using an alternative solution that is at least equivalent.

The deem to satisfy provisions contain technical measurements, calculations, and other quantifiable measures. By complying with those provisions, a person can be sure they have met the relevant performance requirements and, accordingly, it is an absolute defence to a claim under the *Disability Discrimination Act* 1992. To allow for innovative building solutions, the performance requirements may also be met if an alternative solution is at least equivalent to the deem to satisfy provisions and, therefore, complies with the performance requirements.

Currently, building certifiers may consider whether an alternative solution meets the performance requirements of the Building Code of Australia. It is not proposed that it be mandatory for the Building Appeals Board to consider alternative solutions relating to disability access. A certifier will still retain the ability to consider an application for an alternative solution. However, the certifier or owner may choose to apply to the board for an opinion for a proposed alternative solution for a disability access provision.

It is intended that for disability access decisions, the Building Appeals Board be constituted in accordance with the national protocol on disabled access. The protocol provides that where a body is established to consider access-related matters, the membership should include a sufficient number of people with relevant expertise. It also specifies that the body must include at least one person competent in access or, where the body consists of more than three people, at least one-third of those members must be competent in access matters.

The administrative provisions of the standards also allow for some concessions relating to lessees and existing lifts and toilets. It is intended that the regulations will incorporate those concessions. The regulations will also provide for fees payable for applications to the board relating to alternative solutions and access modification decisions. Regulations will also set out requirements for notifications on building and occupancy permits for building work that features an alternative solution, or has been the subject of an access modification decision that has permitted modified compliance with the disability access provisions.

Victoria has made legislative provision for the consideration of unjustifiable hardship applications vested in its Building Appeals Board, and had an existing provision for the consideration of alternative solutions. The response to the Commonwealth standards in this bill was modelled on the relevant provisions in the Victorian *Building Act*.

It is expected that this bill will facilitate consistent decision-making between the Northern Territory building control system and the Federal Court under the *Disability Discrimination Act* 1992, where modified compliance with the disability access provisions on the basis of unjustifiable hardship is sought. It will also enable the consideration of alternative solutions in relation to disability access provisions. This will mean greater certainty for industry stakeholders, which was one of the main objectives of the Commonwealth standards.

Madam Deputy Speaker, I commend the bill to honourable members and table the explanatory statement to accompany the bill.

Debate adjourned.

MEDICINES, POISONS AND THERAPEUTIC GOODS BILL
(Serial 180)

Continued from 20 October 2011.

Mr CONLAN (Greatorex): Madam Deputy Speaker, I notice this bill was delayed. I guess it was because of negotiations with the Independent member for Nelson who was waivering at one stage about some of the concerns raised by the opposition with regard to this bill. However, the slick negotiators that you are, you have him across the line. It looks like this bill will pass with the assistance of the member for Nelson, which is deeply disturbing to the opposition, largely due to some particular clauses which I know the minister is aware of. Our position really has not changed on those.

We, largely, support the bill - most parts of the bill, say 99%. The objectives of the bill are to promote and protect public health and safety by minimising - and I could list a couple of those points here which were provided to me in a briefing - the accidental and deliberate poisoning by regulated substances; misadventures by poisoning by regulated substances; the manufacture of substances of abuse and the diversion for abuse of substances and abuse; and harm from therapeutic goods, etcetera. The thrust of the bill generally has the support of the opposition.

The area that we are concerned about, and it struck me straight away during the briefing, is clause 89, Issuing prescription to a patient. I can outline that for the House:

(1) An authorised prescriber commits an offence if the prescriber: