

**STANDING ORDER 259 AND THE
INQUIRY INTO THE OPERATION OF
THE *DANGEROUS GOODS ACT 1975*
WITH PARTICULAR REFERENCE TO
FIREWORKS**

Report No. 2 of the Standing Committee on Legal Affairs

June 2002

Legislative Assembly for the Australian Capital Territory



Resolution of appointment of the Standing Committee on Legal Affairs

On 11 December 2001 the Legislative Assembly for the Australian Capital Territory resolved to establish a general purpose standing committee, called the Standing Committee on Legal Affairs:

to perform the duties of a scrutiny of bills and subordinate legislation committee and examine matters related to community and individual rights, consumer rights, courts, police and emergency services, corrections including a prison, governance and industrial relations, administrative law, civil liberties and human rights, censorship, company law, law and order, criminal law, consumer affairs and regulatory and regulatory services.

Committee Membership

Mr Bill Stefaniak MLA (Chair)

Mr John Hargreaves MLA (Deputy Chair)

Ms Kerrie Tucker MLA

Secretary: Mr Rod Power

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Standing Committee on Legal Affairs
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1. On 13 December 2001 the Legislative Assembly for the Australian Capital Territory resolved:

That the Standing Committee on Legal Affairs inquire into and report, by 27 June 2002, on the operation of the *Dangerous Goods Act 1975* with particular reference to:

- (a) the sale of fireworks in the Territory;
- (b) the general safety of setting of fireworks; and
- (c) any other related matter.

2. On 22 May 2002 the committee accepted a submission (dated 27 April 2002) from the ACT Fireworks Association. Mr John Davey, Public Affairs Officer of the ACT Fireworks Association, signed the submission. The submission was treated as confidential because it contained material that may adversely reflect upon named individuals. The committee is taking the appropriate action about such material.

3. Confidential submission number 221 dated 27 April 2002 makes an allegation against a member of the Assembly. The allegation is against Mr Hargreaves MLA and is as follows:

The Association believes Mr Hargreave's comment in an article on the front page of the *Sunday Canberra Times* is highly prejudicial to this inquiry. We believe due to the manifest unfairness of Mr Hargreaves' comment that he should step down from this inquiry.

4. The committee understands that the reference to an article on the front page of the *Sunday Canberra Times* is to an article headed 'Bikie assassination link', dated Sunday 24 March 2002.

5. Standing order 259 is relevant to an allegation against a member of the Assembly. Standing order 259 states that:

If any information comes before any committee that charges any member of the Assembly, the committee ought only to direct that the Assembly be acquainted with the matter of the information, without proceeding further.

6. The committee asked the Clerk of the Assembly for advice on whether confidential submission number 221 dated 27 April 2002 levelled a 'charge' in terms of standing order 259. Both the Clerk and Deputy Clerk considered that the submission indeed levelled a 'charge'. At the suggestion of the Deputy Clerk, the committee authorised release of the confidential submission to the Government Solicitor for further advice. That officer's view was that confidential submission number 221 dated 27 April 2002 levelled a 'charge' against Mr Hargreaves. A copy of the Government Solicitor's written advice is attached to this report.

7. At a deliberative meeting on 21 June 2002 the committee came to the view that, based on the above advice, a 'charge' had been levelled against an Assembly member. In accordance with standing order 259, the committee is therefore obliged to acquaint the Assembly with the matter of the information, without proceeding further.

Bill Stefaniak
Chair