

2004–2005

LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 47

TUESDAY, 13 DECEMBER 2005

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1 The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Berry) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional owners. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 **ABSENCE OF CLERK**

The Speaker informed the Assembly, that due to the absence of the Clerk, the Deputy Clerk will act as Clerk for this sitting week.

3 **PETITION**

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

Mr Stanhope, from 125 residents, requesting that the Assembly take action to provide an adequately marked crossing at Marconi Circuit, Kambah near the Caltex Service station.

4 **PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 19—REPORT ON ANNUAL AND FINANCIAL REPORTS 2004-2005—PUBLICATION OF REPORT—MOTION THAT REPORT BE NOTED**

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 19—*Report on Annual and Financial Reports 2004-2005*, dated 9 December 2005, including a dissenting report and additional comments (*Mr Seselja*), together with a copy of the extracts of the relevant minutes of proceedings—

and, by leave, moved—That the report be authorised for publication.

Question—put and passed.

Mr Gentleman moved—That the report be noted.

Debate adjourned (Mr Smyth—Leader of the Opposition) and the resumption of the debate made an order of the day for a later hour this day.

**5 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 20—STATEMENT BY CHAIR**

Mr Stefaniak (Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 20, dated 12 December 2005, together with the relevant minutes of proceedings—

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

**6 LEGAL AFFAIRS—STANDING COMMITTEE—INQUIRY—ABSOLUTE AND STRICT LIABILITY—APPLICATION TO OFFENCES IN A.C.T. LEGISLATION—STATEMENT BY CHAIR**

Mr Stefaniak (Chair), by leave, informed the Assembly that the Standing Committee on Legal Affairs had resolved to conduct an inquiry into and report on the application of absolute and strict liability to offences in ACT legislation.

**7 PUBLIC ACCOUNTS—STANDING COMMITTEE—REFERENCE—2004-2005 ANNUAL REPORT—TOTALCARE INDUSTRIES LIMITED**

Mr Corbell (Manager of Government Business), by leave, moved—That the resolution of the Assembly of 18 October 2005, relating to the referral of Annual and Financial Reports 2004-05, be amended by inserting Totalcare to the reports referred to the Standing Committee on Public Accounts with Mr Quinlan (Treasurer) as the responsible Minister.

Question—put and passed.

**8 ADMINISTRATION (INTERSTATE AGREEMENTS) REPEAL BILL 2005**

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.

Question—put.

The Assembly voted—

AYES, 8		NOES, 5	
Mr Berry	Ms MacDonald	Dr Foskey	Mr Stefaniak
Mr Corbell	Ms Porter	Mr Mulcahy	
Mr Gentleman	Mr Quinlan	Mr Pratt	
Mr Hargreaves	Mr Stanhope	Mr Smyth	

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

Leave granted to dispense with the detail stage.

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

**9 STATUTE LAW AMENDMENT BILL 2005 (NO. 2)**

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.

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

Leave granted to dispense with the detail stage.

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

**10 HEALTH RECORDS (PRIVACY AND ACCESS) AMENDMENT BILL 2005 (NO. 2)**

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

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*Detail Stage*

Clause 1 agreed to.

Remainder of Bill, by leave, taken as a whole—

On the motion of Mr Corbell (Minister for Health), by leave, his amendments Nos. 1 to 5 (*see* [Schedule 1](#)) were made together, after debate.

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

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

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

**11 QUESTIONS**

Questions without notice being asked—

*Paper:* Mr Smyth (Leader of the Opposition), by leave, presented the following paper: Elective surgery waiting list, July 2003-September 2005.

Questions continued.

**12 QUESTION ON NOTICE NO. 678—ANSWER—EXPLANATION**

Mr Stefaniak, pursuant to standing order 118A, asked Mr Stanhope (Attorney-General) for an explanation concerning the answer to question on notice No. 678.

Mr Stanhope gave an explanation.

**13 AUDITOR-GENERAL ACT—AUDITOR-GENERAL'S REPORT—NO. 7 2005—2004-05 FINANCIAL AUDITS—PUBLICATION OF PAPER**

The Speaker presented the following paper:

Auditor-General Act—Auditor-General's Report No. 7 2005—2004-05 Financial Audits, dated 12 December 2005.

Mr Corbell (Manager of Government Business), by leave, moved—That the Assembly authorises the publication of the Auditor-General's Report No. 7 2005.

Question—put and passed.

**14 PUBLIC SECTOR MANAGEMENT ACT—EXECUTIVE CONTRACTS—PAPERS AND STATEMENT BY MINISTER**

Mr Stanhope (Chief Minister) presented the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Contract variations:

Beverly Helen Forner, dated 1 December 2005.

Geoff Keogh, dated 4 November 2005.

Lincoln Hawkins, dated 11 November 2005.

Megan Smithies, dated 10 November 2005.

Michael Vanderheide, dated 25 October 2005.

Michael William Kegel, dated 1 December 2005.

Roger Broughton, dated 15 November 2005.

Roslyn Hayes, dated 2 November 2005.

Sue Marriage, dated 4 November 2005.

Long-term contracts:

Di Preston-Stanley, dated 30 November 2005.

Greg Jones, dated 1 December 2005.

Jason McNamara, dated 7 October 2005.

John Robertson, dated 8 November 2005.

Kahlid Ahmed, dated 8 November 2005.

Short-term contracts:

Greg Jones, dated 29 and 30 November 2005.

Lana Junakovic, dated 15 November 2005.

Leanne Power, dated 17 June 2005.

Meredith Whitten, dated 24 November 2005.

Pam Davoren, dated 21 November 2005.

Phil Collins, dated 28 November 2005—

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

**15 PRESENTATION OF PAPER**

Mr Quinlan (Minister for Tourism) presented the following paper:

Australian Capital Tourism Corporation Act, pursuant to subsection 28(2)—Australian Capital Tourism Corporation—Quarterly report—July to September 2005.

**16 PRESENTATION OF PAPER**

Mr Corbell (Minister for Health) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—ACT Health—Annual Report 2004-05—Corrigendum, dated November 2005.

**17 PRESENTATION OF PAPERS**

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

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Building Act—Building (Prudential Standards) Determination 2005—Disallowable Instrument DI2005-250 (LR, 17 November 2005).

Environment Protection Act—Environment Protection Regulation 2005—Subordinate Law SL2005-38 (LR, 17 November 2005).

Gambling and Racing Control Act—

Gambling and Racing Commission Appointment 2005 (No. 2)—Disallowable Instrument DI2005-263 (LR, 30 November 2005).

Gambling and Racing Commission Appointment 2005 (No. 3)—Disallowable Instrument DI2005-264 (LR, 30 November 2005).

Land (Planning and Environment) Act—Land (Planning and Environment) (Fees) Determination 2005 (No. 2)—Disallowable Instrument DI2005-265 (LR, 30 November 2005).

Nurses Act—Nurses (Fees) Determination 2005 (No. 1)—Disallowable Instrument DI2005-245 (LR, 17 November 2005).

Pest Plants and Animals Act—

Pest Plants and Animals (Pest Animals) Declaration 2005 (No. 1)—Disallowable Instrument DI2005-255 (LR, 24 November 2005).

Pest Plants and Animals (Pest Plants) Declaration 2005 (No. 1)—Disallowable Instrument DI2005-256 (LR, 24 November 2005).

Public Place Names Act—

Public Place Names (Red Hill) Determination 2005 (No. 1)—Disallowable Instrument DI2005-253 (LR, 24 November 2005).

Public Place Names (Tharwa) Determination 2005 (No. 1)—Disallowable Instrument DI2005-252 (LR, 24 November 2005).

Race and Sports Bookmaking Act—

Race and Sports Bookmaking (Operation of Sports Bookmaking Venues) Determination 2005 (No. 3)—Disallowable Instrument DI2005-259 (LR, 28 November 2005).

Race and Sports Bookmaking (Rules for Sports Bookmaking) Determination 2005 (No. 3)—Disallowable Instrument DI2005-260 (LR, 28 November 2005).

Race and Sports Bookmaking (Rules for Sports Bookmaking) Determination 2005 (No. 4)—Disallowable Instrument DI2005-261 (LR, 28 November 2005).

Race and Sports Bookmaking (Rules for Sports Bookmaking) Determination 2005 (No. 5)—Disallowable Instrument DI2005-269 (LR, 2 December 2005).

Race and Sports Bookmaking (Sports Bookmaking Events) Determination 2005 (No. 1)—Disallowable Instrument DI2005-254 (LR, 28 November 2005).

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2005 (No. 3)—Disallowable Instrument DI2005-257 (LR, 28 November 2005).

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2005 (No. 4)—Disallowable Instrument DI2005-258 (LR, 28 November 2005).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No. 11)—Disallowable Instrument DI2005-251 (LR, 24 November 2005).

Road Transport (General) (Parking Ticket Fees) Determination 2005 (No. 3)—Disallowable Instrument DI2005-262 (LR, 25 November 2005).

Tertiary Accreditation and Registration Act—Tertiary Accreditation and Registration Council Appointment 2005 (No. 4)—Disallowable Instrument DI2005-266 (LR, 1 December 2005).

## **18 TEACHER REGISTRATION—MINISTERIAL STATEMENT**

Mr Stanhope (Chief Minister) on behalf of Ms Gallagher (Minister for Education and Training), by leave, made a ministerial statement concerning teacher registration for the ACT.

## **19 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—CURRICULUM AND TEACHING IN THE A.C.T.**

The Assembly was informed that Mrs Dunne, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy and Ms Porter had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Mrs Dunne be submitted to the Assembly, namely, “Curriculum and teaching in the ACT.”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

## **20 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 19—REPORT ON ANNUAL AND FINANCIAL REPORTS 2004-2005—REPORT NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Gentleman—That the report be noted (*see* [Entry 4](#))—

Planning and Environment—Standing Committee—Report 19—*Report on Annual and Financial Reports 2004-2005*, dated 9 December 2005, including a dissenting report and additional comments (*Mr Seselja*), together with a copy of the extracts of the relevant minutes of proceedings—

Debate resumed.

Question—put and passed.

**21 LEAVE OF ABSENCE**

Mr Corbell (Manager of Government Business) moved—That leave of absence be given to Ms Gallagher (Minister for Education and Training) for this sitting week.

Question—put and passed.

**22 ADJOURNMENT**

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

Debate ensued.

The time for the debate having expired—

Question—put and passed.

And then the Assembly, at 5.55 p.m., adjourned until tomorrow at 10.30 a.m.

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

\*On leave

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**M M KIERMAIER**  
Acting Clerk of the Legislative Assembly

## SCHEDULE OF AMENDMENTS

### Schedule 1

#### **HEALTH RECORDS (PRIVACY AND ACCESS) AMENDMENT BILL 2005 (NO. 2)**

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Amendments circulated by the Minister for Health

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**1**

#### **Clause 5**

**Proposed new principle 4.2, new clause 3**

**Page 4, line 27—**

*insert*

- 3 A record keeper need not keep a record on the register under clause 1 for longer than 7 years after the day the record is made.
- 

**2**

#### **Clause 7**

**Proposed new principle 10, clause 3 (a)**

**Page 7, line 19—**

*omit proposed new principle 10, clause 3 (a), substitute*

- (a) the disclosure is necessary for the purpose of research or the compilation or analysis of statistics, in the public interest; and
- 

**3**

#### **Clause 7**

**Proposed new principle 10, new clause 3 (e) and (f)**

**Page 8, line 10—**

*insert*

- (e) the disclosure is in accordance with guidelines prescribed by regulation for this clause; and
- (f) the record keeper believes, on reasonable grounds, that the recipient of the health information will not disclose the personal health information.
- 

**4**

**Proposed new clause 16A**

**Page 23, line 7—**

*insert*

**16A Regulation-making power  
New section 36 (2A)**

*insert*



- (2A) A regulation may make provision about a matter by applying, adopting or incorporating an instrument, or a provision of an instrument, as in force from time to time for the privacy principles, principle 10, clause 3 (which is about the disclosure of a health record for the purpose of research or the compilation or analysis of statistics).
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**5**

**Proposed new clause 22**

**Page 24, line 26—**

*insert*

**22 Dictionary, new definition of *privacy principles***

*insert*

*privacy principles* means the privacy principles under schedule 1.

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