

LEGISLATIVE COUNCIL

PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2022

(Amendments and New Clauses to be proposed in Committee by Dr RATNAM)

1. Clause 4, after line 18 insert—

"notifiable drug, poison or controlled substance means a drug, poison or controlled substance that is—

- (a) declared to be a notifiable drug, poison or controlled substance by an Order in Council made under section 126; or
- (b) prescribed to be a notifiable drug, poison or controlled substance;

poison or controlled substance has the same meaning as in section 4(1) of the **Drugs, Poisons and Controlled Substances Act 1981**;"

2. Clause 4, after line 25 insert—

'(da) in the definition of **notification details**—

(i) in paragraph (a)—

- (A) for "or a micro-organism" **substitute** ", micro-organism or a drug, poison or controlled substance";
- (B) for "or notifiable micro-organism," **substitute** ", notifiable micro-organism or notifiable drug, poison or controlled substance,";
- (C) for "or micro-organism;" **substitute** ", notifiable micro-organism or notifiable drug, poison or controlled substance,";

(ii) in paragraph (b)—

- (A) for "or a micro-organism" **substitute** ", micro-organism or drug, poison or controlled substance";
- (B) for "or notifiable micro-organism," **substitute** ", notifiable micro-organism or notifiable drug, poison or controlled substance,";
- (C) for "or micro-organism;" **substitute** ", micro-organism or drug, poison or controlled substance;"';

NEW CLAUSES

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

'21A Division 3 of Part 8 heading substituted

For the heading to Division 3 of Part 8 of the Principal Act **substitute**—

**"Division 3—Notifiable conditions, micro-organisms and drugs,
poisons or controlled substances".**

21B New sections 128A and 128B inserted

After section 128 of the Principal Act **insert—**

**"128A Notification by Chief Commissioner of Police of notifiable
drug, poison or controlled substance**

- (1) This section applies if a member of Victoria Police personnel—
 - (a) has reasonable grounds to believe that the member has encountered a notifiable drug, poison or controlled substance in the performance of duties or exercise of powers as such a member; or
 - (b) has been advised by a laboratory service that the laboratory service has isolated or detected a notifiable drug, poison or controlled substance.
- (2) The Chief Commissioner of Police must notify the Secretary of the notification details in accordance with—
 - (a) if the notifiable drug, poison or controlled substance was prescribed to be a notifiable drug, poison or controlled substance by the regulations, the regulations within the prescribed period; or
 - (b) if the notifiable drug, poison or controlled substance was declared to be a notifiable drug, poison or controlled substance in an Order in Council, the Order in Council within the specified period.

**128B Chief Commissioner of Police to report on notifiable drugs,
poisons and controlled substances notifications**

The Chief Commissioner of Police must provide to the Minister for Police for inclusion in the annual report of operations under Part 7 of the **Financial Management Act 1994** a report containing the number and type of notifiable drug, poison and controlled substance notifications under section 128A.".!

4. Clause 22, lines 23 and 24, omit all words and expressions on these lines and insert—

- '(1) In section 126(1) of the Principal Act—
 - (a) in paragraph (b), for "micro-organism." **substitute** "micro-organism;"
 - (b) after paragraph (b) **insert—**
 - "(c) a drug, poison or controlled substance to be a notifiable drug, poison or controlled substance."

- (2) In section 126(2)(a) of the Principal Act—
- (a) in subparagraph (i), for "or notifiable micro-organism;" **substitute** ", notifiable micro-organism or notifiable drug, poison or controlled substance";
 - (b) in subparagraph (ii), for "or notifiable micro-organism" **substitute** ", notifiable micro-organism or notifiable drug, poison or controlled substance";
 - (c) in subparagraph (iii), for "or notifiable micro-organism" **substitute** ", notifiable micro-organism or notifiable drug, poison or controlled substance".
- (3) In section 126(2)(c) of the Principal Act—
- (a) for "practitioners and" **substitute** "practitioners,";
 - (b) for "services." **substitute** "services and notifications to be made by the Chief Commissioner of Police."
- (4) Section 126(3), (4), (5) and (6) of the Principal Act are **repealed**!.