Scrutiny of Acts and Regulations Committee

Alert Digest No. 10 of 2026

August 2026

On the following Bills

Cannabis Legalisation Plebiscite Bill 2026

Corrections Amendment Bill 2026 [House Amendments]

Electoral Amendment (Miscellaneous Matters) Bill 2026

Independent Broad-based Anti-corruption Commission Amendment (Facilitating Timely Reporting) Bill 2026

Multicultural Victoria Amendment Bill 2026

Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2026

Workplace Protection Orders Bill 2026

Parliament of Victoria

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Terms of Reference – Scrutiny of Bills

The functions of the Scrutiny of Acts and Regulations Committee are –

(a) to consider any Bill introduced into the Council or the Assembly and to report to the Parliament as to whether the Bill directly or indirectly –
   (i) trespasses unduly upon rights or freedoms;
   (ii) makes rights, freedoms or obligations dependent upon insufficiently defined administrative powers;
   (iii) makes rights, freedoms or obligations dependent upon non-reviewable administrative decisions;
   (iv) unduly requires or authorises acts or practices that may have an adverse effect on personal privacy within the meaning of the *Privacy and Data Protection Act* 2014;
   (v) unduly requires or authorises acts or practices that may have an adverse effect on privacy of health information within the meaning of the *Health Records Act* 2001;
   (vi) inappropriately delegates legislative power;
   (vii) insufficiently subjects the exercise of legislative power to parliamentary scrutiny;
   (viii) is incompatible with the human rights set out in the Charter of Human Rights and Responsibilities;
(b) to consider any Bill introduced into the Council or the Assembly and to report to the Parliament –
   (i) as to whether the Bill directly or indirectly repeals, alters or varies section 85 of the *Constitution Act* 1975, or raises an issue as to the jurisdiction of the Supreme Court;
   (ii) if a Bill repeals, alters or varies section 85 of the *Constitution Act* 1975, whether this is in all the circumstances appropriate and desirable;
   (iii) if a Bill does not repeal, alter or vary section 85 of the *Constitution Act* 1975, but an issue is raised as to the jurisdiction of the Supreme Court, as to the full implications of that issue;

Parliamentary Committees Act 2003, section 17

Table of Contents

Committee Membership ii

Alert Digest No. 10 of 2026

Cannabis Legalisation Plebiscite Bill 2026 1

Electoral Amendment (Miscellaneous Matters) Bill 2026 4

Independent Broad-based Anti-corruption Commission Amendment (Facilitating Timely Reporting) Bill 2026 9

Multicultural Victoria Amendment Bill 2026 12

Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2026 17

Workplace Protection Orders Bill 2026 19

House Amendments

Corrections Amendment Bill 2026 27

Appendices

1 – Index of Bills and Subordinate Legislation in 2026 37

2 – Committee Comments classified by Terms of Reference 41

3 – Table of Ministerial Correspondence 45

Parliament of Victoria, Australia

Scrutiny of Acts and Regulations Committee

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Useful information

Role of the Committee

The Scrutiny of Acts and Regulations Committee is an all-party Joint House Committee, which examines all Bills and subordinate legislation (regulations) introduced or tabled in the Parliament. The Committee does not make any comments on the policy merits of the legislation. The Committee's terms of reference contain principles of scrutiny that enable it to operate in the best traditions of non-partisan legislative scrutiny. These traditions have developed since the first Australian scrutiny of Bills committee of the Australian Senate commenced scrutiny of Bills in 1982. They are precedents and traditions followed by all Australian scrutiny committees. Non-policy scrutiny within its terms of reference allows the Committee to alert the Parliament to the use of certain legislative practices and allows the Parliament to consider whether these practices are necessary, appropriate or desirable in all the circumstances.

The *Charter of Human Rights and Responsibilities Act* 2006 provides that the Committee must consider any Bill introduced into Parliament and report to the Parliament whether the Bill is incompatible with human rights.

Interpretive use of Parliamentary Committee reports

Section 35 (b)(iv) of the *Interpretation of Legislation Act* 1984 provides –

> In the interpretation of a provision of an Act or subordinate instrument consideration may be given to any matter or document that is relevant including, but not limited to, reports of Parliamentary Committees.

When may human rights be limited

Section 7 of the *Charter* provides –

> Human rights – what they are and when they may be limited –
>
> (2) A human right may be subject under law only to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors including—
>
> (a) the nature of the right; and
>
> (b) the importance of the purpose of the limitation; and
>
> (c) the nature and extent of the limitation; and
>
> (d) the relationship between the limitation and its purpose; and
>
> (e) any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

Glossary and Symbols

'*Assembly*' refers to the Legislative Assembly of the Victorian Parliament

'*Charter*' refers to the Victorian *Charter of Human Rights and Responsibilities Act* 2006

'*Council*' refers to the Legislative Council of the Victorian Parliament

'*DPP*' refers to the Director of Public Prosecutions for the State of Victoria

'*human rights*' refers to the rights set out in Part 2 of the Charter

'*IBAC*' refers to the Independent Broad-based Anti-corruption Commission

'*PCA*' refers to the *Parliamentary Committees Act* 2003

'*penalty units*' refers to the penalty unit fixed from time to time in accordance with the *Monetary Units Act* 2004 and published in the government gazette (as at 1 July 2025 one penalty unit equals $203.51)

'*Statement of Compatibility*' refers to a statement made by a member introducing a Bill in either the Council or the Assembly as to whether the provisions in a Bill are compatible with Charter rights

'*VCAT*' refers to the Victorian Civil and Administrative Tribunal

[ ] denotes clause numbers in a Bill or section numbers in an Act.

Alert Digest No. 10 of 2026

Cannabis Legalisation Plebiscite Bill 2026

Member	David Ettershank MP	**Introduction Date**	28 July 2026
Private Member's Bill		**Second Reading Date**	29 July 2026

Summary

The purpose of the Bill is to provide for the conduct of a plebiscite in relation to the legalisation of cannabis. Note the Second Reading Speech:-

> We're not asking the government to change the law, but merely to submit the following question to Victorians who are entitled to vote in a Victorian state election: "Do you support the legalisation of cannabis in Victoria as proposed in the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023?"

The commencement provision states the Act comes into operation on the day after the day on which is receives the Royal Assent. **[2]** The Committee notes by way of background compulsory voting was introduced by the Commonwealth after amendments to the *Electoral Act* 1918 (Cth) in 1924.[1] Compulsory voting for eligible voters in Victoria was introduced in 1927.[2] It is compulsory for enrolled voters to vote in Victorian State elections held under the *Electoral Ac*t 2002 (Electoral Act) and local government elections held under the *Local Government Act* 2020 and the *City of Melbourne Act* 2001.

The Bill sets out various definitions. 'Plebiscite' means a non-binding public vote. It makes provision for a plebiscite to be held by the Victorian Electoral Commission to determine whether the people of Victoria approve the legalisation of cannabis within 2 years after commencement of the Act. **[4]** Note the following matters:-

- A person is entitled to vote if they satisfy the requirements of section 87[3] of the *Electoral Act* 2002 (Electoral Act); namely if they are an Australian citizen, 18 years of age, enrolled on the register of electors[4] and their principal place of residence is in Victoria;
- The Electoral Act provides generally for compulsory voting. The obligation to vote at an election arises from section 87(3)[5] which provides an elector must vote at every election for which the elector is entitled to vote and is eighteen years of age. Infringement notices may be issued for offences under the Electoral Act including the failure to vote;[6]
- The Bill provides a person is entitled to vote in the plebiscite if the person is entitled under section 87 to vote at an election; **[6]**

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1 Australian Electoral Commission, Australian Voting History of Action <https://www.aec.gov.au/About_AEC/25/theme1-voting-history.htm>.

2 Victorian Electoral Commission, History of elections in Victoria <https://www.vec.vic.gov.au/voting/learn-to-vote/history-of-elections-in-victoria>. Note on 9 April 2027 was the first election in which voting was compulsory for the Lower House. On 2 March 1935 compulsory voting was introduced for the Upper House.

3 Section 87 refers to section 48 of the *Constitution Act* 1975 which provides for the qualification of electors for the Council and the Assembly

4 See Part 3 – Enrolment procedures and information. See section 22 of the *Electoral Act* 2002.

5 See section 87(3) of the *Electoral Act* 2002. See also section 48 of the *Constitution Act* 1975.

6 See Part 9, Division 2 – Enforcement of compulsory voting. See also section 167 of the *Electoral Act* 2002. Section 170 sets out penalties which must be paid for offences under infringement notices.

- The Bill applies Division 2 of Part 9 of the Electoral Act which provides for the enforcement of compulsory voting to the plebiscite as if it were a State election; **[7]**
- The Bill provides approved case arguments in favour of a Yes vote and No vote must be published on the Victorian Electoral Commission (Commission) Internet site 28 days before the plebiscite is held. **[8]** The Commission must publish a copy of the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023 on its Internet site or provide a link;
- The Bill provides the Commission may determine how the plebiscite is conducted. **[10]** [In that regard the Committee notes the Commission is established under Part 2 of the Electoral Act and is bound by the provisions of that Act.];
- The Bill contains a general regulation making power. **[12]**

Comments under the PCA

The Committee makes no comment pursuant to its terms of reference under section 17 of the *Parliamentary Committees Act 2003*.

Charter Issues

Expression – Plebiscite – Compulsory voting

Summary: *The effect of clause 7 may be to make it an offence for any person eligible to vote in a state election to not vote in a non-binding public vote to determine whether the people of Victoria approve the legalisation of cannabis. The Committee will write to the member seeking further information.*

Relevant provision

The Committee notes that clause 7 provides:

> Division 2 of Part 9 of the *Electoral Act* 2002 applies in relation to the plebiscite as if the plebiscite were a State election and a person entitled to vote in the plebiscite were an elector entitled to vote at that election

Division 2 ('Enforcement of compulsory voting') of Part 9 ('Enforcement and offences') of the *Electoral Act* 2002 provides that: the Electoral Commission must prepare a list of non-voters after each election and contact each non-voter requiring them to state a true reason for not voting; and it is an offence punishable by one penalty unit (approximately $210) to fail to vote without a valid and sufficient excuse, to fail to respond or to respond falsely. The 'plebiscite' is a 'non-binding public vote… to determine whether the people of Victoria approve the legalisation of cannabis'. A person is eligible to vote in the plebiscite if they would be eligible to vote in a state election.

The Committee observes that the effect of clause 7 may be to make it an offence for any person eligible to vote in a state election to not vote in a non-binding public vote to determine whether the people of Victoria approve the legalisation of cannabis.

Charter analysis

The Statement of Compatibility does not discuss clause 7.

The Committee notes that clause 7, to the extent that it requires people to vote in a non-binding public vote to determine views on the legalisation of cannabis, may engage the Charter's right to freedom of

expression, which may include the right to not hold or to not express an opinion on the legalisation of cannabis.[7]

Relevant comparisons

The Committee notes that existing Victorian law provides that 'the provisions of' the *Electoral Act* 2002 (including Division 2 of Part 9) 'apply so far as they are applicable to and in respect of a referendum as if it were an election'.[8] The Committee observes that this provision only applies to votes by electors on whether to approve bills to alter various provisions of the Constitution.[9]

The Committee also notes that all other Australian provisions on the machinery for constitutional referenda provide that voting in such referendums is compulsory.[10] The Committee observes that, in the Northern Territory, Queensland, Tasmania and Western Australia, voting is also compulsory in a 'referendum' on any other question that Parliament has resolved (or, in Tasmania and Western Australia, enacted) to submit to the electors.[11]

Conclusion

The Committee will write to the member seeking further information as to the compatibility of clause 7 with the Charter's right to freedom of expression.

7 Charter s. 15.

8 *Electoral Act 2002*, s. 177B(1).

9 *Constitution Act 1975*, 18(1B).

10 *Referendum (Machinery Provisions) Act 1984* (Cth), s. 45; *Referendum (Machinery Provisions) Act 1994* (ACT), s. 12 (and see *Electoral Act 1992* (ACT), s. 129); *Constitution Further Amendment (Referendum) Act 1930* (NSW), ss. 5 & 36 (and see *Electoral Act 2017* (NSW), s. 207); *Referendums Act 1998* (NT), s. 45; *Referendums Act 1997* (Qld), s. 75; *Referendum Procedures Act 2004* (Tas), s. 4(1) (and see *Electoral Act 2004* (Tas), s. 152); *Referendums Act 1983* (WA), s. 18(d) (and see *Electoral Act 1907* (WA), s. 156.) There are no general provisions on referenda in South Australia, but see most recently the *Constitutional (Electoral Redistribution) Act 1990* (SA), s. 3(3) (and see *Electoral Act 1985* (SA), s. 85.)

11 *Referendums Act 1998* (NT), s. 45 (and see s. 4 and *Northern Territory (Self-Government) Regulations 1978* (Cth), reg. 4); *Referendums Act 1997* (Qld), s. 75 (and see s. 5(b)); *Referendum Procedures Act 2004* (Tas), s. 4(1) (and see 5(1)); *Referendums Act 1983* (WA), s. 18(d) (and see s. 4(b)). There are no general provisions on referenda in South Australia, but see most recently the *Referendum (Daylight Savings) Act 1982* (SA), s. 5(1)). In other jurisdictions, practices vary, e.g. *Census and Statistics (Statistical Information) Direction 2017* (Cth) (concerning 'statistical information about the proportion of electors who wish to express a view about whether the law should be changed to allow same-sex couples to marry'); *Daylight Saving (Referendum) Act 1975* (NSW), s. 13 (providing that 'It shall be the duty of every elector to record his vote' but that 'The provisions of sections 120B and 120C of the *Parliamentary Electorates and Elections Act, 1912*' (on lists of non-voters and fines for non-voters) 'shall apply at the discretion of the Electoral Commissioner').

Electoral Amendment (Miscellaneous Matters) Bill 2026

Member	Ben Carroll MP	**Introduction Date**	28 July 2026
Portfolio	Premier	**Second Reading Date**	29 July 2026

Summary

The Bill amends the *Electoral Act* 2002 (Electoral Act) to:-

- Remove group voting tickets from Legislative Council elections;
- Improve the operation of that Act and the electoral system in Victoria; and
- Make consequential amendments. Note the Second Reading Speech:-

> The Victorian Government recently introduced a range of electoral reforms via the *Electoral Amendment Act* 2026 and the *Electoral Further Amendment Act* 2026. These reforms strengthened Victoria's democratic system by ensuring integrity, accountability, and fairness in Victoria's electoral processes. In support of these underpinning principles, this Bill introduces further reforms to the Electoral Act. Notably, the Bill includes amendments to remove group voting tickets provisions from the Electoral Act for Legislative Council elections and makes other miscellaneous amendments to provide clarity in the law.

Background – recent reforms

In July 2024 the Electoral Matters Committee tabled a report (EMC Report) which made a number of recommendations in relation to a number of reforms.[12] The Committee reported on the Electoral Amendment Bill 2025 which made a first tranche of reforms.[13] That Bill implemented recommendations from the EMC report and the 2023 Narracan District supplementary election (VEC Report). In summary the reforms included:-

- The introduction of measures to increase the clarity and transparency of information voters receive at the point of casting their vote, including by tightening requirements for the registration of party names and logos, and amending the nomination process to ensure the dis-endorsement of a candidate by a registered political party or a change to a grouping of candidates is reflected on the ballot paper;
- The clarification of the legislated process for supplementary elections and re-elections, to provide greater certainty about the requirements for the conduct of supplementary elections and re-elections and protect against future legal challenges arising from gaps in the Act regarding processes and timings;
- The amendment of legislated timings and other outdated requirements for electoral processes to ensure the continued efficient conduct of elections in the context of modern State elections and minimise the risk of failed elections and other minor and technical matters.

Recent reforms were made by the *Electoral Further Amendment Act* 2026 (Further Amendment Act). That Act introduced a new political donations, reporting and state funding regime following the High Court's decision in *Hopper & Anor v State of Victoria* [2026] HCA 11 (Hopper) which found the former Part 12 of the Electoral Act to be wholly invalid. The Further Amendment Act substituted new Part 12.

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12 Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election, Volume 1: Key reforms; Volume 2: Detailed analysis*, July 2024.

13 Scrutiny of Acts and Regulations Committee, *Alert Digest No 1 of 2026, Volume A*, pp 9-14 <https://www.parliament.vic.gov.au/4a222f/globalassets/committee-publication-record-documents/committee-36/publication-376/alert-digest-no-1-of-2026---volume-a.pdf>.

The Committee's recent report on that Act was tabled in the Parliament on 28 July 2026.[14] Additional legislative changes recommended by the EMC Report included the elimination of group voting tickets.[15]

The *Electoral Act* 2002 – Existing provisions

Section 3 of the EA sets out various definitions. 'Council' means the Legislative Council; 'Council election' means an election at which all the members of the Council have to be elected. 'Election' means a general election, by-election, supplementary election or a re-election. 'Election day' means the day named as the election day in the writ for an election. (Section 48 of the *Constitution Act* 1975 sets out the entitlement of any person over the age of 18 years to enrol as an elector to vote subject to qualification.)[16]

Section 69A provides for grouping of candidates for Council elections.[17] Section 69A(1) provides that two or more candidates (who are not endorsed by a registered political party) may make a joint request to the Electoral Commission (Commission) to have their names grouped on the ballot papers or in a specified order. Section 69B enables those candidates who form part of a 'group voting ticket'[18] to specify their preferences in relation to other candidates. This is otherwise known as a group voting 'statement' which is lodged with the Commission under that section. The manner in which voters can currently vote in the Legislative Council is expressed:-[19]

> Voters in Victoria are presented with a ballot paper for the Upper House on which there are two way to vote (see Figure 11.1). Voters can choose to vote:
>
> - above the line, by selecting one party or group
> - below the line, by giving preferences to five or more individual candidates.

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14 Scrutiny of Acts and Regulations Committee, *Alert Digest No 8 of 2026*, p 22 <https://www.parliament.vic.gov.au/4a222f/globalassets/committee-publication-record-documents/committee-36/publication-387/alert-digest-no-8-of-2026.pdf> and *Alert Digest No 9 of 2026*, pp 9-24 <https://www.parliament.vic.gov.au/4a222f/globalassets/committee-publication-record-documents/committee-36/publication-388/alert-digest-no-9-of-2026-volume-a.pdf>.

15 Op. cit., *The conduct of the 2022 Victorian state election, Volume 1: Key reforms*, pp 59-60, Recommendation 17: That the Government reform the Upper House voting system by introducing legislation amending the Electoral Act to:

- eliminate group voting tickets
- allow voters to indicate multiple preferences for parties/groups above the line, where a preference above the line is interpreted as a preference for all of the candidates of that party/group, in the order listed on the ballot paper
- have ballot papers direct voters to select at least five preferences above the line
- include savings provisions similar to those in the Commonwealth Electoral Act that a vote is still valid if fewer than five preferences above the line are indicated.

The current system for voting below the line should be retained.

16 See section 48 of the *Constitution Act* 1975. See 48(1)(a)(i) an Australian citizen; or (ii)… (b) is of the full age of eighteen years— shall be entitled to enrol as an elector for the Council and the Assembly.' [Note the exceptions are set out in subsection (2) and include a person convicted of treason; serving a sentence of 5 years imprisonment for an offence; a prohibited migrant; or of unsound mind etc.]

17 See Section 69A – Grouping of candidates for Council elections. Subsection (1) provides for two or more candidates are not endorsed by a registered political party. Subsection (2) makes provision if 2 or more candidates for a Council are endorsed by a registered political party… Subclause (3) makes provision if 2 or more candidates for a Council election are endorsed by different registered political parties.

18 Op. cit., *The conduct of the 2022 Victorian state election, Volume 1: Key reforms*, p 50.

A group voting ticket consists of preferences for all candidates on the ballot paper. An above-the-line vote is essentially translated into a below-the-line vote for all candidates in the order of preference decided by the party/group as set out in the group voting ticket.

If the candidates for a voter's most preferred party/group are not elected, their votes are transferred to candidates in other parties/groups according to the group voting ticket. If the candidates for the voter's preferred party/group get more than the required quota to be elected, then their votes are also transferred to other candidates according to the group voting ticket, although with a reduced value.

19 Op. cit., *The conduct of the 2022 Victorian state election, Volume 2: Detailed Analysis*, p 226.

If people vote above the line, then the vote is converted into a below-the-line vote following a 'group voting ticket' determined by the party or group selected. Group voting tickets are decided before the election and must include preferences for every candidate below the line.

Amendments to the Electoral Act

The Act commences on the day after the day on which it receives the Royal Assent. **[2]** It inserts various definitions to provide clarity in relation to 'above the line' and 'below the line', 'voting above the line' and 'voting below the line voting' in accordance with amendments made to section 93A by clause [15]. **[3]** It repeals the definition of 'Order in Council'.[20] It makes consequential amendments to various provisions.[21] For example, the amendment to section 12[22] in relation to the appointment of the Electoral Commissioner provides the Governor in Council may by Order fix the terms and conditions of employment which are applicable to the Electoral Commissioner.

Abolition of group voting tickets

The Bill abolishes group voting tickets in Council elections. In summary it substitutes a new above the line voting arrangement which will require a voter to number at least five groups in order of preference as per new substituted section 93A(1)(2) and (3).[23] Voting arrangements made below the line remain unamended.[24] The Bill makes a number of changes to accommodate the new above the line voting arrangement.

First, section 69A[25] is retained but is substituted with new sections 69A(1)(2) and (3). In summary:-

- Two or more candidates who are not endorsed by a registered political party[26] may make a joint request that their names be grouped on the ballot papers and must specify the order their names are to appear on the ballot papers below the line; **[6]**
- If two or more candidates are endorsed by a registered political party, the registered office may make a request that their names be grouped on the ballot papers and must specify the order the candidates' names are to appear on the ballot papers below the line; **[6]**
- If two or more candidates are endorsed by different registered political parties each registered officer may make a joint request that the candidates' names be grouped on the ballot papers and must specify the order the candidates' names are to appear on the ballot papers below the line. **[6]**

Second, the Bill repeals section 69B which provides for registration of 'group voting tickets.' (GVT) A GVT cannot be registered to direct preferences by way of a group voting 'statement'. **[7]** This acquits recommendations made in the EMC Report.[27] It repeals section 73A which sets out the requirements for the display of registered group voting tickets. **[8]** It amends section 74 and specifies the allocation

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20 Section 3 of the *Electoral Act* 2002 provides 'Order in Council means an Order of the Governor in Council published in the Government Gazette.'

21 See sections 12, 13, 30 and 76D of the *Electoral Act* 2002.

22 Note Section 12(1) remains unamended. Section 12(1) provides the Governor in Council may appoint an officer to be called the Electoral Commissioner.

23 Note the Second Reading Speech:- 'The Bill proposes amendments to the Electoral Act to eliminate GVTs from Legislative Council elections and introduce a new method of voting allowing electors to indicate multiple preferences above the line… Under the Bill, voters will be required to number at least five groups in order of preference, which will be interpreted as a preference for all the candidates of that party or group in the order listed below the line.'

24 Note the Second Reading Speech:- 'To make it clear, the Bill will not alter any provisions in the Electoral Act regulating the way votes are currently made below the line for Legislative Council elections, nor alter any provisions in the Local Government Act 2020 in relation to voting in local government elections.'

25 Section 69A of the *Electoral Act* 2002 provides for grouping of candidates for Council elections.

26 Part 4 of the *Electoral Act* 2002 makes provision generally for the registration of political parties.

27 See fn 4.

by the Commission of alphabet letters and a square to each group on an election ballot paper. **[10]** It substitutes section 79(2)(ca) which provides that in determining whether to register a how-to-vote card for a Legislative Council election, the Commission must have regard to whether the card indicates a voting preference in accordance with the new voting methods in section 93A. It also requires how-to-vote cards to contain a statement to direct how electors can vote above the line or below the line. New subsection (4) provides that where there are 5 groups or less on the ballot paper, how to vote cards must indicate that if an elector is voting above the line according to amended section 93A, the elector must number all the squares consecutively, in order of preference**. [12]**

Third, it substitutes sections of 93A specifies how votes are marked by an elector in Council elections. The new voting methods which reflect the abolition of GVTs are set out in substituted sections 93A(1)(2) and (3). A voter must vote above the line or below the line in accordance with section 93A. **[15]**

Fourth, it amends Schedules 1A and IB to make consequential amendments. Schedule 1A sets out the form of ballot-paper for the Council for fewer than 20 groups. Schedule 1B sets out the form of ballot-paper for the Council for 20 or more groups. In summary the amendments provide :-

- A voter voting above the line for more than 5 groups must place at least numbers 1 to 5 in the squares to indicate choice; **[15,29]**
- A voter voting above the line for fewer than 5 groups must number all the squares in relation to the groups consecutively from number 1 in order of preference; **[15,29]**
- A voter voting above the line for 20 or more groups must place at least numbers 1 to 5 in the squares to indicate choice; **[15,30]**
- A voter voting below the line for fewer than 20 groups (ie: either fewer or more than 5 groups) must place at least numbers at 1 to 5 in the squares to indicate choice; **[15,29]** The requirement to mark squares below the line is unamended. **[15,29]**
- A voter voting below the line for 20 or more groups must place at least numbers to 5 in the squares to indicate choice. The requirement to mark squares below the line is unamended. **[15,30]**

Other general amendments

The Bill makes various other amendments:-

- A how-to-vote card must contain a statement to direct how electors can vote above the line or below the line; if there are fewer than 5 groups if voting above the line, an elector must number all squares consecutively in order of preference.[28] **[12,13]**
- Further provision is made for ballot-papers with non-consecutive numbers to be formal. This includes where an elector has attempted to vote above the line with one square but fewer than the required number of squares or a break in the sequence of numbers or marked with a tick or cross.[29]and where an elector has voted above the line and below the line. **[16,17]**
- The Commission must publish additional information on its Internet site for each registered political party or independent candidate as new entrant.[30] **[20]**

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28 Section 79 of the *Electoral Act* 2002 sets out the process for the Commission to register a how-to-vote card.

29 Note the Second Reading Speech:- 'The Bill will also include a savings provision to the effect that a Legislative Council ballot paper will not be treated as an informal vote if there are fewer than five boxes numbered or if there is non-consecutive numbering above the line.'

30 Part 12 of the *Electoral Act* 2002 makes provision generally for political donations, State funding and reporting. Division 5 makes provision for New entrants. Section 247 allows for a double general cap in relation to political donations for new entrants.

- Section 277 requires a registered political party to repay to a nominated entity, before 26 November 2026, amounts held in an 'old State Campaign account'[31] received without consideration from a nominated entity commencing 25 November 2018 and ending 14 April 2026.[32] A written statement[33] must be given to the Commission in relation to each amount of money repaid to a nominated entity. The Commission must publish written statements on its Internet site within 7 days of receipt. **[24,22]**
- It applies the aggregation of political donations in section 213 for the purposes calculating monies which exceed the general cap for the repayment of monies for the period from 15 April 2026 and ending on 9 June 2026. **[25]**
- It makes a consequential amendment to section 207 to include 'claimable administrative expenditure' as a matter about which the Commission may make determinations. [This is in addition to other existing categories of electoral expenditure or political expenditure.] **[19]**
- It further clarifies that an offence under section 272(2) to enter into or carry out a scheme with the intention of circumventing a requirement of Part 12[34] is an indictable offence. **[23]**
- It amends section 290 to allow the Commission to make provision for the payment of instalments of the public funding entitlement on relation to the 2026 election by 30 September 2026. **[27]** It makes further provision for the dates of submission of annual returns. **[28]**
- It makes consequential amendments. It updates a reference in the *Public Administration Act* 2004. It substitutes the definition of 'disclosure threshold' in the *Planning Amendment (Better Decisions Made Faster) Act* 2026 to include the definition under Part 12 of the Electoral Act as indexed from time to time under section 267 of that Act. **[31]** It provides for the repeal of the Act. **[33]**

Comments under the PCA

The Committee makes no comment pursuant to its terms of reference under section 17 of the *Parliamentary Committees Act 2003*.

Charter Issues

The Bill is compatible with the rights set out in the *Charter of Human Rights and Responsibilities Act 2006*.

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31 Defined in section 276 to mean a 'State campaign account within the meaning of old Part 12'. 'Old Part 12' means the provision of this Part as they appeared on the Statute Book from time to time on or after 25 November but before 15 April 2026.

32 See section 277 of the *Electoral Act* 2002.

33 The specified matters are:- (a) the name of the registered political party; (b) the name of the nominated entity; (c) the amount of money paid; (d) the date of the payment; (e) the date the amount of money in respect of which the payment was made was received from the nominated entity. If the payment is made before the Electoral Amendment (Miscellaneous) Matters receives the Royal Assent then the written statement must be provided within 7 days after Royal Assent. If the payment is made after Royal Assent the written statement must be provided within 7 days.

34 Part 12 of the *Electoral Act* 2002 makes provision for Political donations, State funding and reporting. The penalty is section 272 is 1200 penalty units or imprisonment for 10 years. In the case of a body corporate 6000 penalty units. [A person does not commit an offence for such conduct that occurred during the applicable period, 15 April 2026 to 9 June 2026.

Independent Broad-based Anti-corruption Commission Amendment (Facilitating Timely Reporting) Bill 2026

Member	Hon David Davis MP	**Introduction Date**	17 June 2026
Private Member's Bill		**Second Reading Date**	29 July 2026

Summary

The Bill amends the *Independent Broad-based Anti-corruption Commission Act* 2011 (IBAC Act) to facilitate timely reporting by the Independent Broad Based Anti-corruption Commission (IBAC) and for other purposes.

Amendments to the IBAC Act

The Bill makes provision for the Act to come into operation the day after the day on which it receives the Royal Assent. **[2]** Clause 4 amends various provisions and declares Parliament's intention that applications under sections 59M, 100 and 147 be determined with as much speed as the requirements of the Act and proper consideration of the application permit. **[4]** (**PCA)**

Clause [5] amends section 162. Section 162 provides for the tabling of special reports in the Parliament. Section 162(1) provides that the IBAC may at any time cause a report to be transmitted to each House of the Parliament on any matter relating to the performance of its duties and functions. Existing subsections (2) and (3) provide that if the IBAC intends to include in a report under that section adverse findings[35] or comments[36] about a public body, the IBAC must give the relevant principal officer of that public body an opportunity to respond to the adverse finding and a person reasonable opportunity to respond to the adverse material. Existing subsections (5) to (8) set out the matters which must not be included in a report transmitted and tabled under section 162.

Clause [5] substitutes subclauses (2) and (3) into section 162. Amended subclause (2) specifies three months or the *later time determined by the IBAC* for the principal officer to respond to the adverse material. Amended subclause (3) specifies three months or the later time determined by the IBAC for a person to respond to adverse material. New subclauses (2)(c) and 3(c) of section 162 provide that if the principal officer and the person do not respond the IBAC may transmit its report to the Parliament. **[5]** Part 10 of the IBAC Act contains transitional provisions. The Bill inserts new section 201 into Part 10. **[6] (PCA)**

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35 See *Independent Broad-based Anti-corruption Commission Act* 2011, s. 162(2):

(2) If the IBAC intends to include in a report under this section adverse findings about a public body, the IBAC must give the relevant principal officer of that public body an opportunity to respond to the adverse material and fairly set out each element of the response in its report.

36 Ibid., s. 162(3):

(3) If the IBAC intends to include in a report under this section a comment or an opinion which is adverse to any person, the IBAC must first provide the person a reasonable opportunity to respond to the adverse material and fairly set out each element of the response in its report.

Comments under the PCA

If a bill does not repeal, alter or vary section 85 of the Constitution Act 1975, but an issue is raised as to the jurisdiction of the Supreme Court, as to the full implications of that issue – (Section 17(b)(iii), PCA)

Section 59N of the IBAC Act provides for the determination of a claim of privilege made by application to the Supreme Court of Victoria under section 59M. Clause **[4]** inserts subclause (7) after section 59N(6) which states:-

> It is the intention of the Parliament that an application under section 59M be determined with as much speed as the requirements of this Act and the proper consideration of the application permit.

Section 101 provides for the determination of a claim of privilege made by application to the Supreme Court of Victoria under section 100. Clause **[4]** inserts subclause (7) after section 101(6) which states:-

> It is the intention of the Parliament that an application under section 100 be determined with as much speed as the requirements of this Act and the proper consideration of the application permit.

Section 148 provides for the determination of a claim to determine privilege or application of secrecy made by application to the Supreme Court of Victoria under section 147. Clause **[4]** inserts subclause (9) after section 148(8) which states:-

> It is the intention of the Parliament that an application under section 147 be determined with as much speed as the requirements of this Act and the proper consideration of the application permit.

The amendments made by clause [4] may declare Parliament's intention that applications made to the Supreme Court of Victoria pursuant to sections 59M, 100 and 147 be determined 'with as much speed as the requirements of this Act and the proper consideration of the application permit'. Note the Second Reading Speech:-

> The Supreme Court must be free to make its decisions unimpeded but should be aware of Parliament's intention that applications be determined with as much speed as is relevant within the requirement of this Act.

The Committee notes that the Bill does not repeal, alter or vary section 85 of the *Constitution Act* 1975. The Committee also notes that a section 85 statement has not been made. The Committee notes that section 85(1) of the *Constitution Act* 1975 provides that the Supreme Court of the Victoria shall be the superior Court of Victoria with unlimited jurisdiction.[37] The Committee makes the general observation that the Supreme Court of Victoria may take an unspecified length of time required to determine any applications made to it pursuant to sections 59M, 100 and 147 of the IBAC Act.

Rights and freedoms – Transitional provisions – Retrospective – (Section 17(a)(i), PCA)

It inserts new section 201 which makes provision for transitional arrangements. It applies the 3 month time period for a relevant principal officer of a public body or a person subject to potential adverse material to respond to reports as if the 3 month period began on the commencement day.[38] It applies the amendments to include the Operation Richmond report.[39] Note the Second Reading Speech:-

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[37] See *Constitution Act* 1975, s.85(1):
(1) Subject to this Act the Court shall have jurisdiction in or in relation to Victoria its dependencies and the areas adjacent thereto in all cases whatsoever and shall be the superior Court of Victoria with unlimited jurisdiction.

[38] Note the commencement day means the day on which the amending Act comes into operation.

[39] <https://www.ibac.vic.gov.au/> 'This special report sets out the findings of IBAC's Operation Richmond, an investigation into allegations of corrupt conduct relating to the negotiation of enterprise bargaining agreements (EBAs) for the

Clause 6 introduces a new transitional provision that ensures IBAC must give a relevant principal officer of a public body or another person an opportunity to respond to adverse material in a proposed report under Section 162 and provides for a three-month period consistent with other changes in this Act. This Clause also ensures that the Operation Richmond report is not removed from the new arrangements and is consequently subject to the Act.

The Committee notes the retrospective operation of the provision.

Charter Issues

The Bill is compatible with the rights set out in the *Charter of Human Rights and Responsibilities Act 2006*.

Country Fire Authority (CFA) and Metropolitan Fire Brigade (MFB) between 2016 and 2019 and the establishment of Fire Rescue Victoria (FRV) in 2019.'

Multicultural Victoria Amendment Bill 2026

Member	Paul Edbrooke MP	**Introduction Date**	28 July 2026
Portfolio	Multicultural Affairs	**Second Reading Date**	29 July 2026

Summary

The Bill amends the *Multicultural Victoria Act* 2011. The Bill:-

- establishes Multicultural Victoria, abolishes the Victorian Multicultural Commission and makes necessary transitional arrangements;
- provides for the establishment of a multicultural community advisory group to advise Multicultural Victoria;
- provides for the establishment of regional engagement groups;
- amends the principles of multiculturalism and reforms the reporting requirements; and
- requires certain public sector entities to acquire interpreting and translating services from VITS LanguageLoop. Note the Second Reading Speech:-

> ...in December 2024, the Victorian Government commissioned Victoria's Multicultural Review (the Review)[40] to examine Victorian multicultural settings. Led by George Lekakis AO – the longest ever serving chair of the Victorian Multicultural Commission – and supported by an Expert Advisory Group comprising of Hass Dellal AO, Carmel Guerra OAM, Miriam Suss OAM and Mark Duckworth PSM, the Review heard from over 640 Victorians across the state, including over 150 peak bodies. The Review heard about the needs of multicultural and multifaith Victorians. This Bill delivers on key commitments arising from the Review.

Part 2 – Amendment of *Multicultural Victoria Act* 2011 (MV Act) – Part 3 – Consequential amendments – Part 4 – Repeal

Division 1 – Multicultural Victoria amendments

The Act commences on 1 October 2026. **[2]** It inserts various definitions including 'Multicultural Action and Inclusion Plan' (MAI Plan) (see section 25D(1)), 'Multicultural Strategy' etc. **[4,5]** It makes further provision for multicultural and multifaith communities for the principles of multiculturalism set out in section 4 and the First Peoples in Victoria as the original custodians of the land.[41] **[6]** It inserts new principles in respect of access to interpreting and translating services; and the strengthening of the community through meaningful interaction. **[6]** The Bill:-

- establishes a new statutory entity Multicultural Victoria (MV). The new entity will bring together the functions of two separate bodies: the Victorian Multicultural Commission (VMC) and the departmental functions of the Multicultural and Multifaith Victoria portfolio. **[8,9,10]**
- it sets out the objectives[42] and functions of MV. **[8,9,10]** The functions include advising the Minister on systemic community issues, the adequacy of government services, service delivery for multicultural and multifaith communities including interpreting and translating services,

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40 Victoria Multicultural Review, *Final Report, Rebuilding Trust For a Multicultural Victoria*, September 2025 <https://www.vic.gov.au/victorias-multicultural-review#download-the-report-and-government-response>.

41 See new paragraph (ba) in clause [6] 'in accordance with section 1A of the *Constitution Act* 1975, First Peoples in Victoria, as the original custodians of the land on which the colony of Victoria was established— (i) have a unique status as the descendants of Australia's first people; and (ii) have a spiritual, social, cultural and economic relationship with their traditional lands and waters within Victoria; and (iii) have made a unique and irreplaceable contribution to the identity and wellbeing of Victoria.'

42 See objectives listed in substituted section 7 from (a) to (l).

undertaking research, developing partnerships with public sector bodies, Councils and community organisations and advise on MAI Plans.

- MV represents the Crown and is subject to the direction of the Minister. This is the result of the abolition of the VMC. It replicates existing provisions in relation to the VMC vis a vis MV. **[11-13]**
- substitutes sections 12 to 19 which replace provisions relating to appointments, staff and meeting procedures of the VMC with provisions relating to the appointees and staff of Multicultural Victoria. It makes provision for the appointment of the Multicultural Coordinator General (MC General)[43] for terms[44] not exceeding 4 years by the Governor in Council. [They may be eligible for re-appointment to a second or third term.] **[14]**
- provides a delegation power for the MC General by instrument to delegate any power or function on a specified person employed under Part 3 of the *Public Administration Act* 2003 or each person belonging to a specified class of person employed under Part 3 of that Act. (See new section 19). **[14]**

Division 2 – Multicultural community advisory group amendments – Division 3 – Regional engagement group amendments – Division 4 – Reporting amendments

The Bill:-

- repeals Part 4 which abolishes the regional advisory councils established by the VMC. It substitutes Part 4 which requires the Minister to establish a multicultural community advisory group (MCAG). Members are appointed by the Minister by instrument for up to a term of 3 years and may be eligible for re-appointment. The MCAG's function is to provide advice to MV on any matters relating to the objectives or functions of MV and any matter to be included in an annual report under section 25B. **[16,17]**
- provides the MCAG must prepare a plan and act impartially including developing and implementing policies and programs that are equitable for individuals or communities from diverse backgrounds. **[16,17]**
- inserts new Part 4A which provides for a new regional stakeholder engagement mechanism to replace the abolished regional advisory councils. **[18]** The MC General must develop terms of reference for a regional engagement group and cover the whole state.
- provides there must be an independent review of the effectiveness of new Part 4 on or before 1 October 2030 and every fourth year thereafter. **[18]**
- substitutes section 25 and sets out the general reporting requirements for the preparation of a report by MV for the Minister including the making of recommendations within the timeframe specified by the Minister. **[20]**
- MV must report back to representatives from multicultural and multifaith communities including consultation with a regional engagement group. **[21]** The MC General is required to submit an annual report to the Minister on or before 30 September each year for tabling in Parliament. It includes any requirements under Part 7 of the *Financial Management Act* 1994, a report on MV's operations and information on a MAI Plan. (See new sections 25D, 25E, 25G and 25H)[45] **[21]**

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43 This includes an Acting or Deputy Multicultural Coordinator General.

44 Note appointments are subject to the *Public Administration Act* 2004 (other than Part 3 – Public Service employment).

45 New sections 25D, 25E, 25G and 25H inserted by [23].
25D Department Heads must prepare Multicultural Action and Inclusion Plan, 25E Approval of Multicultural Action and Inclusion Plan, 25G Publication of approved Multicultural Action and Inclusion Plans and 25H Amendment of approved Multicultural Action and Inclusion Plan

- substitutes Part 6, Divisions 1 and 2. Part 6 requires the Premier to develop a Multicultural Strategy setting out various goals and actions and consult with MV. **[22,23]** Department Heads must prepare a MAI Plan which set out actions for engagement, services, education, health and consultation with persons from multicultural and multifaith communities.
- Each Department Head must submit the MAI Plan to the MC General for approval on or before 31 October each reporting year.[46] The MC General may suggest revisions prior to approval. Each Department Head must publish a copy of the MAI Plan on the Department's Internet site. The MC General may issue guidance in relation to the development and submission of MAI Plans. The MAI Plan may include other material including when directed by the Minister.[47] **[21,22,26]** Department Heads must report on the Department's progress in relation to its MAI Plan to align with changes made by the Bill. **[25]** The MC General may request additional information from the Department Head.[48] **[27]**
- The MC General may meet with a Department Head in relation to a MAI Plan and invite representatives and invite representatives of multicultural and multifaith communities to attend. **[28]**

Division 5 – Interpreting and translating services amendments – Division 6 – Other amendments

The Bill inserts new Part 6A which sets out a framework for interpreting and translating services. New section 28D provides that a declared Part 6A body must not acquire an interpreting and translating service from any person other than VITS LanguageLoop, unless VITS LanguageLoop declines a request to provide the service. New section 28C provides that the Minister may, by written notice, declare that a specified entity[49], or entity belonging to a specified class of specified entity, is a declared Part 6A body. **[29]** [New Part 6A authorises conduct for the purposes of Part IV of the *Competition and Consumer Act* 2010 of the Commonwealth.][50]

Note the Second Reading Speech:-

> The Bill also sets the framework for assigning critical areas of government work to VITS LanguageLoop by empowering the Minister for Multicultural and Multifaith Victoria to declare by written notice that a

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46 Note the Explanatory memorandum:- 'New section 25E(1) provides that each Department Head must submit a Multicultural Action and Inclusion Plan to the Multicultural Coordinator General for approval on or before 31 October in each reporting year or any later day specified by the Multicultural Coordinator General, with a reporting year being 2027 and each subsequent fourth year.'

47 Note the Explanatory memorandum:- 'New section 25F provides that a Department Head may submit to the Multicultural Coordinator General a report or document prepared for another purpose and request that it be approved by the Multicultural Coordinator General as a Multicultural Action and Inclusion Plan. For example, this could include a Gender Equality Action Plan prepared under section 10 of the *Gender Equality Act* 2020 or a Disability Action Plan prepared under section 38 of the *Disability Act* 2006.'

48 Note the Explanatory memorandum:- 'This replaces previous requirements relating to consolidated reports of information submitted to the Minister by Department Heads. The consolidated reporting requirement is replaced by the annual reporting requirements of the Multicultural Coordinator General in new section 25B, which requires a consolidated report to be submitted to the Minister relating to the multicultural affairs of the State.'

49 New section 28B defines a specified entity as:- (a) a public sector body; or (b) a Council within the meaning of *the Local Government Act* 2020; or (c) a court; or (d) Court Services Victoria established under section 5 of the *Court Services Victoria Act* 2014; or (e) the Judicial Commission of Victoria established under the *Constitution Act* 1975; or (f) the Director of Public Prosecutions within the meaning of the *Public Prosecutions Act* 1994; or (g) a university within the meaning of the *Education and Training Reform Act* 2006. A specified entity does not include:- (a) a department of the Parliament of Victoria; or (b) the Parliamentary Workplace Standards and Integrity Commission established under section 42 of the *Parliamentary Workplace Standards and Integrity Act* 2024; or (c) the Parliamentary Integrity Adviser within the meaning of the *Parliamentary Workplace Standards and Integrity Act* 2024; or (d) the IBAC within the meaning of the *Independent Broad Based Anti corruption Commission Act* 2011; or (e) the Ombudsman within the meaning of the *Ombudsman Act* 1973; or (f) the Auditor-General within the meaning of the *Audit Act* 1994; or (g) Integrity Oversight Victoria within the meaning of the *Integrity Oversight Victoria Act* 2011.

50 Part IV of the *Competition and Consumer Act* 2010 (Commonwealth) makes general provision for Restrictive trade practices.

> specified entity must obtain interpreting and translating services from VITS LanguageLoop. As a supply and quality safeguard, should VITS LanguageLoop not be able to deliver the requested service, prescribed organisations may then obtain the relevant services from an alternative language services provider. In making the Ministerial declaration, the Minister must consult with the relevant portfolio Ministers. These reforms will not extend to the private sector or integrity agencies. It is intended that declarations will be issued to a specified entity as and when their current language services arrangements expire to ensure a smooth transition to VITS LanguageLoop provision.

Division 6 contains a general regulation making power. **[30]** It also contains transitional provisions. **[31]** Part 3 makes consequential amendments to update references in the *Ombudsman Act* 1973. **[32]** Part 4 provides for the automatic repeal of the Act. **[33]**

Comments under the PCA

The Committee makes no comment pursuant to its terms of reference under section 17 of the *Parliamentary Committees Act 2003*.

Charter Issues

Equality – Parental status or status as a carer – Multicultural Coordinator General – Appointment must be full-time

Summary: *The effect of clause 14(4)(b) may be that the Multicultural Coordinator General cannot be appointed on a part-time or job-share basis. The Committee will write to the Minister seeking further information.*

Relevant provision

The Committee notes that clause 14(4)(b) provides that the 'The Multicultural Coordinator General… must be appointed on a full-time basis'.

The Committee observes that the effect of clause 14(4)(b) may be that the Multicultural Coordinator General cannot be appointed on a part-time or job-share basis.

Charter analysis

The Statement of Compatibility does not address clause 14(4)(b).

The Committee notes that Charter s. 8(3) provides that 'every person… is entitled to the equal protection of the law without discrimination', including direct or indirect discrimination on the basis of parental status or status as a carer.[51]

Relevant comparisons

The Committee notes that current Victorian law provides that the Chairperson of the Victorian Multicultural Commission 'must be appointed on a full-time basis'.[52]

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51 Charter s. 3 ('discrimination'); *Equal Opportunity Act 2010*, ss. 6(i), 7(1)(a) & 9(1). See *Victoria Police Toll Enforcement v Taha* [2013] VSCA 37, [211]-[213].

52 Existing s. 14(2).

The Committee also notes that other current Victorian laws provide that:

- the Principal Commissioner of the Commission for Children and Young People, the Emergency Management Commissioner and the Chair of the Parliamentary Workplace Standards and Integrity Commission must be appointed 'on a full-time basis'.[53]
- the President of the Mental Health Tribunal, the chief executive officer of IBAC, the chief executive officer or deputy chief executive officer of a State business corporation, and the Chief Executive Officer of the Accident Compensation and Conciliation Service hold 'office on a full-time basis'.[54]

The Committee observes that, last year, past provisions providing that the Chief Executive of Safe Transport Victoria and the chief executive officers of Victoria Rail Track, the V-Line Corporation, Ports Victoria, the Port of Hastings Corporation and the North-East Link State Tolling Corporation hold office 'on a full-time basis' were amended to provide that those office-holders hold office 'on a full-time or part-time basis'.[55]

The Committee further notes that no other Australian jurisdiction's multiculturalism statute expressly requires that any appointment to a multiculturalism body be made on a full-time basis.[56]

Conclusion

The Committee will write to the Minister seeking further information as to the compatibility of clause 14(4)(b) with the Charter's equality rights with respect to parental status and status as a carer.

53 *Commission for Children and Young People Act 2012*, s. 11(3); *Emergency Management Act 2013*, s. 27; *Parliamentary Workplace Standards and Integrity Commission Act 2024*, s. 50(2).

54 *Independent Broad-based Anti-corruption Commission Act 2011*, s. 33(2): *Mental Health and Wellbeing Act 2022*, s. 337; *State Owned Enterprises Act 1992*, s. 40; W*orkplace Injury Rehabilitation and Compensation Act 2013*, s. 530(3).

55 *Roads and Ports Legislation Amendment (Road Safety and Other Matters) Act 2025*, ss. 85-87 & 103.

56 *Multiculturalism Act 2023* (ACT), s. 11; *Multicultural NSW Act 2000* (NSW), ss. 7 & 8 & sch. 1; *Multicultural Recognition Act 2016* (Qld), ss. 10, 13 & 14; *South Australian Multicultural Act 2021* (SA), ss. 7 & 8.

Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2026

Member	Ingrid Stitt MP	**Introduction Date**	28 July 2026
Portfolio	Health	**Second Reading Date**	29 July 2026

Summary

The Bill amends the *Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act* 2015 (Safe Patient Act). The Bill recategorizes certain hospitals for the purposes of nurse to patient and midwife to patient ratios under that Act. Note the Second Reading Speech:-

> The Hospital Classification Review was conducted to develop a contemporary approach to assess a hospital's workload and determine appropriate staffing requirements. The amended categorisation of hospitals into the Schedules, as proposed by the Bill, has been informed by way of algorithms using publicly available datasets common across Victorian public health services. Two algorithms apply to Schedule 1, one each for speciality and non-specialty hospitals, and a third algorithm applies to Schedule 3, for hospitals with emergency departments. These algorithms are contained within the Hospital Classification Review algorithms document dated 26 June 2025, which is publicly available on the Department of Health's website. This Bill is the result of the inaugural review referred to in that document.

Part 1 – Preliminary – Part 2 – Amendment of *Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act* 2015 – Part 3 – Further amendments – Part 4

Clause 2 is the commencement provision. The Act (except Parts 2 and 3) comes into operation on the day after the day on which is receives the Royal Assent. Part 2 comes into operation on 1 July 2027. Part 3 comes into operation on 1 July 2028.[57]

The Bill amends Schedule 1 which incorporates Part 1 – Level 1 hospitals, Part 2 – Level 2 hospitals and Part 3 – Level 3 hospitals. Sections 15[58], 16[59] and 17[60] set out the nurse to patient ratios which apply to the various Levels of hospital. It updates the list of hospitals (by either removing or adding hospitals as the case may be) set out in Part 1, Part 2 and Part 3 of Schedule 1. **[4]** Note the Explanatory memorandum:-

> The effect of these amendments is that hospitals that have increased in level or have been newly included in Schedule 1 will be required to adhere to the nurse to patient and midwife to patient ratios set out in Part 2 of the Principal Act that apply to their level.

Part 2 comes into operation on 1 July 2027. It contains a transitional provision which sets out the commencement dates for the dates of recategorization made by clause [4]. Note the Second Reading Speech:-

> This amendment will update the list of hospitals in Schedule 1 and Schedule 3 of the Act and result in 26 hospitals being recategorised to a higher level. These services will be mandated via the Act to adhere to increased staffing ratios due to the complexity of current operations. A phased approach to implementation will occur to enable health services to incrementally adjust to increased staffing

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57 Note the Explanatory memorandum:- 'Part 2 of the Bill amends Schedule 1 to the Principal Act which specifies hospital levels for the purpose of determining nurse to patient and midwife to patient ratios in hospital settings. Subclause (3) provides that Part 3 of the Bill will come into operation on 1 July 2028. Part 3 of the Bill amends Schedule 3 to the Principal Act which specifies categories of hospitals for the purposes of determining nurse to patient ratios in emergency departments.' See also the Second Reading Speech.

58 Section 15 sets out the nurse to patient ratios for Level 1 hospitals.

59 Section 16 sets out the nurse to patient ratios for Level 2 hospitals.

60 Section 17 sets out the nurse to patient ratios for Level 3 hospitals.

requirements, while also enabling appropriate training for graduate nurses who can support the uplift needed.

The uplift will start with general medical or surgical wards in the 2027/28 financial year, emergency departments in the 2028/29 financial year and then intensive care units in the 2029/30 financial year. In total this update will mandate an overall staffing uplift of over 260 additional full-time equivalent nurses in the public health system.

Part 3 amends Schedule 3 which set out categories of hospitals for the purpose of emergency department ratios. Section 20 of the Safe Patient Act sets out the nurse to patient ratios for emergency departments. The Bill amends Schedule 3 to update the list of hospitals for the purpose of emergency department ratios. [Part 3 commences on 1 July 2028.] Part 4 provides for the repeal of the Act.

Comments under the PCA

The Committee makes no comment pursuant to its terms of reference under section 17 of the *Parliamentary Committees Act 2003*.

Charter Issues

The Bill is compatible with the rights set out in the *Charter of Human Rights and Responsibilities Act 2006*.

Workplace Protection Orders Bill 2026

Member	Sonya Kilkenny MP	**Introduction Date**	29 July 2026
Portfolio	Attorney-General	**Second Reading Date**	30 July 2026

Summary

The Bill provides for orders made by the Magistrates' Court or the Children's Court to impose restrictions on persons who engage in unacceptable conduct connected with certain workplaces. Note the Second Reading Speech:-

> The Bill creates a new workplace protection order scheme to address unacceptable conduct — such as violence, sexual abuse, stalking or threats towards staff — in retail and certain transport workplaces. While a workplace protection order, or WPO as it will be informally known, will be a civil mechanism for preventing harm, breaches of a condition of a WPO will carry a significant criminal consequence of up to two years imprisonment, a fine of up to approximately $50,000, or both.

Part 1 – Preliminary – Part 2 – Making of orders

The commencement clause provides the Act comes into operation on a day or days to be proclaimed. If a provision is unproclaimed before 26 July 2027 it comes into operation on that day. **[2]** It sets out various definitions. A reference to an 'applicable business work operator that consists only of one person' means that one natural person or sole proprietor can bring an application if they are subjected to unacceptable conduct. **[5]** An 'applicable business operator means a retail operator or a transport operator.'[61] **[4]** Note the Second Reading Speech:-

> Applications for a WPO under the Bill may be made by retail operators, specific passenger train, tram and bus operators, or certain registered employee unions (where at least one of the workers at the workplace is, or is eligible to be, a member of the union). A union applicant may seek a WPO independently of a retail or transport operator allowing it to step in where a retail or transport operator is unable or unwilling to apply for a WPO. A union applying for a WPO must notify any other eligible applicant of its intention to apply.

The Bill:-

- Defines 'protected worker'. [8] The definition captures a worker of a protected operator who was the victim of the unacceptable conduct even if they no longer work at the workplace specified in the workplace protection order, provided they are still a worker of the operator.[62] **[8]**
- Defines 'Restrictive instruments' to include a workplace protection order,[63] a direction given by a court or tribunal, an undertaking given to a court, a child protection order, a parole order, a family violence safety notice, a community work permit, a firearm prohibition order, and direction under section 107(1)(a) of the *Sentencing Act* 1991 that a person be released on giving

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61 See the Explanatory memorandum. This includes a bus company, a train operator under V/Line Corporation, a tram operator and an entity declared to be a passenger transport company by an Order under section 2(2A) of the *Transport (Compliance and Miscellaneous) Act* 1983. See also clause [7]. The parties to a proceeding on an application for a workplace protection order are— (a) the entity that makes the application; and (b) the respondent to the application.

62 See the Explanatory memorandum:- 'For example Under the example above, if the workplace that is specified in the order is the store in suburb A, and the victim of the unacceptable conduct now works exclusively at the store in suburb B, a condition could still be imposed prohibiting communication with the victim, as a protected worker.'

63 This also includes other orders made under specified Acts listed in subclauses (a) to (k). For example an order under Part 4.8 or 4.9 of the *Children, Youth and Families Act* 2005; a permanent care order within the meaning of the *Children, Youth and Families Act* 2005; a supervision order under section 26 or 38ZH of the *Crimes (Mental Impairment and Unfitness to be Tried) Act* 1997 that includes a condition with respect to supervision of the person subject to the order by a community corrections officer and a drug and alcohol treatment order within the meaning of the *Sentencing Act* 1991.

an undertaking that has as a condition that the person be under the supervision of a community corrections officer. **[10]**

- Defines 'sufficient connection.' The threshold test set out in clause **[21]** provides the Court may only make an order if the court is satisfied that the respondent has engaged in unacceptable conduct that has a sufficient connection to the applicant. For example, if a retail operator runs a small stall that is located within a large department store run by another retail operator, and unacceptable conduct occurs at the stall against a worker of the department store, both operators will have a sufficient connection to the unacceptable conduct. **[11]**
- Defines 'unacceptable conduct' as physical violence or abuse, sex violence or abuse, stalking,[64] or other conduct that causes a person to experience reasonable harm or fear. This is intended to capture coercion, intimidation, threats of harm and other harmful conduct.[65] **[12]**
- Defines 'worker' of an entity is a person engaged to perform work for the entity under a contract of service or for services, an apprenticeship, a voluntary arrangement or a labour hire arrangement.[66] **[13]**
- Defines 'workplace' to a retail operator's workplace if the operator carries on its business from the place, and all or part of the place is accessible to customers during working hours for that business.[67] It also defines a workplace of a transport operator. **[14]**

Workplace protection order (WPO)

An applicable business operator or an employee union may apply for a WPO to the Magistrates' Court or the Children's Court. **[14-17]** An application is civil in nature[68], must be in writing, state the grounds on which it is sought and be accompanied by an affidavit. An employee union must notify others when making an application and when an order is made. **[17-20,26]** The court may make a WPO:-

- if the respondent is or over the age of 14 years and satisfied the respondent has engaged in unacceptable conduct that has a sufficient connection to the applicant;
- if satisfied the unacceptable conduct was no earlier than 12 months before the application was made and while the respondent was or over the age of 14 years; and
- the respondent is likely to engage in further unacceptable conduct that would occur at the same workplace as the unacceptable conduct which would have a sufficient connection with the entity that would be the protected operator; and making the order is appropriate in all the circumstances; and

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64 Conduct that constitutes an offence against section 21A of the *Crimes Act* 1958.

65 Note the Explanatory memorandum:- 'The definition is not intended to capture conduct that is merely a nuisance, offensive, or expressing dissatisfaction with an applicable business operator. In addition, the definition does not expressly include property damage or interference. Such conduct may be captured by the last limb of the definition, where it causes a reasonable fear of harm.'

66 A person is engaged by an entity to perform work for that entity under a labour hire arrangement if a provider (within the meaning of the *Labour Hire Licensing Act* 2018)—
(a) supplies the person to the entity; or
(b) recruits the person for the entity; or
(c) places the person with the entity— to perform work for the entity.

67 See the Explanatory memorandum:- 'This aims to ensure the scheme operates in relation to customer facing retail workplaces where an operator carries on its business… Whether a retail operator is carrying on its business from a place that is a workplace for the purposes of the Bill will be determined by the court, based on the facts and circumstances.'

68 Note the Explanatory memorandum:- 'Clause 16 provides that the making, variation, or revocation of a workplace protection order is not relevant to the determination of any criminal or civil liability arising in respect of the same unacceptable conduct in respect of which the workplace protection order was made… The note at the foot of subclause (1)(b) clarifies that under clause 12 a court may be satisfied that a person has engaged in unacceptable conduct whether or not the person has been charged with, or convicted of, an offence constituted by that conduct.'

- no entity has previously applied for a workplace protection order against the respondent in respect of the unacceptable conduct referred to in paragraph.
- Additional considerations must be given in relation to children and persons with cognitive impairments.

The Bill makes provision for the types of conditions which may be imposed by the court under a WPO and sets out a non-exhaustive list. [This includes for example, entering, or coming within a specified distance of a specified workplace of the protected operator; engaging in unacceptable conduct at a specified workplace of the protected operator; communicating with a protected worker etc.] **[23]** It requires that any conditions imposed must be proportionate in nature. It sets out the particular matters to which the court must have regard including to give paramount consideration to the safety and protection of protected workers. **[25]**

Part 3 – Contents and operation of WPOs – Part 4 – variation and revocation of orders – Part 5 – procedure for application and orders – Part 6 – Miscellaneous – Part 7 – Consequential amendments

A WPO must not be longer than 12 months and takes effect when it is made in the presence of or served on the respondent. **[29,33]** In circumstances where a transport operator is the protected operator and the workplace at which the unacceptable conduct occurred is a passenger train, tram or bus that was servicing a particular route at the relevant time, the court may specify the particular route as part of the order. **[31]** The court must describe how the respondent can obtain necessary goods or access necessary services whilst complying with the order. **[32]** Application may be made in writing to the court for variation or revocation of orders. The court may vary or revoke an order is satisfied of various matters and give additional consideration in relation to children and persons with cognitive impairments. **[38]** It makes provision for the interaction between a WOP and other restrictive instruments. **[36,37]**

It is an offence for a named respondent to contravene a condition in a WPO.[69] The maximum penalty is 2 years imprisonment. **[35]** The Bill provides the standard of proof in determining a question of fact in a proceeding on an application is proof on the balance of probabilities. **[44]** This does not apply to a proceeding for an offence against clause 35, the offence of contravening a WPO.[70] The legal burden of proof rests on the prosecution which requires proof beyond reasonable doubt of each element of the offence.[71] Note the Statement of Compatibility:-

> A WPO may be in force for a maximum duration of 12 months, although a court may vary or revoke an order on application from a party to the WPO. It will be an offence to contravene a condition of a WPO. The maximum penalty for the offence is 2 years imprisonment, a fine of up to 240 penalty units, or both.

The court is not bound by the rules of evidence and may inform itself in any manner it thinks fit on an application. It sets out the procedures which must be followed by a court in relation to the evidence of children.[72] **[45,46]** The Registrar must as soon as practicable give copies of a WPO, variation order

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69 Note section 109(3) of the *Sentencing Act* 1991 provides the maximum fine for the offence is 240 penalty units, in addition to, or instead of, imprisonment.

70 Note the Explanatory memorandum.

71 <https://www.ag.gov.au/crime/publications/commonwealth-criminal-code-guide-practitioners-draft/part-26-proof-criminal-responsibility/division-13/131-legal-burden-proof-prosecution>.

72 See clause [45]. The following provisions apply to a proceeding on an application under this Act—
(a) sections 13, 30, 31 and 41 and Part 3.10 of the *Evidence Act* 2008;
(b) Division 2A of Part II of the *Evidence (Miscellaneous Provisions) Act* 1958.
See the legislative note. Section 13 of the *Evidence Act* 2008 provides for circumstances in which a person lacks capacity to give evidence. Section 30 of the *Evidence Act* 2008 provides for a witness to give evidence through an interpreter. Section 31 of the *Evidence Act* 2008 provides for the giving of evidence by a witness who is deaf or mute. Section 41 of the *Evidence Act* 2008 provides for the court's powers to disallow improper questions. Part 3.10 of the *Evidence Act* 2008 provides for the application of privileges. Division 2A of Part II of the *Evidence (Miscellaneous Provisions) Act*

or a revocation order to the Chief Commissioner of Police. **[50]** It makes provision for service including substituted service of affidavits. **[51]** It makes provision for re-hearings in the Children's Court. **[55]** A statutory review of the WPI scheme must be commenced within 3 years from commencement. It contains a general regulation making provision for the Governor in Council. **[57]** Part 7 makes consequential amendments. **[58-61]**

Comments under the PCA

The Committee makes no comment pursuant to its terms of reference under section 17 of the *Parliamentary Committees Act 2003*.

Charter Issues

Fair hearing – Workplace protection orders

Summary: *The effect of clause 21 may be that a court that is satisfied that a visitor at a retail or transport workplace has engaged in conduct that caused a worker to experience reasonable fear of harm and is likely to do so again may make an appropriate order requiring the visitor to comply with conditions. The Committee will write to the Attorney-General seeking further information.*

Relevant provision

The Committee notes that clause 21 provides that a court 'may make an order that requires the respondent to comply with the conditions that are to be imposed under the order' if satisfied that he or she has (while aged over 14 and no earlier than 12 months before the application) 'engaged in unacceptable conduct that has a sufficient connection to' an 'applicable business operator' or an 'employee union', 'is likely to engage in further unacceptable conduct… at the same workplace', 'making the order is appropriate in all the circumstances' and the respondent is not a worker at the workplace.

An 'applicable business operator' is a 'retail operator' or a 'transport operator'. 'unacceptable conduct' means 'physical violence or abuse', 'sexual violence or abuse', stalking or 'other conduct that causes a person to experience a reasonable fear of harm' 'sufficient connection' means that, 'when the conduct was engaged in, both the perpetrator and victim are at the [applicant's] workplace'.

The Committee observes that the effect of clause 21 may be that a court that is satisfied that a visitor at a retail or transport workplace has engaged in conduct (while aged over 14 and in the past year) that caused a worker to experience reasonable fear of harm and is likely to do so again may make an appropriate order requiring the visitor to comply with conditions (that are necessary to prevent that conduct and do not prevent the visitor from obtaining necessary goods or services.)

Charter analysis

The Statement of Compatibility remarks:

> The Bill engages the following rights under the Charter:
>
> - right to recognition and equality before the law (section 8)
> - right to freedom of movement (section 12)
> - right to privacy and reputation (section 13)
> - right to peaceful assembly and freedom from association (section 16)

1958 provides for confidential communications and protected health information in relation to proceedings with respect to sexual offences.

- right to take part in public life (section 18)
- right to freedom of expression (section 15)
- right to freedom of religion (section 14)
- right to culture (section 19).

In accordance with section 7(2) of the Charter, human rights can be subject under law to limits that are reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom. Rights may be limited in order to protect other rights.

For the reasons discussed below, I consider that any limitations on rights resulting from this Bill are reasonable and demonstrably justified in accordance with section 7(2) of the Charter.

…

[T]he Bill sets out clear criteria that the court must be satisfied of when making a WPO. In particular, the court must be satisfied that the respondent has, within the prior 12 months, engaged in unacceptable conduct in relation to a person who performs work at the workplace of a retail or transport operator and is likely to engage in such unacceptable conduct again. The criteria reflect, and is appropriately adapted to achieve, the stated purpose of the scheme.

Further, the Bill safeguards the rights of persons who may be disadvantaged by a WPO by:

- requiring the court to determine whether the making of a WPO is appropriate in all the circumstances
- specifying that a condition must not be imposed under a WPO if it would limit the rights and liberties of the respondent more than is necessary to prevent the respondent from engaging in unacceptable conduct (that is the court must ensure conditions are proportionate)
- specifying that a condition must not be imposed under a WPO if it would limit the respondent's ability to obtain necessary good or access necessary services unless the court is satisfied there is another way for the respondent to obtain those goods or access those services
- requiring the court to have regard to the respondent's ability to understand the nature and effect of the order and to comply with it where the respondent is a child or person with a cognitive impairment
- requiring the court to consider, when determining what conditions to impose in an order, any hardship that is likely to be caused by the imposition of a condition, and
- clarifying that a court may tailor conditions as it deems appropriate or necessary so that a condition can prohibiting the respondent from doing a thing either absolutely or only, or except, in specified circumstances or in a specified manner.

The Committee notes that the Bill provides that:

- 'A court may be satisfied, for the purposes of this Act, that a person has engaged in unacceptable conduct whether or not the person has been charged with, found guilty of, or acquitted of, an offence constituted by that conduct.': sub-clause 12(2)
- 'A failure of the court to comply with' clause 25(1) (which provides that a court 'must' give paramount consideration to the safety and protection of the protected workers and have regard to various matters) 'does not affect the validity of the order': sub-clause 25(2).[73]

[73] The Committee notes that clause 25(2) is not expressed to apply to clause 24 (barring unnecessary conditions) or 25(3) (barring conditions that prevent access to necessary goods or services). The Committee also notes that there is no equivalent to clause 25(2) in clause 39 (requiring a court to consider various matters on an application to vary or revoke an order.)

- '[s]ubject to this Act, in a proceeding on an application under this Act, the court (a) is not bound by the rules of evidence; and (b) may inform itself in any matter it sees fit': sub-clause 45(1).[74]

The Committee observes that these provisions may engage the Charter right of 'a party to a civil proceeding… to… have the… proceeding… decided… after a fair… hearing'.[75]

Relevant comparisons

The Committee notes that current Victorian statutes that provide similarly to clause 21 in relation to family violence and personal safety:[76]

- do not contain an equivalent to sub-clauses 12(2) or 25(2).[77]
- contain an equivalent to sub-clause 45(1), but also specify:[78]

  '(1) The court may admit in a proceeding under this Act evidence given by a person by affidavit or sworn or affirmed statement.

  (2) Subsection (1) applies despite any rules of evidence to the contrary or anything to the contrary in this Act or any other Act (other than the Charter of Human Rights and Responsibilities).

  (3) A party to the proceeding may, with the leave of the court, require a person giving evidence by affidavit or by sworn or affirmed statement to attend the hearing of the proceeding to be called as a witness and to be cross-examined.'

The Statement of Compatibility for the Bill for the family violence statute remarked that the Charter's right to a fair hearing:[79]

> is engaged, but not limited, by clause 65 which provides that the court is not bound by rules of evidence in proceedings for a family violence intervention order. Clause 65 does not apply to proceedings for contraventions of family violence intervention orders, which are criminal in nature.
>
> The rule in clause 65 operates in a context in which there are often no witnesses to family violence and the content of statements made by a victim to family, friends or doctors may be the only available evidence. A court, even if not strictly bound by the rules of evidence, must act judicially and impartially.
>
> Clause 65 specifies that in determining what evidence to admit, a court must be satisfied that it is just and equitable to admit such evidence, and that the probative value of the evidence is not substantially outweighed by the danger that the evidence might be unfairly prejudicial to a party, or misleading or confusing. Thus, while the right is engaged, it is not limited, because a person will still have the proceeding decided by a competent, independent and impartial court after a fair and public hearing.
>
> A further safeguard is provided for in clause 66 which states that where evidence is admitted in an affidavit or sworn statement, a party to proceedings may, with leave of the court, cross-examine a person who gives evidence by way of affidavit or written statement. This power is in addition to a party's general right to cross-examine witnesses.

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74 The Committee notes that clause 45 expressly preserves various provisions of the *Evidence Act 2008* and the *Evidence (Miscellaneous Provisions) Act 1958*, and also provides that 'The court may refuse to admit, or may limit the use to be made of, evidence if the court is satisfied (a) it is just and equitable to do so; or (b) the probative value of the evidence is substantially outweighed by the danger that the evidence may be unfairly prejudicial to a party or misleading or confusing'.

75 Charter s. 24(1).

76 *Family Violence Protection Act 2008*, s. 74; *Personal Safety Intervention Orders Act 2010*, s. 61.

77 The Committee notes that each Act (like clause 25(1)) specifies matters courts must have regard to when deciding conditions: *Family Violence Protection Act 2008*, ss. 80, 82(2) & 83(2); *Personal Safety Intervention Orders Act 2010*, ss. 66 & 74(1).

78 *Family Violence Protection Act 2008*, s. 66; *Personal Safety Intervention Orders Act 2010*, s. 48.

79 R Hulls, *Statement of Compatibility, Family Violence Protection Bill 2008*, Legislative Assembly, 28 June 2008.

The Committee also notes that other Australian jurisdictions that provide for workplace protection orders:

- federally, has an equivalent to sub-clause 12(2) (except in relation to acquittals), but does not have equivalents to sub-clauses 25(2) or 45(1);[80]
- in the Australian Capital Territory, has an equivalent to sub-clauses 12(2) (except in relation to acquittals), 25(2) and 45(1);[81]
- in South Australia, has an equivalent to sub-clause 25(2) but does not have equivalents to sub-clauses 12(2) or 45(1).[82]

Conclusion

The Committee will write to the Attorney-General seeking further information as to the compatibility of sub-clauses 12(2), 25(2) and 45(1) with the Charter right of parties to a civil proceeding to have the proceeding decided after a fair hearing.

80 *Commonwealth Workplace Protection Orders Act 2025* (Cth), ss. 25(3) & 35(a).

81 *Personal Violence Act 2016* (ACT), ss. 10A, 11(3), 28 & 101.

82 *Workplace Protection (Personal Violence) Act 2025* (SA), s. 9(4).

Corrections Amendment Bill 2026

Member	Hon Ros Spence MP	**Introduction Date**	17 June 2026
Portfolio	Corrections	**Second Reading Date**	18 June 2026

The Committee reported on the Bill as originally introduced in *Alert Digest No. 9 of 2026, Volume A*[83] tabled on 28 July 2026.

On 29 July 2026 the Honourable Paul Hamer MP in the Legislative Assembly moved, by leave, 'That the scope of the Corrections Amendment Bill 2026 be extended to enable consideration of amendments and a new clause to amend the *Corrections Act* 1986 to validate certain actions taken without delegations in place between 29 April 2024 and 18 May 2026.' The motion was agreed to that day. The Government amendments were agreed to on 30 July 2026. The Bill was first read and second read in the Legislative Council on 30 July 2026. An amended Second Reading Speech and an amended Statement of Compatibility were tabled that day. The Committee provides a further report on the Bill and the amendments made by the Legislative Assembly.

Summary

The Bill amends the *Corrections Act* 1986 (Corrections Act). The amended print of the Bill makes provision for a prisoner's right to be in the open air subject to operational considerations and adds a further purpose to validate certain actions taken without delegations in place between 29 April 2024 and 18 May 2026.

Amendments – Retrospectively validate actions – without appropriate written delegation instrument – Administrative error

Part 10A[84] of the Corrections Act specifically provides for the retrospective validation of actions and decisions from time to time over a number of years.[85]

The effect of the Bill is to retrospectively validate 'every act or omission of an Advanced Practitioner[86] in the exercise or purported exercise of any, function, power or duty' as if it had been 'validly and lawfully delegated' by the Secretary in relation to specified 'applicable' provisions of the *Sentencing Act* 1991 (Sentencing Act) including from 29 April 2024 and ending and including 18 May 2026. **[5A]**

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83 See *Alert Digest No 9 of 2026, Volume A*, Corrections Amendment Bill 2026, pp 1-14 <https://www.parliament.vic.gov.au/4a222f/globalassets/committee-publication-record-documents/committee-36/publication-388/alert-digest-no-9-of-2026-volume-a.pdf>.

84 Part 10A validates a number of actions, decisions made or purporting to be made, delegation or purported delegation of a purported exercise of a power or function or acts (including charges) for particular periods made by the Director-General, Secretary to the Department of Justice or a delegate or purported delegate.

85 See Part 10A of the *Corrections Act* 1986. Section 112C inserted in 2013; Section 112D inserted in 2015, Section 112F in 2025.

86 See new section 112F(1) 'Advanced Practitioner' means a person employed under Part 3 of the *Public Administration Act* 2004 in the Department of Justice and Community Safety in the role of Advanced Practitioner, including any person acting in or performing the duties of that office, position or role (however described).

The relevant provisions in respect of which various powers and directions were purportedly exercised in the Sentencing Act are Part 3—Sentences; Part 3A—Sentences and community corrections order; Part 3B—Sentences–fines, Part 3BA—Sentences–other orders, Part 3C—Sentences–contravention of sentence and Schedule 3—Transitional provisions.[87] By way of example Advanced Practitioners:-

- gave directions to offenders on a community correction order under Part 3A of the Sentencing Act; and
- commenced proceedings against offenders for contravening a community correction order under section 83AG[88] of the Sentencing Act.

In relation to new section 112F[89] note:-

- Section 3(1) of the Corrections Act would also apply to the new section 112F. For instance, the word Secretary is defined in section 3(1) of the Corrections Act as meaning the 'Secretary to the Department of Justice and Community Safety under the *Public Administration Act* 2004 and includes a person acting as the Secretary to the Department of Justice and Community Safety under that Act'.
- Every act or omission of an Advanced Practitioner in the exercise, or purported exercise, of any function, power or duty under an applicable provision during the applicable period has for all purposes, and is taken always to have had for all purposes, the same force and effect as it would have had if the Advanced Practitioner had been validly and lawfully delegated that function, power or duty by the Secretary. (See subclause (2))
- References to a 'civil or a criminal proceeding' are intended to encompass all types of proceedings before a court. The *lawfulness* of the initial proceeding (whether before or after the commencement of clause 5A) would not be affected by the absence of the relevant delegation; Any act, decision, determination, judgment or order, (however described and whether made before or after the commencement of clause 5A) of the court in the initial proceeding, including any sentences imposed, would not be affected by the absence of the relevant delegation and would need to be made (or taken to have been made) as if there were a relevant delegation.
- The references to 'any act, decision, determination, judgment or order of a court in any civil proceeding or criminal proceeding, or of a tribunal' is intended to be a very broad expression and would, for example, encompass sentences that are imposed, amendments to orders, directions, findings and pronouncements by a court or tribunal in a proceeding.
- Any other proceeding in a court or tribunal (including proceedings involving judicial review, appeals or claims based in tort), would not be affected by the absence of the relevant delegation and would need to be made (or taken to have been made) as if there were a relevant delegation.
- If a person were prosecuted for failing to comply with such a direction, the lawfulness of the proceeding, and any act, decision, determination, judgment or order[90] of the court in the proceeding, including any sentences imposed, would not be affected by the absence of the relevant delegation and would need to be made (or taken to have been made) as if there were a relevant delegation.
- Subsection (5) refers to the rights, duties and liabilities of a person affected by any act, decision, determination, judgement or order of a court in any civil proceeding or criminal proceeding

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87 Schedule 3 contains transitional provisions in relation to the *Sentencing Amendment (Community Correction Reform) Act* 2011.

88 Section 83AG provides for the commencement of proceedings for various offences under section 83AC, 83AD, 83ADB, 83AE or 83AF by filing a charge sheet in the Magistrates Court. A charge sheet must be filed by (a) the Director of Public Prosecutions or (b) a crown prosecutor within the meaning of the *Criminal Procedure Act* 2009 or … (dg) the Secretary—as the case requires.'

89 Refer to the Explanatory memorandum.

90 However described and whether made before or after the commencement of clause 5A.

made in reliance on an act or omission of an Advanced Practitioner with without a lawful delegation from the Secretary. Subsection (5) is not providing that the relevant acts of the court or tribunal are taken to be valid. Instead, subsection (5) is declaring the rights of all persons to be and always to have been, by force of the subsection, the same as if the relevant (potentially) invalid judicial decisions (including sentences) had been valid.[91]

Comments under the PCA

The express purpose of the clause 5A is to retrospectively validate past actions and directions made over a 2 year period by Advanced Practitioners without an appropriate written delegation of power. The failure to provide the appropriate written delegation of power was a departmental administrative error. Note the Second Reading Speech:-

> For the avoidance of doubt, the Bill, in effect, retrospectively validates directions and other actions that were undertaken (or purportedly undertaken) by Advanced Practitioners pursuant to Parts 3, 3A, 3B, 3BA and 3C of, and Schedule 3 to, the *Sentencing Act* 1991 (applicable provisions) during the relevant period, without an appropriate written instrument of delegation in place.
>
> The applicable provisions provide the Secretary of the department with powers and functions to manage people on community corrections order (CCOs) and other fines-related orders, including the power to:
>
> - issue directions to a person on a CCO or other order, such as directions to attend supervision or treatment appointments, or to engage in community work
> - commence criminal proceedings against a person for breach of their CCO or other order, including where the person has not complied with directions.
>
> These powers and functions had previously been delegated by the Secretary to department staff, to ensure efficient functioning of the corrections system. The title of these staff members changed to 'Advanced Practitioners' in April 2024, following a departmental restructure. Through administrative oversight, the relevant instrument of delegation was not updated to reflect this title change. This was rectified in May 2026.
>
> The amendments in the Bill, in effect, retrospectively validate any directions or actions undertaken by Advanced Practitioners under applicable provisions during the relevant period, including those which may have led to criminal prosecutions or a person spending time in prison. This ensures such directions or actions cannot be legally challenged or reversed purely on the basis of administrative oversight. In turn, this ensures appropriate management of community safety risks.
>
> I acknowledge the impact of this administrative oversight on victims and affected families and am committed to ensuring they have access to the supports needed. I am assured by the department that processes are being put in place to ensure this oversight does not occur again… By in effect, retrospectively validating certain past directions and actions of Advanced Practitioners, the Bill is an important step in remedying an administrative oversight. It ensures, beyond doubt, that relevant actions and their consequences are not invalidated purely on the basis of such oversight and that community safety can continue to be appropriately managed.

The Committee notes from time to time retrospective legislation is made to rectify unintended mistakes or procedural defects. The *Family Violence Protection Amendment Act* 2025 rectified defects in the service of family violence intervention orders documents to address a technical issue made during the production of the orders.[92] The Firearms and Other Acts Amendment Bill 2021 amended the *Victoria Police Act* 2013. It validated the promotions made under an Agreement from 1 April 2020 until the commencement of Part 7 of the Bill.[93] The Justice Legislation Miscellaneous Amendments Bill

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91 Note the Explanatory memorandum.

92 See *Alert Digest No 5 of 2025*, pp 6-12. The relevant period was from 15 November 2024 until 18 March 2025. <https://www.parliament.vic.gov.au/4a222f/globalassets/committee-publication-record-documents/committee-36/publication-343/alert-digest-no-5-of-2025.pdf>.

93 See *Alert Digest No 12 of 2021*, pp 13-15. <https://www.parliament.vic.gov.au/4a222f/globalassets/committee-publication-record-documents/committee-36/publication-39/alert_digest_no_12_of_2021.pdf>

2019 amended the *Magistrates' Court Act* 1989 to validate decisions made by reserve magistrates who due to an administrative error continued sitting after their appointments expired.[94] The *Victoria Police Amendment Act* 2022 addressed defects in relation to the appointment of police officers to act as Assistant Commissioners.[95]

The Committee notes there are some delegation and other provisions in the Corrections Act and the Sentencing Act which have been in existence for several years.[96] The Committee observes it may be opportune to consider in the future how the provisions work in practice and whether such provisions ought to be updated or amended. The Committee also observes that in this instance there were in existence specific written instruments of delegation. The delegation instruments *per se* were not the issue. Rather, as a result of an administrative oversight, the instruments did not reflect an updated title of a specific group of staff members.

The Committee notes the provisions do not limit a discretion of a court to exclude evidence in a civil proceeding or criminal proceeding. [See new section 112F(7)]. They do not limit a discretion of a court to stay a civil proceeding in the interests of justice. [See new section 112F(8)]. New section 112F(10) provides that it may affect the rights of parties in any civil proceeding or criminal proceedings before a court or tribunal whether the proceeding is commenced before, on or after the commencement of section 5A of the *Corrections Amendment Act* 2026 or commenced and finally determined before the commencement of that section. The Committee notes the Statement of Compatibility:-

> The Bill introduces a new section 112F into the Corrections Act which provides that any actions or omissions of Advanced Practitioners undertaken during the relevant period under applicable provisions:
>
> - have and are taken to have always had for all purposes, the same force and effect as if the Advanced Practitioner had been validly and lawfully delegated that function, power or duty by the Secretary; and
> - are not invalid, and are taken to have never have been invalid, purely because there was no valid and lawful delegation by the Secretary of the relevant function or power in place at the time.
>
> New section 112F(6) and 112F(9) ensures that the absence of a relevant delegation from the Secretary is to be disregarded in the determination of court and tribunal proceedings. New section 112F(7) provides that the discretion of the court to exclude evidence is otherwise unaffected. New section 112F(8) ensures the Court's discretion to stay a proceeding in the interests of justice is not limited… The Bill is not intended to impose punishment. Instead, proposed new section 112F serves the legitimate purpose of mitigating the legal, financial and community safety risks arising from the absence of a delegation to Advanced Practitioners, including the risk that:
>
> - people affected by the issue could avoid accountability for breaches of a CCO or other orders if proceedings or sentences for breaches of those orders are delayed, withdrawn, amended, set aside or overturned on the basis of an administrative oversight only;
> - people affected by the issue could pose community safety risks if they are released from custody or current prosecutions against them are withdrawn or amended;
> - a large number of legal proceedings could be issued against the State and could result in the State needing to pay compensation to affected people for an administrative oversight.
>
> The Bill addresses these risks by confirming acts that were taken in good faith, pursuant to statutory powers and clarifying that any act, decision, determination, judgment or order of a court in any civil or

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94 See *Alert Digest No 1 of 2020*, pp 7-8. <https://www.parliament.vic.gov.au/4a222f/globalassets/committee-publication-record-documents/committee-36/publication-45/alert_digest_no_1_of_2020.pdf>.

95 See *Alert Digest No 4 of 2022*, pp 11-12. <https://www.parliament.vic.gov.au/4a222f/globalassets/committee-publication-record-documents/committee-36/publication-23/alert_digest_no_4_of_2022.pdf>.

96 See section 8 of the *Corrections Act* 2002 which sets out the Secretary's delegation power (inserted in 1996). See section 115B which sets out the Secretary's delegation power (inserted in 2012). See section 46 of the *Sentencing Act* 1991 which sets out the power of the Secretary to give written directions. See section 83AG of the *Sentencing Act* 1991 which makes provision for the commencement of a proceeding for the contravention offence for failure to obey a written direction of the Secretary (inserted in 2013).

criminal proceeding relying on those acts is lawful. Despite the absence of an appropriate written instrument of delegation to Advanced Practitioners, these officers possessed the requisite training and skills to carry out the relevant powers and functions of the Secretary and acted in good faith that valid delegations were in place to authorise them to exercise those powers and functions. The Bill does not significantly affect the circumstances in which the powers of the Secretary were exercised or the outcome of the exercise of those powers. As such, the Bill serves, rather than undermines, the value of certainty and predictability of the legal processes and of the criminal consequences of actions that underlies section 27 of the Charter.

I am satisfied there are no less restrictive means reasonably available to achieve the purpose of mitigating the relevant legal, financial and community safety risks. The Bill is appropriately confined to achieving this purpose, given it:

- is limited to matters that are related to actions taken by Advanced Practitioners during a defined period (29 April 2024 to 18 May 2026);
- only validates the exercise (or purported exercise) of specific powers, functions or duties of the Secretary under the Sentencing Act by Advanced Practitioners;
- does not apply more broadly to validate actions that are invalid other than because of the absence of an appropriate written instrument of delegation from the Secretary;
- does not create a new criminal offence or alter the substance of any direction or decision – it confirms acts that would have had the same legal effect had a valid delegation been in place;
- does not limit the discretion of the court to stay a proceeding in the interests of justice or otherwise limit the court's discretion to exclude evidence in a proceeding.

I am satisfied that the limit on the right in section 27(1) of the Charter is reasonable, balanced against the adverse consequences that may occur if this remedial legislation is not introduced. I am satisfied that the limitation on the right in s 27(1) would be justified for the purposes of s 7(2) of the Charter and that it is therefore not incompatible with the right.

In the circumstances, the Committee notes the above, the retrospective effect of the amendments and refers to the Charter report.

Charter Issues

Fair hearing – Validation of directions and proceedings – Proceedings commenced and finally determined

Summary: *The effect of clause 5A may be to validate certain directions given to offenders and proceedings against offenders that were made or commenced by a person without an appropriate instrument of delegation. The Committee will write to the Minister seeking further information.*

Relevant provision

The Committee notes that clause 5A, inserting a new sub-section 112F, provides:

> Every act or omission of an Advanced Practitioner in the exercise, or purported exercise, of any function, power or duty under an applicable provision during the applicable period has for all purposes, and is taken always to have had for all purposes, the same force and effect as it would have had if the Advanced Practitioner had been validly and lawfully delegated that function, power or duty by the Secretary.

An 'Advanced Practitioner' means 'a person employed under Part 3 of the *Public Administration Act* 2004 in the Department of Justice and Community Safety in the role of Advanced Practitioner, including any person acting in or performing the duties of that office, position or role (however described)'. An 'applicable provision' means Parts 3 ('Sentences'), 3A ('Sentences – Community Correction Orders'), 3B ('Sentences – Fines'), 3BA ('Sentences – Other Orders') and 3C ('Sentences – Contravention of Sentences) and Schedule 3 ('Transitional Provisions – *Sentencing Amendment*

(Community Correction Reform) Act 2011') of the *Sentencing Act* 1991. An 'applicable period' means 'the period commencing on 29 April 2024 and ending on 18 May 2026, inclusive of both dates'.

The Explanatory Memorandum explains:

> The Department of Justice and Community Safety has identified that, during the period beginning on 29 April 2024 and ending on 18 May 2026 (inclusive) ("applicable period"), Advanced Practitioners purportedly exercised powers, duties and functions under the *Sentencing Act* 1991 ("Sentencing Act"), without an appropriate instrument of delegation.
>
> By way of example, Advanced Practitioners—
>
> - gave directions to offenders on a community correction order under Part 3A of the Sentencing Act; and
> - commenced proceedings against offenders for contravening a community correction order under section 83AG of the Sentencing Act.
>
> The new section 112F addresses the defects that result from the absence of this instrument of delegation.

The Committee observes that the effect of clause 5A may be to validate certain directions given to offenders and proceedings against offenders that were made or commenced by a person without an appropriate instrument of delegation.

Charter analysis

The Statement of Compatibility (for the Bill as introduced into the Legislative Council) remarks:

> It may… be argued that provisions of the Bill that, in effect, retrospectively validate actions of Advanced Practitioners limit the right under section 24(1) of the Charter by depriving an accused of the ability to argue that evidence obtained as a result of a potentially invalid action of an Advanced Practitioner should not be admitted at trial or considered in a proceeding before a tribunal.
>
> However, I am of the opinion that these provisions of the Bill are not inconsistent with the right to a fair hearing. In *Rich v The Queen* (2014) 43 VR 558, the Court of Appeal held that similar retrospective validation provisions were consistent with the right to a fair hearing. In that decision, the Court found that the applicant's inability to contest the admissibility of subject evidence was incapable of depriving the applicant of a fair trial, unless the admission of the subject evidence itself was productive of an unfair trial. The admission of subject evidence could not have been productive of an unfair trial unless, as a matter of public policy or fairness, the subject evidence should have been excluded. In the Court's view, neither public policy nor fairness, nor any other relevant legal consideration, required that the subject evidence be excluded. The common law discretion to exclude unlawfully obtained evidence is largely based on considerations other than fairness.
>
> The Bill, while requiring a court or tribunal to disregard the fact that a direction or other action of an Advanced Practitioner during the relevant period would have been invalid but for this Bill, explicitly preserves the Court's discretion to exclude evidence in civil or criminal proceedings or stay civil or criminal proceedings in the interests of justice.
>
> In my view, the admission of evidence obtained in reliance of actions of Advanced Practitioners conducted in the absence of an appropriate written instrument of delegation is not productive of an unfair trial and will not lead to any unfairness to an accused. Accordingly, I am satisfied that the new 112F is consistent with the right to a fair hearing in section 24 of the Charter.
>
> …
>
> [P]roposed new section 112F may limit the right in section 27(1) of the Charter by validating convictions for conduct that was not a criminal offence when the conduct was engaged in because the conduct involved disobeying an invalid direction of an Advanced Practitioner.
>
> However, I consider the limitations on the right in section 27(1) to be reasonably and demonstrably justifiable under section 7(2) of the Charter. The Bill is not intended to impose punishment. Instead, proposed new section 112F serves the legitimate purpose of mitigating the legal, financial and

community safety risks arising from the absence of a delegation to Advanced Practitioners, including the risk that:

- people affected by the issue could avoid accountability for breaches of a CCO or other orders if proceedings or sentences for breaches of those orders are delayed, withdrawn, amended, set aside or overturned on the basis of an administrative oversight only;
- people affected by the issue could pose community safety risks if they are released from custody or current prosecutions against them are withdrawn or amended;
- a large number of legal proceedings could be issued against the State and could result in the State needing to pay compensation to affected people for an administrative oversight.

The Bill addresses these risks by confirming acts that were taken in good faith, pursuant to statutory powers and clarifying that any act, decision, determination, judgment or order of a court in any civil or criminal proceeding relying on those acts is lawful. Despite the absence of an appropriate written instrument of delegation to Advanced Practitioners, these officers possessed the requisite training and skills to carry out the relevant powers and functions of the Secretary and acted in good faith that valid delegations were in place to authorise them to exercise those powers and functions. The Bill does not significantly affect the circumstances in which the powers of the Secretary were exercised or the outcome of the exercise of those powers. As such, the Bill serves, rather than undermines, the value of certainty and predictability of the legal processes and of the criminal consequences of actions that underlies section 27 of the Charter.

I am satisfied there are no less restrictive means reasonably available to achieve the purpose of mitigating the relevant legal, financial and community safety risks. The Bill is appropriately confined to achieving this purpose, given it:

- is limited to matters that are related to actions taken by Advanced Practitioners during a defined period (29 April 2024 to 18 May 2026);
- only validates the exercise (or purported exercise) of specific powers, functions or duties of the Secretary under the Sentencing Act by Advanced Practitioners;
- does not apply more broadly to validate actions that are invalid other than because of the absence of an appropriate written instrument of delegation from the Secretary;
- does not create a new criminal offence or alter the substance of any direction or decision – it confirms acts that would have had the same legal effect had a valid delegation been in place;
- does not limit the discretion of the court to stay a proceeding in the interests of justice or otherwise limit the court's discretion to exclude evidence in a proceeding.

I am satisfied that the limit on the right in section 27(1) of the Charter is reasonable, balanced against the adverse consequences that may occur if this remedial legislation is not introduced. I am satisfied that the limitation on the right in s 27(1) would be justified for the purposes of s 7(2) of the Charter and that it is therefore not incompatible with the right.

The Committee notes that the Statement of Compatibility may not discuss new sub-section 112F(10), which provides that new section 112F:

affects the rights of parties in—

(a) any civil proceeding or criminal proceeding before a court; or

(b) any proceeding before a tribunal (however described)—

whether the proceeding—

(c) is commenced before, on or after the commencement of section 5A of the *Corrections Amendment Act* 2026; or

(d) was commenced and finally determined before the commencement of section 5A of the *Corrections Amendment Act* 2026.

The Explanatory Memorandum explains:

> This provision makes clear that new section 112F is intended to affect the rights of parties in court or tribunal proceedings that have already been determined, are currently on foot and future proceedings and that the rights that they may have had, for example, to appeal or continue an appeal against a decision or commence or continue a claim in tort are affected by the section.
>
> For example, if an offender appeals their conviction and sentence (determined prior to the commencement of clause 5A) for contravening a community correction order, under section 83AD of the Sentencing Act, on the basis that the prosecution was commenced by an Advanced Practitioner without a lawful delegation, on appeal, the court is required to determine the appeal on the basis that section 112F affects the rights of the parties.

The Committee observes that new para 112F(10)(d) may affect the rights of parties to past court proceedings that ruled that a direction or proceeding was not validly made or commenced, for example where a court has excluded evidence, stayed proceedings, entered an acquittal or ordered a remedy in reliance on a finding that a direction was purportedly made or a proceeding was purportedly commenced without an appropriate instrument of delegation.

Relevant comparisons

The Committee notes that s. 5 of the *Evidence (Miscellaneous Provisions) Amendment (Affidavits) Act* 2012 retrospectively validated affidavits expressed to have been made on oath or affirmation that were not duly sworn or signed.[97] The Court of Appeal remarked:[98]

> The argument that s 5 deprived the applicant of the right to a fair trial was that it deprived him of the ability to argue that evidence obtained as a result of improperly sworn affidavits ('the subject evidence') should not have been admitted at trial. The subject evidence was documentary evidence in the nature of financial records tendered to show that, shortly after the commission of the offence, the applicant received a large amount of cash which was likely to have been part of the proceeds of the crime. The subject evidence was said to have been inadmissible because an affidavit used in support of an application for a search warrant under which the evidence was obtained was not properly sworn or affirmed in accordance with s 100 or s 103 of the *Evidence Act* 1958. The defect in the oath or affirmation which was alleged was that, as a result of a practice which may have been endemic to certain sections of the police force at the time, the deponent did not utter the oath or affirmation at the time of signing the affidavit. It is the same allegation as was considered by this court in *Director of Public Prosecutions v Marijancevic*.[128] Although the alleged defect was not known of at the time of the trial — indeed it only came to light as a result of Marijancevic — the applicant contends that s 5 deprived him of a fair trial on the basis that:
>
> (a) if the defect had been known of at the time of trial, he could and would have objected to the receipt of the subject evidence;
>
> (b) but for s 5, it would now be open to him to contend that, because the subject evidence was admitted in ignorance of the unlawful means whereby it was obtained, his trial was unfair; and
>
> (c) therefore, inasmuch as s 5 purports to preclude him from so demonstrating that his trial was unfair, it is inconsistent with his right to a fair trial.
>
> We reject the argument. Logically, the applicant's inability to contest the admissibility of the subject evidence is incapable of depriving him of a fair trial unless the admission of the subject evidence was productive of an unfair trial. Equally, the admission of the subject evidence could not have been productive of an unfair trial unless, as a matter of public policy or fairness, the subject evidence should have been excluded. In our view, neither public policy nor fairness, nor any other relevant legal consideration, required that the subject evidence be excluded.

97 *Evidence (Miscellaneous Provisions) Act 1958*, s. 165.

98 *Rich v The Queen* [2014] VSCA 126, [297]-[298].

The Committee observes that the 2012 provision differed from new para 112F(10)(d) because its transitional provision (existing s. 165(5) of the *Evidence (Miscellaneous Provisions) Act* 1958) provides:

> This section does not affect the rights of the parties in—
>
> (a) the proceedings known as *Director of Public Prosecutions (Vic.) v. Marijancevic* (No. 264 of 2011), *Director of Public Prosecutions (Vic.) v. Preece* (No. 263 of 2011) and *Director of Public Prosecutions (Vic.) v. Preece* (No. 265 of 2011) in the Supreme Court of Victoria, Court of Appeal; or
>
> (b) any other proceeding in which a court, before the day on which the Evidence (Miscellaneous Provisions) Amendment (Affidavits) Act 2012 receives the Royal Assent, has made a ruling on the validity of—
>
> (i) an affidavit referred to in subsection (1); or
>
> (ii) a warrant, an order, a summons or a process issued or made in reliance, directly or indirectly, on an affidavit referred to in subsection (1); or
>
> (c) any other proceeding in which a court, before the day on which the Evidence (Miscellaneous Provisions) Amendment (Affidavits) Act 2012 receives the Royal Assent, has made a ruling on the admissibility of evidence obtained under a warrant, an order, a summons or other process issued or made in reliance, directly or indirectly, on an affidavit that, but for subsection (1), would not have been duly sworn or affirmed.

Conclusion

The Committee will write to the Minister seeking further information as to:

- **the compatibility of new para 112F(10)(d) (to the extent that it may apply to pre-commencement court rulings that a direction was invalidly made or a proceeding was invalidly commenced due to the absence of an appropriate instrument of delegation) with the Charter right of parties to proceedings to have those proceedings decided by a court or tribunal; and**
- **whether or not including a provision similar to existing s. 165(5)(b)-(c) of the *Evidence (Miscellaneous Provisions) Act* 1958 (e.g. exempting court orders from new section 112F if they were made prior to the commencement of clause 5A in reliance on a finding that a direction was made or a proceeding was commenced without an appropriate instrument of delegation) would be a less restrictive means reasonably available to achieve the purpose of clause 5A.**

Appendix 1
Index of Bills and Subordinate Legislation in 2026

BILLS	Alert Digest Nos.
Appropriation (2026-2027) Bill 2026	6 of 2026 Vol. A
Appropriation (Parliament 2026-2027) Bill 2026	6 of 2026 Vol. A
Australian Grands Prix Amendment Bill 2025	11 of 2025
Building and Plumbing Administration and Enforcement Bill 2026	5 of 2026, 7 of 2026
Building Legislation Amendment (Fairer Payments on Jobsites and Other Matters) Bill 2025	13 of 2025 Vol. B, 2 of 2026
Building Legislation and Treasury Legislation (Tax Relief) Amendment Bill 2026	7 of 2026
Building Legislation and Treasury Legislation (Tax Relief) Amendment Bill 2026 [House Amendments]	8 of 2026
Cannabis Legalisation Plebiscite Bill 2026	10 of 2026
Casino and Gambling Legislation Amendment Bill 2025	12 of 2025, 1 of 2026 Vol. B
Children, Youth and Families Amendment (Supporting Stable and Strong Families) Bill 2025	1 of 2026 Vol. A
Cladding Safety Victoria Repeal Bill 2026	5 of 2026
Consumer Legislation Amendment Bill 2025	14 of 2025, 1 of 2026 Vol. B
Consumer Legislation Amendment Bill 2026	8 of 2026, 9 of 2026 Vol. B
Control of Weapons Amendment (Establishing Jack's Law, Use of Electronic Metal Detection Devices) Bill 2025	17 of 2025
Corrections Amendment Bill 2026 [House Amendments]	10 of 2026
Corrections Amendment Bill 2026	9 of 2026 Vol. A
Crimes Amendment (Coercive Control) Bill 2025	1 of 2026 Vol. A
Crimes Amendment (Performance Crime) Bill 2025	9 of 2025, 1 of 2026 Vol. B
Crimes Amendment (Recruitment of Children for Criminal Activity) Bill 2026	9 of 2026 Vol. A
Crimes Amendment (Retail, Fast Food, Hospitality, and Transport Worker Harm) Bill 2025	16 of 2025, 1 of 2026 Vol. B
Crimes Amendment Act 2026	4 of 2026
Dangerous Goods Transport Bill 2026	6 of 2026 Vol. A, 8 of 2026
Education and Training Reform Amendment (Free TAFE Guarantee) Bill 2026	2 of 2026
Education and Training Reform Amendment Bill 2026	6 of 2026 Vol. A
Electoral Amendment (Group Voting and Vote Counting) Bill 2026	2 of 2026
Electoral Amendment (Miscellaneous Matters) Bill 2026	10 of 2026
Electoral Amendment Bill 2025	1 of 2026 Vol. A, 4 of 2026
Electoral Further Amendment Act 2026	8 of 2026, 9 of 2026 Vol. A
Energy and Other Legislation Amendment (Resilience Reforms and Other Matters) Act 2026 [House Amendment]	4 of 2026, 7 of 2026
Energy and Other Legislation Amendment (Resilience Reforms and Other Matters) Bill 2026	2 of 2026
Energy and Resources Legislation Amendment (VEET Strategic Review and Other Matters) Bill 2026	9 of 2026 Vol. A
Entities Legislation Amendment (Consolidation and Other Matters) Bill 2025	1 of 2026 Vol. A
Equal Opportunity Amendment (Medical Treatment) Bill 2026	5 of 2026
Equal Opportunity Amendment (Work from Home) Bill 2026	9 of 2026 Vol. A
Fair Work (Commonwealth Powers) Amendment Bill 2026	9 of 2026 Vol. A

BILLS (continued)

Firearms Amendment Bill 2026 9 of 2026 Vol. A
Health Legislation Amendment (Regulatory Reform) Bill 2026 8 of 2026
Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025 1 of 2026 Vol. A, 3 of 2026
Independent Broad-based Anti-corruption Commission Amendment (Facilitating Timely Reporting) Bill 2026 10 of 2026
Independent Broad-based Anti-corruption Commission Amendment (Follow the Money) Bill 2026 4 of 2026
Justice Legislation Amendment (Community Safety) Act 2025 1 of 2026 Vol. A, 3 of 2026
Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025 16 of 2025, 1 of 2026 Vol. B
Justice Legislation Amendment (Police and Other Matters) Bill 2025 16 of 2025, 1 of 2026 Vol. B
Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025 17 of 2025, 1 of 2026 Vol. B
Justice Legislation Further Amendment (Miscellaneous) Bill 2025 17 of 2025, 1 of 2026 Vol. B
Labour Hire Legislation Amendment (Licensing) Bill 2025 14 of 2025
Local Government Legislation Amendment (Stronger Communities) Bill 2026 9 of 2026 Vol. A
Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025 15 of 2025, 2 of 2026
Multicultural Victoria Amendment Bill 2026 10 of 2026
National Gas (Victoria) Amendment Bill 2025 1 of 2026 Vol. A, 3 of 2026
Occupational Health and Safety Amendment (Dangerous Goods) Bill 2026 6 of 2026 Vol. A, 9 of 2026 Vol. B
Outdoor Recreation Victoria Bill 2026 6 of 2026 Vol. A
Planning Amendment (Better Decisions Made Faster) Bill 2025 15 of 2025, 1 of 2026 Vol. B
Planning Amendment (Restricting New Fast Food Developments) Bill 2026 9 of 2026 Vol. A
Racing Legislation Amendment (Entity Governance and Other Matters) Bill 2026 8 of 2026
Regulatory Legislation Amendment (Reform) Bill 2026 3 of 2026, 5 of 2026
Roads, Road Safety and Ports Legislation Amendment Bill 2026 6 of 2026 Vol. A, 9 of 2026 Vol. B
Safe Food Victoria Bill 2026 4 of 2026, 6 of 2026 Vol. B
Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2026 10 of 2026
Safer Protest with a Registration System and a Ban on Face Coverings Bill 2025 12 of 2025
Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 16 of 2025, 1 of 2026 Vol. B
State Taxation Further Amendment Bill 2025 14 of 2025, 6 of 2026 Vol. B
Summary Offences Amendment (Begging) Bill 2025 1 of 2026 Vol. A
Transport Legislation Amendment Bill 2025 14 of 2025, 4 of 2026
Victoria Police Amendment (Police Reservists) Bill 2026 7 of 2026
Victorian Civil and Administrative Tribunal Amendment (Reporting of Guardianship and Administration Proceedings) Bill 2025 11 of 2025
Victorian Early Childhood Regulatory Authority Act 2025 17 of 2025, 1 of 2026 Vol. B
Voluntary Assisted Dying Amendment (Equity and Access) Bill 2024 4 of 2025
Voluntary Assisted Dying Amendment Bill 2025 14 of 2025, 1 of 2026 Vol. B
Workplace Protection Orders Bill 2026 10 of 2026

SUBORDINATE LEGISLATION

Energy Retail Code of Practice (Energy Consumer Reforms) Amendment 2025 2 of 2026
Notice to Fix Fees under Section 73 of the Victorian Energy Efficiency Target Act 2007 2 of 2026
SR No 13 – Conservation, Forests and Lands (Wildlife (Game) Infringement Notices) Regulations 2026 9 of 2026 Vol. B
SR No. 20 – Wildlife (Game) Amendment Regulations 2026 9 of 2026 Vol. B

SUBORDINATE LEGISLATION (continued)

SR No. 72 – Country Fire Authority Regulations 2025 2 of 2026
SR No. 73 – Powers of Attorney Regulations 2025 1 of 2026 Vol. B
SR No. 82 – Victorian Energy Efficiency Target (Project-Based Activities) Amendment Regulations 2025 2 of 2026
SR No. 94 – Serious Offenders Amendment Regulations 2025 6 of 2026 Vol. B
SR No. 105 – Surveillance Devices Amendment (Body-worn Cameras and Other Matters) Regulations 2025 2 of 2026
SR No. 107 – Child Wellbeing and Safety (Child Link) Amendment Regulations 2025 2 of 2026
SR No. 118 – Corrections Amendment Regulations 2025 5 of 2026, 9 of 2026 Vol. B
SR No. 129 – Liquor Control Reform (Prohibited Supply) Regulations 2025 9 of 2026 Vol. B
SR No. 144 – Child Wellbeing and Safety (Information Sharing) Further Amendment Regulations 2025 6 of 2026 Vol. B
SR No. 145 – Gas Safety (Gas Installation) Amendment Regulations 2025 9 of 2026 Vol. B
SR No 147 – Transport (Compliance and Miscellaneous) (Conduct on Public Transport) Regulations 2025 6 of 2026 Vol. B

Appendix 2
Committee Comments classified by Terms of Reference

This Appendix lists Bills under the relevant Committee terms of reference where the Committee has raised issues requiring clarification from the appropriate Minister or Member.

Alert Digest Nos.

Section 17(a)

(i) trespasses unduly upon rights or freedoms

Building and Plumbing Administration and Enforcement Bill 2026	5 of 2026, 7 of 2026
Casino and Gambling Legislation Amendment Bill 2025	12 of 2025, 1 of 2026 Vol. B
Consumer Legislation Amendment Bill 2026	8 of 2026, 9 of 2026 Vol. B
Control of Weapons Amendment (Establishing Jack's Law, Use of Electronic Metal Detection Devices) Bill 2025	17 of 2025
Crimes Amendment (Performance Crime) Bill 2025	9 of 2025, 1 of 2026 Vol. B
Electoral Amendment Bill 2025	1 of 2026 Vol. A, 4 of 2026
Justice Legislation Amendment (Police and Other Matters) Bill 2025	16 of 2025, 1 of 2026 Vol. B
Labour Hire Legislation Amendment (Licensing) Bill 2025	14 of 2025
Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025	15 of 2025, 2 of 2026
Occupational Health and Safety Amendment (Dangerous Goods) Bill 2026	6 of 2026 Vol. A, 9 of 2026 Vol. B
Planning Amendment (Better Decisions Made Faster) Bill 2025	15 of 2025, 1 of 2026 Vol. B
Roads, Road Safety and Ports Legislation Amendment Bill 2026	6 of 2026 Vol. A, 9 of 2026 Vol. B
Safe Food Victoria Bill 2026	4 of 2026, 6 of 2026 Vol. B
Safer Protest with a Registration System and a Ban on Face Coverings Bill 2025	12 of 2025
Victorian Civil and Administrative Tribunal Amendment (Reporting of Guardianship and Administration Proceedings) Bill 2025	11 of 2025

(ii) makes rights, freedoms or obligations dependent upon insufficiently defined administrative powers

Building Legislation and Treasury Legislation (Tax Relief) Amendment Bill 2026	7 of 2026
Labour Hire Legislation Amendment (Licensing) Bill 2025	14 of 2025
Planning Amendment (Better Decisions Made Faster) Bill 2025	15 of 2025, 1 of 2026 Vol. B
Transport Legislation Amendment Bill 2025	14 of 2025, 4 of 2026

(iii) makes rights, freedoms or obligations dependent upon non-reviewable administrative decisions

Planning Amendment (Better Decisions Made Faster) Bill 2025	15 of 2025, 1 of 2026 Vol. B

(vi) inappropriately delegates legislative power

Building Legislation Amendment (Fairer Payments on Jobsites and Other Matters) Bill 2025	13 of 2025 Vol B, 2 of 2026
Electoral Further Amendment Act 2026	9 of 2026 Vol. A
Planning Amendment (Better Decisions Made Faster) Bill 2025	15 of 2025, 1 of 2026 Vol. B
Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025	16 of 2025, 1 of 2026 Vol. B

(vii) insufficiently subjects the exercise of legislative power to parliamentary scrutiny

Dangerous Goods Transport Bill 2026	6 of 2026 Vol. A, 8 of 2026
Electoral Further Amendment Act 2026	9 of 2026 Vol. A
Regulatory Legislation Amendment (Reform) Bill 2026	3 of 2026, 5 of 2026

(viii) is incompatible with the human rights set out in the Charter of Human Rights and Responsibilities

Australian Grands Prix Amendment Bill 2025	11 of 2025
Building and Plumbing Administration and Enforcement Bill 2026	5 of 2026, 7 of 2026
Building Legislation and Treasury Legislation (Tax Relief) Amendment Bill 2026 [House Amendments]	8 of 2026
Cannabis Legislation Plebiscite Bill 2026	10 of 2026
Casino and Gambling Legislation Amendment Bill 2025	12 of 2025, 1 of 2026 Vol. B
Consumer Legislation Amendment Bill 2025	14 of 2025, 1 of 2026 Vol. B
Consumer Legislation Amendment Bill 2026	8 of 2026, 9 of 2026 Vol. B
Control of Weapons Amendment (Establishing Jack's Law, Use of Electronic Metal Detection Devices) Bill 2025	17 of 2025
Corrections Amendment Bill 2026	9 of 2026 Vol. A
Corrections Amendment Bill 2026 [House Amendments]	10 of 2026
Crimes Amendment (Coercive Control) Bill 2025	1 of 2026 Vol. A
Crimes Amendment (Performance Crime) Bill 2025	9 of 2025, 1 of 2026 Vol. B
Crimes Amendment (Retail, Fast Food, Hospitality, and Transport Worker Harm) Bill 2025	16 of 2025, 1 of 2026 Vol B
Dangerous Goods Transport Bill 2026	6 of 2026 Vol. A, 8 of 2026
Electoral Amendment Bill 2025	1 of 2026 Vol. A, 4 of 2026
Electoral Further Amendment Act 2026	9 of 2026 Vol. A
Energy and Other Legislation Amendment (Resilience Reforms and Other Matters) Act 2026 [House Amendments]	4 of 2026, 7 of 2026
Fair Work (Commonwealth Powers) Amendment Bill 2026	9 of 2026 Vol. A
Firearms Amendment Bill 2026	9 of 2026 Vol. A
Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025	1 of 2026 Vol. A, 3 of 2026
Justice Legislation Amendment (Community Safety) Act 2025	1 of 2026 Vol. A, 3 of 2026
Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025	16 of 2025, 1 of 2026 Vol. B

(viii) is incompatible with the human rights set out in the Charter of Human Rights and Responsibilities (continued)

Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025	17 of 2025, 1 of 2026 Vol. B
Justice Legislation Further Amendment (Miscellaneous) Bill 2025	17 of 2025, 1 of 2026 Vol. B
Labour Hire Legislation Amendment (Licensing) Bill 2025	14 of 2025
Local Government Legislation Amendment (Stronger Communities) Bill 2026	9 of 2026 Vol. A
Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025	15 of 2025, 2 of 2026
Multicultural Victoria Amendment Bill 2026	10 of 2026
National Gas (Victoria) Amendment Bill 2025	1 of 2026 Vol. A, 3 of 2026
Occupational Health and Safety Amendment (Dangerous Goods) Bill 2026	6 of 2026 Vol. A, 9 of 2026 Vol. B
Planning Amendment (Better Decisions Made Faster) Bill 2025	15 of 2025, 1 of 2026 Vol. B
Racing Legislation Amendment (Entity Governance and Other Matters) Bill 2026	8 of 2026
Safe Food Victoria Bill 2026	4 of 2026, 6 of 2026 Vol. B
Safer Protest with a Registration System and a Ban on Face Coverings Bill 2025	12 of 2025
Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025	16 of 2025, 1 of 2026 Vol. B
Victorian Civil and Administrative Tribunal Amendment (Reporting of Guardianship and Administration Proceedings) Bill 2025	11 of 2025
Victorian Early Childhood Regulatory Authority Act 2025	17 of 2025, 1 of 2026 Vol. B
Voluntary Assisted Dying Amendment (Equity and Access) Bill 2024	4 of 2025
Voluntary Assisted Dying Amendment Bill 2025	14 of 2025, 1 of 2026 Vol. B
Workplace Protection Orders Bill 2026	10 of 2026

Section 17(b)

(i), (ii) and (iii) repeals, alters or varies the jurisdiction of the Supreme Court

State Taxation Further Amendment Bill 2025	14 of 2025, 6 of 2026 Vol. B

Appendix 3
Table of Ministerial Correspondence

Table of correspondence between the Committee and Ministers or Members

This Appendix lists the Bills where the Committee has written to the Minister or Member seeking further advice, and the receipt of the response to that request.

Bill Title	**Minister/ Member**	**Date of Committee Letter / *Minister's Response***	**Alert Digest No. Issue raised / *Response Published***
Voluntary Assisted Dying Amendment (Equity and Access) Bill 2024	Sarah Mansfield MP	19-03-25	4 of 2025
Crimes Amendment (Performance Crime) Bill 2025	Attorney-General	31-07-25 *26-01-26*	9 of 2025 *1 of 2026* Volume B
Australian Grands Prix Amendment Bill 2025	Tourism, Sport and Major Events	27-08-25	11 of 2025
Victorian Civil and Administrative Tribunal Amendment (Reporting of Guardianship and Administration Proceedings) Bill 2025	Anasina Gray-Barberio MP	27-08-25	11 of 2025
Casino and Gambling Legislation Amendment Bill 2025	Casino, Gaming and Liquor Regulation	11-09-25 *19-12-25*	12 of 2025 *1 of 2026* Volume B
Safer Protest with a Registration System and a Ban on Face Coverings Bill 2025	Hon David Davis MP	11-09-25	12 of 2025
Building Legislation Amendment (Fairer Payments on Jobsites and Other Matters) Bill 2025	Housing and Building	20-10-25 *06-02-26*[99]	13 of 2025, Volume B
Consumer Legislation Amendment Bill 2025	Consumer Affairs	28-10-25 *15-12-25*	14 of 2025 *1 of 2026* Volume B
Labour Hire Legislation Amendment (Licensing) Bill 2025	Industrial Relations	28-10-25	14 of 2025
State Taxation Further Amendment Bill 2025	Treasurer	28-10-25 *09-04-26*	14 of 2025 *6 of 2026 Vol. B*
Transport Legislation Amendment Bill 2025	Public and Active Transport	28-10-25 *10-03-26*	14 of 2025 *4 of 2026*

[99] Ministerial correspondence received 13 February 2026.

Bill Title	**Minister/ Member**	**Date of Committee Letter / *Minister's Response***	**Alert Digest No. Issue raised / *Response Published***
Voluntary Assisted Dying Amendment Bill 2025	Health	28-10-25 *05-12-25*	14 of 2025 *1 of 2026* Volume B
Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025	Energy and Resources	13-11-25 *05-02-26*	15 of 2025 *2 of 2026*
Planning Amendment (Better Decisions Made Faster) Bill 2025	Planning	13-11-25 *15-01-26*	15 of 2025 *1 of 2026* Volume B
Crimes Amendment (Retail, Fast Food, Hospitality, and Transport Worker Harm) Bill 2025	Attorney-General	20-11-25 *05-12-25*	16 of 2025 *1 of 2026* Volume B
Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025	Attorney-General	20-11-25 *26-01-26*	16 of 2025 *1 of 2026* Volume B
Justice Legislation Amendment (Police and Other Matters) Bill 2025	Police	20-11-25 *02-12-25*	16 of 2025 *1 of 2026* Volume B
Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025	Education	20-11-25 *02-12-25*	16 of 2025 *1 of 2026* Volume B
Control of Weapons Amendment (Establishing Jack's Law, Use of Electronic Metal Detection Devices) Bill 2025	Evan Mulholland MP	04-12-25	17 of 2025
Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025	Attorney-General	04-12-25 *18-12-25*	17 of 2025 *1 of 2026* Volume B
Justice Legislation Further Amendment (Miscellaneous) Bill 2025	Attorney-General	04-12-25 *18-12-25*	17 of 2025 *1 of 2026* Volume B
Victorian Early Childhood Regulatory Authority Act 2025	Children	04-12-25 *18-01-26*	17 of 2025 *1 of 2026* Volume B
Crimes Amendment (Coercive Control) Bill 2025	Georgie Crozier MP	04-02-26	1 of 2026 Volume B
Electoral Amendment Bill 2025	Premier	04-02-26 *12-03-26*[100]	1 of 2026 Volume B *4 of 2026*

[100] Ministerial correspondence received 16 March 2026.

Bill Title	**Minister/ Member**	**Date of Committee Letter / *Minister's Response***	**Alert Digest No. Issue raised / *Response Published***
Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025	Health	04-02-26 *19-02-26*	1 of 2026 Volume B *3 of 2026*
Justice Legislation Amendment (Community Safety) Act 2025	Attorney-General	04-02-26 *17-02-26*	1 of 2026 Volume B *3 of 2026*
National Gas (Victoria) Amendment Bill 2025	Energy and Resources	04-02-26 *19-02-26*	*1 of 2026* Volume B *3 of 2026*
Regulatory Legislation Amendment (Reform) Bill 2026	Finance	03-03-26 *20-03-26*[101]	3 of 2026 *5 of 2026*
Safe Food Victoria Bill 2026	Agriculture	19-03-26 *14-04-26*	4 of 2026 *6 of 2026 Vol. B*
Energy and Other Legislation Amendment (Resilience Reforms and Other Matters) Act 2026 [House Amendments]	Energy and Resources	19-03-26 *24-04-26*[102]	4 of 2026 *7 of 2026*
Building and Plumbing Administration and Enforcement Bill 2026	Building and Housing	31-03-26 *11-05-26*	5 of 2026 *7 of 2026*
Dangerous Goods Transport Bill 2026	WorkSafe and TAC	14-05-26 *01-06-26*	6 of 2026 Vol. A *8 of 2026*
Occupational Health and Safety Amendment (Dangerous Goods) Bill 2026	WorkSafe and TAC	14-05-26 *19-06-26*	6 of 2026 Vol. A *9 of 2026 Vol B*
Roads, Road Safety and Ports Legislation Amendment Bill 2026	Roads and Road Safety	14-05-26 *28-05-26*[103]	6 of 2026 Vol. A *9 of 2026 Vol B*
Building Legislation and Treasury Legislation (Tax Relief) Amendment Bill 2026	Housing and Building	03-06-26	7 of 2026
Building Legislation and Treasury Legislation (Tax Relief) Amendment Bill 2026 [House Amendments]	Housing and Building	17-06-26	8 of 2026
Consumer Legislation Amendment Bill 2026	Consumer Affairs	17-06-26 *20-07-26*	8 of 2026 *9 of 2026 Vol B*
Racing Legislation Amendment (Entity Governance and Other Matters) Bill 2026	Racing	17-06-26	8 of 2026

101 Ministerial correspondence received 25 March 2026.

102 Ministerial correspondence received 25 May 2026.

103 Ministerial correspondence received 14 July 2026

Bill Title	**Minister/ Member**	**Date of Committee Letter / *Minister's Response***	**Alert Digest No. Issue raised / *Response Published***
Corrections Amendment Bill 2026	Corrections	30-07-26	No 9 of 2026, Vol. A
Electoral Further Amendment Act 2026	Premier	30-07-26	No 9 of 2026, Vol. A
Fair Work (Commonwealth Powers) Amendment Bill 2026	Industrial Relations	30-07-26	No 9 of 2026, Vol. A
Firearms Amendment Bill 2026	Police	30-07-26	No 9 of 2026, Vol. A
Local Government Legislation Amendment (Stronger Communities) Bill 2026	Local Government	30-07-26	No 9 of 2026, Vol. A
Cannabis Legalisation Plebiscite Bill 2026	David Ettershank MP		No 10 of 2026
Corrections Amendment Bill 2026	Corrections		No 10 of 2026
Multicultural Victoria Amendment Bill 2026	Premier		No 10 of 2026
Workplace Protection Orders Bill 2026	Attorney-General		No 10 of 2026