

LEGISLATIVE COUNCIL

**DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT
(MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2023**(Amendments and New Clauses to be proposed in Committee by AIV PUGLIELLI)

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."