 9, line 19—**

*insert*

- (2A) However, the CYP death review committee must not require a family member of a child or young person who has died to give information or produce a document or something else in relation to the child or young person.

**15**

**Clause 4**

**Proposed new section 727N (1) (ba)**

**Page 10, line 15—**

*insert*

- (ba) advisers appointed under section 727EB;

**16**

**Clause 4**

**Proposed new section 727N (3)**

**Page 10, line 19—**

*insert*

- (3) The committee must notify a person who can access the register of the person's obligations to deal with information on the register in accordance with the requirements under chapter 25 (Information secrecy and sharing).

*Note* Information on the register is protected information (see ch 25).

**17**

**Clause 4**

**Proposed new part 19A.4 heading**

**Page 11, line 1—**

*omit proposed new part 19A.4 heading, substitute*

## Part 19A.4 Reporting about deaths of children and young people

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18

Clause 4

Proposed new section 727O heading

Page 11, line 3—

*omit proposed new section 727O heading, substitute*

### 727O 3-yearly reports on deaths of children and young people

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19

Clause 4

Proposed new section 727O (1)

Page 11, line 4—

*omit proposed new section 727O (1), substitute*

- (1) For each reporting period, the CYP death review committee must report to the Minister about the following in relation to the deaths of children and young people included on the children and young people deaths register during the reporting period:
- (a) the number of deaths of children and young people;
  - (b) the age and sex of each child or young person who died;
  - (c) the patterns or trends (if any) identified in relation to the deaths of children and young people.
- (1A) The CYP death review committee must also include in the report details of any reports given by the committee or information given by the Minister under section 727P in the reporting period.
- 

20

Clause 4

Proposed new section 727O (3)

Page 12, line 4—

*omit*

4 months after the end of the financial year

*substitute*

2 months after the end of the reporting period

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**21****Clause 4****Proposed new section 727O (5)****Page 12, line 8—**

*omit proposed new section 727O (5), substitute*

- (5) In this section:

**reporting period** means a 3-year period ending on 30 June in the 3rd year.

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**22****Clause 4****Proposed new sections 727P and 727Q****Page 12, line 14—**

*insert*

**727P Other reports**

- (1) The CYP death review committee may at any time prepare a report for the Minister on any matter arising in connection with the exercise of the committee's functions.
- (2) The CYP death review committee must not include in the report any information that would—
  - (a) disclose the identity of a child or young person who has died; or
  - (b) allow the identity of a child or young person who has died to be worked out.
- (3) Within 3 months after receiving a report under subsection (1), the Minister must give information to the CYP death review committee about any action the Minister has taken, or will take, in relation to the matters raised in the report.

**727Q Reporting on deaths of children and young people before the commencement of ch 19A**

- (1) For the period starting on 1 January 2004 and ending the day before the commencement of this chapter, the CYP death review committee must use its best endeavours to report about the following in relation to the deaths of children and young people included on the register for that period:
  - (a) the number of deaths of children and young people;
  - (b) the age and sex of each child or young person who died;
  - (c) the patterns or trends (if any) identified in relation to the deaths of children and young people.
- (2) The CYP death review committee may include in the report—

- (a) its recommendations (if any) about legislation, policies, practices and services for implementation by the Territory and non-government bodies to help prevent or reduce the likelihood of the death of children and young people; and
    - (b) any other matter it considers relevant.
  - (3) However, the CYP death review committee must not include in the report any information that would—
    - (a) disclose the identity of a child or young person who has died; or
    - (b) allow the identity of a child or young person who has died to be worked out.
  - (4) The CYP death review committee must give the Minister the report within 6 years after the day this section commences.
  - (5) The Minister must present the report in the Legislative Assembly within 6 sitting days after the day the report is given to the Minister.
  - (6) This section expires 6 years after the day it commences.
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**Schedule 2****CHILDREN AND YOUNG PEOPLE (DEATH REVIEW)  
AMENDMENT BILL 2010**

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Amendments circulated by Ms Hunter

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**1****Clause 4****Proposed new section 727B (2)****Page 3, line 19—***insert*

- (2) The CYP death review committee has no function in relation to reviewing the cause of death of a particular child or young person.

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**2****Clause 4****Proposed new section 727D****Page 4, line 2—***omit proposed section 727D, substitute***727D Appointment of committee members**

- (1) The Minister must appoint at least 8, but not more than 10, members to the CYP death review committee.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

*Note 3* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (2) The Minister must, unless it is not reasonably practicable, ensure that the committee includes—

(a) people with experience or expertise in the following:

- (i) psychology;
- (ii) paediatrics;
- (iii) epidemiology;
- (iv) child forensic medicine;
- (v) public health administration;
- (vi) education;

- (vii) engineering and child safety products or systems;
  - (viii) working with Aboriginal and Torres Strait Islander children and young people; and
  - (b) a social worker with expertise or experience in working with children and young people and families; and
  - (c) a police officer with experience in working with children and young people and families.
- (3) The Minister must not appoint someone to the committee under this section unless satisfied that the person is suitable to be a member of the committee.
- (4) In considering whether someone is suitable to be a member of the committee, the Minister—
- (a) must consider relevant information mentioned in section 65 (1), definition of *suitability information*, paragraphs (a), (b) and (c) about the person; and
  - (b) may consider other suitability information about the person.
- (5) The appointment of a member under this section is for not longer than 3 years.
- (6) The conditions of appointment of a member under this section are the conditions stated in the appointment, subject to any determination under the *Remuneration Tribunal Act 1995*.

3

**Clause 4****Proposed new section 727H (1)**

Page 7, line 6—

*omit*

4 times

*substitute*

once

4

**Clause 4****Proposed new section 727L (2) (d)**

Page 8, line 18—

*omit proposed new section 727L (2) (d), substitute*

- (d) whether, within 3 years before his or her death, the child or young person, or a sibling of the child or young person, was the subject of a report the chief executive decided, under section 360 (5), was a child protection report;

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**5****Clause 4****Proposed new section 727O (1) (b) and (c)****Page 11, line 9—**

*omit proposed new section 727O (1) (b) and (c), substitute*

- (b) the age and sex of each child or young person who died and whether, within 3 years before his or her death, the child or young person, or a sibling of the child or young person, was the subject of a report the chief executive decided, under section 360 (5), was a child protection report;
- (c) the patterns or trends (if any) identified in relation to the deaths of children and young people—
  - (i) generally; and
  - (ii) who, within 3 years before their death were, or had a sibling who was, the subject of a report the chief executive decided, under section 360 (5), was a child protection report.

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**6****Clause 4****Proposed new section 727O (2A)****Page 12, line 3—**

*insert*

- (2A) However, the CYP death review committee must not include in the report any information that would—
  - (a) disclose the identity of a child or young person who has died; or
  - (b) allow the identity of a child or young person who has died to be worked out.

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**7****Clause 4****Proposed new section 727O (5)****Page 12, line 8—**

*omit*

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**Schedule 3****CHILDREN AND YOUNG PEOPLE (DEATH REVIEW)  
AMENDMENT BILL 2010**

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Amendments circulated by Ms Hunter to the Minister for Children and Young People's amendments

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**1****Amendment 22****Proposed new section 727P (2A)**

*insert*

- (2A) The Minister must present the report to the Legislative Assembly within 6 sitting days after the report is given to the Minister.
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**2****Amendment 22****Proposed new section 727Q (1) (b) and (c)**

*omit proposed new section 727Q (1) (b) and (c), substitute*

- (b) the age and sex of each child or young person who died and whether, within 3 years before his or her death, the child or young person, or a sibling of the child or young person, was the subject of a report the chief executive decided, under section 360 (5), was a child protection report;
- (c) the patterns or trends (if any) identified in relation to the deaths of children and young people—
- (i) generally; and
  - (ii) who, within 3 years before their death were, or had a sibling who was, the subject of a report the chief executive decided, under section 360 (5), was a child protection report.

*Note* There are restrictions on recording and divulging protected and sensitive information (see ch 25).

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