

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

NEEDLE EXCHANGE BILL 2000

EXPLANATORY MEMORANDUM

**Circulated by authority of
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Independent**

Clause Notes

Clauses 1 and 2 refer to the title of the Bill and commencement of the Act.

Clauses 3 and 4 state that a dictionary containing definitions of certain words and expressions is at the end of this Bill and that explanatory notes are used in the Bill.

Clauses 5 and 6 define the circumstances under which a needle may be given without charge from an approved needle exchange facility. Apart from the exceptions as described in this clause, a needles may not be given without charge unless it is done so at or from an approved facility.

Clause 7 provides for the approval of needle exchange facilities. On receiving an application for approval, the Minister must, in writing, either approve or refuse the approval of the facility.

Clause 8 provides the circumstances under which the Minister may cancel or suspend the approval of a facility. The Minister may cancel or suspend approval either completely or for a stated period.

Clauses 9 and 10 state the general operator and individual facility worker obligations of an approved needle exchange facility and the penalties for failing to do so.

The operator is to ensure that each facility worker at the facility gives a needle to someone without charge only if the receiver gives the worker a needle in exchange. A facility worker must not exchange more than 10 needles at one time.

The penalty for each offence is 50 penalty units (\$5,000).

Clauses 11 and 12 require the operator of an approved needle exchange facility to keep a record of each needle given without charge at or from the facility and of each needle collected at the facility.

The operator must produce a report at the end of each quarter of the number of needles collected at the facility, the number of needles given without charge and anything else required by the regulations.

Clauses 13 to 16 describe the requirements placed on the minister to maintain a register of approved needle exchange facilities. The register may be inspected free of charge by members of the public.

Clauses 17 to 19 provides for the relevant chief executive to establish inspectors to examine the records of an approved needle exchange facility.

The inspectors are to be members of the public service and carry photographic identity cards when carrying out their duties.

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Clause 20 requires the Minister to present a copy of the register of approved needle exchange facilities and a statement containing the number of needles collected and distributed by approved facilities within 5 sitting days of the end of each quarter.

Clause 21 places a worker under no obligation to exchange a needle that had been handed into an approved facility.

Clause 22 states that this Act does not prevent the collection of needles at an approved facility without an exchange, nor does it prevent the supply of a syringe providing it is done so with a needle.

Clause 23 provides for the Minister to make regulations as required, including prescribing penalties for an offence of not more than 10 penalty units (\$1,000).