

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY

DANGEROUS GOODS (AMENDMENT) BILL 1999

EXPLANATORY MEMORANDUM

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Wayne Berry MLA

## **DANGEROUS GOODS (AMENDMENT) BILL 1999**

### **BACKGROUND**

#### ***Current arrangements***

Section 33 of the *Dangerous Goods Act 1975 (NSW)* provides that proceedings for offences under the Act be dealt with summarily. It further requires that prosecutions under the Act must be commenced within two years after the alleged act or alleged omission which constitutes an offence.

However, with long and detailed coronial inquests or inquiries the situation may arise that the inquiry or inquest may take longer than two years. In these circumstances the ability to prosecute will lapse before the coronial findings are handed down or the inquest or inquiry is concluded.

#### ***The Bill***

The purpose of the Dangerous Goods (Amendment) Bill 1999 is to put in place a provision which allows a prosecution to be commenced in the Magistrates Court within two years after the act or omission alleged to constitute an offence or within one year after the day on which a Coronial Report is made or a coronial inquest or inquiry is concluded, whichever is the later.

## **DANGEROUS GOODS (AMENDMENT) BILL 1999**

**Clauses 1, 2 and 3** are formal requirements. Clause 1 refers to the short title of the Bill; clause 2 sets out the commencement arrangements; and clause 3 identifies the title of the act being amended.

### **Clause 4 - Amendment**

Clause 4 amends section 33 in Part V, Division 3.

Clause 4 (a) Inserts a reference to subsection (4) at subsection (3)

Clause 4 (b) Inserts subsection (4) to deal with circumstances where there is a Coroner's inquest or inquiry.

Subsection (4) (a) allows a prosecution to be commenced before the expiration of 2 years after an act or omission alleged to constitute an offence; or

Subsection (4) (b) Allows a prosecution to be commenced in the Magistrates Court within 1 year after the day on which the report of a coronial inquest or inquiry was made or the inquest or inquiry was concluded. This provision applies in respect of a Coroner's inquest or inquiry where it appears from the Coroner's report or from proceedings at the inquest or inquiry that an offence has been committed against the *Dangerous Goods Act 1975 (NSW)*;

whichever is the later.