

## LEGISLATIVE COUNCIL

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

(Amendments and New Clauses to be proposed in Committee by GEORGIE CROZIER)

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."!