



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 14, 15 and 16

No. 14 — Tuesday, 2 May 2023

- 1 The President took the Chair at 12.03 pm, read the Prayer and made an Acknowledgement of Country.

- 2 **THE LATE HONOURABLE GRAEME WEIDEMAN** — Jaclyn Symes moved, That this House expresses its sincere sorrow at the death, on 13 April 2023, of the Honourable Graeme Weideman, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Frankston from 1976 to 1982 and 1992 to 1996, Member of the Legislative Assembly for the electoral district of Frankston South from 1985 to 1992 and as Minister for Tourism from 1981 to 1982.

Other members addressed the House.

Members rose in their places for one minute's silence as a mark of respect and the question was agreed to unanimously.

As a further mark of respect, the sitting was suspended for one hour.

[Sitting suspended from 12.22 pm to 1.28 pm]

- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 28 March 2023, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

Health Legislation Amendment (Information Sharing) Act 2023

Heritage Amendment Act 2023.

- 4 **BUILDING LEGISLATION AMENDMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993, the Architects Act 1991, the Domestic Building Contracts Act 1995, the Building and Construction Industry Security of Payment Act 2002, the Victorian Civil and Administrative Tribunal Act 1998, the Sale of Land Act 1962, the Owners Corporations Act 2006, the Cladding Safety Victoria Act 2020 and for other purposes* and requesting the agreement of the Council.

On the motion of Jaclyn Symes (for Harriet Shing), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Jaclyn Symes moved, That the Bill be now read a second time.

Jaclyn Symes incorporated the second reading speech in Hansard.

On the motion of David Davis, by leave, the debate was adjourned until later this day.

- 5 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to the medically supervised injecting centre and for other purposes* and requesting the agreement of the Council.

On the motion of Jaclyn Symes, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Jaclyn Symes moved, That the Bill be now read a second time.

Jaclyn Symes incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier, by leave, the debate was adjourned until later this day.

- 6 JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION AND VICTORIAN RESPONSIBLE GAMBLING FOUNDATION** — The President announced receipt of —
- (1) a letter from the Minister for Casino, Gaming and Liquor Regulation, dated 5 April 2023, requesting that arrangements be made for a joint sitting to elect three parliamentary members to the Board of the Victorian Responsible Gambling Foundation; and
 - (2) a letter from the Minister for Health, dated 13 April 2023, requesting that arrangements be made for a joint sitting to elect three parliamentary members to the Victorian Health Promotion Foundation.

- 7 COMMITTEE MEMBERSHIP** — The President advised the House that Tim Read, Member for Brunswick, resigned from the Public Accounts and Estimates Committee, effective from today.

- 8 QUESTION TIME —**

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Parliamentary Budget Officer appointment (QwN 107)** — substantive question asked by David Davis — response from Jaclyn Symes due Thursday, 4 May 2023.
- **Ravenhall Correctional Centre (QwN 109)** — substantive and supplementary questions asked by Matthew Bach — response from Enver Erdogan due Wednesday, 3 May 2023.

- **Drug sniffer dogs – performance data (QwN 110)** — substantive and supplementary questions asked by David Limbrick — response from Enver Erdogan due Thursday, 4 May 2023.
- **Police enforcement – 420 picnic (QwN 112)** — substantive and supplementary questions asked by Aiv Puglielli — response from Enver Erdogan due Thursday, 4 May 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 9 PETITION — FUNDING FOR THE WOMEN’S CENTRE FOR HEALTH AND WELLBEING ALBURY WODONGA** — Wendy Lovell presented a petition bearing 156 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to rectify the funding shortfall to the Women’s Centre for Health and Wellbeing in Albury Wodonga and increase its core funding (*Ordered to be tabled*).

On the motion of Wendy Lovell, the petition was ordered to be taken into consideration on the next day of meeting.

- 10 OPERATION DAINTREE IMPLEMENTATION (NO. 1) BILL 2023** — David Davis introduced *A Bill for an Act to begin implementing recommendations made by the Independent Broad-based Anti-corruption Commission in the Operation Daintree special report, including by amending the Public Administration Act 2004 and the Parliamentary Committees Act 2003*.

On the motion of David Davis, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

11 PAPERS —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Harriet Shing, by leave, presented the University of Divinity Report, 2022 (*Ordered to be tabled*).

* * * * *

COMMITTEE REPORTS — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled:

Alert Digest No. 3 of 2023 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

Report on the Statute Law Amendment Bill 2022 (including an Appendix) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Bendigo Kangan Institute — Report, 2022.

Box Hill Institute — Report, 2022.

Chisholm Institute — Report, 2022.

Crown Land (Reserves) Act 1978 —

Order of 21 February 2023 giving approval to the granting of a licence at Gasworks Park Reserve.

Orders of 26 February 2023 giving approval to the granting of a lease and a licence at Balnarring Beach Foreshore Reserve.

Order of 13 April 2023 giving approval to the granting of a licence at Camberwell Gardens Reserve.

Order of 24 April 2023 giving approval of the granting of a lease at Albert Park.

Deakin University — Report, 2022.

Dhelkunya Dja Land Management Board — Minister's report of receipt of the 2021-22 Report.

Duties Act 2000 — Treasurer's Report of Foreign Purchaser Additional Duty Exemptions for 1 July 2022 to 31 December 2022, under section 3E of the Act.

Federation University Australia — Report, 2022.

Gordon Institute of TAFE (the Gordon) — Report, 2022.

Goulburn Ovens Institute of TAFE (GOTAFE) — Report, 2022.

Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of the 2021-22 Report.

Holmesglen Institute — Report, 2022.

Independent Broad-based Anti-corruption Commission — Special Report on Operation Daintree, April 2023 (*released on 19 April 2023 – a non-sitting day*) (*Ordered to be published*).

La Trobe University — Report, 2022.

Major Events Act 2009 — Major Sporting Event Order for the FIFA Women's World Cup 2023, dated 26 April 2023, under section 22 of the Act.

Melbourne Polytechnic — Report, 2022.

Monash University — Report, 2022.

Ombudsman — Councils and complaints: Glen Eira City Council's approach to contractor work, April 2023 (*released on 26 April 2023 – a non-sitting day*) (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of approval of the —

Banyule Planning Scheme — Amendment C165.

Banyule, Boroondara, Cardinia, Casey, Kingston, Knox, Manningham, Nillumbik, Whittlesea and Yarra Planning Schemes — Amendment GC204.

Bayside Planning Scheme — Amendment C188.

Boroondara Planning Scheme — Amendment C396.

Brimbank Planning Scheme — Amendment C216.

Casey Planning Scheme — Amendment C292.

Darebin Planning Scheme — Amendments C213 and C215.

Glen Eira Planning Scheme — Amendment C220.

Glenelg Planning Scheme — Amendment C108.

Greater Dandenong Planning Scheme — Amendment C228.

Greater Shepparton Planning Scheme — Amendment C233.

Kingston Planning Scheme — Amendment C214.

Knox Planning Scheme — Amendment C200.

Latrobe Planning Scheme — Amendment C140.

Maribyrnong Planning Scheme — Amendment C176.

Maroondah Planning Scheme — Amendment C151.

Melbourne Planning Scheme — Amendment C450.

Melton Planning Scheme — Amendment C236.

Merri-bek Planning Scheme — Amendment C221.

Mildura Planning Scheme — Amendment C104.

- Mitchell Planning Scheme — Amendment C164.
- Moonee Valley Planning Scheme — Amendment C231.
- Moorabool Planning Scheme — Amendments C101 and C107.
- Mornington Peninsula Planning Scheme — Amendments C284, C296 and C297.
- Mount Alexander Planning Scheme — Amendment C96.
- Nillumbik Planning Scheme — Amendment C148.
- Port Phillip Planning Scheme — Amendments C203 and C211.
- Stonnington Planning Scheme — Amendment C304.
- Victoria Planning Provisions — Amendment VC231.
- Wangaratta Planning Scheme — Amendments C88 and C89.
- Wellington Planning Scheme — Amendment C117.
- Whitehorse Planning Scheme — Amendment C236.
- Yarra Planning Scheme — Amendments C312 and C315.
- Royal Melbourne Institute of Technology (RMIT University) — Report, 2022.
- South West Institute of TAFE — Report, 2022.
- State Concessions Act 2004 — Ministerial Orders of 19 April 2023, under section 7 of the Act —
 - Concession (Electricity Retailers) Order 2023.
 - Concession (Gas Retailers) Order 2023.
 - Concession (Local Government) Order 2023.
 - Concession (Water Corporations) Order 2023.
- State Owned Enterprises Act 1992 — Constitution of Breakthrough Victoria Pty Ltd, under section 75 of the Act.
- Statutory Rules under the following Acts —
 - Conservation, Forests and Lands Act 1987 — No. 18.
 - Drugs, Poisons and Controlled Substances Act 1981 — No. 20.
 - Retail Leases Act 2003 — No. 24.
 - Road Safety Act 1986 — Nos. 22 and 23.
 - Supreme Court Act 1986 — No. 21.
 - Victorian Civil and Administrative Tribunal Act 1998 — No. 19.
 - Victorian Energy Efficiency Target Act 2007 — No. 25.
- Subordinate Legislation Act 1994 —
 - Documents under section 15 in respect of Statutory Rule Nos. 19, 20, 21, 22, 23, 24 and 25.
 - Legislative Instruments and related documents under section 16B in respect of —
 - Electricity Safety Act 1998 — Orders under section 120W exempting the following from section 120M(1)(c) of the Act —
 - AusNet Electricity Services.
 - Jemena Electricity Networks (Vic).
 - Service Victoria Identity Verification Standards under the Service Victoria Act 2018.
- Sunraysia Institute of TAFE (SuniTAFE) — Report, 2022.
- Swinburne University of Technology — Report, 2022.
- TAFE Gippsland — Report, 2022.

Terrorism (Community Protection) Act 2003 — Inspection Report by the Victorian Inspectorate on Victoria Police records for the March to August 2022 period, under section 37D of the Act.

The University of Melbourne — Report, 2022.

Victoria University — Report, 2022.

Wildlife Act 1975 — Notices under section 86 of the Act —

Wildlife (Closure of Lake Elingamite Lake Reserve) Notice (*Gazette S199, 24 April 2023*).

Wildlife (Prohibition of Game Hunting) Notice No. 2 (*Gazette S195, 21 April 2023*) and Corrigendum to the Notice (*Gazette S196, 21 April 2023*).

Wildlife (Prohibition of Indigenous Game Birds (Quail) Hunting) Notice (*Gazette S142, 27 March 2023*).

William Angliss Institute of TAFE — Report, 2022.

Wodonga Institute of TAFE — Report, 2022.

Yorta Yorta Traditional Owner Land Management Board — Minister's report of receipt of the 2021-22 Report.

* * * * *

PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper: Response from the Minister for Transport and Infrastructure to the petition titled Withdraw the Sunshine Station Masterplan (Petition No. 471) (presented by Moira Deeming on 22 March 2023) (*released on 17 April 2023 – a non-sitting day*).

* * * * *

PAPER TAKEN INTO CONSIDERATION — On the motion of David Davis, the Independent Broad-based Anti-corruption Commission's Special Report on Operation Daintree was ordered to be taken into consideration on the next day of meeting.

12 PRODUCTION OF DOCUMENTS — HYDROGEN ENERGY SUPPLY CHAIN PROJECT — The Clerk tabled a letter from the Attorney-General, dated 14 April 2023, in response to a resolution of the Council on 22 March 2023 (on the motion of Sarah Mansfield), relating to the Hydrogen Energy Supply Chain Project, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

13 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 3 May 2023 —

- (1) order of the day made this day, second reading of the Operation Daintree Implementation (No. 1) Bill 2023;
- (2) notice of motion No. 48 standing in Wendy Lovell's name requiring a regional sitting of the Council to be held in central northern Victoria;
- (3) notice of motion No. 37 standing in Jeff Bourman's name on the production of documents relating to seasonal changes to the 2023 duck hunting season;
- (4) notice of motion No. 18 standing in Georgie Crozier's name referring matters relating to local government funding and service delivery to the Economy and Infrastructure Committee;
- (5) order of the day No. 1, resumption of debate on the second reading of the Public Administration and Planning Legislation Amendment (Control of Lobbyists) Bill 2023;

and the resumption of debate on the address in reply to the Governor's speech be postponed until Thursday, 4 May 2023.

Question — put and agreed to.

14 MEMBERS' STATEMENTS — Members made statements.

15 BUSINESS POSTPONED — Ordered — That the consideration of order of the day No. 1, for the resumption of debate on the motion for the address to the Governor in reply to the Governor's speech and notices of motion, government business, Nos. 2 to 36, be postponed until later this day.

16 HUMAN SOURCE MANAGEMENT BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Jaclyn Symes (*JS27C*) circulated amendments proposed to be moved during Committee of the whole.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted.

Jaclyn Symes moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

John Berger; Lizzie Blandthorn; Jeff Bourman; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 14

Matthew Bach; Melina Bath; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Evan Mulholland; Rikkie-Lee Tyrrell.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

17 JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION AND VICTORIAN RESPONSIBLE GAMBLING FOUNDATION — The President read a Message from the Assembly informing the Council that they have agreed to meet the Council for the purpose of sitting and voting together to:

- (1) elect three members of Parliament to the Victorian Health Promotion Foundation; and
- (2) elect three members of Parliament to the Board of the Responsible Gambling Foundation;

and proposing that the time and place of such meeting be the Legislative Assembly Chamber on 3 May 2023 at 6.30 pm.

On the motion of Jaclyn Symes, by leave, the Assembly's Message was ordered to be taken into consideration forthwith.

Jaclyn Symes moved, That the House meets the Legislative Assembly for the purpose of sitting and voting together to —

- (1) elect three members of Parliament to the Victorian Health Promotion Foundation;
- (2) elect three members of Parliament to the Board of the Responsible Gambling Foundation;

and, as proposed by the Assembly, the time and place of the joint sitting be the Legislative Assembly Chamber on Wednesday, 3 May 2023 at 6.30 pm.

Question — put and agreed to.

Message sent to the Assembly informing them of the resolution.

- 18 ADDRESS IN REPLY TO GOVERNOR'S SPEECH** — Debate resumed on the question, That This House agrees to the following address to the Governor in reply to the Governor's speech:

GOVERNOR

We, the Legislative Council of Victoria assembled in Parliament, express our loyalty to Australia and the people of Victoria, and thank you for the speech which you have made to the Parliament.

We declare that we will faithfully carry out the important duties entrusted to us by the people of Victoria to advance the best interests of all sections of the community.

Question — put and agreed to.

Lee Tarlamis moved, That the address be presented to the Governor by the President accompanied by such members of the Council who may wish to attend.

Question — put and agreed to.

- 19 ADJOURNMENT** — Ingrid Stitt moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.08 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 15 — Wednesday, 3 May 2023

- 1** The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.
- 2 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:
 - A Statutory Rule under the Corrections Act 1986 — No. 26.
 - Surveillance Devices Act 1999 — Inspection Report by the Victorian Inspectorate on surveillance device records inspected during the period 1 January 2022 to 30 June 2022, under section 30Q of the Act.
- 3 MEMBERS' STATEMENTS** — Members made statements.

- 4 OPERATION DAINTREE IMPLEMENTATION (NO. 1) BILL 2023** — David Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

David Davis moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

- 5 REGIONAL SITTING IN CENTRAL NORTHERN VICTORIA** — Wendy Lovell moved, That this House —

- (1) acknowledges the serious impact of the recent floods in Victoria;
- (2) meets and sits in a flood affected community in central northern Victoria for one day by April 2024;
- (3) requires the President and the Clerk of the Legislative Council to consult with the Mitchell Shire Council, the Greater Shepparton City Council, the Campaspe Shire Council, other flood affected local government areas in northern Victoria and parliamentary staff, in relation to choosing an appropriate date and specific location for the regional sitting to occur; and
- (4) authorises the President to do all things necessary to facilitate the Council sitting in central northern Victoria.

Debate ensued.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

- 6 PRODUCTION OF DOCUMENTS — SEASONAL CHANGES TO THE 2023 DUCK HUNTING SEASON** — Jeff Bourman moved, That this House —

- (1) notes that —
 - (a) duck hunting in Victoria is tightly regulated by the Government;
 - (b) every year the Government engages relevant eminent scientists to provide data based on scientific principles to the Game Management Authority who produce a report outlining recommended seasonal changes based on that scientific evidence to the Government;
 - (c) the seasonal changes announced for the 2023 duck hunting season was incompatible with the report provided by the Game Management Authority which was based on the evidence from the Government scientists; and
- (2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within four weeks of the House agreeing to this resolution, all documents relating to the 2023 seasonal changes to the duck hunting season for all ministers involved in the decision, including but not limited to the Minister for Outdoor Recreation, Minister for Environment, Minister for Agriculture and the Premier.

Debate ensued.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

- 7 QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

ANSWERS TAKEN INTO CONSIDERATION — On the motion of David Davis, the answers given by Ingrid Stitt to questions relating to engagement with charity organisations

regarding the impact of a waste levy (QwN 120) were ordered to be taken into consideration on the next day of meeting.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed a minister to provide a written response to questions without notice pursuant to Standing Order 8.07 as follows:

- **Destruction of waste animals in dairy industry (QwN 115)** — substantive and supplementary questions asked by Georgie Purcell — response from Jaclyn Symes due Friday, 5 May 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

8 PRODUCTION OF DOCUMENTS — SEASONAL CHANGES TO THE 2023 DUCK HUNTING SEASON — Debate continued on the question, That this House —

(1) notes that —

- (a) duck hunting in Victoria is tightly regulated by the Government;
 - (b) every year the Government engages relevant eminent scientists to provide data based on scientific principles to the Game Management Authority who produce a report outlining recommended seasonal changes based on that scientific evidence to the Government;
 - (c) the seasonal changes announced for the 2023 duck hunting season was incompatible with the report provided by the Game Management Authority which was based on the evidence from the Government scientists; and
- (2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within four weeks of the House agreeing to this resolution, all documents relating to the 2023 seasonal changes to the duck hunting season for all ministers involved in the decision, including but not limited to the Minister for Outdoor Recreation, Minister for Environment, Minister for Agriculture and the Premier.

Question — put and agreed to.

9 REGIONAL SITTING IN CENTRAL NORTHERN VICTORIA — Debate resumed on the question, That this House —

- (1) acknowledges the serious impact of the recent floods in Victoria;
- (2) meets and sits in a flood affected community in central northern Victoria for one day by April 2024;
- (3) requires the President and the Clerk of the Legislative Council to consult with the Mitchell Shire Council, the Greater Shepparton City Council, the Campaspe Shire Council, other flood affected local government areas in northern Victoria and parliamentary staff, in relation to choosing an appropriate date and specific location for the regional sitting to occur; and
- (4) authorises the President to do all things necessary to facilitate the Council sitting in central northern Victoria.

The Deputy President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

On the motion of Lee Tarlamis, by leave, debate on the motion was extended by 15 minutes.

Debate continued.

Question — put and agreed to.

10 ECONOMY AND INFRASTRUCTURE COMMITTEE — LOCAL GOVERNMENT FUNDING AND SERVICE DELIVERY

— Joe McCracken (for Georgie Crozier) moved, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by 30 June 2024, on local government funding and service delivery in Victoria, including but not limited to —

- (1) the effects of cost shifting from the state and federal governments to local councils in an examination of vertical and horizontal fiscal imbalances;
- (2) the services local councils should, and should not, be delivering for their communities;
- (3) whether local councils are adequately delivering on their core service delivery objectives;
- (4) the overall revenue structure of local government;
- (5) whether the existing revenue structure is sustainable and appropriate or if alternative models of funding would be more sustainable and appropriate;
- (6) the accountability of local councils in the use of revenue to deliver core services; and
- (7) any other related matters.

Debate ensued.

Gaelle Broad moved, as amendments —

1. **Omit** paragraphs (2) and (6).
2. In paragraph (5), after “appropriate;” **insert** “and”.

Debate ensued.

Question — That the amendments moved by Gaelle Broad be agreed to — put and agreed to.

Question — That the motion, amended as follows, be agreed to — That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by 30 June 2024, on local government funding and service delivery in Victoria, including but not limited to —

- (1) the effects of cost shifting from the state and federal governments to local councils in an examination of vertical and horizontal fiscal imbalances;
- (2) whether local councils are adequately delivering on their core service delivery objectives;
- (3) the overall revenue structure of local government;
- (4) whether the existing revenue structure is sustainable and appropriate or if alternative models of funding would be more sustainable and appropriate; and
- (5) any other related matters — put.

The Council divided — The President in the Chair.

AYES, 20

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Katherine Copsey; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Aiv Puglielli; Samantha Ratnam; Rikkie-Lee Tyrrell.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 17

Ryan Batchelor; John Berger; Lizzie Blandthorn; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Tom McIntosh; Rachel Payne; Georgie Purcell; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

- 11 PUBLIC ADMINISTRATION AND PLANNING LEGISLATION AMENDMENT (CONTROL OF LOBBYISTS) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining notices of motion and orders of the day, general business, be postponed until the next day of meeting.

- 13 STATEMENTS ON TABLED PAPERS AND PETITIONS** — Members made statements on reports, papers and petitions.

- 14 ADJOURNMENT** — Enver Erdogan moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 5.59 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 16 — Thursday, 4 May 2023

- 1** The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.

- 2 JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION AND VICTORIAN RESPONSIBLE GAMBLING FOUNDATION** — The President reported that the House met with the Legislative Assembly on Wednesday, 3 May 2023 and elected —

- (1) Bridget Vallence, Kathleen Matthews-Ward and Tim Read to the Victorian Health Promotion Foundation for a three year term commencing immediately; and
- (2) Kim O’Keeffe, Luba Grigorovitch and Michael O’Brien to the Board of the Victorian Responsible Gambling Foundation for the term specified in section 11 of the *Victorian Responsible Gambling Foundation Act 2011*.

- 3 PAPERS —**

COMMITTEE REPORT — PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Michael Galea tabled a Report on the Appointment of a person to conduct the financial audit of the Victorian Auditor-General’s Office from the Public Accounts and Estimates Committee *(Ordered to be published)*.

PAPERS PRESENTED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following papers:

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 26.

- 4 SITTING OF THE COUNCIL** — Lizzie Blandthorn moved, That the Council, at its rising, adjourn until Tuesday, 16 May 2023.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Members made statements.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 2 to 69, be postponed until later this day.

- 7 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Georgie Crozier moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this Bill be withdrawn and redrafted to prevent a Medically Supervised Injecting Centre from operating in near proximity to schools, childcare centres and community centres.”.

Debate ensued.

Georgie Crozier (GC47C) and Aiv Puglielli (AP02C) circulated amendments proposed to be moved during Committee of the whole.

Business interrupted at 12.00 noon.

- 8 QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Albury Wodonga hospital (QwN 122)** — substantive question asked by Rikkie-Lee Tyrrell — response from Lizzie Blandthorn due Monday, 8 May 2023.
- **Epilepsy Foundation and Fight Parkinson's (QwN 126)** — substantive and supplementary questions asked by David Ettershank — response from Lizzie Blandthorn due Monday, 8 May 2023.
- **Duck season enforcement outcomes data (QwN 128)** — substantive and supplementary questions asked by Jeff Bourman — response from Harriet Shing due Monday, 8 May 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 9 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2023** — Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment moved by Georgie Crozier, That all the words after “That” be omitted and replaced with the words “this Bill be withdrawn and redrafted to prevent a Medically Supervised

Injecting Centre from operating in near proximity to schools, childcare centres and community centres.”.

David Ettershank (*DE01C*) circulated amendments proposed to be moved during Committee of the whole.

Question — That the reasoned amendment moved by Georgie Crozier be agreed to — put.

The Council divided — The President in the Chair.

AYES, 14

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Question — That the Bill be now read a second time — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Business interrupted at 6.30 pm.

On the motion of Lee Tarlamis, the meal break scheduled for this day was altered from 60 minutes to 45 minutes.

[Sitting suspended from 6.30 pm to 7.15 pm]

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Harriet Shing moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 14

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 10 HUMAN SOURCE MANAGEMENT BILL 2023** — The President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.

- 11 STATUTE LAW AMENDMENT BILL 2022** — The President read a Message from the Assembly informing the Council that they had agreed to this Bill without amendment.

- 12 DISABILITY AND SOCIAL SERVICES REGULATION AMENDMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Disability Act 2006 in relation to the Secretary's functions, the sharing of information, residential services, restrictive practices, compulsory treatment and other related matters, to amend the Residential Tenancies Act 1997 in relation to SDA enrolled dwellings, to amend the Disability Service Safeguards Act 2018 in relation to registration requirements, to amend the Social Services Regulation Act 2021 in relation to interviews and hearings for WCES service users, powers of entry and other related matters, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Jaclyn Symes (for Lizzie Blandthorn), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Jaclyn Symes moved, That the Bill be now read a second time.

Jaclyn Symes incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier, the debate was adjourned for one week.

Business interrupted at 10.00 pm.

Jaclyn Symes declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

- 13 WATER LEGISLATION AMENDMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Water and Catchment Legislation Amendment Act 2021 to make minor and technical amendments to that Act, to make minor related amendments to the Water Act 1989 and for other purposes* and requesting the agreement of the Council.

On the motion of Jaclyn Symes (for Harriet Shing), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Jaclyn Symes moved, That the Bill be now read a second time.

Jaclyn Symes incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for David Davis), the debate was adjourned for one week.

14 ADJOURNMENT — Jaclyn Symes moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 10.42 pm until Tuesday, 16 May 2023.

ROBERT McDONALD
Clerk of the Legislative Council

Published under the authority of the Legislative Council, Parliament of Victoria

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 14, 15 and 16

HUMAN SOURCE MANAGEMENT BILL 2023

Committed Tuesday, 2 May 2023

Amendments circulated: Matthew Bach (MAB25C) (see pp. 113-17), Katherine Copsey (KC03C and KC09C) (see pp. 117-19) and Jaclyn Symes (JS27C) (see pp. 119-27)

Clause 1 — Katherine Copsey (KC09C) and Matthew Bach (MAB25C) circulated amendments proposed to be moved during Committee of the whole.

Clauses 1 and 2 — put and agreed to.

Clause 3 — Jaclyn Symes moved amendment No. 1 (JS27C).

Question — That the amendment be agreed to — put and agreed to.

Jaclyn Symes moved amendment Nos. 2 to 5 (JS27C).

Question — That the amendments be agreed to — put and agreed to.

Matthew Bach moved amendment Nos. 2 to 4 (MAB25C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Matthew Bach; Melina Bath; Gaelle Broad; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

John Berger; Lizzie Blandthorn; Jeff Bourman; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Clause 3, as amended — put and agreed to.

Clause 4 — Jaclyn Symes moved amendment No. 6 (JS27C).

Question — That the amendment be agreed to — put and agreed to.

Clause 4, as amended — put and agreed to.

Clauses 5 to 9 — put and agreed to.

Clause 10 — Jaclyn Symes moved amendment Nos. 7 and 8 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 10, as amended — put and agreed to.

Clause 11 — put and agreed to.

Clause 12 — Jaclyn Symes moved amendment Nos. 9 and 10 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 12, as amended — put and agreed to.

Clauses 13 and 14 — put and agreed to.

Clause 15 — Jaclyn Symes moved amendment Nos. 11 and 12 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 15, as amended — put and agreed to.

New Clause 15A — Jaclyn Symes moved amendment No. 13 (*JS27C*).

Question — That New Clause 15A stand part of the Bill — put and agreed to.

Clause 16 — Katherine Copsey moved amendment Nos. 5 and 6 (*KC03C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 16, as amended — put and agreed to.

Clause 17 — Katherine Copsey moved amendment Nos. 7 and 8 (*KC03C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 17, as amended — put and agreed to.

New Clause 17A — Katherine Copsey moved amendment No. 9 (*KC03C*).

Question — That New Clause 17A stand part of the Bill — put and agreed to.

Clause 18 — Jaclyn Symes moved amendment No. 14 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 18, as amended — put and agreed to.

Clause 19 — put and agreed to.

Clause 20 — Katherine Copsey moved amendment No. 10 (*KC03C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 20, as amended — put and agreed to.

Clause 21 — Jaclyn Symes moved amendment No. 15 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 21, as amended — put and agreed to.

Clause 22 — put and agreed to.

Clause 23 — Jaclyn Symes moved amendment No. 16 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 23, as amended — put and agreed to.

Clause 24 — Jaclyn Symes moved amendment No. 17 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 24, as amended — put and agreed to.

Clause 25 — Jaclyn Symes moved amendment Nos. 18 to 20 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.
Clause 25, as amended — put and agreed to.

Clause 26 — Jaclyn Symes moved amendment No. 21 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 26, as amended — put and agreed to.

Clause 27 — Jaclyn Symes moved amendment No. 22 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 27, as amended — put and agreed to.

Clause 28 — Jaclyn Symes moved amendment No. 23 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 28, as amended — put and agreed to.

Clause 29 — Jaclyn Symes moved amendment Nos. 24 and 25 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.
Clause 25, as amended — put and agreed to.

Clause 30 — put and agreed to.

New Clauses 30A, 30B and 30C — Jaclyn Symes moved amendment No. 26 (*JS27C*).

Question — That New Clauses 30A, 30B and 30C stand part of the Bill — put and agreed to.

Clauses 31 to 37 — put and agreed to.

Clause 38 — Jaclyn Symes moved amendment Nos. 27 and 28 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.
Clause 38, as amended — put and agreed to.

Clause 39 — put and agreed to.

Clause 40 — Jaclyn Symes moved amendment No. 29 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 40, as amended — put and agreed to.

Clause 41 — Jaclyn Symes moved amendment No. 30 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 41, as amended — put and agreed to.

Clauses 42 to 44 — put and agreed to.

Clause 45 — Jaclyn Symes moved amendment No. 31 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 45, as amended — put and agreed to.

Clause 46 — put and agreed to.

Clause 47 — Jaclyn Symes moved amendment No. 32 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 47, as amended — put and agreed to.

Clauses 48 and 49 — put and agreed to.

Clause 50 — Jaclyn Symes moved amendment No. 33 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 50, as amended — put and agreed to.

Clause 51 — put and agreed to.

Clause 52 — Jaclyn Symes moved amendment Nos. 34 to 37 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.
Clause 52, as amended — put and agreed to.

Clause 53 — put and agreed to.

Clause 54 — Jaclyn Symes moved amendment Nos. 38 to 42 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.
Clause 54, as amended — put and agreed to.

Clause 55 — Jaclyn Symes moved amendment Nos. 43 and 44 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.
Clause 55, as amended — put and agreed to.

Clauses 56 to 61 — put and agreed to.

Clause 62 — Jaclyn Symes moved amendment No. 45 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 62, as amended — put and agreed to.

Clauses 63 and 64 — put and agreed to.

Clause 65 — Katherine Copsey moved amendment No. 1 (*KC09C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 65, as amended — put and agreed to.

Clauses 66 to 72 — put and agreed to.

New Clause 72A — Jaclyn Symes moved amendment No. 46 (*JS27C*).

Question — That New Clause 72A stand part of the Bill — put and agreed to.

Clauses 73 to 94 — put and agreed to.

Bill reported with amendments.

* * * * *

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2023

Committed Thursday, 4 May 2023

Amendments circulated: Georgie Crozier (GC47C) (see pp. 127-30), David Ettershank (DE01C) (see pp. 130-7), David Limbrick (DL55C) (see pp. 137-8) and Aiv Puglielli (AP02C) (see pp. 138-43)

David Limbrick (*DL55C*) circulated amendments proposed to be moved during Committee of the whole.

Clause 1 — David Ettershank moved amendment Nos. 1 to 4 (*DE01C*).

Question — That the amendments be agreed to — put and negatived.

Aiv Puglielli moved amendment Nos. 1 and 2 (*AP02C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 30

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Georgie Crozier; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

David Limbrick moved amendment No. 1 (*DL55C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Georgie Crozier moved amendment No. 1 (GC47C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Georgie Crozier moved amendment No. 2 (GC47C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Georgie Crozier moved amendment No. 3 (GC47C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Georgie Crozier moved amendment No. 4 (GC47C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Aiv Puglielli moved amendment No. 7 (AP02C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 29

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Georgie Crozier; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Aiv Puglielli moved amendment No. 8 (AP02C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 29

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Georgie Crozier; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Clause 1 — put and agreed to.

Clauses 2 to 37 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —**1. HUMAN SOURCE MANAGEMENT BILL 2023***Amendments circulated by Matthew Bach (MAB25C)*

1. **Suggested amendment to the Legislative Assembly -**
Clause 3, page 4, insert the following definition after line 9—

 "**issuing authority** means a person appointed under section 64A;".
2. Clause 3, page 4, insert the following definition after line 17—

 "**lawyer** means a person who is, or was previously—
 (a) an Australian lawyer; or
 (b) a foreign lawyer; or
 (c) an Australian-registered foreign lawyer—
 within the meaning of the Legal Profession Uniform Law (Victoria);".
3. Clause 3, page 5, line 29, omit all words and expressions on this line.
4. Clause 3, page 6, line 2, omit all words and expressions on this line.
5. **Suggested amendment to the Legislative Assembly -**
Clause 10, line 16, after "29" insert ", 29A".
6. **Suggested amendment to the Legislative Assembly -**
Clause 10, page 12, lines 9 to 12, omit all words and expressions on these lines.

NEW CLAUSES

7. Insert the following New Clauses after clause 11—

 "**11A Prohibition on registering lawyers as human sources in certain circumstances**

 The Chief Commissioner must not register a lawyer as a human source if the purpose of the registration is incompatible with the lawyer's obligations to maintain—
 (a) legal professional privilege; or
 (b) confidentiality; or
 (c) any other ethical or professional duties.

 11B Prohibition on engaging lawyers in certain human source activity

 A police officer must not engage a lawyer in human source activity that is incompatible with the lawyer's obligations to maintain—
 (a) legal professional privilege; or
 (b) confidentiality; or

(c) any other ethical or professional duties."

8. Clause 19, line 26, omit "condition." and insert "condition; and".
9. Clause 19, after line 26 insert—
 "(iv) is not a lawyer."
10. Clause 21, line 22, after "person" insert "(other than a lawyer in the circumstances specified in section 11A)".
11. Clause 23, line 3, after "sections" insert "11A,".
12. **Suggested amendment to the Legislative Assembly -**
 Clause 23, page 25, after line 15 insert—
 "(3) The registration of a person under this section does not take effect until it is confirmed by an issuing authority."
13. Clause 26, lines 21 and 22, omit "**for the purpose of obtaining or disseminating privileged information**".
14. Clause 26, lines 24 to 27, omit "for the purpose of a police officer obtaining, or obtaining and disseminating, privileged information from the person".
15. **Suggested amendment to the Legislative Assembly -**
 Clause 26, line 28, omit "a serious" and insert "an exceptional and compelling".

NEW CLAUSE

16. **Suggested amendment to the Legislative Assembly -**
 Insert the following New Clause after clause 29—
"29A Chief Commissioner must apply for confirmation of registration of reportable human source
 (1) Within 24 hours after registering a person as a reportable human source, the Chief Commissioner must apply to an issuing authority for confirmation of that registration.
 (2) The Chief Commissioner must give the issuing authority all information that is relevant to the decision to register the person as a reportable human source, including any information of which the Chief Commissioner is aware that is adverse to the person being registered as a reportable human source."
17. **Suggested amendment to the Legislative Assembly -**
 Clause 30, line 18, omit "the Chief Commissioner registers" and insert "an issuing authority confirms the registration of".
18. **Suggested amendment to the Legislative Assembly -**
 Clause 30, line 21, after "registration" insert "and confirmation".

19. Clause 31, line 19, after "person" insert "(other than a lawyer in the circumstances specified in section 11A)".
20. Clause 33, line 25, omit "section" (where secondly appearing) and insert "sections 11A and".
21. Clause 40, line 12, after "person" insert "(other than a lawyer in the circumstances specified in section 11A)".
22. Clause 41, line 3, after "section" insert "11A, section".
23. **Suggested amendment to the Legislative Assembly -**
Clause 41, after line 32 insert—
 - "(4) Subject to subsection (5), the registration of a person under this section remains in effect until the issuing authority confirms the registration of the person as a reportable human source.
 - (5) If the issuing authority does not confirm the registration of the person as a reportable human source within 2 business days after the registration of the person under this section, any information or assistance provided by the person while the subject of the emergency registration may not be used in any proceeding."
24. **Suggested amendment to the Legislative Assembly -**
Clause 46, after line 25 insert—
 - "(ca) in the case of a registration made for the purpose of obtaining or disseminating privileged information, the Chief Commissioner is no longer satisfied of the matters in section 26(1)(a); or".
25. **Suggested amendment to the Legislative Assembly -**
Clause 58, omit this clause.

NEW CLAUSES

26. **Suggested amendment to the Legislative Assembly -**
Insert the following New Division after Division 1 of Part 5—

"Division 1A—Issuing authority

64A Appointment of issuing authority

- (1) The Attorney-General, by instrument, may appoint a person as an issuing authority.
- (2) An issuing authority must be—
 - (a) a former Supreme Court judge; or
 - (b) a former judge of a Supreme Court of another State or a Territory; or
 - (c) a former judge of the Federal Court of Australia.

- (3) An instrument made under subsection (1) is a legislative instrument to which the **Subordinate Legislation Act 1994** applies.
- (4) An appointment under this section of a former Supreme Court judge does not affect any pension or other rights or privileges that the person has as a former judge.

64B Functions and powers of issuing authority

- (1) An issuing authority has the following functions—
 - (a) to confirm, or refuse to confirm, the registration of a person as a reportable human source;
 - (b) any other functions conferred on an issuing authority under any Act of law.
- (2) An issuing authority has all the powers necessary to perform the issuing authority's functions.
- (3) An issuing authority must not confirm the registration of a person as a reportable human source unless the issuing authority is satisfied that—
 - (a) there is an exceptional and compelling threat to—
 - (i) national security; or
 - (ii) the community; or
 - (iii) the life and welfare of any person; and
 - (b) the information that the person is expected to provide if registered as a reportable human source cannot be obtained through any other reasonable means.
- (4) An issuing authority must not confirm the registration of a person as a reportable human source if, in the opinion of the issuing authority, the registration would be in contravention of, or is reasonably likely to lead to a contravention of, section 11A or 11B.
- (5) If an issuing authority confirms or refuses to confirm the registration of a reportable human source, the issuing authority must immediately notify the Chief Commissioner of that decision.
- (6) An issuing authority must confirm, or refuse to confirm, the registration of a person as a reportable human source within 2 business days after receiving the application to do so from the Chief Commissioner.

64C Terms and conditions of appointment

- (1) The appointment of an issuing authority is to be for the period, not exceeding 3 years, set out in the instrument of appointment.
- (2) The appointment of an issuing authority is to be on the terms and conditions set out in the instrument of appointment.

- (3) An issuing authority is entitled to be paid the remuneration and allowances set out in the instrument of appointment.
- (4) An issuing authority may be reappointed.
- (5) The **Public Administration Act 2004** applies to an issuing authority.

64D Employment of staff

Without limiting section 64B(2), an issuing authority may employ under Part 3 of the **Public Administration Act 2004** any employees that are necessary to enable the issuing authority to perform the issuing authority's functions.

64E Confidentiality

- (1) An issuing authority must not disclose information obtained, or that came to the person's knowledge, in the course of, or as a result of, the performance of the issuing authority's functions except as permitted by this Act.
- (2) A person who assists an issuing authority must not disclose information obtained, or that came to the person's knowledge, in the course of, or as a result of, the person's role in assisting an issuing authority except as permitted by this Act.

64F Immunity

- (1) An issuing authority is not personally liable for anything necessarily or reasonably done or omitted to be done in good faith—
 - (a) in the performance of a function or the exercise of a power under this Act; or
 - (b) in the reasonable belief that the act or omission was in the course of the performance of a function or the exercise of a power under this Act.
- (2) Any liability resulting from an act or omission that, but for subsection (1), would attach to an issuing authority attaches instead to the State."

Amendments circulated by Katherine Copsey (KC03C)

- 1. Clause 12, line 2, omit '**aged 14 years or under**'.
- 2. Clause 12, lines 4 and 5, omit 'who is aged 14 years or under'.
- 3. Clause 15, line 2, omit '**14 years of age or under**'.
- 4. Clause 15, line 4, omit 'aged 14 years or under'.
- 5. Clause 16, lines 8 to 12, omit all words and expressions on these lines and insert—
 - '(1) A police officer, during any interaction with a child concerning the potential registration of that child as a human source, must ensure the presence of at least one of the following—
 - (a) an Australian legal practitioner;'

6. Clause 16, lines 24 to 31, omit all words and expressions on these lines and insert—
- '(2) For the purposes of subsection (1), the police officer must—
- (a) consult the child before determining who will be present during the interaction; and
 - (b) if an Australian legal practitioner is not to be present during the interaction, inform the child and the child's parent, guardian or independent person that the child may express their wish to have an Australian legal practitioner present at any time; and
 - (c) take reasonable steps to facilitate the child's wishes in this regard before any interaction with the child takes place or before any further interaction with the child takes place (as the case requires).'

7. Clause 17, lines 3 to 8, omit all words and expressions on these lines and insert—

'(1) A police officer, during any interaction which constitutes human source activity with a child who is a human source, must ensure the presence of at least one of the following—

 - (a) an Australian legal practitioner;'

8. Clause 17, lines 20 to 33, omit all words and expressions on these lines and insert—

'(2) For the purposes of subsection (1), the police officer must—

 - (a) consult the child before determining who will be present during the interaction; and
 - (b) if an Australian legal practitioner is not to be present during the interaction, inform the child and the child's parent, guardian or independent person that the child may express their wish to have an Australian legal practitioner present at any time; and
 - (c) take reasonable steps to facilitate the child's wishes in this regard before any interaction with the child takes place or before any further interaction with the child takes place (as the case requires).'

NEW CLAUSE

9. Insert the following New Clause after clause 17—
- '17A Protections for a child—emergency registrations**
- (1) A child is entitled to the presence of the following persons during any interaction between the child and a police officer concerning the potential registration of that child as a human source—
- (a) an Australian legal practitioner;
 - (b) either—
 - (i) a parent or a guardian; or
 - (ii) if a parent or guardian is unavailable or it is not appropriate for a parent or guardian to attend, an independent person.

Example

It is not appropriate for a parent or guardian to be present if the child is to provide information about the parent or guardian or the presence of the child's parent or guardian may place the child or any other person at risk.

- (2) A human source registered on an emergency registration who is a child is entitled to the presence of the persons specified in subsection (1)(a) and (b) during any interaction between the human source and a police officer concerning the child's role as a human source.
 - (3) A human source registered on an emergency registration who is a child is entitled to request the presence of a person referred to in subsection (1)(a) or (b) (or both) during any other interaction between the human source and a police officer.
 - (4) A police officer must inform the child of the entitlements in subsection (1) before any interaction concerning potential emergency registration of the child takes place between the human source and the police officer.
 - (5) A police officer must inform the child of the entitlements in subsections (2) and (3) before any interaction concerning registration or deactivation takes place between the human source and the police officer.
 - (6) The police officer must take reasonable steps to facilitate the presence of each person entitled to be present under subsection (1) or (2) or whose presence is requested under subsection (3).'
10. Clause 20, after line 34 insert—
- '(3A) If it is not appropriate for the parent or guardian to give consent to the child's registration, a police officer must ensure that an independent person is present at the time the child gives informed consent.'

Amendments circulated by Katherine Copsey (KC09C)

1. Clause 65, after line 12 insert—

"Note

See section 5 of the **Independent Broad-based Anti-Corruption Commission Act 2011** in relation to the meaning of police personnel misconduct."

Amendments circulated by Jaclyn Symes (JS27C)

1. Clause 3, after line 27 insert—
"client legal privilege includes legal professional privilege;"
2. Clause 3, page 3, line 7, after "23," insert "30C,".
3. Clause 3, page 6, line 32, omit "application;" and insert "application; or".
4. Clause 3, page 6, after line 32 insert—
"(d) an application to the Supreme Court under section 30A;"
5. Clause 3, page 7, line 6, after "23" insert "or 30C".

6. Clause 4, line 33, after "register" insert ", or apply to the Supreme Court for authorisation to register,".
7. Clause 10, line 14, omit "23;" and insert "23 or 30C;".
8. Clause 10, after line 14 insert—
 - "(ab) the power to approve the making of an application under section 30A;".
9. Clause 12, line 2, omit "**aged 14 years or under**".
10. Clause 12, lines 4 and 5, omit "who is aged 14 years or under".
11. Clause 15, line 2, omit "**14 years of age or under**".
12. Clause 15, line 4, omit "aged 14 years or under".

NEW CLAUSE

13. Insert the following New Clause after clause 15—
 - "15A Prohibition on tasking a human source where information subject to client legal privilege**
 - A police officer must not task a human source who is registered for the purpose of a police officer obtaining, or obtaining and disseminating, information from the human source that is subject to—
 - (a) client legal privilege; or
 - (b) client legal privilege in respect of which there is an exception to the privilege."
14. Clause 18, line 8, after "register" insert ", or apply to the Supreme Court for authorisation to register,".
15. Clause 21, page 22, before line 1 insert—
 - "(1A) A police officer must not apply to the Chief Commissioner to register as a reportable human source a person who is reasonably expected to have access to information that is subject to client legal privilege or information in respect of which there is an exception to client legal privilege, for the purpose of obtaining, or obtaining and disseminating, information of that kind."
16. Clause 23, after line 22 insert—
 - "(1A) The Chief Commissioner must not register a person as a reportable human source under this section if—
 - (a) the person is reasonably expected to have access to—
 - (i) information that is subject to client legal privilege; or
 - (ii) information in respect of which there is an exception to client legal privilege; and

- (b) the purpose of the registration is for a police officer to obtain, or to obtain and disseminate, information that is subject to client legal privilege or information in respect of which there is an exception to client legal privilege."
17. Clause 24, line 22, after "Monitor" insert "to the Chief Commissioner".
18. Clause 25, line 28, after "source" insert "under section 23".
19. Clause 25, page 26, line 7, after "source" insert "under section 23".
20. Clause 25, page 26, line 10, after "source" insert "under section 23".
21. Clause 26, page 27, lines 5 to 8, omit all words and expressions and insert—
- "(2) Subsection (1) does not apply if the information that the person is to be registered to provide is subject to—
- (a) client legal privilege; or
- (b) an exception to client legal privilege or any other privilege."
22. Clause 27, line 12, after "source" insert "under section 23".
23. Clause 28, line 3, omit "The" and insert "Subject to any conditions imposed by the Supreme Court under section 30B, the".
24. Clause 29, line 12, after "months" insert "or, if applicable, the period fixed by the Supreme Court".
25. Clause 29, line 15, omit "the registration" and insert "a registration under section 23".

NEW CLAUSES

26. Insert the following New Division after Division 3 of Part 3—

"Division 3A—Application to Supreme Court to register a person as a reportable human source for certain purposes

30A Application to Supreme Court for the registration of a person as a reportable human source for certain purposes

- (1) A police officer, with the approval of the Chief Commissioner, may apply to the Supreme Court for an order authorising the Chief Commissioner to register a person as a reportable human source for the purpose of a police officer obtaining, or obtaining and disseminating, information that is subject to client legal privilege or information in respect of which there is an exception to client legal privilege if the police officer is reasonably satisfied—
- (a) that the use of the person as a human source—
- (i) is necessary to achieve a legitimate law enforcement objective; and
- (ii) is proportionate to that objective; and
- (b) that the risks associated with the person's registration as a human source have been identified and can be adequately managed; and

- (c) that the registration of the person as a reportable human source is otherwise appropriate and justified; and
 - (d) of either of the following—
 - (i) that—
 - (A) there is a serious and imminent threat to national security, the health or safety of the public or a section of the public, the life of a person or of serious physical harm to a person; and
 - (B) registering the person as a reportable human source is immediately necessary to respond to the threat; and
 - (C) the information or assistance that the person is expected to provide if registered as a reportable human source cannot be obtained through any other reasonable means; or
 - (ii) the information is subject to an exception to client legal privilege of a kind that permits its disclosure to law enforcement officers.
- (2) An application must—
- (a) specify the name of the applicant; and
 - (b) specify the name of the person in respect of whom the application is made; and
 - (c) specify the information proposed to be obtained, or obtained and disseminated; and
 - (d) specify the reasons why the information is likely to be the subject of client legal privilege or subject to an exception to client legal privilege; and
 - (e) specify the required duration of the registration; and
 - (f) if the application is made in writing, be signed by the police officer making the application; and
 - (g) unless the police officer making the application reasonably believes it would be impracticable to do so, be supported by an affidavit setting out the grounds on which the application is made.
- (3) If the police officer making an application under this section reasonably believes that it is impracticable for the application to be made in person, the application may be made by telephone or other electronic communication.
- (4) An application that is made without a supporting affidavit must be accompanied by any information requested by the court.
- (5) A police officer who makes an application without a supporting affidavit must provide a supporting affidavit within 24 hours after making the application.
- 30B Supreme Court may authorise the registration of a person as a reportable human source for certain purposes**
- (1) The Supreme Court may make an order of a kind referred to in section 30A(1) only if the court is reasonably satisfied—

- (a) that the use of the person as a human source—
 - (i) is necessary to achieve a legitimate law enforcement objective; and
 - (ii) is proportionate to that objective; and
 - (b) that the risks associated with the person's registration as a human source have been identified and can be adequately managed; and
 - (c) that the registration of the person as a reportable human source is otherwise appropriate and justified; and
 - (d) of either of the following—
 - (i) that—
 - (A) there is a serious and imminent threat to national security, the health or safety of the public or a section of the public, the life of a person or of serious physical harm to a person; and
 - (B) registering the person as a reportable human source is immediately necessary to respond to the threat; and
 - (C) the information or assistance that the person is expected to provide if registered as a reportable human source cannot be obtained through any other reasonable means; or
 - (ii) the information is subject to an exception to client legal privilege of a kind that permits its disclosure to law enforcement officers; and
 - (e) in the case of an application that is not made in person, that it would have been impracticable for the application to be made in person; and
 - (f) in the case of an application that is not supported by an affidavit, that it would have been impracticable for an affidavit to have been prepared and sworn or affirmed before the application was made.
- (2) In considering whether the court is reasonably satisfied of the matters specified in subsection (1), the court must consider the following—
- (a) whether the person is reasonably expected to have access to privileged information or privileged information in respect of which there is an exception to the privilege and, if so, whether that information is related to the information the person is expected to provide to a police officer if registered as a reportable human source;
 - (b) whether the person is reasonably expected to have access to information that is subject to a legal obligation of confidentiality and, if so, whether that information is related to the information the person is expected to provide to a police officer if registered as a reportable human source;
 - (c) any specialist advice regarding the registration of the person as a reportable human source;
 - (d) the person's age;
 - (e) the person's health, including the person's mental and physical health;

- (f) the purpose for which the person is proposed to be registered as a reportable human source;
 - (g) the conditions that would be imposed on the registration;
 - (h) the length of time for which the person is proposed to be registered as a reportable human source;
 - (i) mitigation of any risk to the safety of the person if the person is registered as a reportable human source;
 - (j) the adequacy of the risk assessment and any other material provided in support of the application;
 - (k) any rewards that are proposed to be given to the person if registered as a reportable human source;
 - (l) if the person is a child—
 - (i) whether registration as a reportable human source is in the best interests of the child; and
 - (ii) any expected impact of registration on the child's wellbeing; and
 - (m) any submissions made to the court by the Public Interest Monitor.
- (3) An order must specify—
- (a) whether the information that is proposed to be obtained, or obtained and disseminated, is likely to be subject to client legal privilege or an exception to client legal privilege of a kind that permits its disclosure to law enforcement officers; and
 - (b) the purpose for which the Chief Commissioner may register the person as a reportable human source; and
 - (c) the date of making of the order; and
 - (d) the maximum period for which the registration of the person in respect of whom the application is made may be in effect, being a period that is not longer than 7 days; and
 - (e) any conditions to which the order is subject.
- (4) An order must not—
- (a) authorise the registration of a person as a reportable human source for the purpose of tasking the person; or
 - (b) be varied, extended or renewed.
- (5) If an order is not made in writing, the court must provide the police officer with a copy of the order as soon as it is practicable to do so.
- (6) An application under this section must not be heard in open court.

30C Chief Commissioner may register a person as a reportable human source following court order

- (1) The Chief Commissioner may register a person as a reportable human source if the Supreme Court makes an order under section 30B authorising the Chief Commissioner to register the person.
 - (2) Before registering the person, the Chief Commissioner must ensure that the person has given informed consent to the registration and that the Chief Commissioner has a record of that person's informed consent, as required by section 20."
27. Clause 38, line 18, after "registration" insert "or a registration under section 30C".
28. Clause 38, line 30, after "registration" insert "or a registration under section 30C".
29. Clause 40, after line 20 insert—
 - "(1A) A police officer must not apply to the Chief Commissioner for emergency registration of a person as a human source a person who is reasonably expected to have access to information that is subject to client legal privilege or information in respect of which there is an exception to client legal privilege, for the purpose of obtaining, or obtaining and disseminating, information of that kind."
30. Clause 41, after line 21 insert—
 - "(1A) The Chief Commissioner must not register a person as a human source on an emergency registration application if—
 - (a) the person is reasonably expected to have access to—
 - (i) information that is subject to client legal privilege; or
 - (ii) information in respect of which there is an exception to client legal privilege; and
 - (b) the purpose of the registration is for a police officer to obtain, or to obtain and disseminate, information that is subject to client legal privilege or information in respect of which there is an exception to client legal privilege."
31. Clause 45, after line 20 insert—
 - "(4) Despite subsection (3), in the case of a registration under section 30C that is the subject of a further application to the Supreme Court under section 30A, the Chief Commissioner must suspend the registration of the human source at the expiry of the registration period determined under section 29(1) until the further application has been determined by the court."
32. Clause 47, page 44, line 2, after "registration" insert "unless a human source registered under an emergency registration has unexpectedly provided information which is subject to client legal privilege or information that is subject to client legal privilege in respect of which there is an exception to the privilege".

33. Clause 50, line 24, after "23," insert "30C,".
34. Clause 52, line 8, after "source" insert "under section 23".
35. Clause 52, after line 17 insert—
 "(ab) to appear at the hearing of an application under section 30A to test the content and sufficiency of the information relied on and the circumstances of the application;".
36. Clause 52, page 47, line 20, omit "(a)." and insert "(a); and".
37. Clause 52, page 47, after line 20 insert—
 "(c) for the purpose of performing the function under subsection (1)(ab)—
 (i) make submissions to the court by telephone or other electronic communication; and
 (ii) ask questions of any person giving information in relation to the application; and
 (iii) make submissions to the Supreme Court as to the appropriateness of granting the application.".
38. Clause 54, line 11, omit "an application" and insert "any application".
39. Clause 54, after line 12 insert—
 "(1A) The Chief Commissioner, as soon as practicable after the making of an application under section 30A and in accordance with the regulations (if any), must provide the Public Interest Monitor with—
 (a) a copy of the application; and
 (b) a copy of any affidavit in support of the application and of any information provided to the court.".
40. Clause 54, line 18, after "is made" insert "to the Chief Commissioner or the Supreme Court".
41. Clause 54, line 19, after "Commissioner" insert "or the Supreme Court".
42. Clause 54, line 20, after "application" insert "(as the case requires)".
43. Clause 55, line 5, after "source" insert "under section 23".
44. Clause 55, line 17, after "source" insert "under section 23".
45. Clause 62, page 55, after line 13 insert—
 "(ga) the number of times the Public Interest Monitor was notified under section 54 of an application to the Supreme Court under section 30A; and".

NEW CLAUSE

46. Insert the following New Clause after clause 72—

"72A Chief Commissioner to report on applications to the Supreme Court

The Chief Commissioner must give a report to IBAC at least once every 3 months which specifies the number of applications made under section 30A and, of those—

- (a) the number that were granted by the court; and
- (b) the number that were refused and the reasons each was refused."

2. DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2023

Amendments circulated by Georgie Crozier (GC47C)

1. Clause 1, page 2, after line 33 insert—

"(ea) to require that the Secretary must not issue a medically supervised injecting centre licence for a facility unless—

- (i) the facility is at least 250 metres away from the nearest school or service of a specified kind; and
- (ii) the Secretary is satisfied that the facility is suitable for use as a licensed medically supervised injecting centre—

and to provide for various consequences if a facility ceases to meet these standards; and".

2. Clause 1, page 3, line 1, omit "a further review" and insert "further reviews".

3. Clause 1, page 3, after line 3 insert—

"(fa) to provide—

- (i) that the Secretary must not issue a medically supervised injecting centre licence to a person unless satisfied that the person is a fit and proper person to hold the licence; and
- (ii) that a person must not be appointed as a director or supervisor of the licensed medically supervised injecting centre unless the person making the appointment is satisfied that the proposed appointee is a fit and proper person to be a director or supervisor; and".

4. Clause 1, page 3, after line 7 insert—

"(ga) to require the holder of a medically supervised injecting centre licence to prepare an annual report that will be laid before each House of the Parliament; and".

5. Clause 2, after line 17 insert—

"(1AA) This Part comes into operation on the day after the day on which this Act receives the Royal Assent.

(1AAB) Part 5A comes into operation on 1 July 2024."

6. Clause 2, line 18, omit "this Act comes" and insert "the remaining provisions of this Act come".
7. Clause 2, line 20, omit "of this Act" and insert "referred to in subsection (1)".
8. Clause 10, line 21, omit "55J(1)" and insert "55J(1AA) or (1)".
9. Clause 12, line 33, after "subsection" insert "(1AA) or".

NEW CLAUSES

10. Insert the following New Part after Part 5—

'Part 5A—Suitability of premises

26A Medically supervised injecting centre may be licensed

- (1) Before section 55C(2)(a) of the Principal Act **insert—**

"(aa) the nearest place mentioned in subsection (2A) is at least 250 metres from the facility; and

(aab) the Secretary is satisfied that the facility at the permitted site will be suitable for use as a licensed medically supervised injecting centre, having regard to—

- (i) public health and safety; and
- (ii) the visibility of the facility from any road (within the meaning of the **Road Management Act 2004**); and
- (iii) how close the facility is to a place mentioned in subsection (2A); and
- (iv) any other prescribed matter; and".

- (2) After section 55C(2) of the Principal Act **insert—**

"(2A) Subsection (2)(aa) and (aab)(iii) apply to the following places—

- (a) a school;
- (b) a place at which a children's service (within the meaning of the **Children's Services Act 1996**) operates;
- (c) a place at which an education and care service (within the meaning of the Education and Care Services National Law (Victoria)) educates or cares for children."

26B Disciplinary action

Before section 55I(1)(a) of the Principal Act **insert—**

"(aa) a facility for which a medically supervised injecting centre licence has been issued is no longer suitable for use as a licensed medically supervised injecting centre, having regard to the matters set out in section 55C(2)(aab); or".

26C Secretary's power to revoke licence

(1) After the heading to section 55J of the Principal Act **insert—**

"(1AA) The Secretary must revoke a medically supervised injecting centre licence if the facility for which the licence was issued is no longer at least 250 metres from the nearest place mentioned in section 55C(2A)."

(2) Before section 55J(a)(i) of the Principal Act **insert—**

"(iaa) the facility for which the medically supervised injecting centre licence was issued is no longer suitable for use as a licensed medically supervised injecting centre, having regard to the matters set out in section 55C(2)(aab); or".

11. Clause 29, line 13, omit "**Second review**" and insert "**Further reviews**".

12. Clause 29, line 15, omit "The" and insert "At the end of each applicable period under subsection (2), the".

13. Clause 29, lines 27 to 29, omit all words and expressions on these lines and insert—

"(2) The applicable periods are—

(a) the period of 4 years beginning on the commencement of Part 6 of the **Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Act 2023**; and

(b) each subsequent period of 4 years.

(2A) A review under subsection (1) for an applicable period may be completed whether or not a medically supervised injecting centre licence that is in force at any time during that period ceases to have effect during or after that period."

14. Clause 29, page 22, lines 1 to 5, omit all words and expressions on these lines.

15. Clause 29, page 22, line 8, omit "the review" and insert "a review under this section".

16. Clause 29, page 22, lines 21 and 22, omit "the review" and insert "a review under this section".

NEW CLAUSES

17. Insert the following New Part after Part 6—

'Part 6A—Fit and proper person tests**29A Meaning of director and supervisor of licensed medically supervised injecting centre**

After section 55B(3) of the Principal Act **insert—**

"(3A) A person must not be appointed as described in subsection (1) or (2), or permitted to act in a role as described in subsection (3), unless the person making that appointment, or giving that permission, is satisfied that the

person to be appointed or permitted to act is a fit and proper person to be appointed or permitted to act."

29B Medically supervised injecting centre may be licensed

After section 55C(2)(a) of the Principal Act **insert—**

"(ab) the proposed licensee is a fit and proper person to hold the licence; and".'

NEW CLAUSES

18. Insert the following New Part after Part 7—

'Part 7A—Annual reporting

30A New section 55JB inserted

Before the heading to Division 3 of Part IIA of the Principal Act **insert—**

"55JB Licensee's annual report

- (1) As soon as practicable after the end of a financial year, the holder of a medically supervised injecting centre licence must prepare a report setting out how the operation of the licensed medically supervised injecting centre has advanced the object of this Part in that financial year.
- (2) As soon as practicable after completing a report under subsection (1), the licensee must provide the report to the Minister.
- (3) The Minister must cause a copy of a report under subsection (1) to be laid before each House of the Parliament within 3 sitting days of that House after receiving it.".'

Amendments circulated by David Ettershank (DE01C)

1. Clause 1, after line 4 insert—
 '(aa) to provide for a change in terminology from "medically supervised injecting centre" to "overdose prevention and recovery centre"; and'.
2. Clause 1, lines 5 and 6, omit "medically supervised injecting" and insert "overdose prevention and recovery".
3. Clause 1, lines 8 and 9, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
4. Clause 1, page 2, lines 7 and 8, omit "medically supervised injecting" and insert "overdose prevention and recovery".
5. Clause 1, page 2, line 13, omit "medically supervised injecting" and insert "overdose prevention and recovery".
6. Clause 1, page 2, lines 28 and 29, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".

7. Clause 1, page 2, line 32, omit "medically supervised injecting" and insert "overdose prevention and recovery".
8. Clause 1, page 3, line 2, omit "medically supervised injecting" and insert "overdose prevention and recovery".
9. Clause 1, page 3, line 7, omit "medically supervised injecting" and insert "overdose prevention and recovery".
10. Clause 1, page 3, lines 10 and 11, omit "medically supervised injecting" and insert "overdose prevention and recovery".
11. Clause 1, page 3, lines 13 and 14, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".

NEW CLAUSES

12. Insert the following New Part after Part 1—

'Part 1A—Change of terminology

3A References to medically supervised injecting centre

- (1) In section 4(1) of the Principal Act—
 - (a) in the definition of **director**, for "licensed medically supervised injecting centre," **substitute** "licensed overdose prevention and recovery centre,";
 - (b) the definition of **medically supervised injecting centre licence** is **repealed**;
 - (c) **insert** the following definition—

"overdose prevention and recovery centre licence means a licence issued under section 55C;"
 - (d) in the definition of **staff**, in paragraphs (a) and (b), for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre";
 - (e) in the definition of **supervisor**, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (2) In section 42(1)(ad) of the Principal Act—
 - (a) for "a medically supervised injecting centre licence" **substitute** "an overdose prevention and recovery centre licence";
 - (b) for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre";
 - (c) for "the medically supervised injecting centre licence" **substitute** "the overdose prevention and recovery centre licence".
- (3) In section 55A of the Principal Act—
 - (a) for "a medically supervised injecting centre" **substitute** "an overdose prevention and recovery centre";

- (b) in paragraphs (b), (d), (e) and (f), for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (4) In the heading to section 55B of the Principal Act, for "**licensed medically supervised injecting centre**" **substitute** "**licensed overdose prevention and recovery centre**".
- (5) In section 55B(1) of the Principal Act—
 - (a) for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre";
 - (b) in paragraph (a)(iii), for "medically supervised injecting centre licence" **substitute** "overdose prevention and recovery centre licence".
- (6) In section 55B(2) and (3) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (7) In section 55B(4) of the Principal Act, for "licensed medically supervised injecting centre" (where twice occurring) **substitute** "licensed overdose prevention and recovery centre".
- (8) In the heading to Division 2 of Part IIA of the Principal Act, for "**Medically supervised injecting centre**" **substitute** "**Overdose prevention and recovery centre**".
- (9) In the heading to section 55C of the Principal Act, for "**Medically supervised injecting centre**" **substitute** "**Overdose prevention and recovery centre**".
- (10) In the heading to section 55H of the Principal Act, for "**medically supervised injecting centre licence**" **substitute** "**overdose prevention and recovery centre licence**".
- (11) In section 55H(1)(a) and (c) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (12) In section 55I(1)(a) of the Principal Act, for "a medically supervised injecting centre licence" **substitute** "an overdose prevention and recovery centre licence".
- (13) In section 55I(2)(b) of the Principal Act, for "medically supervised injecting centre licence" **substitute** "overdose prevention and recovery centre licence".
- (14) In the note at the foot of section 55I(2) of the Principal Act, for "medically supervised injecting centre licence" **substitute** "overdose prevention and recovery centre licence".
- (15) In section 55I(3) of the Principal Act, for "medically supervised injecting centre licence" **substitute** "overdose prevention and recovery centre licence".

- (16) In section 55J(a)(ii) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (17) In section 55K(1) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (18) In section 55L(1) and (3) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (19) In section 55M(a) and (b) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (20) In section 55N(2)(b) and (3)(a) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (21) In section 55O of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (22) In section 55Q(1)(a), (f) and (g) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (23) In section 118(8) of the Principal Act, for "a medically supervised injecting centre licence" **substitute** "an overdose prevention and recovery centre licence".
- (24) In section 119(eb) of the Principal Act, for "licensed medically supervised injecting centre" (where twice occurring) **substitute** "licensed overdose prevention and recovery centre".

3B References to injecting centre drug

- (1) In section 4(1) of the Principal Act—
 - (a) the definition of *injecting centre drug* is **repealed**;
 - (b) **insert** the following definition—

"overdose prevention and recovery centre drug or OPR centre drug
means a drug of dependence, or a class of drug of dependence,
prescribed as an overdose prevention and recovery centre drug;"
 - (c) the definition of *permitted quantity of injecting centre drug* is **repealed**;
 - (d) **insert** the following definition—

"permitted quantity of OPR centre drug means a prescribed amount of
an OPR centre drug;"
- (2) In section 55H(1)(a) of the Principal Act, for "injecting centre drug" **substitute** "OPR centre drug".

- (3) In section 55K(1) of the Principal Act, for "injecting centre drug" (where twice occurring) **substitute** "OPR centre drug".
 - (4) In section 55L(1) and (3)(b) of the Principal Act, for "injecting centre drug" (where twice occurring) **substitute** "OPR centre drug".
 - (5) In section 55M of the Principal Act, for "injecting centre drug" (where twice occurring) **substitute** "OPR centre drug".
 - (6) In section 55N(3)(a) of the Principal Act, for "injecting centre drug" (where twice occurring) **substitute** "OPR centre drug".
 - (7) In section 55Q(1) of the Principal Act—
 - (a) in paragraph (c), for "injecting centre drug" **substitute** "OPR centre drug";
 - (b) in paragraph (d), for "injecting centre drugs" **substitute** "OPR centre drugs";
 - (c) in paragraph (e), for "injecting centre drugs" (where twice occurring) **substitute** "OPR centre drugs".
13. Clause 4, lines 5 and 6, omit "**Medically supervised injecting**" and insert "**Overdose prevention and recovery**".
 14. Clause 7, line 17, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
 15. Clause 9, lines 5 and 6, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
 16. Clause 9, lines 7 and 8, omit "medically supervised injecting" and insert "overdose prevention and recovery"
 17. Clause 9, line 11, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
 18. Heading to clause 10, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
 19. Clause 10, line 10, omit "medically supervised injecting" and insert "overdose prevention and recovery".
 20. Clause 10, line 15, omit "medically supervised injecting" and insert "overdose prevention and recovery".
 21. Clause 10, line 20, omit "A medically supervised injecting" and insert "An overdose prevention and recovery".
 22. Clause 12, line 32, omit "A medically supervised injecting" and insert "An overdose prevention and recovery".
 23. Clause 13, lines 8 and 9, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".

24. Clause 13, line 22, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
25. Clause 13, line 27, omit "medically supervised injecting" and insert "overdose prevention and recovery".
26. Clause 13, page 9, line 6, omit "medically supervised injecting" and insert "overdose prevention and recovery".
27. Clause 13, page 9, line 20, omit "medically supervised injecting" and insert "overdose prevention and recovery".
28. Clause 13, page 9, line 29, omit "medically supervised injecting" and insert "overdose prevention and recovery".
29. Clause 13, page 10, line 10, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
30. Clause 13, page 10, lines 20 and 21, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
31. Heading to clause 14, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
32. Heading to clause 17, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
33. Clause 17, lines 6 and 7, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
34. Clause 17, lines 10 and 11, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
35. Clause 19, lines 21 to 25, omit all words and expressions on these lines and insert—
 - '(1) In section 4(1) of the Principal Act—
 - (a) the definition of *licensed medically supervised injecting centre* is **repealed**;
 - (b) **insert** the following definition—

"licensed overdose prevention and recovery centre means the facility for which an overdose prevention and recovery centre licence is issued;"
36. Clause 19, lines 28 and 29, omit "A medically supervised injecting" and insert "An overdose prevention and recovery".
37. Clause 19, line 32, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
38. Clause 19, page 14, lines 3 and 4, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
39. Clause 19, page 14, lines 7 and 8, omit "A medically supervised injecting" and insert "An overdose prevention and recovery".

40. Clause 19, page 14, line 11, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
41. Clause 19, page 14, lines 15 and 16, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
42. Clause 19, page 14, lines 19 and 20, omit "A medically supervised injecting" and insert "An overdose prevention and recovery".
43. Clause 19, page 14, line 23, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
44. Clause 20, lines 27 and 28, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
45. Clause 20, lines 31 and 32, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
46. Clause 21, lines 4 and 5, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
47. Clause 22, line 19, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
48. Clause 22, lines 22 and 23, omit "medically supervised injecting" and insert "overdose prevention and recovery".
49. Clause 22, page 16, lines 14 and 15, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
50. Clause 22, page 16, lines 26 and 27, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
51. Clause 22, page 16, lines 31 and 32, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
52. Clause 22, page 17, lines 1 and 2, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
53. Heading to clause 23, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
54. Heading to clause 24, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
55. Heading to clause 25, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
56. Clause 29, line 14, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
57. Clause 29, line 18, omit "medically supervised injecting" and insert "overdose prevention and recovery".
58. Clause 29, page 22, lines 1 and 2, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".

59. Clause 33, line 31, omit "medically supervised injecting" and insert "overdose prevention and recovery".
60. Clause 33, page 26, line 6, omit "A medically supervised injecting" and insert "An overdose prevention and recovery".
61. Clause 33, page 26, lines 20 and 21, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
62. Clause 33, page 26, line 23, omit "A medically supervised injecting" and insert "An overdose prevention and recovery".
63. Clause 34, line 7, omit "medically supervised injecting" and insert "overdose prevention and recovery".

Amendments circulated by David Limbrick (DL55C)

1. Clause 1, page 2, after line 29 insert—

"(da) to provide that internal management protocols for a medically supervised injecting centre must include certain requirements in relation to the prescription of Schedule 8 poisons and Schedule 9 poisons; and".

NEW CLAUSES

2. Insert the following New Part after Part 4—

'Part 4A—Internal management protocols and prescription of certain substances

22A Internal management protocols

- (1) In section 55E(2) of the Principal Act, for "they are sufficient" **substitute** "they comply with the requirement in subsection (2A) and that they are otherwise sufficient".
- (2) After section 55E(2) of the Principal Act **insert**—

"(2A) Draft internal management protocols must require that the licensed medically supervised injecting centre must be operated in a way that enables the issuing, at the centre, of prescriptions for Schedule 8 poisons and Schedule 9 poisons when it is clinically appropriate for those substances to be prescribed."
- (3) After section 55E(5) of the Principal Act **insert**—

"(6) If internal management protocols that do not include the requirement set out in subsection (2A) are in force, the licensee must, as soon as practicable, give the Secretary a proposal setting out how the internal management protocols are to be amended or replaced, under subsection (4), to include that requirement."

- (7) If the Secretary is not satisfied by a proposal given under subsection (6), the Secretary may require the internal management protocols to be amended or replaced in accordance with a direction of the Secretary."

22B Disciplinary action

After section 55I(1)(a) of the Principal Act **insert—**

"(ab) a licensee has not complied with section 55E(6); or".

22C Secretary's power to revoke licence

After section 55J(a)(iii) of the Principal Act **insert—**

"(iia) the licensee has not complied with section 55E(6); or".

Amendments circulated by Aiv Puglielli (AP02C)

1. Clause 1, page 2, lines 10 and 11, omit "there must not be more than one such licence in force at a time" and insert "more than one licensed medically supervised injecting centre may operate".
2. Clause 1, page 2, after line 11 insert—

"(iii) there may be more than one location that is a permitted site for the operation of a licensed medically supervised injecting centre; and".
3. Clause 1, page 2, line 31, omit "the" (where third occurring) and insert "a".
4. Clause 1, page 3, line 2, omit "the" and insert "a".
5. Clause 1, page 3, line 6, omit "the" and insert "a".
6. Clause 1, page 3, line 10, omit "the" and insert "a".
7. Clause 1, page 3, after line 11 insert—

"(ha) to make it a condition of a medically supervised injecting centre licence that persons must not be refused admission on the basis of pregnancy or childhood, or on the basis that they are subject to certain orders and conditions; and".
8. Clause 1, page 3, after line 15 insert—

"(ia) to make provision in relation to adults attending a licensed medically supervised injecting centre to facilitate or enable other adults to use the centre; and".
9. Clause 4, line 6, omit "**centre**" and insert "**centres**".
10. Part heading preceding clause 9, omit "**Consecutive**" and insert "**Multiple**".
11. Clause 9, lines 5 and 6, omit "**Limit on number of medically supervised injecting centre licences**" and insert "**Licence becomes invalid on commencement if earlier licence still in force**".
12. Clause 9, lines 7 to 9, omit all words and expressions on these lines.

13. Clause 9, line 10, omit "(2)".
14. Clause 9, after line 12 insert—

"(ab) a particular permitted site is specified in the licence; and".
15. Clause 9, line 15, after "force" insert "in which that permitted site is specified".
16. Clause 9, line 25, omit "subsection (2)" and insert "this section".

NEW CLAUSES

17. Insert the following New Division after Division 1 of Part 3—

'Division 1A—Allowing more than one permitted site

9A Definitions

In section 4(1) of the Principal Act, in the definition of *permitted site*, after "045" **insert** "and land, or a location, that is prescribed;".

9B Medically supervised injecting centre may be licensed for trial period

In section 55C(1) of the Principal Act, for "the permitted site" **substitute** "a permitted site specified in the licence".

9C Regulations for this Part

- (1) In section 55Q(1) of the Principal Act, before paragraph (a) **insert**—

"(aa) prescribing land or a location to be a permitted site;".

- (2) After section 55Q(2) of the Principal Act **insert**—

"(3) Regulations prescribing land or a location to be a permitted site are subject to disallowance by a House of the Parliament.

(4) If—

- (a) regulations are made prescribing land or a location to be a permitted site; and
- (b) that permitted site is specified in a licence, in accordance with section 55C(1), as the permitted site for that licence; and
- (c) that land or location ceases to be a permitted site under the regulations (whether because the regulations are disallowed or revoked or otherwise)—

the licence ceases to have effect when the land or location ceases to be a permitted site."

9D New section 150 inserted

At the end of Part XII of the Principal Act **insert**—

**"150 Transitional provision—Drugs, Poisons and Controlled Substances
Amendment (Medically Supervised Injecting Centre) Act 2023**

(1) This section applies to a medically supervised injecting centre licence that is in force immediately before the commencement of Division 1A of Part 3 of the **Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Act 2023**.

(2) On and after the commencement referred to in subsection (1), the land referred to in the definition of permitted site in section 4(1) (as in force immediately before that commencement) is taken to have been specified in the licence, in accordance with section 55C(1), as the permitted site for that licence.".'.

18. Clause 10, line 11, after "force" insert "in respect of the same permitted site".

19. Clause 13, line 23, after "site" insert "specified in the licence".

20. Clause 13, line 30, after "**successor**)" insert "for the same permitted site".

NEW CLAUSES

21. Insert the following New Clauses to follow clause 20—

'20A References to only one permitted site

(1) In section 4(1) of the Principal Act, in the definition of **staff**, in paragraph (b)—

(a) for "the permitted site" (where first occurring) **substitute** "a permitted site";

(b) after "the licensed medically supervised injecting centre" **insert** "at that site".

(2) In section 42(1)(ad) of the Principal Act, after "the permitted site" **insert** "specified in the licence".

(3) In section 55E(1) of the Principal Act **omit** "at the permitted site".

(4) In section 55L(3) of the Principal Act, after "the permitted site" (where first occurring) **insert** "specified in the licence".

(5) In section 55N(1)(b) of the Principal Act, after "the permitted site" **insert** "specified in the licence".

20B References to only one medically supervised injecting centre

(1) In section 4(1) of the Principal Act—

(a) in the definition of **director**, for "the licensed medically supervised injecting centre" **substitute** "a licensed medically supervised injecting centre";

(b) in the definition of **staff**, in paragraph (a), for "the licensed medically supervised injecting centre" **substitute** "a licensed medically supervised injecting centre".

(2) In section 55A of the Principal Act—

- (a) for "a medically supervised injecting centre" **substitute** "medically supervised injecting centres";
 - (b) in paragraphs (b), (d), (e) and (f), for "the licensed medically supervised injecting centre" **substitute** "each licensed medically supervised injecting centre".
 - (3) In section 55B(1), (2) and (3) of the Principal Act, for "the licensed medically supervised injecting centre" **substitute** "a licensed medically supervised injecting centre".
 - (4) In section 55B(4) of the Principal Act, for "the licensed medically supervised injecting centre" (where first occurring) **substitute** "a licensed medically supervised injecting centre".
 - (5) In section 55K(1) of the Principal Act, for "the licensed medically supervised injecting centre" **substitute** "a licensed medically supervised injecting centre".
 - (6) In section 55M(a) and (b) of the Principal Act, for "the licensed medically supervised injecting centre" **substitute** "a licensed medically supervised injecting centre".
 - (7) In section 55O of the Principal Act, for "the licensed medically supervised injecting centre" **substitute** "a licensed medically supervised injecting centre".
 - (8) In section 55Q(1)(a), (f) and (g) of the Principal Act, for "the licensed medically supervised injecting centre" **substitute** "a licensed medically supervised injecting centre".
 - (9) In section 119(eb) of the Principal Act, for "the licensed medically supervised injecting centre" (where twice occurring) **substitute** "a licensed medically supervised injecting centre".
22. Clause 29, line 18, omit "centre" and insert "centres".
23. Clause 31, line 6, omit "the" (where first occurring) and insert "a".

NEW CLAUSES

24. Insert the following New Part after Part 8—

'Part 8A—Refusal on the basis of certain attributes not permitted

31A Conditions of medically supervised injecting centre licence

- (1) For section 55H(1)(a) of the Principal Act **substitute**—
- "(a) except as provided for by paragraph (ad), no person is to be—
- (i) refused admission to any part of the licensed medically supervised injecting centre that is used for the purpose of the administration of any injecting centre drug; or
 - (ii) refused admission to the centre generally; or
 - (iii) refused access to any service or assistance at the centre—

on the basis that the person has a protected attribute under subsection (1A);".

(2) After section 55H(1) of the Principal Act **insert—**

"(1A) A person has a protected attribute for the purposes of subsection (1)(a) if—

- (a) the person is a child; or
- (b) the person is pregnant; or
- (c) the person is subject to a court order, a tribunal order, a parole condition or a bail condition other than an order or condition that has the effect of prohibiting the person from attending the centre or from accessing services or assistance at the centre;".

NEW CLAUSES

25. Insert the following New Part after Part 9—

'Part 9A—Adults facilitating use of centre by other adults

33A Conditions of medically supervised injecting centre licence

(1) After section 55H(1)(a) of the Principal Act **insert—**

"(ab) no adult is to be—

- (i) refused admission to any part of the licensed medically supervised injecting centre that is used for the purpose of the administration of any injecting centre drug; or
- (ii) refused admission to the centre generally; or
- (iii) refused access to any service or assistance at the centre—

on the basis that the adult's attendance or access is for the purpose of providing peer assistance to another adult;

(ac) no adult who is admitted to the centre is to be prevented from providing peer assistance to another adult;

(ad) no child is to be admitted to any part of the licensed medically supervised injecting centre that is used for the purpose of the administration of any injecting centre drug if the purpose for which the child is attending is to provide peer assistance to another person;

(ae) no adult is to be admitted to any part of the licensed medically supervised injecting centre that is used for the purpose of the administration of any injecting centre drug if the purpose for which the adult is attending is to provide peer assistance to a child;".

(2) Before section 55H(2) of the Principal Act **insert—**

"(1B) A reference in subsection (1) to a person ***providing peer assistance*** to another person—

- (a) refers to the person facilitating or enabling the other person's—
 - (i) attendance at the licensed medically supervised injecting centre; or
 - (ii) access to any service or assistance at the centre; and including by facilitating or enabling the other person to use, at the centre, an injecting centre drug in a permitted quantity of that injecting centre drug; and
- (b) does not refer to anything done by a member of the staff at the permitted site in their capacity as a member of staff."

33B Exemptions from criminal liability and authorizations for clients of centre

After section 55K(1) of the Principal Act **insert—**

"(1A) Without limiting subsection (1), a person is taken to be a client of a licensed medically supervised injecting centre if—

- (a) the person is an adult; and
- (b) the person is admitted to the centre; and
- (c) the person is attending the centre, or accessing assistance or a service at the centre, for the purpose of providing peer assistance (within the meaning of section 55H(1B)) to another adult."

33C New section 55NA inserted

After section 55N of the Principal Act **insert—**

"55NA Exemption from civil liability—person facilitating or enabling another's attendance

- (1) A person who is taken to be a client of a licensed medically supervised injecting centre under section 55K(1A) is not subject to any civil liability for doing or omitting to do a thing—
 - (a) in good faith; and
 - (b) for the purpose of providing peer assistance (within the meaning of section 55H(1B)) to another adult.
- (2) Without limiting subsection (1), that subsection applies to an act or omission that—
 - (a) relates to the supply or possession of a drug of dependence in the licensed medically supervised injecting centre, whether or not the drug of dependence is an injecting centre drug in a permitted quantity of that injecting centre drug; and
 - (b) satisfies the requirements set out in subsection (1)(a) and (b).
- (3) Subsections (1) and (2) do not apply if the thing done or omitted to be done was due to negligence."

