



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006–2007–2008

MINUTES OF PROCEEDINGS

No. 148

THURSDAY, 3 JULY 2008

1 The Assembly met at 10.30 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Berry) ordered the bells to be rung. A quorum having been formed, the Speaker 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 **REVENUE LEGISLATION AMENDMENT BILL 2008**

Ms Gallagher (Deputy Chief Minister), on behalf of Mr Stanhope (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Duties Act 1999* and the *First Home Owner Grant Act 2000*.

Papers: Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 2 July 2008.

Title read by Clerk.

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

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

3 **ACT CIVIL AND ADMINISTRATIVE TRIBUNAL LEGISLATION
AMENDMENT BILL 2008**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation in relation to tribunals and other bodies, the functions of which are to be conferred on the ACT Civil and Administrative Tribunal, and for other purposes.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 2 July 2008.

Title read by Clerk.

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

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

4 CRIMES (CONTROLLED OPERATIONS) BILL 2008

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to provide for the authorisation, conduct and monitoring of controlled operations.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 2 July 2008.

Title read by Clerk.

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

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

5 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2008 (NO. 2)

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the law relating to justice and community safety.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 2 July 2008.

Title read by Clerk.

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

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

6 SEXUAL AND VIOLENT OFFENCES LEGISLATION AMENDMENT BILL 2008

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Evidence (Miscellaneous Provisions) Act 1991* and the *Magistrates Court Act 1930* in relation to sexual and violent offences.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 2 July 2008.

Title read by Clerk.

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

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

7 EDUCATION, TRAINING AND YOUNG PEOPLE—STANDING COMMITTEE—REPORT 7—REPORT ON ANNUAL AND FINANCIAL REPORTS 2006-2007—REPORT NOTED

Ms Porter (Chair) presented the following report:

Education, Training and Young People—Standing Committee—Report 7—*Report on Annual and Financial Reports 2006-2007*, dated 2 July 2008, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

8 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 14—REPORT ON ANNUAL AND FINANCIAL REPORTS 2006-2007—REPORT NOTED

Dr Foskey (Chair) presented the following report:

Public Accounts—Standing Committee—Report 14—*Report on Annual and Financial Reports 2006-2007*, dated 30 June 2008, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

9 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

10 HOUSING ASSISTANCE AMENDMENT BILL 2008

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.

Mr Seselja (Leader of the Opposition), by leave, was granted an extension of time.

Debate continued.

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

Detail Stage

Clause 1—

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

11 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2008

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—

Mr Corbell (Attorney-General), by leave, moved his amendments Nos. 1 and 2 together (see [Schedule 1](#)).

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

Debate continued.

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 being asked—

Paper: Ms Gallagher (Minister for Health) presented the following paper:

Hospital waiting lists—2006-2007—Table 6.3.

Questions continued.

13 QUESTION ON NOTICE NO. 2003—ANSWER—EXPLANATION

Dr Foskey, pursuant to standing order 118A, asked Mr Corbell (Attorney-General) for an explanation concerning the answer to question on notice No. 2003.

Mr Corbell gave an explanation.

14 QUESTION ON NOTICE NO. 2058—ANSWER—EXPLANATION

Mrs Burke, pursuant to standing order 118A, asked Mr Corbell (Attorney-General) for an explanation concerning the answer to question on notice No. 2058.

Mr Corbell gave an explanation.

15 QUESTION ON NOTICE NO. 2059—ANSWER—EXPLANATION

Mrs Burke, pursuant to standing order 118A, asked Mr Hargreaves (Minister for Housing) for an explanation concerning the answer to question on notice No. 2059.

Mr Hargreaves gave an explanation.

16 PRESENTATION OF PAPERS

Ms Gallagher (Deputy Chief Minister), on behalf of the Chief Minister, presented the following papers:

Intergovernmental agreements—

An Agreement on Surface Transport Security, dated 3 June 2005.

An Agreement to a National Identity Security Strategy.

Competition and Infrastructure Reform Agreement, dated 10 February 2006.

Harmonisation of Workers Compensation and Occupational Health and Safety Arrangements, dated 13 October 2006.

Murray-Darling Basin Agreement Amending Agreement 2006, dated 14 July 2006.

National Health Call Centre Network—Heads of Agreement.

National Registration and Accreditation Scheme for the Health Professions, dated 26 March 2008.

Supplementary Intergovernmental Agreement on addressing water overallocation and achieving environmental objectives in the Murray-Darling Basin, dated 14 July 2006.

17 CARING FOR CARERS IN THE A.C.T.—A PLAN FOR ACTION 2004-2007—2006-2007 THIRD AND FINAL PROGRESS REPORT AND CARING FOR CARERS REVIEW AND FUTURE MODEL—FINAL REPORT AND GOVERNMENT RESPONSE—PAPERS AND STATEMENT BY MINISTER

Ms Gallagher (Minister for Disability and Community Services) presented the following paper:

Caring for carers in the ACT—

A plan for action 2004-2007—2006-2007 Third and final progress report.

Caring for Carers review and future model—

Final Report to ACT Department of Disability, Housing and Community Services by The Allen Consulting Group, dated April 2008.

Government response.

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

18 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—INFRASTRUCTURE PROJECTS—STANHOPE GOVERNMENT'S PERFORMANCE

The Assembly was informed that Mrs Burke, Mrs Dunne, Dr Foskey, Ms MacDonald, Mr Seselja (Leader of the Opposition), Mr Smyth and Mr Stefaniak 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, "Performance of the Stanhope Government in delivering infrastructure projects."

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

19 ACTING SPEAKER—APPOINTMENT

Ms Gallagher (Deputy Chief Minister), by leave, moved—That:

- (1) this Assembly authorises Mr Stefaniak to perform the duties of Speaker for the period 20 to 25 July 2008 inclusive, during the absence of both the Speaker and the Deputy Speaker from the Assembly; and
- (2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Question—put and passed.

20 LEAVE OF ABSENCE TO MEMBER

Ms Gallagher (Deputy Chief Minister) moved—That leave of absence be given to Mr Stanhope (Chief Minister) for this sitting on the grounds of Executive business interstate.

Question—put and passed.

21 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2008

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

Detail Stage

Bill as a whole—

Consideration resumed on amendments Nos. 1 and 2 (*see* [Schedule 1](#)) moved by Mr Corbell (Attorney-General)—

Debate continued.

Amendments agreed to.

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

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

22 CRIMES (FORENSIC PROCEDURES) AMENDMENT BILL 2008

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 Corbell, by leave, his amendments Nos. 1 to 9 (*see* [Schedule 2](#)) were made together, after debate.

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

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

23 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 4, Executive business, relating to the Firearms Amendment Bill 2008, be postponed until a later hour this day.

24 STANDARD TIME AND SUMMER TIME AMENDMENT BILL 2008

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.

25 FIREARMS AMENDMENT BILL 2008

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.

Mr Corbell (Attorney-General) addressing the Assembly—

Adjournment negatived: It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Mr Corbell requiring the question to be forthwith without debate—

Question—put and negatived.

Debate continued.

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

Detail Stage

Clause 1 agreed to.

Clause 2—

On the motion of Mr Corbell, his amendment No. 1 (*see* [Schedule 3](#)) was made.

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

Clause 2, as amended, agreed to.

Clauses 3 to 7, by leave, taken together and agreed to.

Clause 8—

Mr Stefaniak moved his amendment No. 1 (*see* [Schedule 4](#)).

Debate continued.

Amendment negatived.

On the motion of Mr Corbell, his amendment No. 2 (*see* [Schedule 3](#)) was made.

Clause 8, as amended, agreed to.

Clauses 9 to 23, by leave, taken together and agreed to.

Clause 24—

On the motion of Mr Corbell, by leave, his amendments Nos. 3 and 4 (*see* [Schedule 3](#)) were made together.

On the motion of Mr Corbell, his amendment No. 5 (*see* [Schedule 3](#)) was made, after debate.

Clause 24, as amended, agreed to.

Clause 25—

Mr Stefaniak moved his amendment No. 3 (*see* [Schedule 4](#)).

Debate continued.

Amendment negatived.

Clause 25 agreed to.

Clauses 26 to 57, by leave, taken together and agreed to.

Clause 58—

On the motion of Mr Corbell, by leave, his amendments Nos. 6 and 7 (*see* [Schedule 3](#)) were made together.

Clause 58, as amended, agreed to.

Clauses 59 to 67, by leave, taken together and agreed to.

Clause 68—

On the motion of Mr Corbell, his amendment No. 8 (*see* [Schedule 3](#)) was made.

On the motion of Mr Corbell, his amendment No. 9 (*see* [Schedule 3](#)) was made.

Clause 68, as amended, agreed to.

Clause 69—

On the motion of Mr Corbell, by leave, his amendments Nos. 10 and 11 (*see* [Schedule 3](#)) were made together.

Clause 69, as amended, agreed to.

Clauses 70 to 75, by leave, taken together and agreed to.

New clause—

On the motion of Mr Corbell, new clause 75A (his amendment No. 12—*see* [Schedule 3](#)) was inserted in the Bill.

Clause 76 agreed to.

Proposed new clauses—

Mr Stefaniak moved his amendment No. 6 (*see* [Schedule 4](#)), which would insert new clauses 76A and 76B in the Bill.

Debate continued.

Amendment negatived.

Clauses 77 to 79, by leave, taken together and agreed to.

New clause—

On the motion of Mr Corbell, new clause 79A (his amendment No. 13—*see* [Schedule 3](#)) was inserted in the Bill, after debate.

Clause 80—

On the motion of Mr Corbell, his amendment No. 14 (*see* [Schedule 3](#)) was made.

Clause 80, as amended, agreed to.

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

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

26 CRIMES (FORENSIC PROCEDURES) BILL 2008—SUPPLEMENTARY EXPLANATORY STATEMENT

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

Crimes (Forensic Procedures) Bill 2008—Supplementary explanatory statement to the Government amendments.

27 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 7.27 p.m., adjourned until Tuesday, 5 August 2008 at 10.30 a.m.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2008

Amendments circulated by the Attorney-General

1

**Schedule 1
Amendment 1.27
Page 11, line 8—**

omit

section 45 (3)

substitute

section 45 (4)

2

**Schedule 1
Amendment 1.52
Proposed new section 48 (1) (b) (iii)
Page 19, line 24—**

insert

(iii) is satisfied that the breach justifies the termination of the tenancy.

Schedule 2

**CRIMES (FORENSIC PROCEDURES) AMENDMENT
BILL 2008**

Amendments circulated by the Attorney-General

1

Clause 28

Proposed new section 49A (1) (b)

Page 13, line 9—

omit

2

Clause 35

Proposed new section 56 (2) (a)

Page 22, line 14—

omit proposed new section 56 (2) (a), substitute

- (a) if the serious offender is serving a sentence of imprisonment at a correctional centre or other place—a corrections health professional for the centre, or health professional (however described) for the place, be present while the sample is taken; or
-

3

Clause 35

Proposed new section 56 (2A) (a)

Page 22, line 23—

omit proposed new section 56 (2A) (a), substitute

- (a) if the serious offender is serving a sentence of imprisonment at a correctional centre or other place—a corrections health professional for the centre, or health professional (however described) for the place, be present while the sample is taken; or
-

4

Clause 46

Proposed new section 72 (1) (f) (i)

Page 28, line 23—

omit proposed new section 72 (1) (f) (i), substitute

- (i) if the serious offender is serving a sentence of imprisonment at a correctional centre or other place—a corrections health professional for the centre, or health professional (however described) for the place, be present while the blood is taken; or
-

5**Clause 47****Proposed new section 72 (1) (fa) (i)****Page 29, line 5—**

omit proposed new section 72 (1) (fa) (i), substitute

- (i) if the serious offender is serving a sentence of imprisonment at a correctional centre or other place—a corrections health professional for the centre, or health professional (however described) for the place, be present while the sample is taken; or

6**Clause 59****Proposed new section 84B****Page 37, line 19—**

omit proposed new section 84B, substitute

84B Who may analyse forensic material?

- (1) The Minister may enter into an agreement with 1 or more of the following to analyse forensic material for the Territory:
 - (a) a forensic laboratory accredited with the National Association of Testing Authorities Australia;
 - (b) another forensic laboratory that the Minister considers on reasonable grounds is competent to analyse forensic material.
- (2) An agreement with a forensic laboratory may allow the outsourcing of the analysis of forensic material to another forensic laboratory.

7**Clause 81****Proposed new section 98A (4) (b) (i)****Page 53, line 28—**

omit proposed new section 98A (4) (b) (i), substitute

- (i) no appeal against the acquittal is made during the appeal period; or

8**Proposed new clause 98A****Page 61, line 26—**

insert

98A Dictionary, new definition of *health professional*

insert

health professional means a health professional registered under the *Health Professionals Act 2004* or someone who is a health professional registered under a corresponding law of a local jurisdiction within the meaning of that Act.

9

Clause 107

Page 65, line 1—

omit clause 107, substitute

107 Schedule 1, item 4, column 2

after

transgender

insert

or intersex

107A Schedule 1, item 5, column 3, new dot point

after 2nd dot point, insert

- police officer

107B Schedule 1, items 7 and 8, column 2

after

transgender

insert

or intersex

Schedule 3

FIREARMS AMENDMENT BILL 2008

Amendments circulated by the Minister for Police and Emergency Services

1

Clause 2

Page 2, line 4—

omit clause 2, substitute

2 Commencement

- (1) This Act (other than a provision mentioned in subsection (2) or (3)) commences on a day fixed by the Minister by written notice.
- (2) Section 75A and section 79A commence on the day after this Act's notification day.
- (3) The following provisions commence 1 year after this Act's notification day:
 - section 71
 - section 72
 - section 80
 - part 4
 - schedule 1, amendments 1.14 and 1.16
 - schedule 2, amendment 2.4.
- (4) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to a provision mentioned in subsection (3).

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

2

Clause 8

Proposed new section 4BE (3A)

Page 13, line 2—

insert

- (3A) A person who is 16 or 17 years old (a *young participant*) is authorised to possess or use the paintball marker if the possession or use is in accordance with—

- (a) the requirements stated in subsection (3) (a) and (b); and
- (b) the written consent of a responsible person for the young participant.

Note A **responsible person** for a young participant is a person with **parental responsibility** for the participant (see dict).

3

Clause 24

Proposed new section 42C

Page 59, line 13

omit

4

Clause 24

Proposed new section 42E, new note

Page 60, line 23

insert

Note A **responsible person** for an applicant is a person with **parental responsibility** for the applicant (see dict).

5

Clause 24

Proposed new section 42K (2)

Page 63, line 15—

insert

- (2) An applicant for a category A or category B minors firearms licence also has a genuine reason to possess or use a firearm if the applicant wants to receive instruction that is—
 - (a) about the safe use of the firearm for primary production; and
 - (b) given under the supervision of a person who—
 - (i) is a responsible person for the applicant; and
 - (ii) holds an adult firearms licence of that category under which that use is a genuine reason for the person to hold the licence.

Note A **responsible person** for an applicant is a person with **parental responsibility** for the applicant (see dict).

6**Clause 58****Proposed new section 213A****Page 175 line 26***insert***213A Transitional meaning of *parental responsibility***

- (1) In this Act, until the *Children and Young People Act 2008*, section 15 commences:

parental responsibility—see the *Children and Young People Act 1999*, section 17.

- (2) This section has effect despite the dictionary definition of *parental responsibility*.

7**Clause 58****Proposed new section 215****Page 176, line 10***omit proposed new section 215, substitute***215 Expiry—pt 20**

- (1) Section 213A and note 2 to the dictionary definition of *parental responsibility* expire on the day the *Children and Young People Act 2008*, section 15 commences.
- (2) This part (other than section 213A) and schedule 4, items 43 and 44, expire 1 year after the commencement day.
-

insert

- | | | | | |
|-----|--------------------------------------|---|----------|--|
| 11A | category A (minors firearms licence) | the following firearms, other than prohibited firearms:
(a) airguns;
(b) rim-fire rifles (other than self-loading);
(c) shotguns;
(d) shotgun and rim-fire rifle combinations | licensee | possess or use firearm where genuine reason is instruction—
(a) about safe use of firearm for primary production; and
(b) given under supervision of a person who—
(i) is a responsible person for the applicant; and
(ii) holds a category A adult firearms licence under which that use is a genuine reason for the person to hold the licence |
|-----|--------------------------------------|---|----------|--|

9

Clause 68**Proposed new schedule 3, new item 12A****Page 195—**

12A	<i>insert</i> category B (minors firearms licence)	the following firearms, other than prohibited firearms: (a) muzzle-loading firearms (other than pistols); (b) centre-fire rifles (other than self- loading); (c) shotgun and centre-fire rifle combinations	licensee	possess or use firearm where genuine reason is instruction— (a) about safe use of firearm for primary production; and (b) given under supervision of a person who— (i) is a responsible person for the applicant; and (ii) holds a category B adult firearms licence under which that use is a genuine reason for the person to hold the licence
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10**Clause 69****Proposed new dictionary, definition of *parental responsibility*****Page 211, line 10***omit the definition, substitute*

parental responsibility—a person has ***parental responsibility*** for a child or young person if the person has parental responsibility for the child or young person under the *Children and Young People Act 2008*.

Note 1 Parental responsibility is dealt with in the *Children and Young People Act 2008*, div 1.3.2.

Note 2 For the meaning of ***parental responsibility*** before the commencement of the *Children and Young People Act 2008*, see s 213A.

11**Clause 69****Proposed new dictionary, definition of *responsible person*****Page 212, line 12***omit the definition, substitute*

responsible person, for a child or young person, means a person with parental responsibility for the child or young person.

12**Proposed new clause 75A****Page 224, line 11—***insert***75A New sections 6A and 6B***insert***6A Declarations about authorised possession and use of laser pointers**

- (1) The registrar may, in accordance with any guidelines under section 6B, declare that the possession or use of a laser pointer is authorised.

Note 1 A power to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters (see Legislation Act, s 48.)

Note 2 A reference to an Act includes a reference to a provision of an Act (see Legislation Act, s 7 (3)).

- (2) A declaration may provide for the authorisation—
- (a) to apply generally or in a particular case; or
 - (b) to be conditional.

- (3) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (4) In this section:

laser pointer means a prohibited weapon that is a hand-held article, commonly known as a laser pointer, designed or adapted to emit a laser beam with an accessible emission level of greater than 1mW.

6B Guidelines for declarations under section 6A

- (1) The Minister may make guidelines about the making of a declaration under section 6A.
- (2) The registrar must comply with any guidelines under this section.
- (3) A guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

13

Proposed new clause 79A

Page 229, line 7—

insert

79A Schedule 1, new item 31

insert

- 31 Hand-held articles, commonly known as laser pointers, designed or adapted to emit a laser beam with an accessible emission level of greater than 1mW.

14

Clause 80

Proposed new schedule 1, part 1.4, new item 8

Page 236—

insert

- 8 hand-held articles, commonly known as laser pointers, designed or adapted to emit a laser beam with an accessible emission level of greater than 1mW

Schedule 4

FIREARMS AMENDMENT BILL 2008

Amendments circulated by Mr Stefaniak

1

Clause 8

Proposed new section 4BE (3)

Page 12, line 25—

omit everything before paragraph (a), substitute

- (3) A person who is at least 16 years old is authorised to possess or use the paintball marker if—
-

2

Clause 24

Proposed new section 42K (2)

Page 63, line 15—

insert

- (2) An applicant for a category A or category B minors firearms licence also has a genuine reason to possess or use a firearm if the applicant wants to receive instruction that is—
- (a) about the safe use of the firearm for—
- (i) recreational hunting or vermin control on rural land;
or
- (ii) primary production; and
- (b) given under the supervision of an adult holding a licence of that category under which that use is a genuine reason for the adult to hold the licence.
-

3

Clause 25

Proposed new section 46B

Page 98, line 12—

omit proposed new section 46B, substitute

46B Permits to acquire to be issued within 14 days

A permit issued to acquire a firearm must be issued not later than 14 days after the day the application for the permit is made.

insert

- | | | | | |
|-----|---|--|----------|--|
| 11A | category A (minors
firearms licence) | the following
firearms, other than
prohibited
firearms:
(a) airguns;
(b) rim-fire rifles
(other than
self-loading);
(c) shotguns;
(d) shotgun and
rim-fire rifle
combinations | licensee | possess or use firearm where
genuine reason for instruction—
(a) about safe use of firearm
for—
(i) recreational hunting or
vermin control on rural
land; or
(ii) primary production; and
(b) given under supervision of an
adult holding a licence of that
category under which use is
genuine reason for adult to
hold licence to possess or use
registered firearm |
|-----|---|--|----------|--|

12A	<i>insert</i> category B (minors firearms licence)	the following firearms, other than prohibited firearms: (a) muzzle- loading firearms (other than pistols);	licensee	possess or use firearm where genuine reason for instruction— (a) about safe use of firearm for— (i) recreational hunting or vermin control on rural land; or (ii) primary production; and (b) given under supervision of an adult holding a licence of that category under which use is genuine reason for adult to hold licence to possess or use registered firearm
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- (b) centre-fire
rifles (other
than
self-loading);
 - (c) shotgun and
centre-fire
rifle
combinations
-

6

Proposed new amendments 76A and 76B
Page 225, line 10*insert***76A New section 10***insert***10 Collector permits**

- (1) Without limiting section 9, the registrar may issue a permit (a *collector permit*) authorising the possession of a kind of prohibited weapon or prohibited article, without reference to a particular weapon or article, if the registrar is satisfied that—
 - (a) the applicant for the permit is a collector of weapons or articles of that kind; and
 - (b) a weapon or article authorised to be possessed under the permit will form part of a genuine antique, heritage or historical collection.
- (2) A regulation may provide for mandatory or discretionary grounds for refusing the issue of a collector permit.
- (3) A collector permit may be issued subject to conditions.

Example

a condition that a weapon or article possessed under the permit may not be disposed of by the permit holder other than to someone else who holds a collector permit or by surrender to a police officer

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).

- (4) The conditions may provide for the expiration of the collector permit, limit the authority it gives and impose requirements on the person to whom the permit is issued.
- (5) The registrar may, for any reason the registrar considers sufficient, cancel a person's collector permit by giving written notice to the person.
- (6) A person to whom a permit was issued may surrender the permit for cancellation.
- (7) The registrar must periodically, and at least every 5 years, review the collection permits in force under this section.

76B **Review of decisions**
Section 14 (1) (a) and (b)

substitute

- (a) refusing to issue a permit under section 9 (1) or section 10 (1); or
 - (b) cancelling a permit under section 9 (5) or section 10 (5).
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