Module 5: Legal and Social Issues Committee inquiry into Medically Supervised Injecting Centres

Overview

The Legal and Social Issues Committee is a Standing Committee of the Legislative Council. The committee's functions are to inquire into and report on any proposal, matter or thing concerned with community services, gaming, health, law and justice, and the coordination of government.

Issues

There were 172 heroin overdose deaths in Victoria in 2015. That is more than three deaths per week. Of those 172 deaths, 34 occurred in, or could be linked to, one small block in North Richmond, a block of around 300 square metres.

A Coroner's inquest into a woman's death called for a legalised injecting centre similar to that operating in Kings Cross, Sydney over the past decade. This was echoed by two other coroners, emergency services and various health organisations.

Inquiry into the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017

In February 2017 Fiona Patten, a backbench member of the Reason Party (at that time known as the Sex Party), introduced a Bill into the Legislative Council. The Bill proposed an 18 month trial of a medically supervised injecting centre in North Richmond as a response to the escalating and open sale and use of illicit drugs in that area.

This committee was asked to investigate the Bill and conduct further consultation and investigation before being debated in the House.

The committee had wide terms of reference, which stated:
1. Recommendations in Coroner Hawkins’ finding - Inquest into the Death of Ms A, delivered on 20 February 2017 and other relevant reports
2. Nature and extent of current, relevant regulations
How did the committee go about undertaking its work to address and research the terms of reference?

This committee was made of eight members from the Legislative Council and was supported by four parliamentary staff members. The committee

- tabled its terms of reference and advertised its role and progress in state newspapers
- received 49 submissions, 40 of which were from groups or organisations and 9 from individuals
- released two media releases to inform the public about the progress of the inquiry
- held one public hearing and heard from two individuals and three organisations, including the Coroners Court of Victoria, Alcohol and Drug Foundation and Australian Christian Lobby
- participated in numerous site visits including to the supervised injecting centre in Kings Cross as well as site visits to North Richmond
- met with the North Richmond Community Health Centre and the Local Residents & Victoria Street Business Association
- conducted a literature review
- published all submissions and transcripts of the public hearings on the parliament’s website
- Produced its report in September 2017

The Committee included three government members, three opposition members, and two members from minor parties; one member of the Greens, and one member of the Reason Party (Sex Party). However as decisions are made as a group and their purpose is to investigate all aspects of this issue, members behave apolitically during committee inquiries.
The Issue

Due to the number of drug related deaths and associated public outcry, the media highlighted the concerns of both sides of the issue.

One reason for opposition to the injecting centre was the belief that it would have a ‘honey pot’ effect on crime. This is the belief that having an injecting centre as a place for people to use drugs would attract illegal drug dealers due to the demand in the area. By having more drug dealers in the area, some believed that more people would become addicted to drugs, and more crime relating to drug use and violence would result, which would then increase the problem rather than decrease it.

Many of those in support of the injecting centre believed that it would reduce the amount of deaths from drug overdoses as individuals attending the facility would have access to on-site medical care and opportunities for health care and counselling. They further believed that it would help to alleviate demand on emergency services due to overdoses, and support paramedic safety by reducing the instances of call outs regarding heroin.

Government Policy

The 2014 state election campaign included a policy of no injecting rooms in Victoria. The Premier and his government were elected alongside this policy.

Whilst media attention and public outcry over this policy has increased since the election in 2014, the government was elected with this policy as an election promise. Their policy was to investigate alternate methods of support for IV-drug users, such as needle and syringe exchange services.

Review your understanding

Answer the following questions:

1. Explain the role of this parliamentary committee.
2. Discuss the pressures on this committee while investigating this issue.

3. A range of individuals and organisations made submissions to the Legal and Social Issues Committee. Go to the Committee’s website and look at the list of public submissions. Complete the below to compare two submissions received by the committee.

<table>
<thead>
<tr>
<th>Marion Crooke</th>
<th>Drug Free Australia</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>For or Against</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Main reason for opinion</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Second reason for opinion</strong></td>
<td></td>
</tr>
<tr>
<td><strong>These views are different because ...</strong></td>
<td></td>
</tr>
<tr>
<td><strong>One thing that surprises you about this opinion</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Why does this surprise you?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Why do you think these views are different?</strong></td>
<td></td>
</tr>
</tbody>
</table>
4. Committees have access to a wide range of research data and materials, but this cannot tell committees everything. Analyse how submissions can inform committees.

Submissions can include information that cannot be found easily by formal research. Such as ...

- 
- 

Submissions can also inform committees of specific examples they may not be aware of, such as...

- 
- 

Submissions include a range of persuasive techniques which can vary depending on the writer such as ...

- 
- 

5. A range of organisations and individuals made submissions and attended the Legal and Social Issues Committee’s public hearing. Go to the Committee’s website and look at the list of public hearings. Find an individual or group that interests you and read the transcript of their submission:

- Did they support the introduction of an injecting centre?
- What were three significant points they made to support their view?

| Name of association or group | Did they support introducing an injecting centre? | One significant point they made to support their view | Another significant point they made to support their view | Another significant point they made to support their view | This was interesting because | Why do you think these views are different? |
6. Government policy and media involvement were significant for this topic. Evaluate how these may have impacted the committee’s inquiry.

**Think about who was on this committee and how the committee is structured, but also how social awareness of the inquiry could impact the committee**

<table>
<thead>
<tr>
<th>Government policy means...</th>
</tr>
</thead>
<tbody>
<tr>
<td>The media includes...</td>
</tr>
<tr>
<td>Government policy may have impacted...</td>
</tr>
<tr>
<td>However the committee may not have been impacted by government policy because...</td>
</tr>
<tr>
<td>The media may have impacted...</td>
</tr>
<tr>
<td>However the media may not have impacted because...</td>
</tr>
<tr>
<td>Overall the committee’s inquiry...</td>
</tr>
</tbody>
</table>

A recommendation for law reform

In September 2017 the Legal and Social Issues Committee tabled its report which included eleven findings around the key topic areas they were asked to investigate. Among the findings, the Committee found that injecting centres improve the health of injecting drug users and reduce signs of drug use in surrounding streets.

Significantly, they also found that evaluations of Sydney’s injecting centre did not find evidence of a ‘honey pot’ effect on crime. In fact, they found evidence of public amenity benefits to the local community and reduced demand for ambulance services.

46 of the 49 submissions received by the committee were in favour of a medically supervised injecting centre in North Richmond.

Reflecting the broad debate in the community around these issues, the committee felt it was not their place to formally recommend whether or not a centre should be introduced in Victoria. The committee stated that this decision should be left to Parliament to discuss, but that they had provided sufficient evidence around the regulations and key issues to put parliament in a more informed position to debate the Bill effectively.

This sentiment was echoed by two minority reports of members of the Legal and Social Issues Committee.

Minority reports are reports completed by members of a parliamentary committee about the inquiry. These can be used to express personal comments by a member of the committee and can be in support or opposition to the final report.
7. Discuss how not having a unanimous vote might impact committee discussion and research in their investigation.

What is a ‘unanimous vote’

This might impact committee discussion because...

This might impact research because...

However, if there was a unanimous vote discussion would be different because...

If there was a unanimous vote research would be different because...
8. Considering the Government’s policy around injecting centres, discuss whether you believe the committee’s report would impact law reform in this area.

9. Evaluate the committee’s decision not to formally recommend whether an injecting centre should or should not be introduced. Give reasons for your answer.

<table>
<thead>
<tr>
<th>What was the committees decision</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The role of parliamentary committees is ...</td>
<td></td>
</tr>
<tr>
<td>The role of parliament is ...</td>
<td></td>
</tr>
<tr>
<td>A strength of the committees decision is ...</td>
<td></td>
</tr>
<tr>
<td>A potential weakness of the committees decision is ...</td>
<td></td>
</tr>
<tr>
<td>Overall the committee provided the parliament with ...</td>
<td></td>
</tr>
<tr>
<td>In conclusion, the committees decision was ...</td>
<td></td>
</tr>
</tbody>
</table>
Government’s response

The government supported most of the original bill that was introduced into the Legislative Council, however there were a few differences. Generally the government would rather introduce their own bills rather than support a bill introduced by a non-government member.

Premier Daniel Andrews commented at the time that the government decided to change their policy based on the evidence provided by the parliamentary committee.

While the opposition did not support the introduction of the injecting centre, the bill was introduced and passed by both houses. The investigation and research undertaken by the committee has allowed an exchange of views and brought the issues faced by residents, businesses and drug users into the public light. This must be seen a positive outcome from the inquiry.

As the government does not have a majority in the Legislative Council it can be difficult to pass bills. Members tend to vote along party lines which meant that while the vote in the Legislative Council looks close, it was only the Liberal, National and Shooters parties who voted no.

In March 2018, the regulations for the centre were released and largely replicated those of the existing centre at Kings Cross. While the media had focused on the use of heroin at the facility, the regulations contained no exclusions on drugs that could be used at the centre, which is the same as the Kings Cross Centre.

The centre in North Richmond opened in July 2018 for a two year trial.
Answer the following questions:

10. Even though the opposition did not support the evidence and assertions of this inquiry, evaluate how the research undertaken by the committee and recommendations made in this inquiry, could stimulate community thinking, foster debate and influence law reform.

<table>
<thead>
<tr>
<th>Notes before writing a response</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Could stimulate community thinking</td>
<td></td>
</tr>
<tr>
<td>Might not stimulate community thinking</td>
<td></td>
</tr>
<tr>
<td>Could foster debate</td>
<td></td>
</tr>
<tr>
<td>Might not foster debate</td>
<td></td>
</tr>
<tr>
<td>Could influence law reform</td>
<td></td>
</tr>
<tr>
<td>May not influence law reform</td>
<td></td>
</tr>
<tr>
<td>Conclusion</td>
<td></td>
</tr>
</tbody>
</table>
11. Explain how reporting findings and not making recommendations in this report could be a strength of parliamentary committees.

What can parliamentary committees include in their report?

What did they include in this report?

Why did they choose to do that?

How could this be a strength?
12. Parliamentary Committees are effective in influencing law reform.
   a) How effective do you think this committee has been in influencing change.

   - Very effective
   - Mostly effective
   - A little effective
   - Kind of effective
   - Not very effective
   - Mostly ineffective
   - Very ineffective

   b) Complete a Venn Diagram to show reasons the committee has and has not been effective in influencing change.
c) Discuss how important time was for this committee's influence.

d) Using your answers above, to what extent do you agree that this parliamentary committee was effective in influencing change?