



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2020–2021–2022**

**MINUTES OF PROCEEDINGS**

**No 60**

**TUESDAY, 11 OCTOBER 2022**

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- 1** The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms Burch) took the Chair and made the following acknowledgement of country in the Ngunnawal language:

Dhawura nguna, dhawura Ngunnawal.

Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.

Nginggada Dindi dhawura Ngunnaawalbun yindjumaralidjinyin.

*This is Ngunnawal Country.*

*Today we are gathering on Ngunnawal country.*

*We always pay respect to Elders, female and male, and Ngunnawal country.*

The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

- 2 ESTIMATES 2022-2023—SELECT COMMITTEE—REPORT—INQUIRY INTO THE APPROPRIATION BILL 2022-2023 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2022-2023—REPORT NOTED**

Mr Milligan (Chair) presented the following report:

Estimates 2022-2023—Select Committee—Report—*Inquiry into the Appropriation Bill 2022-2023 and Appropriation (Office of the Legislative Assembly) Bill 2022-2023*, dated 28 September 2022, together with a copy of the extracts of the relevant minutes of proceedings and a schedule of unanswered questions, dated 11 October 2022—

and moved—That the report be noted.

Question—put and passed.

### 3 PETITIONS AND MINISTERIAL RESPONSE—PETITIONS AND RESPONSE NOTED

#### Petitions

The Clerk announced that the following Members had lodged petitions for presentation:

Mr Hanson, from 2194 residents, requesting that the Assembly commission an independent review of the process for Judicial appointments and consider establishing a board to oversee these appointments (e-Pet 023-22).

Mr Hanson, from 2446 residents, requesting that the Assembly calls on the Government to conduct an independent review of the judgments and decisions of the ACT Judiciary regarding sentencing (e-Pet 024-22).

Mr Hanson, from 3093 residents, requesting that the Assembly review and consider implementing “Matthew’s Law” sentencing guidelines to a number of motor vehicles crimes (e-Pet 025-22).

Pursuant to standing order 99A, these petitions stand referred to the Standing Committee on Justice and Community Safety.

#### Ministerial response

The Clerk announced that the following response to a petition had been lodged:

Ms Stephen-Smith (Minister for Health), dated 21 September 2022—Response to petition No 022-22, lodged by Mr Hanson on 2 August 2022, concerning the Drugs of Dependence (Personal Use) Amendment Bill 2022.

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The Speaker proposed—That the petitions and response so lodged be noted.

Debate ensued.

Question—put and passed.

### 4 ATTORNEY-GENERAL—PROPOSED MOTION OF NO CONFIDENCE

Mr Hanson, by leave, moved—That this Assembly has a lack of confidence in Mr Rattenbury as Attorney General.

Debate ensued.

Question—That the motion be agreed to—put.

The Assembly voted—

AYES, 9

Mr Cain  
Ms Castley  
Mr Cocks  
Mr Hanson  
Mrs Kikkert  
Ms Lawder  
Ms Lee  
Mr Milligan  
Mr Parton

NOES, 16

Mr Barr  
Ms Berry  
Mr Braddock  
Ms Burch  
Ms Cheyne  
Ms Clay  
Ms Davidson  
Mr Davis  
Mr Gentleman  
Ms Orr  
Dr Paterson  
Mr Pettersson  
Mr Rattenbury  
Mr Steel  
Ms Stephen-Smith  
Ms Vassarotti

And so it was negatived.

**5 DELIVERING THE INFRASTRUCTURE AND SERVICES FOR A LIVEABLE CANBERRA—  
MINISTERIAL STATEMENT—PAPER NOTED**

Mr Barr (Chief Minister) made a ministerial statement concerning the delivery of the infrastructure and services for a liveable Canberra and presented the following paper:

Delivering the infrastructure and services for a liveable Canberra—Ministerial statement, dated 11 October 2022.

Mr Barr moved—That the Assembly take note of the paper.

Question—put and passed.

**6 MULTICULTURALISM BILL 2022**

Ms Cheyne (Minister for Multicultural Affairs), pursuant to notice, presented a Bill for an Act to promote multiculturalism in the ACT, and for other purposes.

*Paper:* Ms Cheyne presented the following paper:

Explanatory statement to the Bill, incorporating a compatibility statement, pursuant to section 37 of the *Human Rights Act 2004*.

Title read by Clerk.

Ms Cheyne moved—That this Bill be agreed to in principle.

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

**7 ANIMAL MANAGEMENT AND WELFARE LEGISLATION AMENDMENT BILL 2022**

Mr Steel (Minister for Transport and City Services), pursuant to notice, presented a Bill for an Act to amend legislation about animal management and welfare.

*Paper:* Mr Steel presented the following paper:

Explanatory statement to the Bill, incorporating a compatibility statement, pursuant to section 37 of the *Human Rights Act 2004*.

Title read by Clerk.

Mr Steel moved—That this Bill be agreed to in principle.

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

**8 SEXUAL ASSAULT REFORM LEGISLATION AMENDMENT BILL 2022**

Mr Rattenbury (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about sexual assault, and for other purposes.

*Paper:* Mr Rattenbury presented the following paper:

Explanatory statement to the Bill, incorporating a compatibility statement, pursuant to section 37 of the *Human Rights Act 2004*.

Title read by Clerk.

Mr Rattenbury moved—That this Bill be agreed to in principle.

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

## **9 CORRECTION OF RECORD—STATEMENT BY MINISTER**

Mr Steel (Minister for Transport and City Services), by leave, made a statement to correct his earlier statement during the presentation of the Animal Management and Welfare Legislation Amendment Bill 2022.

## **10 QUESTIONS**

Questions without notice were asked.

## **11 PAPER**

Mr Gentleman (Minister for Police and Emergency Services), having added to an answer, presented the following paper:

Evoenergy—Inquiry into West Belconnen supercell thunderstorm report, dated 22 September 2022.

## **12 PRESENTATION OF PAPER**

The Speaker presented the following paper:

Bills referred to Committees, pursuant to resolution of the Assembly of 2 December 2020, as amended—Correspondence—

Bills—Inquiry—

Freedom of Information Amendment Bill 2022—Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 29 September 2022.

Freedom of Information Amendment Bill 2022 [No 2]—Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 29 September 2022.

Planning Bill 2022—Copy of letter to the Speaker from the Chair, Standing Committee on Planning, Transport and City Services, dated 21 September 2022.

Bills—Not inquired into—

Guardianship and Management of Property Amendment Bill 2022—Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 29 September 2022.

Transport Canberra and City Services Legislation Amendment Bill 2022—Copy of letter to the Speaker from the Chair, Standing Committee on Planning, Transport and City Services, dated 7 October 2022.

Estimates 2022-2023—Select Committee—Report—*Inquiry into the Appropriation Bill 2022-2023 and Appropriation (Office of the Legislative Assembly) Bill 2022-2023*—Speaker's response to recommendations 2, 3, 4 and 136 of the Select Committee on Estimates 2022-2023, dated 10 October 2022.

Standing order 191—Amendments to the Public Place Names Amendment Bill 2021, dated 26 and 27 September 2022.

**13 ESTIMATES 2022-2023—SELECT COMMITTEE—REPORT—INQUIRY INTO APPROPRIATION BILL 2022-2023 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2022-2023—GOVERNMENT RESPONSE AND PAPERS—MOTION TO TAKE NOTE OF PAPER**

Mr Barr (Treasurer) presented the following papers:

Estimates 2022-2023—Select Committee—Report—*Inquiry into Appropriation Bill 2022-2023 and Appropriation (Office of the Legislative Assembly) Bill 2022-2023*—Government response, dated October 2022.

Financial Management Act—Budget 2022-2023—

Pursuant to section 10, Budget Statements—

D—Justice and Community Safety Directorate | Legal Aid Commission (ACT) | Public Trustee and Guardian for the ACT—Corrigendum.

E—Environment, Planning and Sustainable Development Directorate | City Renewal Authority | Suburban Land Agency—Corrigendum.

Pursuant to section 20AC, Appropriation (Office of the Legislative Assembly) Bill 2022-2023—Departures from Recommended Appropriations—Statement of Reasons (Amended).

and moved—That the Assembly take note of the government response.

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

**14 SENTENCING AND BAIL IN THE A.C.T.—PROPOSED INDEPENDENT REVIEW**

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

- (1) notes that:
  - (a) the Australian Federal Police Association has called for a review into sentencing and bail and has described the Territory’s sentencing and bail processes as “fundamentally flawed and dangerously inadequate”;
  - (b) victims of crime and their families have called for a review of sentencing and bail and have said, “the Attorney-General is still in denial we have systemic problems with the justice system”;
  - (c) Government backbenchers have called for a review into sentencing and stated that, “I do also support your call for a review of sentencing in the ACT... the community should feel confidence in these decisions – particularly around judgements for serious criminal offences”; and
  - (d) the Director of Public Prosecutions has conducted a record number of successful appeals that fall “clearly short of community standards”; and
- (2) calls on the ACT Government to conduct an independent review into sentencing and bail in the ACT.

Mr Rattenbury (Attorney-General) moved the following amendments: Omit all words after “(1)”, substitute:

“notes that:

- (a) criminal sentencing, and bail decisions are an important function of the ACT’s independent judiciary and are open to the public for review and scrutiny;
  - (b) members of the community, the police union, and others have expressed concern about recent sentencing and bail outcomes, especially in relation to dangerous driving and recidivist offenders, including by calling for an independent review of the judiciary;
  - (c) there are a range of views in the community and among stakeholders, with bodies such as the ACT Bar Association, the ACT Law Society, and the Justice Reform Initiative commenting that an additional review of the judiciary is not required;
  - (d) the ACT Government is committed to evidence-based criminal justice and road safety policies;
  - (e) the Government is undertaking a range of work to ensure sentencing and bail laws and judicial outcomes are appropriate and in line with community expectations. This work includes:
    - (i) establishing an independent Law and Sentencing Advisory Council, which will advise on areas of potential law reform, as well as provide expert advice on sentencing. The Council is being established as a matter of priority and will examine dangerous driving issues as a priority.
    - (ii) through TCCS, conducting a review of road traffic offence penalties, including consideration of new offences; and
    - (iii) reviewing existing bail laws and sentencing laws with a particular focus on recidivist offenders; and
  - (f) in addition to the above, the Standing Committee on Justice and Community Safety is currently conducting an inquiry into dangerous driving. The Government will consider and respond to the Committee’s recommendations after it tables its report; and
- (2) calls on the Government to continue to engage with the community and stakeholders on areas of concern, and to progress work and potential reforms on sentencing and bail laws in an evidenced-based way, including through engagement with the new Law and Sentencing Advisory Council.”.

Debate continued.

Mr Hanson moved the following amendment to Mr Rattenbury’s proposed amendment: Add after paragraph (2):

- “(3) calls on the ACT Government to conduct an independent review into sentencing and bail”.

Question—That the amendment to the proposed amendment be agreed to—put.

The Assembly voted—

AYES, 8	NOES, 15	
Mr Cain	Mr Barr	Ms Orr
Ms Castley	Ms Berry	Dr Paterson
Mr Cocks	Mr Braddock	Mr Pettersson
Mr Hanson	Ms Cheyne	Mr Rattenbury
Mrs Kikkert	Ms Clay	Mr Steel
Ms Lee	Ms Davidson	Ms Stephen-Smith
Mr Milligan	Mr Davis	Ms Vassarotti
Mr Parton	Mr Gentleman	

And so it was negatived.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 15		NOES, 8
Mr Barr	Ms Orr	Mr Cain
Ms Berry	Dr Paterson	Ms Castley
Mr Braddock	Mr Pettersson	Mr Cocks
Ms Cheyne	Mr Rattenbury	Mr Hanson
Ms Clay	Mr Steel	Mrs Kikkert
Ms Davidson	Ms Stephen-Smith	Ms Lee
Mr Davis	Ms Vassarotti	Mr Milligan
Mr Gentleman		Mr Parton

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
  - (a) criminal sentencing, and bail decisions are an important function of the ACT’s independent judiciary and are open to the public for review and scrutiny;
  - (b) members of the community, the police union, and others have expressed concern about recent sentencing and bail outcomes, especially in relation to dangerous driving and recidivist offenders, including by calling for an independent review of the judiciary;
  - (c) there are a range of views in the community and among stakeholders, with bodies such as the ACT Bar Association, the ACT Law Society, and the Justice Reform Initiative commenting that an additional review of the judiciary is not required;
  - (d) the ACT Government is committed to evidence-based criminal justice and road safety policies;

- (e) the Government is undertaking a range of work to ensure sentencing and bail laws and judicial outcomes are appropriate and in line with community expectations. This work includes:
    - (i) establishing an independent Law and Sentencing Advisory Council, which will advise on areas of potential law reform, as well as provide expert advice on sentencing. The Council is being established as a matter of priority and will examine dangerous driving issues as a priority;
    - (ii) through TCCS, conducting a review of road traffic offence penalties, including consideration of new offences; and
    - (iii) reviewing existing bail laws and sentencing laws with a particular focus on recidivist offenders; and
  - (f) in addition to the above, the Standing Committee on Justice and Community Safety is currently conducting an inquiry into dangerous driving. The Government will consider and respond to the Committee's recommendations after it tables its report; and
- (2) calls on the Government to continue to engage with the community and stakeholders on areas of concern, and to progress work and potential reforms on sentencing and bail laws in an evidenced-based way, including through engagement with the new Law and Sentencing Advisory Council."—
- be agreed to—put and passed.

## 15 **CARDIOVASCULAR DISEASE IN WOMEN**

Dr Paterson, pursuant to notice, moved—That this Assembly:

- (1) notes that:
  - (a) the Heart Foundation states that cardiovascular disease (CVD) in women is under-recognised, under-treated and under-researched;
  - (b) women and men experience a similar prevalence of CVD in Australia, however outcomes for women are significantly worse;
  - (c) CVD is the leading cause of death and illness among Australian women, with recent data indicating that rates of CVD hospitalisation amongst young women are increasing;
  - (d) in 2020, in the ACT, 48 people in 100,000 died from (coronary) heart disease, on par with the national average (49/100,000);
  - (e) in 2019, the ACT had the lowest age standardised rate of hospitalisation from coronary heart disease in Australia, with 29 per 10,000 – compared with a national average of 55, according to the Heart Foundation;
  - (f) according to the Australian Bureau of Statistics, in 2018, nine in 10 adult women had at least two or more “traditional” risk factors for CVD and more than one in four had four or more risk factors;
  - (g) awareness of CVD among Australian women is low, with less than 60 percent of women aware that heart conditions are the leading cause of death in women;



- (h) the Heart Foundation’s modelling found that nearly half a million women in Australia are at risk of CVD because they are not on life-saving medicines. If they were, approximately 21,000 heart events could be avoided over the next five years, with a saving of \$300 million in hospital costs alone;
  - (i) there are significant equity issues that influence outcomes for CVD, where women from marginalised communities are disproportionately affected by poor outcomes;
  - (j) at this stage, research in Australia has indicated sex-specific risk factors for CVD, however research overseas also highlights that LGBTQI adults experience disparities across several cardiovascular risk factors compared to their heterosexual and/or non-transgender peers; and
  - (k) the consequences of CVD on women’s quality of life are significant. Even after an acute event, women are less likely to complete cardiac rehabilitation, have regular follow up care, take medicines as directed, or return to normal daily activities as quickly as men. In addition, research shows that survival rates for women at one year and at five years after a heart attack are far worse compared with men; and
- (2) calls on the ACT Government to:
- (a) work with all Australian governments to improve the collection and reporting of data to improve the understanding of CVD’s impact on women;
  - (b) consider a future Chief Health Officer report include a focus on the impact of CVD in the ACT, including information on risk, incidence, prevention, care and outcome spectrum and inequalities according to sex;
  - (c) explore:
    - (i) the potential for targeted campaigns to raise awareness of CVD in women with the community; and
    - (ii) further engagement with the Federal Government, Capital Health Network, and community partners to highlight the disparity in health outcomes for women in relation to CVD, and promote awareness of the actions that can be taken to reduce CVD risk;
  - (d) advocate with the Federal Government to implement the actions it has outlined in its National Strategic Action Plan for Heart Disease and Stroke, including progressing:
    - (i) a “women and heart disease” campaign; and
    - (ii) continuing to enhance data for, collection and management of cardiovascular diseases;
  - (e) leverage communication activities to promote awareness of CVD, the symptoms, and prevention to both the community and health professionals, for example during Heart Week and Women’s Health Week; and
  - (f) report back to this Assembly by the final sitting week of 2023.

Debate ensued.

Question—put and passed.

**16 ELECTRICITY SAFETY LEGISLATION AMENDMENT BILL 2022**

Ms Vassarotti (Minister for Sustainable Building and Construction), pursuant to notice, presented a Bill for an Act to amend legislation about electricity safety, and for other purposes.

*Paper:* Ms Vassarotti presented the following paper:

Explanatory statement to the Bill, incorporating a compatibility statement, pursuant to section 37 of the *Human Rights Act 2004*.

Title read by Clerk.

Ms Vassarotti moved—That this Bill be agreed to in principle.

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

**17 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 21—STATEMENT BY CHAIR**

Mr Cain (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 21, dated 4 October 2022, together with a copy of the extracts of the relevant minutes of proceedings—

and, by leave, made a statement in relation to the report.

**18 ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY—STANDING COMMITTEE—REPORT 5—INQUIRY INTO CLIMATE CHANGE AND GREENHOUSE GAS REDUCTION (NATURAL GAS TRANSITION) AMENDMENT BILL 2022—REPORT NOTED**

Dr Paterson (Chair) presented the following report:

Environment, Climate Change and Biodiversity—Standing Committee—Report 5—*Inquiry into Climate Change and Greenhouse Gas Reduction (Natural Gas Transition) Amendment Bill 2022*, dated 29 September 2022, including a dissenting report (Mr Cocks), together with a copy of the extracts of the relevant minutes of proceedings—  
and moved—That the report be noted.

Debate ensued.

Question—put and passed.

**19 HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE—REPORT 8—INQUIRY INTO THE PERIOD PRODUCTS AND FACILITIES (ACCESS) BILL 2022—REPORT NOTED**

Mr Davis (Chair) presented the following report:

Health and Community Wellbeing—Standing Committee—Report 8—*Inquiry into the Period Products and Facilities (Access) Bill 2022*, dated 28 September 2022, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

**20 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 11—INQUIRY INTO THE AUDITOR-GENERAL’S REPORT NO. 4 OF 2020: RESIDENTIAL LAND SUPPLY AND RELEASE—REPORT NOTED**

Mrs Kikkert (Chair) presented the following report:

Public Accounts—Standing Committee—Report 11—*Inquiry into the Auditor-General’s Report No. 4 of 2020: Residential Land Supply and Release*, dated 6 October 2022, together with a copy of the extracts of the relevant minutes of proceedings—  
and moved—That the report be noted.

Question—put and passed.

**21 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—APPROPRIATION BILL 2022-2023—PROPOSED AMENDMENTS—STATEMENT BY CHAIR**

Mr Cain (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) had considered amendments proposed by Ms Clay to the Appropriation Bill 2022-2023 in relation to funding to the horseracing industry, and the Committee had no comments on the amendments.

**22 TERRORISM (EXTRAORDINARY TEMPORARY POWERS) AMENDMENT BILL 2022**

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.

*Paper:* Mr Rattenbury (Attorney-General) presented the following papers:

Justice and Community Safety—Standing Committee—Report 8—*Inquiry into Terrorism (Extraordinary Temporary Powers) Amendment Bill 2022*—Government response, dated October 2022.

Revised explanatory statement to the Bill, dated October 2022.

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—

On the motion of Mr Rattenbury, by leave, his amendments Nos 1 to 4 (see [Schedule 1](#)) were made together.

*Paper:* Mr Rattenbury presented a supplementary explanatory statement to the Government amendments.

Amendments agreed to.

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

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

**23 ADJOURNMENT**

Mr Gentleman (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.30 pm, adjourned until tomorrow at 10 am.

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

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**Tom Duncan**  
Clerk of the Legislative Assembly

## SCHEDULE OF AMENDMENTS

### Schedule 1

#### **TERRORISM (EXTRAORDINARY TEMPORARY POWERS) AMENDMENT BILL 2022**

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Amendments circulated by the Attorney-General

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**1**  
**Proposed new clause 3A**  
**Page 2, line 10—**

*insert*

**3A**      **Restriction on contact with other people**  
**New section 49 (2) (aa)**

*insert*

(aa) section 50A (Contact with diplomatic representative etc);

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**2**  
**Clause 7**  
**Proposed new section 53 (8) (c)**  
**Page 4, line 15—**

*insert*

- (c) make a written record of the following:
- (i) the other person with whom the detained person sought to have contact;
  - (ii) the reasons why the other person was not acceptable to the officer;
  - (iii) the date and time the detained person made a request for contact under this section;
  - (iv) whether the detained person—
    - (A) was reminded of their right to nominate another person under subsection (2); and
    - (B) nominated another person with whom the detained person wished to have contact.

**3****Clause 8****Page 4, line 16—***omit clause 8, substitute***8****Taking identification material****New section 59 (2A)***insert*

- (2A) If the police officer believes on reasonable grounds that the person has suffered an injury or illness while detained under the order, the officer must, as soon as practicable—
- (a) make a written record of the injury or illness suffered by the person; and
  - (b) if the injury or illness can be recorded visually—take, or cause to be taken, a photograph or video recording of the injury or illness, in accordance with section 59A.

**8A****Section 59 (3)***after*

subsection (2) (b)

*insert*

or (2A)

**8B****New section 59A***insert***59A Recording injury and illness**

- (1) This section applies if a photograph or video recording of a detained person's injury or illness must be taken under section 59 (2A).
- (2) Before a photograph or video recording is taken, a police officer must tell the detained person that the person may request—
  - (a) the photograph or video recording be taken by a person of a particular sex; and
  - (b) a copy of the photograph or video recording.
- (3) A written record must be made of the giving of the information under subsection (2), including the person's response (if any).
- (4) The following must be given to the detained person:
  - (a) if requested by the detained person—a copy of the photograph or video recording taken under section 59 (2A);
  - (b) a copy of the record made under subsection (3).
- (5) The taking of a photograph or video recording under section 59 (2A) must—
  - (a) be carried out in circumstances providing reasonable privacy to the detained person; and

- (b) not involve the removal of more clothing than is necessary for the taking of the photograph or video recording; and
  - (c) not involve more visual inspection than is necessary for the taking of the photograph or video recording; and
  - (d) be carried out in the presence or view of a person only if the person is—
    - (i) reasonably necessary for taking, or assisting in taking, the photograph or video recording; and
    - (ii) if the detained person has made a request that the photograph or video recording be taken by a person of a particular sex—the same sex as the sex requested by the detained person.
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4

**Clause 9**

**Proposed new section 60 (1) (b)**

**Page 5, line 9—**

*omit proposed new section 60 (1) (b), substitute*

- (b) for material taken under section 59 (2A)—for the purpose of a complaint, investigation or proceeding that relates to the injury or illness suffered by the person while detained under the order.
-