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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017

MINUTES OF PROCEEDINGS

No 5

[**Tuesday, 14 February 2017**](http://www.hansard.act.gov.au/hansard/2017/pdfs/20170214.pdf)

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**1** The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms Burch) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 PETITIONs—Statements by Members

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

Ms Le Couteur, from 1950 residents, requesting that the Assembly follow the terms and conditions of the Draft Master Plan for Curtin to assess the acceptability of any development applications, in particular amenity of sunlight and a two-storey building limit on Curtin Square (Pet 1-17).

Mrs Kikkert, from 1329 residents, requesting that the Assembly upgrade the existing traffic control measures at the intersection of Tillyard Drive and Ginninderra Drive (Pet 2-17).

Pursuant to standing order 99A, these petitions stand referred to the Standing Committee on Planning and Urban Renewal and the Standing Committee on Environment and Transport and City Services, respectively.

Ms Le Couteur and Mrs Kikkert, by leave, made statements in relation to the petitions.

3 Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—SCRUTINY REPORT 2—STATEMENT BY CHAIR

Mrs Jones (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 2*,* dated 7 February 2017, together with the relevant minutes of proceedings—

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

4 Government priorities—2017—MINISTERIAL STATEMENT and paper—PAPER NOTED

Mr Barr (Chief Minister) made a ministerial statement concerning the Government’s priorities for 2017 and presented the following papers:

Government priorities for 2017—Ministerial statement, 14 February 2017.

Priority Legislation Items—Autumn 2017.

Mr Barr moved—That the Assembly take note of the ministerial statement.

Question—put and passed.

5 A.C.T. Health Reporting—MINISTERIAL STATEMENT—Motion to take note of paper

Ms Fitzharris (Minister for Health) made a ministerial statement concerning ACT Health reporting and presented the following paper:

ACT Health reporting—Ministerial statement, 14 February 2017.

Ms Fitzharris moved—That the Assembly take note of the paper.

Debate ensued.

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

6 Aboriginal and Torres Strait Islander Affairs—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Aboriginal and Torres Strait Islander Affairs) made a ministerial statement concerning Aboriginal and Torres Strait Islander Affairs and presented the following paper:

Aboriginal and Torres Strait Islander Affairs—Ministerial statement, 14 February 2017.

Ms Stephen-Smith moved—That the Assembly take note of the paper.

Debate ensued.

Question—put and passed.

7 Revenue Legislation Amendment Bill 2016 (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.

8 Transport Canberra and City Services Legislation Amendment Bill 2016

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.

*Detail Stage*

Bill, by leave, taken as a whole—

On the motion of Mr Coe (Leader of the Opposition), his amendment—Omit Part 4, Clause 7—was made.

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

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

9 Planning, Building and Environment Legislation Amendment Bill 2016 (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 Statute Law Amendment Bill 2016

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.

*Detail Stage*

Bill, by leave, taken as a whole—

On the motion of Mr Ramsay (Attorney-General), pursuant to standing order 182A(b), by leave, his amendment No. 1 (*see* [Schedule 1](#Schedule1)), that had not been circulated in accordance with standing order 178A, was made.

*Paper:* Mr Ramsay presented a supplementary explanatory statement to the Government amendment.

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

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

11 Justice and Community Safety Legislation Amendment Bill 2016 (No 3)

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.

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.

12 QUESTIONS

Questions without notice were asked.

13 QUESTION ON NOTICE NO 1—ANSWER—EXPLANATION—EXPLANATION NOTED

Mrs Dunne, pursuant to standing order 118A, asked Ms Fitzharris (Minister for Health) for an explanation concerning the answer to question on notice No 1.

Ms Fitzharris gave an explanation.

Mrs Dunne, pursuant to standing order 118A(b), moved—That the Assembly take note of the explanation.

Question—put and passed.

14 QUESTIONs ON NOTICE NOs 42 to 50—ANSWERS—EXPLANATION—EXPLANATION NOTED

Mrs Jones, pursuant to standing order 118A, asked Mr Gentleman (Minister for Police and Emergency Services) for an explanation concerning the answers to questions on notice Nos 42 to 50.

Mr Gentleman gave an explanation.

Mrs Jones, pursuant to standing order 118A(b), moved—That the Assembly take note of the explanation.

Question—put and passed.

15 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Progressive and inclusive policies, pursuant to the resolution of the Assembly of 14 December 2016—Copy of letter from the Chief Minister to the—

Federal Attorney-General, dated 23 January 2017.

Prime Minister, dated 23 January 2017.

Legislation Act, pursuant to subsection 228(1)—Schedule of relevant committees to be consulted in relation to appointments made by Ministers to statutory offices, dated 30 January and 3 February 2017.

Auditor-General Act, pursuant to section 17(5)—Auditor-General’s Reports Nos—

11/2016—2015-16 Financial Audits—Financial Results and Audit Findings, dated 21 December 2016.

1/2017—WorkSafe ACT’s management of its regulatory responsibilities for the demolition of loose-fill asbestos contaminated houses, dated 20 January 2017, together with a corrigendum to the Report.

16 Financial Management Act—Consolidated Financial Report—Paper and statement by Minister

Mr Barr (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 December 2016—

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

17 FINANCIAL MANAGEMENT ACT—BUDGET 2016-2017—Budget review—PAPER AND STATEMENT BY MINISTER

Mr Barr (Treasurer) presented the following paper:

Financial Management Act, pursuant to subsection 20A(2)—Budget 2016-2017—Budget review—

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

18 Presentation of paper

Mr Barr (Treasurer) presented the following paper:

Territory-owned Corporations Act, pursuant to subsection 9(2)—Icon Water Limited—Summary of changes to the constitutions of subsidiary companies—Statement to the Assembly.

19 EDUCATION AND CARE SERVICES NATIONAL LAW—Education and Care Services National Amendment Regulations 2016—PAPER AND STATEMENT BY MINISTER

Ms Berry (Minister for Education and Early Childhood Development) presented the following paper:

Education and Care Services National Law as applied by the law of the States and Territories—Education and Care Services National Amendment Regulations 2016 (2016 No 810), together with an explanatory statement, dated 16 December 2016—

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

20 PRESENTATION OF PAPER

Ms Berry (Minister for Education and Early Childhood Development) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2015-2016—Education Directorate—Corrigendum.

21 PRESENTATION OF PAPER

Ms Berry (Minister for Housing and Suburban Development) presented the following paper:

Auditor-General Act, pursuant to subsection 21(2)—Auditor-General’s Report No 7/2016—Certain Land Development Agency Acquisitions—Government response.

22 Health Practitioner Regulation National Law—Health Practitioner Regulation National Law Amendment (Midwife Insurance Exemption) Regulation 2016—PAPER AND STATEMENT BY MINISTER

Ms Fitzharris (Minister for Health) presented the following paper:

Health Practitioner Regulation National Law—Health Practitioner Regulation National Law Amendment (Midwife Insurance Exemption) Regulation 2016 (No 126/2016), without an explanatory statement, dated 10 October 2016—

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

23 PRESENTATION OF PAPERS

Mr Gentleman (Minister for Planning and Land Management) presented the following papers:

Planning and Development Act, pursuant to subsection 242(2)—Schedule—Leases granted for the period 1 October to 31 December 2016.

Loose Fill Asbestos Insulation Eradication Scheme—Update on the ACT Government response—Quarterly report—1 October to 31 December 2016.

24 PRESENTATION OF PAPER

Mr Ramsay (Attorney-General) presented the following paper:

Coroners Act, pursuant to subsection 102(8)—ACT Coroner’s Court—Annual Report 2015/16, dated 21 December 2016.

25 PRESENTATION OF PAPER

Ms Stephen-Smith (Minister for Community Services and Social Inclusion) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2015-2016—Community Services Directorate—Corrigendum.

26 PRESENTATION OF PAPERS

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

**Performance reports**

Financial Management Act, pursuant to section 30E—Half-yearly directorate performance reports—December 2016, for the following directorates or agencies:

Chief Minister, Treasury and Economic Development Directorate, dated February 2017.

Community Services Directorate, dated February 2017.

Education Directorate, dated February 2017.

Environment, Planning and Sustainable Development Directorate.

Housing ACT, dated February 2017.

Justice and Community Safety Directorate—

Attorney-General portfolio.

Justice, Consumer Affairs and Road Safety, and Corrections portfolios.

Police and Emergency Services portfolio.

Transport Canberra and City Services Directorate, dated February 2017.

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

Legislation Act, pursuant to section 64—

ACT Teacher Quality Institute Act—ACT Teacher Quality Institute (Fees) Determination 2016 (No 1)—Disallowable Instrument DI2016-292 (LR, 12 December 2016).

Animal Diseases Act—Animal Diseases (Import Restriction) Declaration 2016, including a regulatory impact statement—Disallowable Instrument DI2016-313 (LR, 22 December 2016).

Boxing Control Act—Boxing Control Regulation 2016—Subordinate Law SL2016‑34 (LR, 15 December 2016).

Climate Change and Greenhouse Gas Reduction Act—Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2016 (No 1)—Disallowable Instrument DI2016-311 (LR, 22 December 2016).

Commissioner for Sustainability and the Environment Act—Commissioner for Sustainability and the Environment (State of the Environment Report—Reporting Period and Reporting Date) Determination 2016—Disallowable Instrument DI2016‑314 (LR, 22 December 2016).

Construction Occupations (Licensing) Act—Construction Occupations (Licensing) Amendment Regulation 2016 (No 1)—Subordinate Law SL2016-36 (LR, 22 December 2016).

Court Procedures Act—

Court Procedures (Fees) Determination 2016 (No 3)—Disallowable Instrument DI2016-294 (LR, 12 December 2016).

Court Procedures Amendment Rules 2016 (No 3)—Subordinate Law SL2016-33 (LR, 15 December 2016).

Crimes (Sentence Administration) Act—

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 1)—Disallowable Instrument DI2017-4 (LR, 24 January 2017).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 2)—Disallowable Instrument DI2017-5 (LR, 24 January 2017).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 3)—Disallowable Instrument DI2017-6 (LR, 24 January 2017).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 4)—Disallowable Instrument DI2017-7 (LR, 24 January 2017).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 5)—Disallowable Instrument DI2017-8 (LR, 24 January 2017).

Energy Efficiency (Cost of Living) Improvement Act—

Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2016 (No 2), including a regulatory impact statement—Disallowable Instrument DI2016-302 (LR, 22 December 2016).

Energy Efficiency (Cost of Living) Improvement (Record Keeping and Reporting) Code of Practice 2016 (No 2), including a regulatory impact statement—Disallowable Instrument DI2016-303 (LR, 22 December 2016).

Firearms Act—Firearms (Use of Noise Suppression Devices) Declaration 2016 (No 4)—Disallowable Instrument DI2016-295 (LR, 15 December 2016).

First Home Owner Grant Act—First Home Owner Grant (Amount) Determination 2016 (No 1)—Disallowable Instrument DI2016-306 (LR, 19 December 2016).

Fisheries Act—Fisheries Prohibition and Declaration 2016 (No 1)—Disallowable Instrument DI2016-282 (LR, 30 November 2016).

Food Act—Food (Fees) Determination 2016 (No 1)—Disallowable Instrument DI2016-288 (LR, 5 December 2016).

Health Act—

Health (Fees) Determination 2016 (No 3)—Disallowable Instrument DI2016-284 (LR, 5 December 2016).

Health (Fees) Determination 2017 (No 1)—Disallowable Instrument DI2017-1 (LR, 16 January 2017).

Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2016 (No 1)—Disallowable Instrument DI2016-287 (LR, 5 December 2016).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Regulated Water and Sewerage Services) Terms of Reference Determination 2016—Disallowable Instrument DI2016-297 (LR, 15 December 2016).

Legal Aid Act—Legal Aid (Commissioner—Bar Association Nominee) Appointment 2017—Disallowable Instrument DI2017-9 (LR, 27 January 2017).

Legislative Assembly (Members’ Staff) Act—

Legislative Assembly (Members’ Staff) Members’ Hiring Arrangements Approval 2016 (No 2)—Disallowable Instrument DI2016-300 (LR, 19 December 2016).

Legislative Assembly (Members’ Staff) Office-holders’ Hiring Arrangements Approval 2016 (No 2)—Disallowable Instrument DI2016-299 (LR, 19 December 2016).

Legislative Assembly (Members’ Staff) Speaker’s Salary Cap Determination 2016 (No 2)—Disallowable Instrument DI2016-298 (LR, 19 December 2016).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Fees) Determination 2016 (No 1)—Disallowable Instrument DI2016-286 (LR, 5 December 2016).

Nature Conservation Act—Nature Conservation (Controlled Native Species—Eastern Grey Kangaroo) Declaration 2017—Disallowable Instrument DI2017-13 (LR, 7 February 2017).

Official Visitor Act—Official Visitor (Corrections Management) Appointment 2017 (No 1)—Disallowable Instrument DI2017-2 (LR, 16 January 2017).

Pest Plants and Animals Act—Pest Plants and Animals (Pest Animals) Declaration 2016 (No 1)—Disallowable Instrument DI2016-312 (LR, 23 December 2016).

Prohibited Weapons Act—Prohibited Weapons (Noise Suppression Devices) Declaration 2016 (No 4)—Disallowable Instrument DI2016-296 (LR, 15 December 2016).

Public Health Act—Public Health (Fees) Determination 2016 (No 1)—Disallowable Instrument DI2016-285 (LR, 5 December 2016).

Public Place Names Act—

Public Place Names (Macquarie) Determination 2017—Disallowable Instrument DI2017-3 (LR, 23 January 2017).

Public Place Names (Taylor) Determination 2016—Disallowable Instrument DI2016-308 (LR, 23 December 2016).

Public Trustee and Guardian Act—Public Trustee and Guardian (Investment Board) Appointment 2017 (No 1)—Disallowable Instrument DI2017-11 (LR, 30 January 2017).

Radiation Protection Act—Radiation Protection (Fees) Determination 2016 (No 1)—Disallowable Instrument DI2016-289 (LR, 5 December 2016).

Remuneration Tribunal Act—Remuneration Tribunal (Fees and Allowances of Members) Determination 2016—Disallowable Instrument DI2016-301 (LR, 19 December 2016).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2016 (No 13)—Disallowable Instrument DI2016-290 (LR, 2 December 2016).

Road Transport (General) Application of Road Transport Legislation Declaration 2016 (No 14)—Disallowable Instrument DI2016-309 (LR, 22 December 2016).

Road Transport (General) Exclusion of Road Transport Legislation (Summernats) Declaration 2016 (No 1)—Disallowable Instrument DI2016-310 (LR, 22 December 2016).

Road Transport (General) Segway Exemption Determination 2016 (No 2)—Disallowable Instrument DI2016-291 (LR, 8 December 2016).

Road Transport (Public Passenger Services) Act—

Road Transport (Public Passenger Services) Maximum Taxi Fares for NSW Taxis in ACT Region Determination 2017—Disallowable Instrument DI2017-10 (LR, 27 January 2017).

Road Transport (Public Passenger Services) Regular Route Services Maximum Fares Determination 2016—Disallowable Instrument DI2016-293 (LR, 12 December 2016).

Road Transport (Safety and Traffic Management) Act—Road Transport (Safety and Traffic Management) Amendment Regulation 2016 (No 3)—Subordinate Law SL2016-35 (LR, 22 December 2016).

Taxation Administration Act—

Taxation Administration (Amounts Payable—Ambulance Levy) Determination 2016 (No 1)—Disallowable Instrument DI2016-307 (LR, 19 December 2016).

Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2016 (No 2)—Disallowable Instrument DI2016-305 (LR, 19 December 2016).

Taxation Administration (Amounts Payable—Pensioner Duty Concession Scheme) Determination 2016 (No 2)—Disallowable Instrument DI2016-304 (LR, 19 December 2016).

Water Resources Act—Water Resources (Fees) Determination 2016 (No 2)—Disallowable Instrument DI2016-283 (LR, 30 November 2016).

Workers Compensation Act—

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2016 (No 1)—Disallowable Instrument DI2016-315 (LR, 22 December 2016).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2016 (No 2)—Disallowable Instrument DI2016-316 (LR, 22 December 2016).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2016 (No 3)—Disallowable Instrument DI2016-317 (LR, 22 December 2016).

27 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—Lunar New Year—Importance to Canberrans

The Assembly was informed that Ms Cheyne, Ms Cody, Mr Coe (Leader of the Opposition), Mr Doszpot, Mrs Jones, Mrs Kikkert, Ms Lawder, Ms Le Couteur, Ms Lee, Ms Orr, Mr Parton, Mr Pettersson, Mr Steel and Mr Wall 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 Jones be submitted to the Assembly, namely, “The importance of the lunar new year to Canberrans”.

Discussion ensued.

Discussion concluded.

28 Justice and Community Safety Legislation Amendment Bill 2016 (No 3)

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.

*Detail Stage*

Bill, by leave, taken as a whole—

On the motion of Mr Ramsay (Attorney-General), pursuant to standing order 182A(b), by leave, his amendment No. 1 (*see* [Schedule 2](#Schedule2)), that had not been circulated in accordance with standing order 178A, was made, after debate.

*Paper:* Mr Ramsay presented a supplementary explanatory statement to the Government amendment.

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

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

29 Crimes Legislation Amendment Bill 2017

Mr Rattenbury (Minister for Corrections), by leave, presented a Bill for an Act to amend legislation about intensive corrections orders.

*Papers:* Mr Rattenbury presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, undated.

Title read by Clerk.

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

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

30 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 5.19 pm, adjourned until tomorrow at 10 am.

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

Tom Duncan

Clerk of the Legislative Assembly

**SCHEDULES OF AMENDMENTS**

**Schedule 1**

**STATUTE LAW AMENDMENT bill 2016**

Amendment circulated by the Attorney-General

1. Schedule 3  
   Proposed new part 3.2A  
   Page 18, line 6—

insert

Part 3.2A Adoption Act 1993

[3.3A] Section 39L (10), new definitions of *adoption order* and *repealed law*

insert

***adoption order*** includes an order for the adoption of a person made under a repealed law.

***repealed law*** means any of the following Acts or an Ordinance repealed by any of the following Acts:

(a) *Adoption of Children Act 1965*;

(b) *Adoption of Children Act 1974*;

(c) *Adoption of Children (Amendment) Act 1979*;

(d) *Adoption of Children (Amendment) Act 1983*;

(e) *Adoption of Children (Amendment) Act 1988*;

(f) *Adoption of Children (Amendment) Act 1991*.

Explanatory note

The *Statute Law Amendment Act 2008*, schedule 3, section 3.1 (the ***2008 amendment***) amended the Act, definition of ***adoption order*** to remove references to adoption orders made under laws that had been repealed. The explanatory note for the 2008 amendment stated that it was made as a consequence of the omission of redundant references to repealed laws made by other amendments in schedule 3, part 3.1.

An unintended consequence of the 2008 amendment was that references to ‘adoption order’ in then section 26 (the equivalent provision to current section 39L) no longer included references to adoption orders made under repealed laws. Section 39L gives the court power to make an order discharging an adoption order in certain circumstances. Because of the 2008 amendment, the court no longer has power to discharge an adoption order made under a repealed law. It is clear from the explanatory notes for the 2008 amendment that it was intended to be only technical in nature and not to change the substantive effect of the law.

This amendment revises section 39L to provide that a reference to ‘adoption order’ in that section includes a reference to an adoption order made under a repealed law.

**Schedule 2**

**Justice and community safety legislation AMENDMENT bill 2016 (no 3)**

Amendment circulated by the Attorney-General

1  
Schedule 1, part 1.6  
Amendment 1.13  
Page 7, line 9—

omit amendment 1.13, substitute

[1.13] Section 21 (1) and (2)

substitute

(1) A public sector agency must not enter into a government contract unless the contract contains appropriate contractual provisions requiring the contracted service provider, and any subcontractor for the contract, to comply with—

(a) the TPPs; or

(b) a TPP code that binds the agency; or

(c) a corresponding privacy law.

(2) Also, a public sector agency must not enter into a government contract that authorises the contracted service provider, or any subcontractor for the contract, to do an act, or engage in a practice, that breaches a TPP, TPP Code or corresponding law that applies to the contract under the contractual provisions mentioned in subsection (1).