

1990

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**CLINICAL WASTE BILL 1990**

**SUPPLEMENTARY EXPLANATORY MEMORANDUM**

**Amendments to be moved on Behalf of the Government**

**Circulated by Authority of the Minister of Finance and Urban Services**

**Craig John Duby MLA**

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## CLINICAL WASTE BILL 1990 - AMENDMENT

The Clinical Waste Bill 1990 ( the Bill ) provides for the management of clinical waste in the Australian Capital Territory.

The Standing Committee on Scrutiny of Bills and Subordinate Legislation commented on the Bill and suggested amendment of certain provisions of the Bill.

Subclause 26 (1) of the Bill provides for a penalty if a licensee does not return a licence within 7 days of notification of a variation, suspension or cancellation of the licence. The Committee suggested the insertion of a defence of 'reasonable excuse' into the subclause.

Clause 35 of the Bill provides for the occupier of premises from which an inspector takes a sample under paragraph 34 (c) to obtain a part of the sample taken if he or she makes a request in writing within 14 days of the date on which the sample was taken from the premises. The Committee suggested that it would be preferable if the occupier of the premises was to be given a part of the sample sufficient for analysis without the need to make a written request.

The amendment of the Bill now proposed is in response to suggestions of the Committee.

Details of the amended clauses are in the Attachment.

### Financial Considerations

The amendments will have no effect on Revenue.

## ATTACHMENT

The amendment to subclause 26 (1) omits the penalty.

New subclause 26 (1A), to be inserted after subclause 26 (1), provides that a person shall not, without reasonable excuse, fail to comply with subclause 26 (1) and imposes a penalty of \$1,000.

Clause 35 is amended by the omission of the clause and the insertion of a new clause 35 that provides for the taking of a sample under paragraph 34 (c) by an inspector.

Subclause 35 (a) provides that an inspector who takes a sample under paragraph 34 (c) is to ensure that the sample is such that subclause 35 (c) can be complied with.

Subclause 35 (b) provides that an inspector taking a sample is to give a receipt for the sample to the occupier of the premises from which the sample is taken.

Subclause 35 (c) provides that the inspector taking a sample is to ensure that the sample taken is such that the sample can be divided into 2 parts as nearly as is practicable identical in size and composition to each other and suitable for analysis.

Subclause 35 (d) provides that the inspector is to place each of the parts of the sample taken into a separate container and to seal each container.

Subclause 35 (e) provides that the inspector is to attach a label bearing the signature of the inspector and particulars of the date, time and the place relating to the taking of the sample.

Subclause 35 (f) provides that the inspector is to give one container to the occupier of the premises.