

LEGISLATIVE COUNCIL

CONSTITUTION AMENDMENT (SEC) BILL 2023

(Amendments to be proposed in Committee by SARAH MANSFIELD)

1. Clause 1, line 1, omit "**Purpose**" and insert "**Purposes**".
2. Clause 1, line 2, before "The purpose" insert "(1)".
3. Clause 1, after line 11 insert—
 - "(2) The purpose of this Act is also to amend the **Constitution Act 1975**—
 - (a) to prohibit the construction of fossil fuel facilities in Victoria; and
 - (b) to constrain the power of the Parliament to make laws repealing, altering or varying the provisions of the **Constitution Act 1975** relating to the matters set out in paragraph (a)."
4. Clause 3, line 10, omit '103; or' and insert "103; or".
5. Clause 3, after line 10 insert—
 - '(fad) section 107E; or'.
6. Clause 5, line 18, omit "**Part X**" and insert "**Parts IXA and X**".
7. Clause 5, after line 20 insert—

"Part IXA—Fossil fuel facilities

107C Definitions

In this Part—

construction, in relation to a fossil fuel facility, includes—

- (a) the carrying out of any work for or in connection with the construction of the fossil fuel facility; and
- (b) the subdivision or consolidation of land, including buildings or airspace, for the purposes of the construction of the fossil fuel facility; and
- (c) the placing or relocation of a building or works on land for the purposes of the construction of the fossil fuel facility;

fossil fuel facility means—

- (a) a facility that—
 - (i) generates electrical power by using energy from the combustion of a fossil fuel; or

- (ii) produces an energy source by primarily or directly using a fossil fuel; or

Example

Hydrogen is an energy source.

- (b) a mine at which mining for fossil fuels is primarily carried out; or
- (c) a facility with the primary function of—
 - (i) refining crude oil or gas or producing hydrocarbon fractions; or
 - (ii) storing fossil fuels, whether in a gaseous or liquid state; or
- (d) a pipeline with the primary function of conveying—
 - (i) a fossil fuel in a gaseous or liquid state; or
 - (ii) materials or waste products derived from fossil fuels.

107D Purpose of this Part

The purpose of this Part is to constrain the power of the Parliament to make laws repealing, altering or varying this section and sections 107C and 107F to ensure that provisions prohibiting the construction of fossil fuel facilities in Victoria remain in force at all times as part of the law of Victoria.

107E Parliament's legislative power constrained in relation to repealing, altering or varying this Part

The Parliament may not by any Act, whether expressly or by implication, repeal, alter or vary sections 107C, 107D and 107F.

107F Offence to construct fossil fuel facilities in Victoria

- (1) A person must not construct a fossil fuel facility in Victoria.
 Penalty: In the case of a natural person, 200 penalty units.
 In the case of a body corporate, 1000 penalty units.
- (2) Subsection (1) applies despite anything to the contrary in any other Act or law (other than the **Charter of Human Rights and Responsibilities Act 2006**).'

- 8. Clause 5, line 21, omit "'Part' and insert "**Part**".

AMENDMENT OF SHORT TITLE

- 9. Short title, omit "(SEC)" and insert "**(SEC and Fossil Fuel Facilities)**".