

2001-2002-2003-2004

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 92

THURSDAY, 4 MARCH 2004

- 1** The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Berry) 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** **FINANCIAL MANAGEMENT AMENDMENT BILL 2004**

Mr Quinlan (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Financial Management Act 1996*.

Paper: Mr Quinlan presented an explanatory statement to the Bill.

Title read by Clerk.

Mr Quinlan moved – That this Bill be agreed to in principle.

Debate adjourned (Mr Smyth – Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.
- 3** **ARCHITECTS BILL 2004**

Mr Corbell (Minister for Planning), pursuant to notice, presented a Bill for an Act about the provision of architectural services, and for other purposes.

Paper: Mr Corbell presented an explanatory statement to the Bill.

Title read by Clerk.

Mr Corbell moved – That this Bill be agreed to in principle.

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

4 COMMUNITY SERVICES AND SOCIAL EQUITY – STANDING COMMITTEE – REPORT 4 – 2002-2003 ANNUAL AND FINANCIAL REPORTS: DEPARTMENT OF DISABILITY, HOUSING AND COMMUNITY SERVICES; DISCRIMINATION COMMISSIONER; COMMUNITY ADVOCATE – PUBLICATION OF REPORT – MOTION THAT REPORT BE NOTED

Mr Hargreaves (Chair) presented the following report:

Community Services and Social Equity – Standing Committee – Report 4 – *2002-2003 annual and financial reports: Department of Disability, Housing and Community Services; Discrimination Commissioner; Community Advocate*, dated 2 March 2004, 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 Hargreaves moved – That the report be noted.

Debate ensued.

The debate having been closed by the reply of Mr Hargreaves –

Mrs Dunne sought leave to adjourn debate.

Objection being raised, leave not granted.

Suspension of standing and temporary orders – Motion to adjourn debate: Mrs Dunne moved – That so much of the standing and temporary orders be suspended as would prevent her moving a motion to adjourn debate.

Question – put and passed, with the concurrence of an absolute majority.

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

5 PLANNING AND ENVIRONMENT – STANDING COMMITTEE – REPORT 26 – INQUIRY INTO ANNUAL AND FINANCIAL REPORTS 2002-2003 FOR THE DEPARTMENT OF URBAN SERVICES AND THE RELATED AGENCIES – MOTION THAT REPORT BE NOTED

Mrs Dunne (Chair) presented the following report:

Planning and Environment – Standing Committee – Report 26 – *Inquiry into annual and financial reports 2002-2003 for the Department of Urban Services and the related agencies*, dated 19 February 2004, together with a copy of the extracts of the relevant minutes of proceedings –

and moved – That the report be noted.

Debate ensued.

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

6 PLANNING AND ENVIRONMENT – STANDING COMMITTEE – REPORT 27 – INQUIRY INTO THE BUILDING OF A SUPERMARKET NEXT TO THE BELCONNEN MARKETS – PUBLICATION OF REPORT – MOTION THAT REPORT BE NOTED

Mr Hargreaves (Deputy Chair) presented the following report:

Planning and Environment – Standing Committee – Report 27 – *Inquiry into the building of a supermarket next to the Belconnen Markets*, dated 27 February 2004, 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 Hargreaves moved – That the report be noted.

Debate ensued.

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

7 PUBLIC ACCOUNTS – STANDING COMMITTEE – REPORT 8 – REVENUE RAISING ISSUES IN THE A.C.T. – PUBLICATION OF REPORT – REPORT NOTED

Mr Smyth (Chair) presented the following report:

Public Accounts – Standing Committee – Report 8 – *Revenue raising issues in the ACT*, dated 25 February 2004, 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 Smyth moved – That the report be noted.

Debate ensued.

Question – put and passed.

8 PUBLIC ACCOUNTS – STANDING COMMITTEE – REPORT 9 – REVIEW OF AUDITOR-GENERAL'S REPORT NO 9 OF 2003 – ANNUAL MANAGEMENT REPORT FOR THE YEAR ENDED 30 JUNE 2003 – PUBLICATION OF REPORT – REPORT NOTED

Mr Smyth (Chair) presented the following report:

Public Accounts – Standing Committee – Report 9 – *Review of Auditor-General's Report No 9 of 2003 – Annual Management Report for the year ended 30 June 2003*, dated 25 February 2004, 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 Smyth moved – That the report be noted.

Debate ensued.

Question – put and passed.

9 QUESTIONS

Questions without notice were asked.

10 PAPERS

Ms Gallagher (Minister for Education, Youth and Family Services), having added to an answer, presented the following papers:

Children and Young People Act –

Brief to Minister – Reports to Family Services concerning children and young people for whom the Chief Executive has parental responsibility, prepared by the Chief Executive, Department of Education, Youth and Family Services –

Copy of first page of brief, faxed 11 December 2003.

Copy of brief, with annotation by the Minister on page 3, faxed 11 December 2003.

Original brief, noted by the Minister on 15 December 2003.

11 PRESENTATION OF PAPER

The Speaker presented the following paper:

Government Services – Suburban Canberra – Resolution of the Assembly of 10 December 2003 – Copy of Letter from Chief Minister to the Speaker, dated 20 February 2004.

12 ADMINISTRATION AND PROCEDURE – STANDING COMMITTEE – REPORT 4 – INQUIRY INTO THE ROLE OF INTACT AS THE LEGISLATIVE ASSEMBLY IT SERVICE PROVIDER – GOVERNMENT RESPONSE – PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Chief Minister) presented the following paper:

Administration and Procedure – Standing Committee – Report 4 – *Inquiry into the role of InTACT as the Legislative Assembly IT service provider* – Government response, dated March 2004 –

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

13 PRESENTATION OF PAPER

Mr Stanhope (Minister for Environment) presented the following paper:

National Environment Protection Council – Annual report 2002-2003.

14 PRESENTATION OF PAPER

Mr Quinlan (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 58 – Agents Board of the Australian Capital Territory – Statement of Intent (revised version) – 1 July 2003 to 31 October 2003.

15 COMMUNITY SERVICES FACILITIES MANAGEMENT STRATEGY – PAPER AND STATEMENT BY MINISTER – MOTION TO TAKE NOTE OF PAPER

Mr Wood (Minister for Disability, Housing and Community Services) presented the following paper:

Community Services Facilities Management Strategy, dated March 2004, prepared by the Department of Disability, Housing and Community Services –

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

Mr Wood moved – That the Assembly takes note of the paper.

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

16 PRESENTATION OF PAPER

Mr Wood (Manager of Government Business) presented the following paper:

Petition which does not conform with the standing orders – Inquiry into the death of Thomas Hickey – Ms Gallagher (48 citizens).

17 PRESENTATION OF PAPER

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

Calvary Public Hospital – Information Bulletin – Patient Activity Data – External Distribution – January 2004.

The Canberra Hospital – Information Bulletin – Patient Activity Data – January 2004.

Mr Smyth (Leader of the Opposition) sought leave to make a statement.

Objection being raised, leave not granted.

Suspension of standing and temporary orders – Statement by Member: Mr Smyth moved – That so much of the standing and temporary orders be suspended as would prevent him making a statement.

Question – put.

The Assembly voted —

Ayes, 8

Mrs Burke
Mr Cornwell
Ms Dundas
Mrs Dunne
Mr Pratt

Mr Smyth
Mr Stefaniak
Ms Tucker

Noes, 9

Mr Berry
Mr Corbell
Mrs Cross
Ms Gallagher
Mr Hargreaves

Ms MacDonald
Mr Quinlan
Mr Stanhope
Mr Wood

And so it was negatived.

18 MATTER OF PUBLIC IMPORTANCE – DISCUSSION – RECOGNITION OF THE CONTRIBUTION OF WOMEN TO SOCIETY

The Assembly was informed that Ms MacDonald had proposed that a matter of public importance be submitted to the Assembly for discussion, namely, “The importance of recognising the contribution women make to our society, particularly on International Women’s Day.”.

Discussion ensued.

Discussion concluded.

19 DANGEROUS SUBSTANCES BILL 2003

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

Detail stage

Clause 1 agreed to.

Clauses 2 to 9, by leave, taken together and agreed to.

Clause 10 –

On the motion of Ms Gallagher (Minister for Industrial Relations), by leave, her amendments Nos 1 and 2 (*see* [Schedule 1](#)) were made together.

Paper: Ms Gallagher presented an explanatory statement to the Government amendments.

Clause 10, as amended, agreed to.

Clauses 11 to 13, by leave, taken together and agreed to.

Clause 14 –

On the motion of Ms Gallagher, her amendment No. 3 (*see* [Schedule 1](#)) was made.

Clause 14, as amended, agreed to.

Clause 15 –

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

Clause 15, as amended, agreed to.

Clauses 16 to 41, by leave, taken together and agreed to.

Clause 42 –

Mr Pratt moved his amendment No 1 (*see* [Schedule 2](#)).

Debate continued.

Amendment negatived.

Clause 42 agreed to.

Clause 43 –

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

Mr Pratt moved his amendment No 2 (*see* [Schedule 2](#)).

Debate continued.

Amendment negatived.

Clause 43, as amended, agreed to.

Clause 44 –

Mr Pratt moved his amendment No 3 (*see* [Schedule 2](#)).

Amendment negatived.

Clause 44 agreed to.

Clause 45 –

Mr Pratt moved his amendment No 4 (*see* [Schedule 2](#)).

Amendment negatived.

Clause 45 agreed to.

Clause 46 –

Mr Pratt moved his amendment No 5 (*see* [Schedule 2](#)).

Amendment negatived.

Clause 46 agreed to.

Clauses 47 and 48, by leave, taken together and agreed to.

Clause 49 –

On the motion of Ms Gallagher, her amendment No. 6 (*see* [Schedule 1](#)) was made.

Clause 49, as amended, agreed to.

Clause 50 agreed to.

Clause 51 –

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

Clause 51, as amended, agreed to.

Clauses 52 to 84, by leave, taken together and agreed to.

Proposed new part –

Mr Pratt moved his amendment No 6 (*see* [Schedule 2](#)) which inserts a new Part 5.1A.

Debate continued

Ms Gallagher addressing the Assembly –

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

Mr Wood (Manager of Government Business) requiring the question to be put forthwith without debate –

Question – put and negatived.

Debate continued.

Amendment negatived.

Clauses 85 to 87, by leave, taken together and agreed to.

Clause 88 –

Ms Dundas, by leave, moved her amendments Nos. 1 and 2 together (*see* Schedule 3).

Debate continued.

Amendments negatived.

Clause 88 agreed to.

Clauses 89 to 91, by leave, taken together and agreed to.

Clause 92 –

Debate continued.

On the motion of Ms Gallagher, her amendment No. 8 (*see* Schedule 1) was made.

Clause 92, as amended, agreed to.

Clauses 93 to 111, by leave, taken together and agreed to.

Clause 112 –

On the motion of Ms Gallagher, her amendment No. 9 (*see* Schedule 1) was made.

Clause 112, as amended, agreed to.

Clauses 113 to 118, by leave, taken together and agreed to.

Clause 119 –

On the motion of Ms Gallagher, her amendment No. 10 (*see* Schedule 1) was made.

Ms Dundas moved her amendment No. 4 (*see* Schedule 3).

Debate continued.

Amendment negatived.

Clause 119, as amended, agreed to.

Clauses 120 to 127, by leave, taken together and agreed to.

Clause 128 –

Ms Dundas moved her amendment No. 5 (*see* Schedule 3).

Debate continued.

Amendment negatived.

Clause 128 agreed to.

Clauses 129 to 134, by leave, taken together and agreed to.

Clause 135 –

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

Clause 135, as amended, agreed to.

Clauses 136 and 137, by leave, taken together and agreed to.

Clause 138 –

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

Clause 138, as amended, agreed to.

Clauses 139 to 144, by leave, taken together and agreed to.

Clause 145 –

On the motion of Ms Gallagher, by leave, her amendments Nos. 13 and 14 (*see* [Schedule 1](#)) were made together.

Clause 145, as amended, agreed to.

Clauses 146 to 153, by leave, taken together and agreed to.

Clause 154 –

On the motion of Ms Gallagher, her amendment No. 15 (*see* [Schedule 1](#)) was made.

Clause 154, as amended, agreed to.

Clause 155 –

On the motion of Ms Gallagher, her amendment No. 16 (*see* [Schedule 1](#)) was made.

Clause 155, as amended, agreed to.

Clause 156 agreed to.

Clause 157 –

On the motion of Ms Gallagher, her amendment No. 17 (*see* [Schedule 1](#)) was made.

Clause 157, as amended, agreed to.

Clause 158 –

On the motion of Ms Gallagher, her amendment No. 18 (*see* [Schedule 1](#)) was made.

Clause 158, as amended, agreed to.

Clauses 159 to 163, by leave, taken together and agreed to.

Clause 164 –

On the motion of Ms Gallagher, her amendment No. 19 (*see* [Schedule 1](#)) was made.

Clause 164, as amended, agreed to.

Clauses 165 to 168, by leave, taken together and agreed to.

Clause 169 –

On the motion of Ms Gallagher, by leave, her amendments Nos. 20 to 26 (*see* [Schedule 1](#)) were made together.

Clause 169, as amended, agreed to.

Clauses 170 to 191, by leave, taken together and agreed to.

Clause 192 –

Ms Dundas moved her amendment No. 6 (*see* [Schedule 3](#)).

Debate continued.

Amendment negatived.

Clause 192 agreed to.

Clauses 193 to 195, by leave, taken together and agreed to.

Clause 196 –

Debate continued.

On the motion of Ms Gallagher, her amendment No. 27 (*see* [Schedule 1](#)) was made.

Clause 196, as amended, agreed to.

Clause 197 –

On the motion of Ms Gallagher, her amendment No. 28 (*see* [Schedule 1](#)) was made.

On the motion of Ms Dundas her amendment No. 8 (*see* [Schedule 3](#)) was made, after debate.

Clause 197, as amended, agreed to.

Clauses 198 to 205, by leave, taken together and agreed to.

Proposed new clause –

Mr Pratt moved his amendment No. 7 (*see* [Schedule 2](#)) which inserts a new clause 205A.

Ms Tucker moved her amendment No. 1 to Mrs Pratt's amendment (*see* [Schedule 4](#)).

Debate continued.

Amendment to proposed amendment negatived.

Debate continued.

Mr Pratt's amendment negatived.

Clauses 206 to 210, by leave, taken together and agreed to.

Clause 211 –

On the motion of Ms Gallagher, her amendment No. 29 (*see* [Schedule 1](#)) was made.

Clause 211, as amended, agreed to.

Clauses 212 to 223, by leave, taken together and agreed to.

New clause –

On the motion of Ms Tucker, new Clause 223A, (her amendment No 1 – see Schedule 5) was inserted in the Bill, after debate.

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

Question – That this Bill, as amended, be agreed to – put.

The Assembly voted —

Ayes, 10

Noes, 5

Mr Berry	Mr Hargreaves	Mrs Burke
Mr Corbell	Ms MacDonald	Mr Cornwell
Mrs Cross	Mr Stanhope	Mrs Dunne
Ms Dundas	Ms Tucker	Mr Pratt
Ms Gallagher	Mr Wood	Mr Stefaniak

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

20 PAPER

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

Aged persons' accommodation – Response to resolution of the Assembly of 3 March 2004.

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

21 BUILDING BILL 2003

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.

The Assembly voted —

Ayes, 8

Noes, 5

Mr Berry	Ms MacDonald	Mr Cornwell	Mr Stefaniak
Mr Corbell	Mr Quinlan	Mrs Cross	
Ms Dundas	Ms Tucker	Mrs Dunne	
Mr Hargreaves	Mr Wood	Mr Pratt	

And so it was resolved in the affirmative.

Detail stage

Clause 1 –

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

22 CONSTRUCTION OCCUPATIONS (LICENSING) BILL 2003

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 –

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

Detail stage

Clause 1 –

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

23 CONSTRUCTION OCCUPATIONS LEGISLATION AMENDMENT BILL 2003

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 –

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

Detail stage

Clause 1 –

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

24 ADJOURNMENT

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

Debate ensued.

Paper: Mr Corbell (Minister for Planning) presented the following paper:

Bonner Information Session – Concept plan options.

Question – put and passed.

And then the Assembly, at 7.14 p.m., adjourned until Tuesday, 9 March 2004 at 10.30 a.m.

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

T Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

DANGEROUS SUBSTANCES BILL 2003

Amendments circulated by the Minister for Industrial Relations

1

Clause 10 (1) (d)
Page 7, line 11—

omit

carried

substitute

transported

2

Clause 10 (4) (a)
Page 8, line 20—

after

document

insert

as

3

Proposed new clause 14 (3)
Page 12, line 15—

insert

(3) In this section:

dangerous substance includes a container or package containing a dangerous substance.

4

Clause 15 (1) (a)
Page 12, line 19—

omit clause 15 (1) (a), substitute

(a) cause the death of or harm to a person; and

5**Clause 43 (1) (d)**
Page 36, line 15—

omit clause 43 (1) (d), substitute

- (d) the person either—
- (i) was reckless about whether the failure would expose anyone to a substantial risk of death or serious harm;
or
 - (ii) was negligent about whether the failure would expose anyone to a substantial risk of death or serious harm.

6**Clause 49 (1) (f)**
Page 43, line 22—

omit

before the application,

substitute

before the day the application is made,

7**Clause 51 (2) (d)**
Page 46, line 5—

omit clause 51 (2) (d), substitute

- (d) give the chief executive the authorities and consents that the chief executive asks for to allow the chief executive to obtain from other people information (including financial and other confidential information) that is—
- (i) about the person or a close associate of the person;
and
 - (ii) relevant to the consideration of the designated matter in relation to the person.

8**Clause 92 (3), new note**
Page 77, line 19—

insert

Note The Legislation Act, s 171 deals with client legal privilege.

9

Clause 112 (2) (a)

Page 90, line 19—

after

required

insert

not

10

Clause 119 (1)

Page 93, line 11—

omit

is given

substitute

relates

11

Clause 135 heading

Page 102, line 9—

omit

control

substitute

charge

12

Clause 138 (2) (b)

Page 103, line 14—

omit

control

substitute

charge

13

Clause 145 (b) (ii)

Page 109, line 19—

omit clause 145 (b) (ii), substitute

(ii) plant or a system used for handling dangerous substances;
or

(iii) a contravention, or possible contravention, of this Act;

14**Clause 145 (h)****Page 110, line 9—***omit*

is being

substitute

has been, or is being,

15**Clause 154 (4)****Page 117, line 18—***omit*

where a thing

substitute

where the thing

16**Clause 155 (3), penalty****Page 118, line 18—***omit*

100

substitute

10

17**Clause 157 (5) (b)****Page 120, line 22—***omit*

sought

substitute

issued

18**Clause 158 (5) (b)****Page 122, line 1—***omit**(warrant form)**substitute**(the warrant form)*

19**Clause 164 (3)****Page 127, line 17—***omit*

if a person

substitute

if the person

20**Clause 169 (1) (a)****Page 131, line 17—***omit*

6 months

substitute

1 year

21**Clause 169 (1) (a) (i)****Page 131, line 20—***omit*

6-month period

substitute

1-year period

22**Clause 169 (1) (a) (ii)****Page 131, line 22—***omit*

6-month period

substitute

1-year period

23**Clause 169 (1) (b)****Page 131, line 25—***omit*

6 months

substitute

1 year

24**Clause 169 (1) (b) (i)****Page 131, line 28—***omit*

6 months after the day of the seizure

substitute

the 1-year period

25**Clause 169 (1) (b) (ii)****Page 132, line 2—***omit*

6 months after the day of the seizure

substitute

the 1-year period

26**Clause 169 (1) (c)**
Page 132, line 5—*omit*

6 months

substitute

1 year

27**Clause 196**
Page 151, line 24—*after*

convicted

insert

or found guilty

28**Clause 197 (2) (d)**
Page 153, line 1—*omit*

29**Proposed new clause 211 (4)**
Page 163, line 12—*insert*

- (4) A person to whom this section applies need not divulge or communicate protected information to a court, or produce a document containing protected information to a court, unless it is necessary to do so for this Act or another Act.
-

Schedule 2

DANGEROUS SUBSTANCES BILL 2003

Amendments circulated by the Mr Pratt

1

Clause 42 (2) and (3)

Page 36, line 6—

omit clause 42 (2) and (3), substitute

(2) An offence against this section is a strict liability offence.

2

Clause 43 (2)

Page 36, line 22—

omit

Absolute

substitute

Strict

3

Clause 44 (2)

Page 37, line 14—

omit

Absolute

substitute

Strict

4

Clause 45 (2)

Page 38, line 6—

omit

Absolute

substitute

Strict

 5

Clause 46 (2)
Page 38, line 21—

omit

Absolute

substitute

Strict

6

Proposed new part 5.1A
Page 71, line 4—

insert

Part 5.1A Particular prohibitions for fireworks

84A Definitions for pt 5.1A

In this part:

display permit means a permit under the regulations that authorises a licensed person to conduct a public fireworks display.

distress signal firework means an article containing a pyrotechnic substance intended for signalling, warning, rescue or similar purposes.

firework means an article that—

- (a) is designed for use as a form of entertainment; and
- (b) contains a pyrotechnic substance; and
- (c) may contain 1 or more other explosive substances; and
- (d) burns or explodes (or both) to produce a visual or aural effect (or both).

general use firework means a firework that may be supplied to a person without the supplier being required to hold a licence or other form of authority (however described) under the regulations to supply the firework.

Example

a snap for a bon-bon that contains no more than a prescribed amount of pyrotechnic substance

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).

pyrotechnic substance means a substance or mixture of substances designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these, as the result of non-detonative self-sustaining exothermic chemical reactions.

use a firework includes ignite or explode the firework.

84B Unauthorised supply of fireworks

- (1) A person (the *supplier*) commits an offence if the person supplies a firework to someone else (the *receiver*).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) This section does not apply to the supplier if—
- (a) the receiver produces to the supplier a display permit that authorises the receiver to receive the firework; or
 - (b) the firework is a general use firework or distress signal firework.
- (3) An offence against this section is a strict liability offence.

84C Display permit required for use of fireworks

- (1) A person commits an offence if the person uses a firework.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) This section does not apply if—
- (a) the person is authorised by a display permit to use the firework and the use of the firework is in accordance with the permit; or
 - (b) the firework is a general use firework or distress signal firework.
- (3) An offence against this section is a strict liability offence.

7

Proposed new clause 205A

Page 160, line 1—

insert

205A Chief executive to promote Act

The functions of the chief executive under this Act include—

- (a) developing and providing educational and training programs to promote understanding and acceptance of, and compliance with, this Act; and
- (b) promoting understanding and acceptance of, and compliance with, this Act.

Examples for par (a)

- 1 educational programs about safety duties
- 2 training sessions about the safe handling of dangerous substances

Note 1 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

Note 2 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).

Schedule 3**DANGEROUS SUBSTANCES BILL 2003**

Amendments circulated by Ms Dundas

1**Clause 88 (2), note****Page 74, line 20—***omit the note, substitute**Note 1* The Legislation Act, s 170 and s 171 deal with the application of the privilege against selfincrimination and client legal privilege.*Note 2* For how the notice may be served, see Legislation Act, pt 19.5.

2**Clause 88 (4) (c)****Page 75, line 5—***omit clause 88 (4) (c), substitute*(c) if the notice requires the person to answer questions—
state that the person may attend with a lawyer.

3**Clause 92****Page 77, line 9—***[oppose the clause]*

4**Clause 119 (1), penalty****Page 93, line 13—***omit*

200

substitute

100

5**Clause 128 (3), penalty****Page 98, line 22—***omit*

200

*substitute*100

6
Clause 192 (3)
Page 148, line 17—

omit

7
Clause 196
Page 151, line 23—

[oppose the clause]

8
Clause 197 (5)
Page 153, line 20—

omit

Schedule 4**DANGEROUS SUBSTANCES BILL 2003**

Amendment circulated by Ms Tucker to Mr Pratt's amendments

1

Amendment 7**Proposed new clause 205A**

omit proposed new clause 205A, substitute

205A Chief executive to promote Act

The functions of the chief executive under this Act include—

- (a) developing and providing educational and awareness programs to promote understanding and acceptance of, and compliance with, this Act; and
- (b) promoting understanding and acceptance of, and compliance with, this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

Schedule 5

DANGEROUS SUBSTANCES BILL 2003

Amendment circulated by Ms Tucker

1

Proposed new clause 223A

Page 174, line 21—

insert

223A Review of Act

- (1) The Minister must arrange for a person (the *reviewer*) to review the operation of this Act as soon as practicable after 30 June 2005.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

- (2) The review must include an assessment of—
- (a) the effectiveness of this Act in regulating the supply of fireworks in the ACT; and
 - (b) the social and environmental effects, in the ACT and elsewhere, of the use of fireworks supplied in or from the ACT.
- (3) The reviewer must not be a public employee employed in an administrative unit that is responsible for the administration of this Act or the *Occupational Health and Safety Act 1989*.
- (4) The reviewer is not subject to direction by the Minister or the chief executive in carrying out the review.
- (5) The reviewer must give the Minister a written report of the review before 15 January 2006.
- (6) The Minister must present the report to the Legislative Assembly before the end of the Assembly's 3rd sitting day in 2006.
- (7) This section expires on 30 June 2006.
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