



Scrutiny of Acts and Regulations Committee

Alert Digest No. 11 of 2026

August 2026

On the following Bills

Associations Incorporation Reform Amendment Bill 2026

Consumer Legislation Amendment Bill 2026 [House Amendments]

Education and Training Reform Amendment (Apprenticeships, Traineeships, Schools and Other Matters) Bill 2026

Justice Legislation Amendment (Family Violence, Coercive Control, Good Character, Risk Assessment and Other Matters) Bill 2026

Liquor Control Reform and Other Acts Amendment (Reducing Alcohol-Related Harms) Bill 2026

Planning and Environment Amendment (Agricultural Land and Food Security) Bill 2026

Workplace Legislation Amendment (Accident Compensation and Other Matters) Bill 2026

Committee Membership

Gary Maas MP
Chair
Member for Narre Warren South

Roma Britnell MP
Deputy Chair
Member for South-West Coast

Gaelle Broad MP
Member for Northern Victoria

Eden Foster MP
Member for Mulgrave

Kathleen Matthews-Ward MP
Member for Broadmeadows

Rachel Payne MP
Member for South-Eastern Metropolitan

Sonja Terpstra MP
Member for North-Eastern Metropolitan

Sheena Watt MP
Member for Northern Metropolitan

Committee Staff

Helen Mason, Executive Officer
Alex Kershaw, Senior Research Officer
Simon Dinsbergs, Business Support Officer
Sonya Caruana, Office Manager
Professor Jeremy Gans, Human Rights Consultant

Parliament House, Spring Street
Melbourne Victoria 3002
Telephone: (03) 8682 2836
Facsimile: (03) 8682 2858
Email: sarc@parliament.vic.gov.au
Web: www.parliament.vic.gov.au/sarc

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

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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. 11 of 2026

Associations Incorporation Reform Amendment Bill 2026

Member	Tim Richardson MP	Introduction Date	11 August 2026
Portfolio	Consumer Affairs	Second Reading Date	12 August 2026

Summary

The Bill amends the *Associations Incorporation Reform Act 2012* (AR Act). The Bill introduces reforms:-

- to provide powers to the Registrar of Incorporated Associations to exclude associations and registrable bodies that have been declared as prohibited hate groups and listed terrorist organisations from registration under the AR Act and provide the Registrar with a discretionary power to exclude groups from registration under that Act where registration is not in the public interest;
- to exclude associations and registrable bodies with an industrial relations purpose from registration under the AR Act. Note the Second Reading Speech:-

This Bill will strengthen the framework governing not-for-profit associations operating in Victoria by amending the *Associations Incorporation Reform Act 2012*. Specifically, it ensures that the benefits and legitimacy of incorporation are restricted to genuine, lawful community organisations, while explicitly preventing associations with industrial relations, terrorism and hate-motivated purposes from incorporating, or remaining incorporated, under that Act.

Amendments

The Committee notes by way of background the main purposes of the AR Act are to:-

- (a) establish a scheme for the incorporation and registration of voluntary associations and for the registration of other registrable bodies as incorporated associations; and
- (b) make provision for the corporate governance, financial accountability and other matters relating to the rules and membership of associations registered under that scheme.

The commencement provision of the Bill provides the Act comes into operation on the day after the day on which it receives the Royal Assent. [2] The Bill inserts various definitions. This includes 'listed terrorist organisation',¹ 'prohibited hate group',² 'registered organisation', 'industrial relations purpose', 'exempt association' etc. [4]

Note the Second Reading Speech:-

Earlier this year, the *Criminal Code Act 1995* (Cth) was amended to provide for organisations to be listed as prohibited hate groups, supplementing existing powers in respect to terrorist organisations. A declaration of an organisation as a specified terrorist organisation or a prohibited hate group is the

¹ Note the Explanatory memorandum:- '...The terms listed terrorist organisation and prohibited hate group respectively, to mean an association or body that is specified as such in regulations made under section 5 of the *Criminal Code Act 1995* (CCA) of the Commonwealth. The inserted sections further provide that an association or body only meets one of these definitions after the expiry of any period in which the regulations may be disallowed or any legal challenge to the regulations may be commenced, or after any legal challenge has been finally determined. The purpose of inserted sections 3(2) and (3) is to define listed terrorist organisations and prohibited hate groups by reference to groups specified in regulations made under the CCA.'

² Ibid.

outcome of a rigorous process by which the Minister for Home Affairs forms the opinion that the organisation engages in, prepares, plans, assists, or advocates for a terrorist act or conduct constituting a hate crime, and that listing the organisation is reasonably necessary to protect the community from harm.

Registrar's discretion

It amends section 7(3) to insert new subclause (ab) to provide a discretion to the Registrar to refuse to register an association if satisfied that the incorporation of the association would be inappropriate by reasons that circumstances exist which in the public interest justify the refusal to register the association. [6] (Note for the purposes of Division 2, registration of existing bodies this does not include a trade union registered under the *Trade Unions Act 1958* or a registered organisation.³) [7] In determining the public interest for the purposes of the AR Act the Registrar must consider:-

- the purposes for which the registrable body is carried on; and
- the conduct that the registrable body engages in or proposes to engage in; and
- the effect or likely effect of the purposes and conduct on the public; and
- whether the effect or likely effect on any person or group of persons is because of a protected attribute⁴ of the person or group. (see new subsection 3A)⁵ [6]

The Registrar may refuse to register an association if:-

- an association is a prohibited hate group or a listed terrorist organisation;
- an association has an industrial relations purpose and is satisfied it may be registered under the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth and is not an 'exempt association'⁶
- if a person fails to comply with a request under new section 12A to provide information. [The Registrar may request an applicant for the incorporation of an association to provide additional information considered reasonably necessary within 14 days of receipt of the request.⁷ (see new subclause 3B)] [5] Note the Second Reading Speech:-

The Bill... provide[s] the Registrar with a discretionary power to exclude groups from registration under the AIRA where registration is not in the public interest. The purpose of these reforms is to prevent groups whose purposes or activities are fundamentally inconsistent with the maintenance and promotion of community safety, social cohesion and the public interest from benefiting through incorporation under the AIRA. The Bill also introduces reforms to exclude associations and registrable bodies with an industrial relations purpose from registration under the AIRA. The purpose of these reforms is to ensure that groups with industrial purposes are regulated under more appropriate existing

³ See section 3. A 'registered organisation' means an organisation registered under the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth.

⁴ See section 3. A 'protected attribute' has the same meaning as in section 4(1) of the *Equal Opportunity Act 2010*. s 4(1). 'protected attribute means' an attribute listed in section 102B. Attributes protected by this Part The following attributes are protected by this Part— (a) disability; (b) gender identity; (c) race; (d) religious belief or activity; (e) sex; (f) sex characteristics; (g) sexual orientation; (h) personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

⁵ Note the Explanatory memorandum:- 'The purpose of new subsection (3A) is to provide a non exhaustive list of matters that the Registrar must consider in determining whether to refuse the registration of a registrable body in the public interest.'

⁶ Note see section 3 an 'exempt association means an association with an industrial relations purpose that is a prescribed association or of a prescribed class of association that may be incorporated under this Act'.

⁷ This may include the purposes for which the association is carried on and the conduct in which the association engages in or proposes to engage in.

schemes for the regulation of industrial bodies, such as the *Fair Work Act 2009* and *Fair Work (Registered Organisations) Act 2009* (FWRO Act).

Review

Section 13 governs registration of a registrable body. The Registrar must refuse to register a registrable body in specific instances, for example where the body is carried on for the purposes of securing pecuniary profit for its members. Section 13(5) provides an applicant may apply to the VCAT for review of the Registrar's refusal to register the body within 28 days. This includes review of a Registrar's decision who has the discretion to refuse to register an association if satisfied that the incorporation of the association would be inappropriate by reasons that circumstances exist which in the public interest justify the refusal to register the association. **[4]**

The Bill amends section 13 to exclude the review of a decision in VCAT where the Registrar refuses to register the body for a reason other than the body has an *industrial relations purpose* and is not an exempt registrable body. In those circumstances, application may be made to the Supreme Court for review within 28 days. **[9]** Note the Second Reading Speech:-

Decisions by the Registrar to refuse an application to register as an incorporated association will continue to be reviewable by the Victorian Civil and Administrative Tribunal (VCAT). However, decisions by the Registrar to refuse to register a registrable body with an industrial relations purpose will instead be reviewable by the Supreme Court, which is the appropriate jurisdiction for complex issues regarding incorporated bodies. In addition, decisions to wind up an incorporated association will continue to be reviewable by the Supreme Court.

Winding up an incorporated association

The Registrar can seek additional information for consideration when winding up of an incorporated association. **[10]** Section 127 sets out the grounds on which an incorporated association may be wound up if proved to the satisfaction of the Registrar. This includes section 127(2)(j) where the Registrar may justify the winding up of the association if circumstances exist in the *public interest*. In determining the public interest the Registrar must consider:-

- the purposes for which the association is carried on; and
- the conduct that the association engages in or proposes to engage in; and
- the effect or likely effect of the purposes and conduct on the public; and
- whether the effect or likely effect on any person or group of persons is because of a protected attribute of the person or group. (See new section 127(2A)) **[11]**

Amended section 127(2A) also provides additional grounds for incorporated associations which must be wound up on the certificate of the Registrar if proved to the satisfaction of the Registrar. **[11]** This includes:-

- if it is a prohibited hate group; or
- a listed terrorist organisation; or
- it has an industrial relations purpose and this has been proved to the satisfaction of the Registrar;
- is not an exempt association; and
- is not a 'transferring association'

Subsection (4) defines a 'transferring association'. An incorporated association is a 'transferring association' if:-

- (a) before 1 July 2026, the incorporated association applied for registration as a *registered organisation* [ie an organisation registered under the *Fair Work (Registered Organisations) Act 2009* (Commonwealth)]; and
- (b) the application has not been determined.

Section 128 provides if the Registrar gives notice of an intention to issue a certificate to wind it up, an incorporated association must be given a reasonable opportunity to show cause why the certificate should not be issued. In relation to transferring associations which have applied for registration as a registered organisation before 1 July 2026, the Bill inserts new section 128A(1) which governs incorporated associations with industrial relations purposes and sets out the show cause process:-

- If the Registrar gives notice of intention to issue a certificate the association may show cause why the certificate should not be issued by satisfying the Registrar that:-
 - (a) the association does not have an industrial relations purpose; or
 - (b) the association will apply within the show cause period to alter its rules such that the association will not have an industrial relations purpose; or
 - (c) the association has applied, or will apply within the show cause period, for registration as a registered organisation. Within 14 days after an application the incorporated association must notify the Registrar in writing of the outcome of the application. On registration of the incorporated association as registered organisation, the association ceases to be incorporated and must be removed from the register by the Registrar. On being notified the Registrar must give notice of intention to issue a section 127 winding up certificate. [12]

An incorporated association which has been issued a Registrar's certificate to wind up their operations under new section 127(2B) may apply to the Supreme Court for review of a decision. [13] Note the Statement of Compatibility:-

However, clause 12 of the Bill will introduce new section 128A into the AIRA which provides that if an associations' application to register under the FWRO Act is refused, the Registrar will be required to issue it with a fresh show cause notice under section 128 of the AIRA. This will mean that the association will have a period of two months within which to lodge an application to alter its rules. This period will enable the association to comply with the alteration of rules requirements set out in section 50 of the AIRA. The effect of the clauses of the Bill will mitigate any potential discriminatory distinction between persons based on the attribute of their industrial activity.

It amends the existing regulation making power to prescribe additional matters about which regulations may be made by the Governor in Council.⁸ [14]

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

Political or religious discrimination – Freedom of association – Registrar may refuse to register an association if justified in the public interest

Summary: The effect of sub-clauses 6(3) and 9(3) may be that the Registrar of Incorporated Associations may refuse to register an association or registrable body if satisfied that its purposes and

⁸ This includes prescribing an association or class of association with an industrial relations purpose as an association or class of association that may be incorporated under this Act or prescribing a registrable body or class of registrable body with an industrial relations purpose as a registrable body or class of registrable body that may be incorporated under this Act.

conduct run contrary to the public interest. The Committee will write to the Minister seeking further information.

Relevant provision

The Committee notes that sub-clauses 6(3) and 9(3), amending existing ss. 7 & 13, provide that the Registrar of Incorporated Associations may refuse to register an association or a registrable body if the Registrar is satisfied that the registration would be inappropriate ‘by reason that circumstances exist which, in the public interest, justify the refusal to register’. In determining the public interest:

the Registrar must consider—

- (a) the purposes for which the [association/registrable body] is carried on; and
- (b) the conduct that the [association/registrable body] engages in or proposes to engage in; and
- (c) the effect or likely effect of the purposes and conduct on the public; and
- (d) whether the effect or likely effect on any person or group of persons is because of a protected attribute of the person or group.

A ‘protected attribute’ means ‘disability’, ‘gender identity’, ‘race’, ‘religious belief or activity’, ‘sex’, ‘sex characteristics’, ‘sexual orientation’ or ‘personal association’ (with a person identified by reference to one of those attributes.)

The Explanatory Memorandum explains:

The purpose of new section 7(3)(ab) is to provide the Registrar with the discretion to prevent groups whose purposes and conduct run contrary to the public interest from obtaining the benefits of incorporation, thereby preventing the public from harm arising from the activities of those groups.

The Committee observes that the effect of sub-clauses 6(3) and 9(3) may be that the Registrar of Incorporated Associations may refuse to register an association or registrable body if satisfied that its purposes and conduct run contrary to the public interest.

Charter analysis

The Statement of Compatibility remarks:

Clauses 6 and 9 of the Bill may... engage the right to recognition and equality before the law by amending sections 7 and 13 of the AIRA to provide that the Registrar may refuse to register or wind up an association if circumstances exist which, in the public interest, justify that decision. The Registrar is required, when forming that opinion, to have regard to the association’s purposes and conduct and the effect or likely effect that the purpose or conduct would have on the public, including whether the effect or likely effect on a person or group of persons is because of a protected attribute listed in section 102B of the EO Act...

The refusal to register... an association on the grounds of the public interest may engage the right because the decision of the Registrar may affect an individual’s ability to practice their religious or political beliefs under a recognised collective association and therefore draw distinctions between peoples based on attributes listed in section 6 of the EO Act. I am of the view that clauses 6 [and] 9... do not limit the right to recognition and equality before the law because they do not limit an individual’s ability to practice their religious or political beliefs. The purpose of the Bill is not directed at preventing Victorians from enjoying religious practices or political belief or activity. Rather, it seeks to prevent groups whose purposes and activities may cause serious harm to the public from obtaining the legal and financial benefits of incorporation under the AIRA.

Accordingly, I consider that these clauses under the Bill are compatible with the right to recognition and equality before the law under section 8 of the Charter.

The Committee notes that ‘discrimination’ in the Charter (which is defined to mean discrimination on the basis of an attribute set out in existing s. 6 of the *Equal Opportunity Act 2010*) includes the discrimination on the basis of ‘holding or not holding a lawful political belief or view’, ‘engaging in, not engaging in or refusing to engage in a lawful political activity’, ‘holding or not holding a lawful religious belief or view’ or ‘engaging in, not engaging in or refusing to engage in a lawful religious activity’. The Committee observes that the references in sub-clauses 6(3) and 9(3) to ‘circumstances... which, in the public interest, justify the refusal to register’ may include ‘purposes’ of the association or body that consist of ‘lawful’ political or religious beliefs or views or ‘conduct’ (or proposed conduct) that consists of engaging in ‘lawful’ political or religious activities.

The Committee also notes that, while the Statement of Compatibility discusses the compatibility of sub-clauses 6(3) and 9(3) with some of the Charter’s equality rights (the rights to recognition and equality before the law), it may not expressly discuss those sub-clauses’ compatibility with the other rights listed in Charter s. 8, which provides:

- (1) Every person has the right to recognition as a person before the law.
- (2) Every person has the right to enjoy their human rights without discrimination.
- (3) Every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.
- (4) Measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.

The Committee observes that sub-clauses 6(3) and 9(3) may limit every person’s:

- Charter ‘right to enjoy their human rights without discrimination’, including their Charter right to enjoy their right to freedom of association without discrimination on the basis of their political beliefs or activities or religious beliefs or activities.
- Charter ‘entitle[ment] to the equal protection of the law without discrimination’, including their entitlement to the equal protection of the legal and financial benefits of incorporation under the *Associations Incorporation Reform Act 2012* without discrimination on the basis of their political beliefs or activities or religious beliefs or activities.

The Committee further notes that, while the Statement of Compatibility discusses the compatibility of other parts of clauses 6 and 9 with the Charter’s right to freedom of association, it may not expressly discuss the compatibility of sub-clauses 6(3) and 9(3) with that right. The Committee observes that the European Court of Human Rights has remarked, with respect to the right to freedom of association under the European Convention on Human Rights, that:⁹

the right to form an association is an inherent part of the right set forth in Article 11, even if that Article only makes express reference to the right to form trade unions. That citizens should be able to form a legal entity in order to act collectively in a field of mutual interest is one of the most important aspects of the right to freedom of association, without which that right would be deprived of any meaning. The way in which national legislation enshrines this freedom and its practical application by the authorities reveal the state of democracy in the country concerned. Certainly States have a right to satisfy themselves that an association’s aim and activities are in conformity with the rules laid down in legislation, but they must do so in a manner compatible with their obligations under the Convention...

Relevant comparisons

The Committee notes that existing Victorian law provides that ‘An incorporated association may be wound up on the certificate of the Registrar if the Registrar certifies that... in the opinion of the

⁹ *Sidiropoulos v Greece* [1998] ECHR 55, [40]. For an example of the same Court holding that a refusal to register a particular association was compatible with the right to freedom of association, see *Vona v Hungary* [2013] ECHR 653.

Registrar, circumstances exist which, in the public interest, justify the winding up of the association'.¹⁰ The Committee observes that clause 11 amends that provision to require the Registrar to consider the same matters as those specified in relation to sub-clauses 6(3) and 9(3).

The Committee also notes that similar decision-makers under similar Australian laws:

- in the Australian Capital Territory, must incorporate a proposed association if satisfied that it is eligible (including that it 'is formed or carried on for a lawful object')¹¹
- in New South Wales, may refuse to register an association if satisfied that the association should not be registered 'because some provision of the association's constitution is contrary to law', 'because of the association's objects or the Secretary's assessment of the likely nature or extent of the association's proposed activities', 'because of the likely nature or extent of the association's dealings with the public' or 'for any other reason that appears sufficient to the Secretary'.¹²
- in the Northern Territory, 'may refuse to issue a certificate of incorporation on [any] ground the Director considers appropriate'.¹³
- in Queensland, '[w]ithout limiting the grounds on which the chief executive may refuse an application for incorporation,... may refuse the application if the chief executive is satisfied that the proposed rules of the association do not comply with this Act'¹⁴
- in South Australia, may 'with the consent of the Minister, decline to incorporate an association under this Act if, in its opinion, the incorporation of the association under this Act would not be in the public interest'.¹⁵
- in Tasmania 'may, if he is satisfied that it is proper for him so to do, grant to the association to which the application relates a certificate of incorporation'¹⁶
- in Western Australia, 'must not incorporate an association.... if in the opinion of the Commissioner... the incorporation of the association is against the public interest'.¹⁷

The Committee observes that all Australian jurisdictions except the Australian Capital Territory provide for a broad discretion to refuse registration on the grounds that do or may include similar grounds to those set out in sub-clauses 6(3) and 9(3).¹⁸

Conclusion

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

- **whether or not sub-clauses 6(3) or 9(3) permit the Registrar of Incorporated Associations to refuse to register an association or registrable body based only on purposes of the association or body that consist of lawful political or religious beliefs or views and/or conduct or proposed conduct that consists of lawful political or religious activities;**
- **the compatibility of sub-clauses 6(3) or 9(3) with the Charter's right of every person to equal enjoyment of their human rights (including the right to freedom of association) and equal**

¹⁰ Existing s. 127((1)) & (2)(j).

¹¹ *Associations Incorporation Act 1991* (ACT), ss. 14(1)(b) & 19.

¹² *Associations Incorporation Act 2009* (NSW), s. 7.

¹³ *Associations Act 2003* (NT), s. 9(4).

¹⁴ *Associations Incorporation Act 1981* (Qld), s. 12(2).

¹⁵ *Associations Incorporation Act 1985* (SA), s. 20(2)(b).

¹⁶ *Associations Incorporation Act 1964* (Tas), s. 8(1).

¹⁷ *Associations Incorporation Act 2015* (WA), s. 11(1)(b).

¹⁸ *Associations Incorporation Act 2015* (WA), s. 11(1)(b).

protection of the law (including the Associations Incorporations Reform Act 2012) without discrimination on the basis of political or religious beliefs or activities

- **the compatibility of sub-clauses 6(3) or 9(3) with the Charter's right to freedom of association.**

Education and Training Reform Amendment (Apprenticeships, Traineeships, Schools and Other Matters) Bill 2026

Member	Hon Gabrielle Williams MP	Introduction Date	11 August 2026
Portfolio	Education	Second Reading Date	12 August 2026

Summary

The Bill:-

- amends the *Education and Training Reform Act 2006* and provides for the transfer of regulation of apprenticeships and traineeships from the Victorian Registration and Qualifications Authority to the Workforce Inspectorate Victoria with a dedicated statutory commissioner role;
- establishes a new licensing scheme for employers of apprentices and trainees, and a framework for employer standards to set expectations and clarify the employer's role;
- provides the regulator with an expanded set of graduated compliance and enforcement powers, greater information sharing between co-regulators and improved oversight of training plans;
- includes a new statutory principle in relation to schools being safe and respectful places of work, improve the operation of the Permission to Teach scheme administered by the Victorian Institute of Teaching and improves the School Community Safety Order scheme to better protect students and staff from serious harm;
- amends the *Workforce Inspectorate Victoria Act 2020* to provide for governance arrangements relating to the transfer of regulatory responsibility, including by providing for the new Apprenticeship and Traineeship Commissioner and makes consequential amendments to other Acts. Note the Second Reading Speech:-

... the framework that governs the Victorian apprenticeship system is outdated. It has not kept pace with the changing nature of apprenticeships and traineeships, and Victoria's rapidly transforming economy. The current legislation was established 20 years ago. It does not provide adequate protections for apprentices and trainees, it is not risk based in recognising the particular vulnerabilities of this cohort of workers, and it does not enable the regulator, the Victorian Registration and Qualifications Authority, to act quickly in response to harms, and risks of harm to our workers.

In recognition of the need to make the system safer and fairer for apprentices and trainees, a key Victorian Government election commitment in 2022 was to establish an Apprenticeships Taskforce. In July 2023 the Government established the Taskforce, investing \$1.5 million to support its work... The Taskforce finalised its report in March 2024 and made 16 recommendations to reform the apprenticeship system, strengthen the regulatory framework, improve the apprenticeship and traineeship journey and enhance collaboration and coordination across the regulatory landscape for apprentices and trainees. The Victorian Government has accepted all of the recommendations in full or in part.

Chapter 1 – Preliminary – Chapter 2 – Apprenticeships and traineeships – *Education and Training Reform Act 2006* (ETR Act) [Parts 2.1 to 2.3]

Part 2.1

Clause [2] is the commencement provision. It includes a default commencement date for Chapter 2 of 1 July 2029.¹⁹ [2] It inserts various definitions for the purpose of transferring functions relating to

¹⁹ Note the Explanatory memorandum:- 'Subclause (1) provides that the Bill comes into operation on the day after the day on which it receives the Royal Assent, except for Chapter 2 and Parts 3.2, 3.3, 3.4 and 3.5. The default commencement date for Chapter 2 of 1 July 2029 is necessary due to the range and complexity of implementation

apprentices from the Victorian Registration and Qualifications Authority (Authority) to Workforce Inspectorate Victoria (Inspectorate). ‘Apprenticeship and Traineeship Commissioner’ has the same meaning as in section 3(1) of the *Workforce Inspectorate Victoria Act 2020* (WIV Act).²⁰ ‘Co-regulator’ is defined.²¹ [4] ‘Health information’ has the same meaning as in section 3(1) of the *Health Records Act 2001*. [4] ‘Personal information’ has the same meaning as in section 3 of the *Privacy and Data Protection Act 2014*. [4] The Authority may disclose information to the Inspectorate or any other prescribed person or body. [7,8] Note the Second Reading Speech:

The Bill will transfer apprenticeship and traineeship regulatory functions from the Victorian Registration and Qualifications Authority to Workforce Inspectorate Victoria. With its strong capability in industry regulation the Workforce Inspectorate Victoria is positioned well to take on these functions... A new Apprenticeship and Traineeship Commissioner will be established in Workforce Inspectorate Victoria. This will be a dedicated statutory role to support enforcement of the new regulatory scheme.

Under the Bill, the Workforce Inspectorate Victoria Commissioner will be appointed to the role, in addition to their existing role. The Bill will also provide for a consultative committee comprising industry, employee and other key representatives. The committee will advise the Apprenticeship and Traineeship Commissioner on current risks and issues requiring consideration in relation to regulatory priorities, ensuring broad stakeholder perspectives are taken into account by the new regulator.

It inserts new Chapter 4A in the ETR Act relating to apprenticeships and traineeships. That Chapter provides for various matters:-

- New Part 4A.1 sets out the objectives of Chapter 4A including to ensure the health and safety of apprentices and trainees. New Part 4A.2 sets out the functions of the Inspectorate including to promote the safety of apprentices and administer the scheme in Part 4A.5 in relation to employer licences and maintain the Register of Employer Licences (Register).
- New Part 4A.3 establishes the Apprenticeship and Traineeship Consultative Committee (ATC Committee) including the appointment of members. The ATC Committee may provide advice to the Inspectorate. The Minister may give general written directions to the Inspectorate including the requirement to give reports on specified matters under its functions. [9]
- New Part 4A.4 provides for approved training scheme determinations in writing by the Inspectorate.²² Details must include: whether the employment-based training is an apprenticeship or a traineeship; details of the approved training course; the term and whether

activities required to support the new apprenticeship and traineeship scheme. The ICT system of the Authority, as current regulator of apprenticeships and traineeships, is not fit for purpose and is insufficient to support the new scheme. A new ICT system will be required to be built, and this will require a significant lead time for implementation due to the complexity and scale of the reforms. In addition, an allocation statement process will be required to transfer property, rights and liabilities of the Authority that relate to apprenticeships and traineeships functions to Workforce Inspectorate Victoria. Staff required to support the apprenticeships and traineeship functions will also be transferred to Workforce Inspectorate Victoria. These processes are anticipated to be complex, as the Authority will retain all functions that do not relate to apprenticeships and traineeships. Regulations will also need to be developed to support the scheme, including the standards with which employers must comply. Broad consultation will be undertaken with relevant sectors during the development of these regulations, and to support operationalisation of the new scheme.

²⁰ The *Workforce Inspectorate Victoria Act 2020* establishes the Workforce Inspectorate Victoria to inform, educate and assist people in relation to their rights and obligations under the Act.

²¹ See clause [4]. (a) the Authority; (b) the Building and Plumbing Commission; (c) Energy Safe Victoria within the meaning of section 3 of the *Energy Safe Victoria Act 2005*; (d) the Fair Work Ombudsman within the meaning of the *Fair Work Act 2009* of the Commonwealth; (e) the Labour Hire Licensing Authority; (f) WorkSafe Victoria.

²² Note the Explanatory memorandum:- ‘Subsection (3) provides that before making a determination under subsection (1), the Workforce Inspectorate Victoria may consult with specified bodies, groups or persons. This includes the Apprenticeship and Traineeship Consultative Committee; a person (other than a licence holder) who employs or engages another person in a vocation to which the proposed determination relates; licence holders; an industry group; the Victorian Skills Authority; the Secretary; a Secretary to another Department within the meaning of section 4(1) of the *Public Administration Act 2004*; registered education and training organisations. It is intended that the Workforce Inspectorate Victoria will consult on any new approved training scheme determinations. The Workforce Inspectorate Victoria may, but will not necessarily, consult in relation to updates to any approved training scheme determinations that are in place.’

it can be undertaken on a full-time or part-time basis; syllabus, any requirements as to age, education, knowledge, skills and experience, minimum hours per week or any other matters. A determination must be published in the Government Gazette and provides for the incorporation of other documents. [9]

- New Part 4A.5 (repeals the current employer approval process in Part 5.5 of the ETR Act) and provides for a new employer licensing scheme which is overseen by the Inspectorate. It includes the suspension or cancellation of employer licences, the requirement²³ for a person to hold an in force employer licence before entering into a training contract to train an apprentice or a trainee. An application for an employer licence to the Inspectorate must be in an approved form and amongst other details include if found guilty in the last 10 years of an indictable offence for fraud or dishonesty or subject to a ban or disqualification under the Corporations Act. [This includes directors of the body corporate or any member of the partnership. It also includes if any supervisor has been found guilty of sexual offences within the meaning of the *Criminal Procedure Act 2009*.] [9]
- New Part 4A.5 sets out the matters to which the Inspectorate must have regard in determining whether an applicant is a fit and proper person. The Inspectorate may grant an employer licence subject to conditions and give written reasons for the decision. (See new section 4A.5.5). Application for internal review may be made within 14 days of notice of the decision. The applicant may apply to the VCAT within 28 days after notice of the internal review decision. [9]
- New Part 4A.5 provides for the renewal, suspension, cancellation, surrender variation or revocation of a condition of employer licences. It deals with entry into training contracts for the training of an apprentice or a trainee, including the form and content of training contracts, the execution of a training contract, the approval of training contracts by the Inspectorate and the variation and cancellation of training contracts. In relation to the proposed suspension the licence holder may make submissions to the inspectorate. The Inspectorate must not suspend an employer licence without considering any submission. Application may be made for internal review of decisions and to VCAT within the same specified time frames as above. New section 4A.5.11 provides that an employer licence continues in force for one year after the day on which the employer licence is granted or renewed by the Inspectorate unless earlier cancelled or surrendered under Division 10 of new Part 4A.5. [9] Part 4A.5 inserts a number of strict liability offences in relation to the operation of employer licences. (PCA)
- New Part 4A.6 replaces the current requirements under Part 5.5 of the Principal Act for training contracts²⁴, with key changes being to modernise the administrative requirements and to reflect the transfer of functions from the Authority to the Inspectorate. [Training contracts may be amended, varied, cancelled, approved or suspended.] An executed training contract which sets out the various obligations of an employer must be lodged with the Inspectorate. After receipt the Inspectorate must approve or refuse to approve the training contract. Application may be made for internal review of decisions and to VCAT within the same specified time frames as above. [9]
- New Part 4A.7 provides for a registered education and training organisation (training organisation) to provide training plans prepared for apprentices or trainees. An employer must

²³ (1) A person must not enter into, or purport to enter into, a training contract to train an apprentice or a trainee unless the person holds an employer licence that is in force.

Penalty: 120 penalty units for a natural person and 600 penalty units for a body corporate.

(2) Subsection (1) is also a civil penalty provision.

²⁴ See new 4A.6.1. Employer must not train apprentice or trainee without employer licence and approved training contract. The same penalties apply as above. Note the Explanatory memorandum:- 'This provision is both an offence provision and a civil penalty provision to enable the Workforce Inspectorate Victoria to have discretion in terms of addressing non-compliance with this provision, enabling a graduated enforcement approach. It is anticipated, for instance, that a contravention of this provision will be prosecuted as an offence where the contravention is more serious.'

ensure all parties execute training plans and notify the Inspectorate. The Inspectorate may request amendment of or review a training plan. The training organisation must notify the Inspectorate when the apprenticeship or traineeship is complete. [9]

- New Part 4A.8 makes provision for group training organisation registrations by the Inspectorate, including the issue, suspension or cancellation of a group training organisation registration which are subject to the same internal and VCAT review as outlined previously. The Inspectorate must review each group training registration in force every 5 years. [9]
- New Part 4A.9 provides for the collection, use and disclosure of information²⁵ by the Inspectorate for the purposes of exercising or performing a function, duty or power under new Chapter 4A. The Inspectorate is required to maintain a Register of Employer Licences. [9]
- New Part 4A.10 contains miscellaneous provisions which require a licence holder to comply with prescribed standards including labour hire standards²⁶ and the reporting of incidents. It makes provision for the notification of the completion of apprenticeships and traineeships, sets out penalties for threatening action by an employer. The Minister must ensure a review of the amendments made by Chapter 2 is undertaken five years after commencement and tabled in both Houses in the Parliament. [9]
- New Part 4A.11 contains provisions for which for internal review of decisions²⁷ of the Inspectorate and for VCAT review of decisions. [9] It updates and substitutes various references in Part 5.5 which are no longer required. [10,11,12] It substitutes references where required in relation to the appointment of authorised officers. Currently the Secretary has the power to appoint authorised officers.²⁸ This is transferred to the Inspectorate. The same obligation to ensure the Inspectorate must be satisfied that the person is appropriately qualified or has successfully completed appropriate training is retained. Identification documents and identity cards must be issued to the authorised officers. [13,14]

²⁵ The Inspectorate may collect or disclose information to the following persons or bodies for the purposes of exercising its functions, duties or powers in Chapter 4A and its oversight role: (a) the Secretary; (b) a Secretary to another Department within the meaning of the *Public Administration Act* 2004; (c) a Secretary to a Department of the Commonwealth or another State or a Territory; (d) a co regulator; (e) a TAFE institute; (f) a registered education and training organisation; (g) any other prescribed person or body or prescribed class of persons or bodies.

²⁶ Penalty: 120 penalty units for a natural person and 600 penalty units for a body corporate.

²⁷ 4A.11.1 What is a reviewable decision?

For the purposes of this Part, a reviewable decision is any of the following decisions made by the Workforce Inspectorate Victoria—

(a) a decision to grant an employer licence subject to one or more conditions under section 4A.5.5(1)(b); (b) a decision to refuse to grant an employer licence under section 4A.5.5(1)(c); (c) a decision to renew an employer licence subject to one or more conditions under section 4A.5.8(1)(b); (d) a decision to refuse to renew an employer licence under section 4A.5.8(1)(c); (e) a decision to impose a condition on an employer licence under section 4A.5.9; (f) a decision to refuse to vary, or revoke a condition imposed on, an employer licence under section 4A.5.14; (g) a decision to suspend an employer licence under section 4A.5.15; (h) a decision to immediately suspend an employer licence under section 4A.5.16; (i) a decision to cancel an employer licence under section 4A.5.19; (j) a decision to refuse to reduce a disqualification period under section 4A.5.21; (k) a decision to refuse to accept the surrender of an employer licence under section 4A.5.23; (l) a decision to refuse to approve a training contract under section 4A.6.5; (m) a decision to refuse to approve a variation of an approved training contract under section 4A.6.10; (n) a decision to suspend an approved training contract under section 4A.6.12; (o) a decision to cancel an approved training contract under section 4A.6.12; (p) a decision to refuse to issue a group training organisation registration under section 4A.8.3; (q) a decision to suspend a group training organisation registration under section 4A.8.4; (r) a decision to cancel a group training organisation registration under section 4A.8.7; (s) a decision to immediately cancel a group training organisation registration under section 4A.8.8.

²⁸ Note see new section 5.8.1(1) of the *Education and Training Reform Act* 2006: 'The Workforce Inspectorate Victoria by instrument may appoint a person employed under Part 3 of the *Public Administration Act* 2004 in the administration of Chapter 4A as an authorised officer for the purposes of this Act.'

Part 2.1 Powers of authorised officers

The Bill inserts new Division 3A into Part 5.8 of the ETR Act providing for enforcement powers relating to Chapter 4A employers. New Division 3A comprises new sections 5.8.3ZA to 5.8.3ZL. A new set of graduated compliance powers provided to the Workforce Inspectorate Victoria are intended to enable proactive and targeted regulatory responses to instances of non-compliance, with minor contraventions resulting in the use of more minor tools, with the ability to escalate according to the level of risk posed by continued non-compliance.²⁹ [18-54]

Powers of entry with consent

For the purposes of Chapter 4A an authorised officer must produce an identity card for inspection if requested and:-

- May enter any premises at which it is reasonably believed an apprentice or a trainee is trained under an approved employer training contract during the normal business hours of the premises and with the consent of the occupier or apparent occupier of the premises; [19]
- May search any part of the premises; inspect or examine any thing (including a document or device) at the premises; take photographs or make audio, video or any other type of recording of the premises; observe any activity being conducted at the premises; make inquiries of any person at the premises; seize any thing (including a document or device) at the premises for the purposes of inspecting, examining or testing it; make copies of, or take extracts from, any document at the premises; [19]
- Require³⁰ an occupier of the premises or agent or employee of the occupier to give reasonable assistance to the authorised officer if the authorised officer reasonably believes there is a serious risk to the health, safety or wellbeing of an apprentice or a trainee. (subject to subsection (3)). [19]

Powers of entry with search warrant

An authorised officer may apply to a magistrate for the issue of a search warrant in relation to premises if the officer believes on reasonable grounds entry is necessary for the purposes of a contravention of Chapter 4A, or a failure to comply with a notice to produce or failure to comply with a notice issued under section 5.8.18A.

The search warrant may authorise a named officer to enter the premises. The rules that apply to search warrants mentioned in the *Magistrates' Court Act* 1989 extend and apply to search warrants under new section 5.8.3ZC. Despite section 78 of the *Magistrates' Court Act* 1989, a search warrant must not authorise an authorised officer to arrest a person. The authorised officer must:-

- Announce their entry to the premises is authorised by the search warrant;
- Give any person an opportunity to allow entry; identify themselves and produce a copy of their identity card, give a receipt for anything seized;

²⁹ See the Explanatory memorandum.

³⁰ This is subject to subsection (3). Before requiring a person to give reasonable assistance warn the person that refusal or failure to comply without reasonable excuse is an offence.

Note. See offence against section 5.8.3ZK(1)

5.8.3ZK(1) A person must not refuse or fail to comply with a requirement of an authorised officer under section 5.8.3ZB(2)(h) without reasonable excuse. Penalty: 60 penalty units for a natural person and 300 penalty units for a body corporate. Note. See offence against section 5.8.4(1). A person must not, without reasonable excuse, hinder, obstruct or delay an authorised officer who is exercising or attempting to exercise his or her functions or powers under this Part. Penalty: 60 penalty units.

- may request the assistance of a police officer for the purposes of executing a search warrant under this Division.

New section 5.8.3ZI provides for the retention and return of seized things. Note the Statement of Compatibility:-

The seizure powers outlined above are subject to a number of requirements and protections: a receipt must be given for any thing seized (new section 5.8.3ZG), copies of seized documents must be provided for any documents retained by the officer (new section 5.8.3ZH), the officer must take reasonable steps to return the thing to the person from whom it was seized if the reason for its seizure no longer exists (new section 5.8.3ZI(1)), or after 3 months unless a proceeding for which the thing was retained has commenced and is ongoing, or the Magistrates' Court makes an order under new section 5.8.3ZI extending the period during which the thing may be retained (new section 5.8.3ZI(2)).

Notice to produce – Notice to comply – Interim injunction – Contravention order by the Magistrates' Court – Official warnings by the Inspectorate

The Inspectorate may issue a written notice to a regulated entity to produce documents or information within 14 days of service. Criminal and civil penalties apply for failure to comply.³¹ [25] An interim injunction may be granted by the Magistrates' Court upon application by the Inspectorate for failure to comply with a notice to produce or a notice to comply. [28,36]

The Inspectorate may give a licence holder a notice to comply if it is believed on reasonable grounds the licence holder is not complying with the following sections: 4A.5.10(1), 4A.5.12(1), 4A.5.13(1), 4A.8.12(1), 4A.10.1(1), 4A.10.2(2), 4A.10.3(1), 4A.10.5(1), 4A.10.5(2), 5.8.3ZK(1) or 5.8.3ZL(1) or (2). Failure to comply with a notice without a reasonable excuse can constitute both a criminal offence and give rise to a civil penalty. [38] Note the Statement of Compatibility:-

Further, as the WIV may give a licence holder a notice to comply in relation to criminal offences, new section 5.8.18A also engages the right to be presumed innocent under section 25(1) of the Charter. I note that nothing in the Bill limits a person's right to seek judicial review of a notice to comply. To the extent that a person's right to be presumed innocent in section 25(1) of the Charter is limited by these sections inserted by the Bill, I consider that this would be justified by the importance of the compliance notice scheme. It is a targeted mechanism for compelling a person to take necessary action, or for prohibiting harmful conduct, to prevent apprentices or trainees experiencing harm. Further, it can only be issued in relation to a licence holder, who has voluntarily assumed compliance responsibilities. A failure to comply is subject also to a reasonable excuse defence.

The Bill inserts new Part 5.8:-

- New Division 7A which provides for civil penalties in relation to Chapter 4A matters. If the Magistrates' Court is satisfied on the balance of probabilities that the person has contravened a

³¹ (1) A regulated entity that is given a notice to produce issued under section 5.8.10A must not fail to comply with that notice without reasonable excuse.

Penalty: 120 penalty units for a natural person and 600 penalty units for a body corporate.

(2) Subsection (1) is also a civil penalty provision.

(3) It is a reasonable excuse for a regulated entity to refuse or fail to comply with a notice to produce issued under section 5.8.10A if the regulated entity—

(a) took all actions that were reasonable for the regulated entity to take in the circumstances; and

(b) believed on reasonable grounds that the regulated entity was not able to produce the document or information specified in the notice.

(4) It is a reasonable excuse for a natural person to refuse or fail to comply with a notice to produce issued under section 5.8.10A if producing the document or information specified in the notice would tend to incriminate the person. See also clause [30].

civil penalty provision, the Court may make an order that the person has contravened the provision (Contravention order.) Civil penalties must be paid into the Consolidated Fund.³²

- New Division 7B which deals with infringements in relation to Chapter 4A matters. Authorised officers appointed under section 5.8.1(1) may serve an infringement notice on any person or body that the authorised officer reasonably believes has committed an offence against new Division 3A in Part 5.8 or new Chapter 4A or new section 5.8.15A or 5.8.22A prescribed for the purposes of this section (a prescribed offence). Subsection (2) provides that a prescribed offence is an infringement offence within the meaning of the Infringements Act 2006. Subsection (3) provides that the infringement penalty for a prescribed offence is the prescribed infringement penalty for that offence.
- The Bill provides for official warnings by the Inspectorate. Non-compliance may be the subject of enforcement action by the Inspectorate. **[42]**
- Enforceable undertakings which may be enforced in the Magistrates' Court may be accepted by the Inspectorate in respect of a contravention or suspected contraventions of a licence holder of specified sections. A Register of undertakings must be maintained by the Inspectorate. Details of non-compliance may be published in the Register. **[46]** The Magistrates' court may make an adverse publicity order. **[47]**
- The Bill amends section 5.10.2(4)(b)(ii) an existing general regulation making power. Regulations may be made in accordance with a specified standard or specified requirement, approved or determined to the satisfaction of a specified person or class of persons.³³**[49]** It inserts new Part 6.4 into the ETR Act which contains transitional provisions for the transfer of matters (including approved training schemes and approved training contracts in force) from the Authority to the Inspectorate. **[51]**
- It substitutes Schedule 4 which sets out a table of civil penalty provision and civil penalty amounts in relation to Chapter 4A matters. **[52]** It inserts new Clause 9A into Schedule 5 to provide for certain matters in relation to apprenticeships and traineeships, for which regulations may be made under section 5.10.1 of the Principal Act. **[53]**

Part 2.2 – Amendment of *Workforce Inspectorate Victoria Act 2020* (WIV Act)

Part 2.2 makes various amendments to the WIV Act to provide for the appointment of the Workforce Inspectorate Victoria Commissioner and the Apprenticeship and Traineeship Commissioner so they can exercise powers in accordance with new Chapter 4A amendments. Appointments are made by the Governor in Council. **[55,56,57]** It amends section 24 to clarify that the Minister's power to give general written directions under section 24(1) does not extend to a Chapter 4A function, duty or power. It also amends section 24 to clarify that the Minister's power to direct the Inspectorate to give the Minister reports under section 24(2) does not extend to matters relating to a Chapter 4A function, duty or power. **[58]** It amends various headings and clarifies provisions referring to the Workforce Inspectorate Victoria Commissioner.³⁴ The Governor in Council and the Minister may make an Acting

³² Note the Explanatory memorandum:- 'New section 5.8.23D provides that the Magistrate' Court must not make a contravention order in respect of a person if the person has been convicted of an offence constituted by conduct that is substantially the same as the conduct alleged to constitute the civil penalty provision.'

Note section 5.8.23F. A criminal proceeding may be commenced against a person for conduct that is substantially the same as conduct constituting the contravention of a civil penalty provision regardless of whether a contravention order has been made in respect of the person.

³³ Note the Explanatory memorandum:- 'This amendment expands the scope of the regulation-making power in section 5.10.2, and is intended to support the possibility of regulations to be made, for instance, which require additional information in an application for an employer licence to be determined by the Workforce Inspectorate Victoria.' [See new section 4A.5.2(2)(d), inserted by clause 9.]

³⁴ Note the Explanatory memorandum:- 'Clause 56 inserts new definitions of Apprenticeship and Traineeship Commissioner, Chapter 4A function, duty or power and Workforce Inspectorate Victoria Commissioner into section 3(1) of the *Workforce Inspectorate Victoria Act 2020* and repeals the definition of Commissioner. Apprenticeship and

Appointment for a period of not less than 3 months and no longer than 12 months. [56,59-63-66] It clarifies an existing delegation power of the Commissioner is referring to the Workforce Inspectorate Victoria Commissioner. [67]

It inserts new Division 3 of Part 3 which sets out standard provisions which establish the Apprenticeship and Trainee Commissioner appointed by the Governor in Council.³⁵ The Apprenticeship Commissioner has the duties, functions and powers of the Inspectorate referred to in new section 4A.2.1 of the ETR Act. [68] It amends section 31 an existing delegation provision to clarify that the provision refers to the Workforce Inspectorate Victoria Commissioner.³⁶ [68] It provides immunity from personal liability for carrying out functions reasonably performed or done in good faith under the Act to the Workforce Inspectorate Victoria Commissioner and the Apprenticeship Commissioner. [71]

It applies the current confidentiality provisions and the authorised disclosure of information provisions to a person exercising functions or powers under new Chapter 4A including the Workforce Inspectorate Victoria Commissioner and the Apprenticeship Commissioner. It contains transitional provisions. [73]

Part 2.3 – Consequential amendments

Part 2.3 makes consequential amendments (including the substitution of references where necessary) to a number of Acts³⁷ in relation to the amendments made by clause [9] including the establishment of a scheme to license employers to employ an apprentice or trainee under a training contract. It inserts new sections 7C, 7D and 7E into to the *Energy Safe Victoria Act 2005* which will support the sharing of information concerning apprentices and trainees between relevant regulators and establish the framework for information sharing. The amendments also ensure the definition of Workforce Inspectorate Victoria Commissioner in various Acts has the same meaning as in section 3(1) of the WIV Act. [74-122]

Chapter 3 (Parts 3.1-3.5) – Schools and other matters

Part 3.1 amends existing principles to provide all schools should be safe and respectful places of learning and work. Part 3.3 of the Bill establishes obligations in relation to supervision and support agreements for conditional authority³⁸ to teach applicants or grantees. New section 2.6.14AA requires a *responsible* person at the place at which an applicant for conditional authority to teach will be employed or engaged by must enter into a supervision and support agreement with the Authority which will set out the way in which supervision and professional support will be provided to the applicant. New section 2.6.14AC, enables the Authority to create improvement plans if it reasonably believes a responsible person is not complying with a supervision and support agreement. An improvement plan will specify the actions required to be taken to remedy the noncompliance. Under new section 2.6.14AC(4), the responsible person must ensure there is compliance with the

Traineeship Commissioner means the person appointed under new section 31A(2) of the *Workforce Inspectorate Victoria Act 2020*.'

³⁵ See new sections 31A to 31G. See new section 31A(4) which provides a person may hold office as both the Workforce Inspectorate Victoria Commissioner and the Apprenticeship and Traineeship Commissioner.

³⁶ Note the Explanatory memorandum.

³⁷ Part 2.3 makes consequential amendments to the following Acts: *Building Act 1993*, *Child Employment Act 2003*, *Child Wellbeing and Safety Act 2005*, *Drugs, Poisons and Controlled Substances Act 1981*, *Electricity Safety Act 1998*, *Energy Safe Victoria Act 2005*, *Gambling Regulation Act 2003*, *Labour Hire Licensing Act 2018*, *Liquor Control Reform Act 1998*, *Long Service Benefits Portability Act 2018*, *Long Service Leave Act 2018*, *Owner Drivers and Forestry Contractors Act 2005*, *Payroll Tax Act 2007*, *Public Administration Act 2004*, *Surveillance Devices Act 1999*, *Transport Accident Act 1986*, *Workplace Injury Rehabilitation and Compensation Act 2013*.

³⁸ It was previously referred to as 'permission to teach'.

improvement plan. The VCAT may review the Authority's decisions in relation to a conditional authority to teach. [124-145] It contains transitional provisions. [146]

Part 3.3 makes provision for supervision and support agreements in respect of conditional authorities to teach. [150] It inserts new clause 5.4 in Schedule 5 to expand the list of matters for which regulations may be made to include matters in a supervision and support agreement.³⁹ [152]

Part 3.4 – Amendments to existing community safety order scheme – Digital content school community safety orders

Current – School community safety orders – School community safety orders – Internal and external review by VCAT

Existing Part 3.4 makes provision for school community safety orders which can be made by the principal of a registered Government school, the proprietor (or person authorised by the Secretary for that school) for a non-Government school, or any other person or member of class of person authorised by the Secretary. Under that Part an authorised *person* may make an immediate school community safety order (given orally or in writing) that prohibits a person from entering or remaining on any school-related place of the school specified in the order. The order comes into effect immediately. Immediate written notice must state the grounds on which it is made, courses of action, the period for which it remains in force, and the orders that may be made by the Magistrates' Court if the person fails to comply with the order and other matters. An authorised *person* must review the order immediately. In reviewing an immediate order the authorised person must consider any submissions received. An authorised person may revoke an order immediately.

Division 3 provides for ongoing school community safety orders. The same provisions above apply except the person to whom the order is given has 7 days to make submissions to the authorised person in relation to the order. Application in writing for internal review of the decision to make the order must be made within 28 days of the order. Division 4 makes provision for internal review of an ongoing school community safety order. The application for internal review must be referred to a reviewer. The reviewer must conduct a review of the decision.⁴⁰ The person may make written submission and be represented, accompanied or assisted by another person. The reviewer must set out the outcome of the review, the reasons for the decision and information setting out the person's entitlement to seek external review in the VCAT. (See section 2.1A.33)

The Bill makes provision for a digital content school community safety order which is a type of school community safety order specifically designed to address the online activity which causes significant harm to staff members and students at schools in a manner which prevents those schools from safely and effectively delivering education to children. [153-159,167,170] (PCA)

Part 3.5 makes consequential amendments to other Acts. Chapter 4 provides for the repeal of the Act.

Comments under the PCA

Strict liability offences – (section 17(a)(i), PCA)

The Bill inserts a number of strict liability offences in relation to the operation of employer licenses in the employer licensing scheme which is overseen by the Inspectorate. An offence is one of strict liability where it provides for people to be punished for doing something, or failing to do something,

³⁹ Note the Explanatory memorandum:- 'This clause will enable regulations to be made prescribing the matters which must be included in a supervision and support agreement in accordance with new section 2.6.14AA.'

⁴⁰ The procedures for internal review published on the Internet site of— (i) the Department, if the order relates to a Government school; or (ii) the relevant school, if the order relates to a non-Government school.

whether or not they have a guilty intent. Someone is held to be legally liable for their conduct irrespective of their intent. A person charged with a strict liability offence has recourse to the common law defence of mistake of fact.⁴¹

Note the Statement of Compatibility:-

Bill includes a number of criminal offences that do not require proof of fault, for example, being that the relevant party acted 'intentionally or recklessly'. These strict liability offences inserted into the ETRA include:

- New section 4A.5.1(1) provides that a person must not enter into, or purport to enter into, a training contract to train an apprentice or trainee unless the person holds an employer licence that is in force.
- New section 4A.5.22 provides that a person in respect of whom an employer licence has been cancelled must not apply for an employer licence while a disqualification period that applies to them is in effect.
- New section 4A.6.1(1) provides that an employer must not train an apprentice or trainee unless the employer holds an employer licence that is in force and trains the apprentice or trainee under and in accordance with an approved training contract that is in force.
- New section 4A.6.4(1) provides that an employer must ensure that a training contract is executed in accordance with section 4A.6.4.
- New section 4A.6.4(4) provides that an employer who is a party to the training contract must ensure that a copy of the executed training contract is given to each party to the training contract.
- New section 4A.7.6(2) provides that a registered education and training organisation that is given a notice under section 4A.7.6(1) to provide a copy of the training plan to the WIV must not contravene the notice.
- New section 4A.10.3(1) provides that a licence holder must notify the WIV in writing within 48 hours after becoming aware of an incident or the death of an apprentice or trainee who is trained by the licence holder that occurs while the apprentice or trainee is at work or attending an approved training scheme course.
- New section 4A.10.4 provides that a registered education and training organisation that provides an approved training scheme course must notify the WIV in writing within the prescribed period after becoming aware of a prescribed circumstance relating to an apprentice or trainee.
- New section 5.8.2AA, inserted by clause 15, provides that an authorised officer appointed under section 5.8.1(1) must return the authorised officer's identity card to the WIV as soon as practicable after the appointment is revoked.
- New section 5.8.3ZK(1) provides that a person must not refuse or fail to comply with a requirement of an authorised officer under section 5.8.3ZB(2)(h) without reasonable excuse.
- New section 5.8.15A(1) provides that a regulated entity that is given a notice to produce issued under section 5.8.10A must not fail to comply with that notice without reasonable excuse.
- New section 5.8.22A(1) provides that a licence holder who is given a notice to comply under section 5.8.18A must not fail to comply with that notice without reasonable excuse.

By imposing a strict liability offence which does not require proof of fault, these new sections may limit the right to be presumed innocent under section 25(1) of the Charter. This being so, strict liability provisions will generally be compatible with the presumption of innocence where they are reasonable, necessary and proportionate, and in pursuit of a legitimate objective. These provisions operate as a deterrent against breaches of regulatory requirements, which are designed to both protect the safety of apprentices and trainees, and to support the continued development and provision of high-quality workplace training. These provisions also provide incentives for licence holders and education and training organisations to provide certain information that will assist the WIV to monitor compliance with the regulatory regime set out in this Bill, facilitating the taking of appropriate action by the WIV as

⁴¹ *Maxwell v Murphy* [1957] HCA 7; (1957) 96 CLR 261, 267.

required. I consider that the penalties provided for by these provisions are reasonable and in proportion to the identified need for deterrence.

For example, offences which deal with more administrative or minor matters, such as new section 4A.7.6, requiring the provision of a copy of a training plan to the WIV, attract a lower penalty in proportion to the consequences of failure to comply and the need for deterrence. By contrast, certain strict liability offences provide for a maximum of 120 penalty units where a more significant deterrent is needed. For example:

- training an apprentice or trainee without employer licence and approved training contract (new section 4A.6.1(1));
- failing to comply with a notice to produce (new section 5.8.15A(1)); and
- failing to comply with a notice to comply (new section 5.8.22A(1)).

The higher penalty of 120 penalty units is required to deter the core behaviours targeted by these offences. They also align with similar offences and penalty levels in other states and under other Victorian Acts. The addition of a fault element would undermine the WIV's ability to prosecute these serious offences because it would be too high a threshold for effective enforcement.

Further, these strict liability provisions are reasonable in that they do not exclude the common law defence of honest and reasonable mistake of fact. Finally, the penalties are strictly financial with no possible imprisonment.

For these reasons, I consider that any limitation of section 25(1) by these provisions is reasonable and justifiable within the meaning of s 7(2) of the Charter.

The Committee notes the Statement of Compatibility and the operation of the strict liability offences.

Freedom of expression – Digital content school community safety order – A type of school community order – (section 17(a)(i), PCA)

The Bill amends section 2.1A.1 and makes provision for a 'digital content school community order' (digital content order) which is a type of school community safety order. 'Communication platform or channel' is defined as a platform or channel that enables electronic communication, includes a social media platform, a website; and an email or text messaging service. Its purpose is to ensure that social media, websites and other electronic means of communication are all captured by the overarching definition of communication platform or channel and can be subject of school community safety orders as they are common means through which harmful communications are made.⁴² A digital content order may be made by the principal of a registered school for a Government school, the proprietor (or person authorised by the Secretary for that school) for a non-Government school, or any other person or member of class of person authorised by the Secretary.

New section 2.1A.34B empowers an authorised person to make a digital content order⁴³ that prohibits a person from publishing content or material or communicating information on a communication platform or channel in order to⁴⁴:

- harm, abuse, intimidate or threaten a staff member of, or a student enrolled at the school specified in the order;
- interfere with the wellbeing and safety of students enrolled at the relevant school specified in the order;

⁴² See the Explanatory memorandum.

⁴³ The basis of making that order is the authorised person reasonably believes there is an unacceptable risk of harm to a staff member or student enrolled at the relevant school or interfering with the wellbeing and safety of students enrolled etc.

⁴⁴ See the Statement of Compatibility

- cause significant disruption to, or significant interference with, school operations or activities carried on by the relevant school specified in the order;
- cause significant interference with the educational opportunities provided to students by the relevant school specified in the order;
- Note the grounds for making an order under new section 2.1A.34D(1) in respect of a person requires a reasonable belief there is an unacceptable risk of the persons doing the above specified actions or behaviours.

Note the Statement of Compatibility:-

This includes prohibiting the person from causing a third person to engage in the above behaviour (new section 2.1A.34B(1)(b)). A digital content order can, if applicable, require the person to amend or remove any content or material published or information communicated by the person on a communication platform or channel that does any of the things specified above (new section 2.1A.34B(1)(c)). An authorised person may make a digital content order in respect of a person that requires the person to amend or remove any content or material published or information communicated by another person on a communication platform or channel that does any of the things described above, where the person who is subject to the order is able to amend or remove the content (new section 2.1A.34B(2)(a)-(b)).

Note:-

- New section 2.14.1.34E requires written notice to be given to the person to whom the order applies with a list of mandatory matters outlined.
- New section 2.1A.34G provides the form in which a digital content order must take, including naming the person to whom the order applies to, the grounds on which the order has been made, and any conditions that are attached to the order, and stating if the order requires the person to amend or remove content or material published or information communicated, by the person on a communication platform or channel (and by what date).
- New section 2.1A.34H requires an authorised person to not make a digital content order unless notice has been given to the person to whom the order would apply and an opportunity that is *reasonable and proportionate* to the circumstances to make submissions on the proposal. Any submissions received from the person to whom the order would apply *must* be considered in determining whether to make a digital content order, including for digital content orders made in respect of a person who is not a parent of a child at the school (new section 2.1A.34I(2)).
- New section 2.1A.34I provides for communication and access arrangements to be made for digital content orders. An authorised person must prepare a protocol for managing a person's access and communication with the school.
- New section 2.1A.34J provides an authorised person making a digital content order must determine the period of duration that an order is to remain in force and may determine any conditions to be attached to the order. An order may specify any reasonable and appropriate actions that the person to whom the order applies may take to have the order revoked.⁴⁵ See legislative note (new sections 2.1A.34J and 2.1A.34M regarding the maximum duration of an order).
- New 2.1A.34M provides unless revoked earlier a digital content order continues for a period of not exceeding 12 months (subject to new 2.1A.34N which provides for further period of 12

⁴⁵ See the Legislative Note. Example. Removing the harmful content, material or information and not posting further harmful content, material or information on a communication platform or channel for 6 months.

months if written notice is given and the person has a reasonable and proportionate opportunity to make submissions on the extension.)

New Division 4B – Internal review – External review

New Division 4B provides that a person to whom a digital content order applies may apply for both internal review and external review by the VCAT.

New section 2.1A.34P provides a person may apply for internal review of a decision to make, vary the order, refuse an application for variation of the order and refuse to revoke the order. Note:

- An application must be in writing to the school or a reviewer. If the application is made to the school, the school must refer the application to a reviewer as soon as practicable.
- A reviewer must conduct a review of the decision in accordance with guidelines and procedures for internal review published on the Internet site of the Department or relevant school if it relates to a non-Government school.
- The person to whom the order applies must be given the opportunity to make written submissions or if permitted by the reviewer, oral submissions. The person must be allowed to be represented, accompanied or assisted by another person.
- An internal review decision should be made as soon as is reasonably practicable, and no later than 28 days after the application for internal review⁴⁶. A written statement of reasons for the decision and the outcome of the review and information setting out the entitlement to external review by VCAT must be provided.⁴⁷
- An application for internal review must be made within 28 days after the decision. There is a carve out for exceptional circumstances for the reviewer to consider an application made after that period has expired.
- A digital content order remains in force until the review is complete. A reviewer may make a decision that affirms, varies or revokes the decision that is the subject of the review.
- A person to whom a digital content order applies that is the subject of internal review may apply to the VCAT for review of that decision within 28 days of the making of that decision.

The Committee observes the types of digital content orders which may be made include prohibiting the person from causing a third person to engage in the online behaviour which can cause harm, cause significant disruption with school operations and interfere with the wellbeing and safety of students enrolled at the relevant school specified in the order etc. An authorised person may make a digital content order which requires the person to amend or remove any content or material published or information communicated by the person on a communication platform or channel. An authorised person may make a digital content order in respect of a person that requires the person to amend or remove any content or material published or information communicated by another person on a communication platform or channel.

To the extent that digital content order may affect or engage a person's freedom of expression its scope may be informed by jurisprudence. In that regard the Committee notes the Statement of Compatibility:

⁴⁶ This is subject to subclauses (4) and (5). If a reviewer requests further information or extends the period for a further 28 days if considered necessary to do so.

⁴⁷ Note subclause (10). To avoid doubt, if a decision to extend a digital content school community safety order is considered as part of an expanded internal review in accordance with subsection (8)(b), the person to whom the order applies is not eligible to make a further application for internal review under subsection (1) in relation to that decision. Note subclause (11). To avoid doubt, a person is not eligible to apply for internal review of a decision in relation to a digital content school community safety order that has expired or been revoked.

The exact scope of the right to freedom of expression in section 15(3) is still emerging. In comparative jurisprudence, the right has been found to protect criticism and protest as well as offensive, disturbing or shocking information or ideas, rather than merely favourable or popular expressions (see eg, *Sunday Times v United Kingdom* (No 2) [1992] 14 EHRR 123). However, the Supreme Court of Victoria has observed that the term ‘expression’ in section 15 of the Charter should not be regarded as unqualified or absolute, and what is protected expression must be informed by public policy considerations inherent in the nature of a free and democratic society (*Magee v Delaney* (2012) 39 VR 50, [86]).

The Bill restricts freedom of expression by enabling an authorised person to make an order prohibiting a person from communicating on a communication platform or channel about a staff member or a student, including by causing a third person to engage in the same communication. In addition, a digital content order may require that the person amend or remove the content or material published or information communicated on a communication platform or channel, which includes a social media platform, website, and an email or text messaging service. An order may also require that a person to amend or remove any content or material published or information communicated, by another person, which will inhibit the other person’s freedom to communicate.

I acknowledge that these provisions are novel and such orders are likely to significantly interfere with freedom of expression, to the extent that the right protects the freedom to engage in harmful, intimidating and abusive communications. It will do so in relation to an individual’s expression on platforms and in spheres that are beyond those controlled by the school, where an individual is generally free to communicate and express ideas without constraint (within the limits of the law and subject to the terms of service of these platforms)...

The scope of the provisions is appropriately tailored to achieve this important objective and ensure the orders go no further than necessary. The orders are limited to prohibiting communications for specific purposes that reach an appropriate threshold of seriousness. This includes publishing content or material, or communicating information, on a communication platform or channel in order to harm, abuse, intimidate or threaten a staff member or student of a specified school, to interfere with the wellbeing and safety of students enrolled at a specified school, to cause significant disruption to or interference with school operations or activities, or to cause significant interference with the education opportunities of enrolled students. I consider these criteria to be sufficiently detailed and targeted so that they capture e-safety incidents of concern, and do not extend to targeting mere criticism or disagreement, or the communication of robust views.

Additionally, the order only targets communications for purposes specified in the order, and does not otherwise affect an individual’s broader freedom to continue using such platforms or channels or communicating and expressing other ideas on those platforms or channels that do not engage the terms of the order. The framework for making the order also requires there to be nexus between the purpose of the order and the relevant school. This means that a digital content order cannot be made unless the content, material, or information to be prohibited, amended or removed directly impacts, or is reasonably likely to directly impact, students and staff of the relevant school in specified ways...

... the administration of an order must be carried out in accordance with a communication and access protocol under new section 2.1A.34I to be prepared following the making of an order, which sets out the measures to be taken to ensure that a parent subject to an order may continue to communicate with the school and be informed about their child’s education, and the arrangements to ensure their child’s continued attendance at and safe access to the school and school activities...

These amendments are made in the context of recent and rapid increases in the number of e-safety (meaning electronic or online safety) incidents where staff and/or students are being abused, or threatened through social media and other forms of communication. Between 2022 and 2024, schools have reported hundreds of incidents of inappropriate social media behaviour from a parent, carer or advocate. Many of these incidents significantly impact the mental health and wellbeing of school staff, which has a flow-on detrimental effect on educational outcomes. In some circumstances they can pose a risk to physical safety where online comments incite or provoke aggression and violence in a person. Schools do not currently have sufficient means to deal with these diverse and emerging e-safety incidents and hazards. Existing tools provided by the ETRA are limited to school-owned or controlled platforms and channels. Social media companies often have a high bar for removal of content from platforms.

The Minister acknowledges the provisions are novel. A digital content order unless revoked earlier, remains in force for a period not exceeding 12 months. Digital content orders may be the subject of internal and external review. However, digital communications may be published, amended or altered instantly and move with speed across multiple mediums. The Committee notes the purposes of the provisions is to reduce harm and harassment of staff and students and significant disruption of or interference with school activities and operations or educational opportunities of students. Given the novel nature of the digital content orders it may be appropriate to consider in the future how the new provisions work in practice.

In the circumstances the Committee draws attention to the novel nature of digital content orders and refers to the Charter report.

Charter Issues

Spent convictions – Employer licences – Applicant must specify sexual, indictable and dishonesty offences.

Summary: The effect of clause 9 may be that applicants for a licence to train an apprentice must specify whether they, any supervisor or any corporate director or partnership member has been found guilty of a sexual or, in the last 10 years, indictable or dishonesty offence. The Committee will write to the Minister seeking further information.

Relevant provision

The Committee notes that clause 9, inserting a new section 4A.5.2, provides that an ‘application to the Workplace Inspectorate Victoria for an employer licence that authorises the person to enter into a training contract to train an apprentice or a trainee... must’ specify if the ‘applicant’, any ‘supervisor’ or ‘any director of the body corporate or any membership of the partnership’ has been ‘found guilty of a sexual offence’ or ‘in the last 10 years’ has been ‘found guilty of an indictable offence’ or ‘an offence involving fraud or dishonesty’. In ‘determining whether to grant an employer licence, the Workplace Inspectorate Victoria must have regard to... all the information, including documents, provided by the applicant in relation to the application’.

The Explanatory Memorandum explains:

The licence application process is intended to provide the Workforce Inspectorate Victoria with information to comprehensively and rigorously assess the suitability of an employer to be licensed to enter into a training contract with an apprentice or a trainee.

The Committee observes that the effect of clause 9 may be that applicants for a licence to train an apprentice (or a trainee) must specify whether they, any supervisor or any corporate director or partnership members have been found guilty of a sexual or, in the last 10 years, indictable or dishonesty offence.

Charter analysis

The Statement of Compatibility remarks:

A person who has sought to take part in the regime (i.e. as a licence holder, including a GTO) will have done so voluntarily and on the understanding that they are engaging in a regulated industry which has certain requirements and obligations of disclosure. Such persons are also voluntarily submitting to the WIV’s powers to request and take into account relevant information received through information gathering processes for the purposes of assessing ongoing suitability for, and compliance with, the regime.

Accordingly, any interference with the right to privacy or freedom of expression is lawful and (with respect to the right to privacy) not arbitrary in that any powers to request or require disclosure of

information are set out in clearly articulated legislative provisions, are voluntarily assumed by persons engaging with the regulatory regime, and are confined to information which is reasonably necessary for the WIV to inform its decision-making processes and to have sufficient transparency to ensure the effective administration of the regime.

The Committee notes that the Statement of Compatibility may not expressly discuss the Charter's rights against discrimination on the basis of 'a spent conviction'.⁴⁸

The Committee's new *Practice Note* remarks:⁴⁹

The SoC (or explanatory material) for provisions that permit or require the disclosure or use of any part of a person's criminal record should state whether or not the disclosure or use may include a spent conviction. The explanatory material may address the relationship between the provision and the *Spent Convictions Act 2020* and its regulations. The SoC may address whether or not any disclosure or use of a spent conviction is compatible with the rights against discrimination in Charter ss. 8, 17, 18 and 25.

The Committee observes that, to the extent that it applies to spent convictions (including convictions where no conviction was recorded, or for an offence committed before the offender turned 15, or (for a non-sexual offence) after the expiry of 5 years for a child offender, or where a court has made a spent conviction order), new section 4A.5.2 may limit the operation of existing para 20(1)(b) of the *Spent Convictions Act 2021* (which provides that 'a person is not required to disclose to another person... the existence of a spent conviction').

Relevant comparisons

The Committee notes that existing Victorian law provides that, in determining whether to approve an employer to employ a person under a training contract, the Victorian Registration and Qualifications Authority 'must have regard to... whether any person whom the employer uses or proposes to use for the purpose of supervising a trainee or apprentice... is... a fit and proper person for that purpose' and 'whether the employer is a fit and proper person for employing an apprentice'.⁵⁰ The Committee observes that the Victorian Registration and Qualifications Authority may not be expressly exempted from the operation of the *Spent Convictions Act 2021*.⁵¹

Conclusion

The Committee will write to the Minister seeking further information as to the compatibility of clause 9 with the Charter's rights against discrimination on the basis of a spent conviction, including whether or not new section 4A.5.2 requires the disclosure of a spent conviction and whether or not it limits the operation of existing para 20(1)(b) of the *Spent Convictions Act 2021*.

Expression – Fair hearing – Digital content school community safety orders

Summary: The effect of clause 127 may be that a school principal, proprietor of a non-government school or the Secretary of the Department of Education may prohibit an adult from posting, and require anyone who can to remove, internet or electronic content that harms, abuses, intimidates or threatens a school staff member, interferes with the wellbeing or safety of a school student or significantly

⁴⁸ Charter s. 8 and see Charter s. 3 ('discrimination') and *Equal Opportunity Act 2010*, s. 6(pb).

⁴⁹ Scrutiny of Acts and Regulations Committee, *Practice Note*, 10 August 2026, B.

⁵⁰ Existing s. 5.5.7(2)(c) & (d). The Committee notes that the VRQA's 'fit and proper employer declaration' requires applicants to declare that 'the Employer and any people it uses or propose to use as a supervisor(s) of apprentices and trainees in the workplace has never been convicted of an indictable offence under a law of the Commonwealth or any Australian state or territory': see <<https://www2.vrqa.vic.gov.au/how-employ-apprentice-or-trainee>>.

⁵¹ See *Spent Convictions Act 2021*, s. 22; *Spent Convictions Regulations 2021*, reg 5 (and see reg 5A(b)).

interferes with or disrupts school operations, activities or educational opportunities. The Committee will write to the Minister seeking further information.

Relevant provision

The Committee notes that clause 170, inserting a new section 2.1A.34B, provides that an ‘authorised person’ may:

- prohibit any person publishing content or material on a communication platform or communicating information on a communication channel that harms, abuses, intimidates or threatens a school staff member; interferes with the wellbeing or safety of school students; causes significant disruption or interference with school operations or activities or causes significant interference with educational opportunities provided to school students; and
- require any person who is able to amend or remove any such content or material published, or such information communicated, on a communication platform or channel

other than a child, a student or a staff member of the school.

An ‘authorised person’ is the principal of a registered school, the Secretary of the Department of Education, the proprietor of a non-government school or any other person authorised by the Secretary. A ‘communication platform or channel’ means ‘a platform or channel that enables electronic communication’, including a social media platform, a website, or an email or text messaging service.

The Explanatory Memorandum explains:

The purpose of these orders is to prevent the most serious types of harm and interference with schools, their staff, and their students, so that the objects of the Principal Act, in particular in relation to the provision of education which promotes the principles and practices of Australian democracy and the entitlement of all Victorians to a high quality education in sections 1.2.1(a) and (b), respectively, are not frustrated. While parents and other members of the community have a legitimate and important interest in the operation of schools, particularly as it relates to their own children, this needs to be balanced against the obligations of those schools to provide the standard of education to which the Principal Act is committed and the Victorian community expects, and to provide a safe environment for teachers and students to participate in that education.

The Committee observes that the effect of clause 170 may be that a school principal, proprietor of a non-government school or the Secretary of the Department of Education may:

- **prohibit an adult (other than a staff member) from posting; and/or**
- **require anyone who can to remove**

internet or electronic content that harms, abuses, intimidates or threatens a school staff member, interferes with the wellbeing or safety of a school student or significantly interferes with or disrupts school operations, activities or educational opportunities.

Charter analysis

The Statement of Compatibility remarks:

The Bill restricts freedom of expression by enabling an authorised person to make an order prohibiting a person from communicating on a communication platform or channel about a staff member or a student, including by causing a third person to engage in the same communication. In addition, a digital content order may require that the person amend or remove the content or material published or information communicated on a communication platform or channel, which includes a social media platform, website, and an email or text messaging service. An order may also require that a person to amend or remove any content or material published or information communicated, by another person, which will inhibit the other person’s freedom to communicate.

I acknowledge that these provisions are novel and such orders are likely to significantly interfere with freedom of expression, to the extent that the right protects the freedom to engage in harmful, intimidating and abusive communications. It will do so in relation to an individual's expression on platforms and in spheres that are beyond those controlled by the school, where an individual is generally free to communicate and express ideas without constraint (within the limits of the law and subject to the terms of service of these platforms).

However, I consider that these provisions will enliven the internal limit which permits restrictions reasonably necessary to protect the rights of others (section 15(3) of the Charter).

The provisions serve an important, legitimate and necessary purpose. This is to reduce harm to and harassment of staff and students and significant disruption of or, interference with school activities and operations, or the educational opportunities of students. These amendments are made in the context of recent and rapid increases in the number of e-safety (meaning electronic or online safety) incidents where staff and/or students are being abused, or threatened through social media and other forms of communication. Between 2022 and 2024, schools have reported hundreds of incidents of inappropriate social media behaviour from a parent, carer or advocate. Many of these incidents significantly impact the mental health and wellbeing of school staff, which has a flow-on detrimental effect on educational outcomes. In some circumstances they can pose a risk to physical safety where online comments incite or provoke aggression and violence in a person. Schools do not currently have sufficient means to deal with these diverse and emerging e-safety incidents and hazards. Existing tools provided by the ETRA are limited to school-owned or controlled platforms and channels. Social media companies often have a high bar for removal of content from platforms.

The scope of the provisions is appropriately tailored to achieve this important objective and ensure the orders go no further than necessary. The orders are limited to prohibiting communications for specific purposes that reach an appropriate threshold of seriousness. This includes publishing content or material, or communicating information, on a communication platform or channel in order to harm, abuse, intimidate or threaten a staff member or student of a specified school, to interfere with the wellbeing and safety of students enrolled at a specified school, to cause significant disruption to or interference with school operations or activities, or to cause significant interference with the education opportunities of enrolled students. I consider these criteria to be sufficiently detailed and targeted so that they capture e-safety incidents of concern, and do not extend to targeting mere criticism or disagreement, or the communication of robust views.

Additionally, the order only targets communications for purposes specified in the order, and does not otherwise affect an individual's broader freedom to continue using such platforms or channels or communicating and expressing other ideas on those platforms or channels that do not engage the terms of the order. The framework for making the order also requires there to be nexus between the purpose of the order and the relevant school. This means that a digital content order cannot be made unless the content, material, or information to be prohibited, amended or removed directly impacts, or is reasonably likely to directly impact, students and staff of the relevant school in specified ways.

Various safeguards are built into the scheme. The Bill prevents such orders from being imposed on a staff member or student, or a child (new section 2.1A.34B(3)). The grounds for making an order under new section 2.1A.34D(1) in respect of a person requires a reasonable belief that there is an unacceptable risk of the person doing the actions or behaviours set out above. Similarly, the grounds for imposing an order on a person in relation to amending or removing content or material published, or information communicated, by another person requires the authorised person to have reasonable belief that the person is able to amend or remove the content, material, or information and that there is an unacceptable risk that the content, material, or information required to be amended or removed causes, or is likely to cause, the types of harm, interference or disruption outlined above. An unacceptable risk is a recognised legal criterion that involves considering both the likelihood and gravity of a specified risk to determine if that risk is unacceptable. Under new section 2.1A.34D(3), before making an order, an authorised person must consider any vulnerability of the other person (which the authorised person is aware) and whether the order is the least restrictive means available to address the grounds on which the order is proposed to be made. Further, new section 2.1A.34D(4) provides that an order cannot be made unless the authorised person is satisfied the order is reasonably necessary, and that the content, material, or information to be prohibited, amended or removed directly impacts, or is likely to impact, a student to participate in a school activity or engage in education or learning opportunities, or a staff member at the relevant school to perform their work or duties for or at the school. I consider this multi-

stepped criteria to be sufficiently tailored and robust to ensure that any resulting order will occur in circumstances where there is a legitimate and pressing need to protect students or staff at the relevant school, will go no further than is necessary to address those protective aims and will constitute the least restrictive means in the circumstances.

The Bill also provides a process to ensure procedural fairness and accountability. New section 2.1.A34H requires written notice to be provided to the person to whom the order applies with a list of mandatory matters which must be outlined in the notice. A reasonable and proportionate opportunity must be provided to the person to make submissions in response on the proposed order, in accordance with any Ministerial guidelines, and an authorised person must consider those submissions if reasonable and proportionate in the circumstances to do so. In addition to the procedural requirements in the Bill, an authorised person will be a public authority for the purposes of the Charter and be obliged to consider human rights when making a digital content school community safety order. The Bill also provides discretion for an order to be revoked if the requested actions in the notice are undertaken. Similar procedural fairness provisions are afforded to any extension of an order. A person to whom a digital content school community safety order applies may apply for both internal review and external merits review by VCAT.

...

Accordingly, with recognition to the novel and potentially significant impact of a digital content school community safety orders, I am satisfied on balance that this new scheme is appropriately tailored and circumscribed, subject to sufficient safeguards and oversight, and for the important and pressing purpose to constitute a restriction reasonably necessary to protect the rights of others. I am satisfied that the new scheme is compatible with the freedom of expression.

The Committee notes that new sub-section 2.1A.34D(4) provides:

An authorised person must not make a digital content school community safety order unless—

- (a) the content, material or information to be prohibited, amended or removed directly impacts, or is reasonably likely to directly impact, the capacity of—
 - (i) a student to participate in a school activity or engage in education or learning opportunities provided by the relevant school while at the school; or
 - (ii) a principal, teacher or any other staff member at the relevant school to perform their work or duties for or at the school; and
- (b) the order is reasonably necessary to address the grounds on which the order is proposed to be made.

The Committee observes that new sub-section 2.1A.34D(4) (and the remainder of clause 170) may not expressly prevent a principal or proprietor from prohibiting or ordering the removal of critical public interest commentary about a school, a staff member or a student (for example, a media article that is highly critical of a school sports team or a school principal) on the basis that preventing or removing such commentary is reasonably necessary to prevent or reduce harm to a staff member, interference with student well-being or significant interference with or disruption of school operations, activities or educational opportunities (for example, by prompting public criticism of the school's staff or students or reducing student enrolments.)

The Committee also notes that the 'unacceptable risk' test is primarily used by courts or tribunals to make decisions about deprivation of liberty⁵² and by regulators to make various regulatory and licensing decisions.⁵³ By contrast, clause 170 may provide for school principals and proprietors of non-government schools to make decisions about the permitted contents of the internet, email messages and text messages. The Statement of Compatibility remarks:

⁵² *Bail Act 1977*, s. 4E; *Mental Health and Wellbeing Act 2022*, s. 578; *Serious Offenders Act 2018*, s. 63.

⁵³ E.g. *Catchment and Land Protection Act 1994*, s. 63; *Child Wellbeing and Safety Act 2005*, s. 46N; *Children's Services Act 1996*, s. 48; *Education and Training Reform Act 2006*, ss. 2.6.28 & 4.5.5; *Environment Protection Act 2017*, ss. 57 & 81; *Road Safety Act 1986*, s. 85I; *Worker Screening Act 2020*, s. 28; *Veterinary Practice Act 1997*, s. 26A.

the right to fair hearing is engaged by these provisions because, to the extent that a school principal or school proprietor (or person authorised by the school) is an ‘authorised person’ who is able to make a digital content order, the decision may not be free from the perception of bias. Such a person may be closely connected to the matter at hand – for example, they may be the employer of a school staff member protected by the order, or they themselves may be one of the relevant school staff members protected by the order. As such, in some cases where a principal may have been involved in the matter, the right to have a proceeding decided by an impartial tribunal could be limited at the original decision-making stage.

...

To address this limit, the Bill introduces new Division 4B, which provides for a multi-layered internal and external review process in which a digital content order may be affirmed, varied or revoked. The Division allows a person affected by a digital content order to seek both internal and external review of the decision, which largely replicates the same review processes for immediate and ongoing orders. This includes requiring internal review procedures to provide opportunities for an affected person to make written or oral submissions, allowing representation for an affected person, providing a written statement on the outcome of the review and reasons for the decision, and being consistent with Ministerial Guidelines under Division 5 of Part 2.1A of the ETRA. Following the outcome of an internal review and if the order has not expired or been revoked, new section 2.1A.34T provides for application to VCAT for external review of an order.

As such, considering the decision-making process as a whole, I consider that the right to a fair hearing is not limited by these provisions.

The Committee further notes that, while Charter s. 38 provides that public authorities must act compatibly with and give proper consideration to human rights, Charter s. 4 relevantly provides that a public authority is relevantly limited to:

- (a) a public official within the meaning of the *Public Administration Act 2004*; or
- (b) an entity established by a statutory provision that has functions of a public nature; or
- (c) an entity whose functions are or include functions of a public nature, when it is exercising those functions on behalf of the State or a public authority (whether under contract or otherwise);

The Committee observes that, while principals of government schools and the Secretary of the Department of Education are public authorities under the Charter, principals and proprietors of non-government schools (and any person appointed by such a school as an internal reviewer) may not be public authorities (i.e. because they are neither ‘public officials’ or ‘established by a statutory provision’ and may not exercise their functions, including those under clause 170, ‘on behalf of the State or a public authority’.)

Relevant comparisons

The Committee notes that existing Victorian law provides that authorised persons may prohibit a person from communicating on a communication platform or channel ‘that is controlled by, or established in relation to’, that school, if the authorised person reasonably believes that the person poses an unacceptable risk of harm to a member of the school community, significant disruption to the school or its activities or interfering with the wellbeing or educational opportunities of students; or has engaged in vexatious communications.⁵⁴ The Statutory Review of that provision remarked:⁵⁵

We consider there would be complexity and risk in seeking to extend an SCSO to prohibit communications on private channels. These issues include:

⁵⁴ *Education and Training Reform Act 2006*, ss. 2.1A.15 & 2.1A.17.

⁵⁵ Maddocks, *Final Report: School Community Safety Order Scheme Statutory Review*, Department of Education, 9 October 2025, pp. 32-33.

- ensuring that any infringement on the right to freedom of expression in the Victorian Charter of Human Rights and Responsibilities (Charter) is not disproportionate;
- ensuring that powers provided for in the ETR Act are used for the purposes of that Act, namely to reform the law relating to education and training in Victoria by providing for a high standard of education and training for all Victorians, rather than for a broader purpose of regulating offensive conduct on social media;
- ensuring that there is consistency between the restrictions imposed on members of the public to protect teachers and measures to protect other essential workers exposed to abuse, for example, healthcare workers and social workers;
- drawing a boundary between social media platforms captured by the SCSO Scheme and those which are purely private; and
- at a very high level, raising Constitutional issues, noting that the power to regulate social media in general is exercised by the Commonwealth under the Telecommunications Power in s 51(v) of the Constitution

The Committee also notes that existing South Australian law is similar to existing Victorian law.⁵⁶

The Committee further notes that existing federal law provides that the E-Safety Commissioner may order a social media service, electronic communication service, internet service provider or end user to remove material that an ordinary, reasonable person would conclude is likely to and intended to have the effect of seriously threatening, seriously intimidating, seriously harassing or seriously humiliating an Australian child or is material that is menacing, harassing or offensive and intended to have the effect of causing serious harm to an Australian adult.⁵⁷

Conclusion

The Committee will write to the Minister seeking further information as to whether or not:

- **clause 170 may permit the prohibition or removal from the internet of critical public interest commentary (for example, a media article that is highly critical of a school)**
- **principals and proprietors of non-government schools (and persons appointed by them as internal reviewers) are public authorities under the Charter when exercising functions under clause 170; and**
- **expressly requiring that all decisions made under new section 2.1A.34B must be compatible with, and give proper consideration to, human rights (including the Charter's right to freedom of expression) is a less restrictive means reasonably available to achieve the purpose of clause 170.**

⁵⁶ *Education and Children's Services Act 2019* (SA), s. 93(2)(c) & (d).

⁵⁷ *Online Safety Act 2021* (Cth), ss. 6, 7, 65, 70, 88 & 89. See also s. 233(1): 'This Act does not apply to the extent (if any) that it would infringe any constitutional doctrine of implied freedom of political communication.'

Justice Legislation Amendment (Family Violence, Coercive Control, Good Character, Risk Assessment and Other Matters) Bill 2026

Member	Hon Sonya Kilkenny MP	Introduction Date	11 August 2026
Portfolio	Attorney-General	Second Reading Date	12 August 2026

Summary

The Bill amends a number of Acts and introduces reforms to improve justice system responses to sexual and family violence, including strengthening accountability for perpetrators and improving court process to minimise further harm to victim-survivors. The Bill:-

- amends the *Crimes Act 1958* and introduces an offence of coercive control;
- amends the *Sentencing Act 1991* and the *Youth Justice Act 2024* to abolish the concept of good character (including its use as a mitigating factor) at sentencing for all offences and offenders;
- amends the *Family Violence Protection Act 2008*, *Criminal Procedure Act 2009* and *Personal Safety Intervention Orders Act 2010* to enable a court to extend or vary a family violence intervention order (FVIO) on its own motion when sentencing an adult respondent for family violence offending;
- requires police to indicate if there is an FVIO or recognised interstate domestic violence order in place when filing related family violence charges, and to indicate if an extension or variation application will be made;
- establishes a default length of 12 months in addition to the total effective sentence when an FVIO is being extended if the respondent is serving a term of imprisonment for related family violence offending and provide considerations courts must take into account when determining an FVIO extension application;
- provides for earlier intervention and protection for vulnerable children and young people by enabling personal safety intervention orders (PSIOs) to be ordered against adults engaging in grooming behaviours;
- clarifies that electronic signatures can be used for documents required to be signed in relation to FVIOs and PSIOs and clarify information-sharing obligations under the Family Violence Information Sharing Scheme and streamline reporting obligations under the Multi-Agency Risk Assessment and Management Framework;
- amends the *Infringements Act 2006*, *Fines Reform Act 2014* and the *Road Safety Act 1986* to include court fines in the work and development permit (WDP) scheme and include speeding camera fines in the family violence scheme (FVS) where the victim-survivor was not the driver, and;
- amends the *Equal Opportunity Act 2010* to insert a new attribute of ‘subjection to family violence’ that would prohibit discrimination in areas of public life against a person who has been or is being subjected to family violence.

Part 1 – Preliminary – Part 2 – Family violence intervention orders and criminal proceedings

Clause [2] is the commencement provision. It contains delayed commencement in respect of various provisions and Parts. Note the Explanatory memorandum:

Clause 2 provides for the commencement of the Bill. Subclause (1) provides that Part 1, Part 5, Divisions 3 and 4 of Part 9 and Part 12 come into operation on the day after the day on which it receives the Royal

Assent. Subclause (2) provides that, subject to subsections (3), (4), (5) and (6), the remaining provisions come into operation on a day or days to be proclaimed. Subclause (3) provides that if a provision of Part 3, 4, 7, 8 or 11 or Division 2 of Part 9 does not come into operation before 9 August 2027, it comes into operation that day.

Given that Part 7 will change longstanding sentencing principles and practice, delayed commencement of the provisions in Part 7 will allow for effective implementation of significant cultural and practice changes to occur to ensure that the amendments operate as intended. This could include judicial and legal training, updates to guidance material and communications with the legal profession and victim survivor support services.

Subclause (4) provides that if a provision of Part 2 does not come into operation before 7 February 2028, it comes into operation on that day. The timing of the commencement of the provisions in Part 2 is to ensure affected stakeholders and entities have sufficient time for implementation and readiness activities prior to commencement.

Subclause (5) provides that if a provision of Part 6 does not come into operation before 1 March 2028 it comes into operation on that day. An extended default commencement date of approximately 18 months from the date of introduction into Parliament applies to Part 6 of the Bill.

Part 6 of the Bill comes into operation on a day to be proclaimed or on 1 March 2028 to provide sufficient time to support the implementation of the new coercive control offence. This includes ensuring stakeholders, such as family violence services, police, courts and the legal profession are prepared for the offence to commence. A prolonged commencement has also been provided in other Australian jurisdictions that have introduced coercive control offences, which recognises that this is a complex offence which requires appropriate time for implementation activities.

Subclause (6) provides that if a provision of Part 10 or Division 1 of Part 9 does not come into operation before 9 August 2028, it comes into operation on that day. An extended default commencement date of approximately 24 months from the date of introduction into Parliament applies to Part 10 and Division [.] 1 of Part 9 of the Bill. Part 10 comes into operation on a day to be proclaimed or on 9 August 2028 to provide sufficient time to support the implementation of the new attribute to prohibit discrimination on the basis of subjection to family violence. This includes engaging with the Victorian Equal Opportunity and Human Rights Commission, the Victorian Civil and Administrative Tribunal and other stakeholders to resolve any implementation risks and requirements, including concerns around perpetrator misidentification and systems abuse. This will ensure the attribute operates as intended. A prolonged commencement will also provide sufficient time for the development of any education or guidance on the new attribute to ensure rights and duty holders under the *Equal Opportunity Act* 2010, including family violence service providers, understand their rights and obligations.

The delayed default commencement date of 9 August 2028 for Division 1 of Part 9 is required to allow time for necessary operational and fines systems changes, and to enable the department to work closely with affected stakeholders to support implementation of the reform.

Part 2 – Family violence intervention orders and criminal proceedings – power of court to extend or vary order on own motion– Part 3 – extension of family violence intervention orders generally

The Bill inserts new Part 4A into the *Family Violence Protection Act* 2004 (FVP Act) to establish a new own motion for the courts to extend or vary a FVIO where a respondent has been found guilty of a relevant offence.⁵⁸ It requires the court to consider the views of the protected person to ensure they are consulted and consent before any changes are made to a family violence protection order (FVPO) which could affect their safety. **[6,7,8]** Note the Explanatory memorandum:-

⁵⁸ Note the Explanatory memorandum:- ‘This is a discretionary power and is intended for use where there is a clear risk of family violence based on the evidence before the criminal proceeding. A court must also consider the views of adult protected persons (and children in limited circumstances) and cannot exercise the power without the consent of the adult protected person. It is intended that there may be circumstances where a determination under sections 100 and 106 of the *Family Violence Protection Act* 2008 is more appropriate, such as where there is further contemporaneous evidence of family violence risk that should be considered before a decision to extend or vary a family violence intervention order is made.’

The new own motion power is intended to improve the experiences of victim survivors of family violence by reducing the number of court appearances and ensuring they are protected for longer. This is a discretionary power and is intended for use where there is a clear risk of family violence based on the evidence before the criminal proceeding...

The provision enables flexibility as to how views may be obtained and provided to the court with an operational model to be developed before commencement. It is intended that the views of a protected person will be obtained and provided within a reasonable time before the exercise of the own motion power, to ensure the views reflect the protected person's informed and contemporaneous position on whether the family violence intervention order should be extended.

New section 125E establishes the circumstances in which the court may extend or vary a final FVIO in a criminal proceeding on its own motion subject to requirements in new section 125G. New section 125G sets out restrictions on the court's own motion extension including seeking the views of each adult protected person and a guardian of each protected child who is a victim of the relevant offence⁵⁹ and have regard to all the circumstances. New section 125H provides the court may extend the final FVIO for a period of 12 months after the end of the total effective sentence to be served by the respondent.

New section 125M provides for appeals against an order made by the Magistrates' Court⁶⁰ under new section 125E(2) to the County Court or the Court of Appeal. New section 125Q sets out how appeals under new section 125M are to be conducted and the powers of the County Court or the Court of Appeal on the appeal ie: confirm or set aside the decision and vary the final order. The final order affected by the appellate decision may be enforced against the respondent in another State or Territory under the *National Domestic Violence Order Scheme Act 2016* and corresponding DVO recognition laws. [8]

Subdivision 2 of Part 2 makes amendments to the *National Domestic Violence Order Scheme Act 2016* and Division 2 amends the *Criminal Procedure Act 2009* to give effect to the amendments made by Part 2. [11-15] This includes matters related to what is indicated on a charge sheet. [16-18] Other further miscellaneous amendments are made to the *Family Violence Protection Act 2008*. [19-24] New sections 125S, 125T and 125 govern appeals from sections 125E and section 125G. [8,10] [11-15] (PCA)

Part 3 – General

Part 3 makes general amendments to the *Family Violence Protection Act 2008* to provide the court with the power to extend a final FVIO. It inserts new section 106B which sets out a default period for which a final FVIO in respect of an adult is to be extended in certain circumstances if various conditions are met. [25,26]

Part 4 – Information sharing and Family Violence Risk Assessment – Risk Management Framework amendments – Part 5 – Electronic signatures

Part 4 clarifies information-sharing obligations under the Family Violence Information Sharing Scheme and streamlines reporting obligations under the Multi-Agency Risk Assessment and Management

⁵⁹ The relevant offences are: section 37 (contravention of family violence safety notice); section 37A (contravention of notice intending to cause harm or fear for safety); section 123 (contravention of family violence intervention order); section 123A (contravention of order intending to cause harm or fear for safety); or section 125A (persistent contravention of notices and orders).

⁶⁰ Appeals may be made to the County Court or the Court of Appeal. (See new section 125M) Note the Explanatory memorandum:- 'New section 125O provides that an appeal brought under new Division 6 does not stay the operation of the final order that was extended or varied by the order under section 125E(2) to which the appeal relates, or affect the extension or variation of that final order by the order under section 125E(2) to ensure the order remains enforceable while appeal proceedings are on foot.'

Framework.⁶¹ [27-31] It amends the existing regulation making power to enable the Governor in Council to make regulations with respect to prescribing an information sharing entity to belong to the category of risk assessment entity for information sharing purposes. [32] It makes various changes in relation to the timing of the tabling of various reports in the Parliament.⁶² [33-34] It makes various amendments to the FVP Act and the *Personal Safety Interventions Orders Act* 2010 to permit electronic signing of documents. [35-38]

Part 6 – Coercive control – *Crimes Act* 1958

The Bill inserts a new criminal offence of coercive control into the *Crimes Act* 1958 (Crimes Act). [See new Subdivision 4B new sections 34Am to 34AU.] It defines the terms ‘economic abuse’, ‘emotional or psychological abuse’, ‘harm’ and ‘intimate partner.’ It applies when an accused person engages in a course of conduct towards a current or former intimate partner intending that the course of conduct to coerce or control them in circumstances where the accused person ought to have understood that the course of conduct will probably cause harm to the other person.⁶³ [39]

New section 34AR(1)(d) sets out the fault elements required to establish the offence.⁶⁴ New section 34AT sets out the defence of reasonable conduct in the context of the relationship.⁶⁵ New section 34AS provides it does not matter that B was outside Victoria at the time at which some or all of the course of conduct constituting an offence against section 34AR(1) occurred against A, so long as that conduct occurred in Victoria.⁶⁶ A person who commits an offence under new section 34AR(1) is liable to level 5 imprisonment (10 years maximum.) A review of the amendments must be commenced within 3 years and completed no later than 6 months. [39] Note the Second Reading Speech:-

Currently, there is no criminal justice response available for victim-survivors of coercive control unless there is a family violence intervention order (FVIO) in place or a physical criminal offence has taken place, like assault or a sexual offence... While the Bill focuses on coercive control within intimate partner relationships, we know that coercive and controlling behaviours happen in other relationships too and this should be taken seriously. Relationships and behaviour that fall outside the scope of this offence may continue to be dealt with by existing civil and criminal interventions, including FVIOs, breaches of those orders and other criminal offences. The new offence will increase awareness of the harms caused by coercive control in all relationships. Importantly, the statutory review will specifically consider whether the scope of the offence should be expanded to capture coercive control in other relationships.

⁶¹ Note the Second Reading Speech:- ‘Finally, the MARAM Framework and the Family Violence Information Sharing Scheme are flagship reforms implemented by this Government following the Royal Commission into Family Violence. This Bill includes reforms to support more effective, sustainable, and fit-for-purpose risk management and information sharing.’

⁶² Note the Explanatory memorandum:- ‘Clause 33 amends section 192(2) of the *Family Violence Protection Act* 2008 to allow Ministers with responsibility for framework organisations or section 191 agencies to provide their annual reports to the Minister responsible for Part 11 of that Act 4 months after the end of the financial year to which the report relates. The increase from 3 months to 4 months recognises that Ministers will be preparing reports that will be tabled directly in Parliament. Previously such reports were consolidated into one report tabled by the Minister responsible for Part 11.’

⁶³ See the Statement of Compatibility.

⁶⁴ Note the Statement of Compatibility:- ‘All elements of the offence that must be proven are set out and a defence is also clearly stated. Terms and definitions are consistent with existing terms and definitions where possible, as is the structure of the offence. This approach improves access to the law by making it easier to understand how the law applies.’

⁶⁵ See new section 34AT Defence—reasonable conduct in the context of the relationship - It is a defence to a charge for an offence against section 34AR(1) if the course of conduct constituting the offence was reasonable in the context of the relationship between A and B when considered as a whole.

⁶⁶ Note the Explanatory memorandum:- ‘Given the nature of coercive control and to better reflect the lived experience of victim survivors of family violence, it is appropriate for the court to take into account some extraterritorial conduct. The scope of extraterritorial application for this offence is consistent with the stalking offence (see section 21A(6) and (7) of the *Crimes Act* 1958).’

Part 7 – Relevance of previous good character and use of reference in sentencing – Amendments to Sentencing Act 1991 – Youth Justice Act 2024

Part 7 amends the *Sentencing Act 1991* (Sentencing Act) and the *Youth Justice Act 2024* (YJ Act) to abolish the concept of ‘good character’ (including its use as a mitigating factor) at sentencing for all offences and offenders. The Bill does not change how evidence of an accused’s character can be raised throughout the trial as governed by national uniform evidence provisions in the *Evidence Act 2008*.⁶⁷ **[40-55]** Transitional provisions provide the amendments made by Part 7 only apply to the sentencing of an adult or child after the commencement of that Division. **[50,55] (PCA)**

Note the Statement of Compatibility:-

The Bill amends the S Act and YJ Act to:

- Abolish the concept of ‘good character’ (including its use as a mitigating factor) at sentencing
- ensure that child offenders (as well as adults) may not rely on a lack of prior convictions to mitigate sentence when it facilitated their offending in child sexual cases ‘the special rule’, and
- require those providing written references for an offender to be aware of the offence or offences for which the offender may be sentenced.

Expanding the special rule to apply to children who commit child sexual offences will ensure that the same restrictions apply to both adults and children... However, courts will still be able to consider information or material about a child offender’s circumstances and background and evidence regarding a child’s individual characteristics, vulnerabilities and strengths where this information is relevant to other sentencing considerations, including where provided to courts in written references.

Part 8 – Personal safety intervention orders and grooming – Part 9 – Fines and infringement reforms – Part 10 – Equal Opportunity Act 2010 – Part 11 – Transitional provisions – Part 12 – Repeal

Part 8 amends existing provisions in relation to interim and final PSIO orders. It inserts a definition of ‘grooming’ which mirrors the meaning of ‘grooming’ in section 49M of the *Crimes Act*.⁶⁸ It strengthens protections for children and families by enabling interim and final PSIOs to be made against adults engaging in ‘grooming’ behaviours. The courts may make PSIOs if the affected person was outside Victoria at the time at which some or all of the conduct alleged to constitute prohibited behaviour took place so long as the conduct alleged to constitute prohibited behaviour or stalking took place in Victoria. **[56-65]**

Part 9 amends the *Infringements Act 2006*, *Fines Reform Act 2014* and the *Road Safety Act 1986*. It expands the family violence scheme to include court fines in the work and development permit⁶⁹ scheme and include speeding camera fines where the victim-survivor was not the driver. **[66-74]** It amends an existing regulation making power to enable the Governor in Council to make regulations with respect to prescribing offences or categories of offences in relation to Part 2A (Work and Development permits).⁷⁰ **[75] [76-80] [82-90]** Note the Statement of Compatibility:-

The change means that family violence victim-survivors can access the scheme to ensure they are not held liable for excessive speed infringements where family violence has substantially contributed to

⁶⁷ See the Explanatory memorandum.

⁶⁸ See section 49M of the *Crimes Act 1958*.

⁶⁹ Note the Second Reading Speech:- ‘This Bill will strengthen supports for fine recipients experiencing vulnerability and disadvantage. The Family Violence Scheme will be expanded to include excessive speeding fines, so that victim-survivors can access relief in these circumstances. The Work and Development Permit Scheme will be also expanded to apply to court fines, where it is currently only available to infringement fines.’

⁷⁰ Note the Explanator memorandum:- ‘Clause 75 inserts new section 185(1)(ae) after section 185(1)(ad) of the *Fines Reform Act 2014* to provide for a power to make regulations with respect to prescribing offences or categories of offence in respect of which a court fine may be imposed on a natural person that are ineligible to be satisfied in accordance with Part 2A of the *Fines Reform Act 2014*.’

them being unable to nominate the offender or reject a nomination. Limiting the expansion to excessive speed infringements where the family violence victim-survivor was not the driver of the vehicle ensures that road safety is not compromised.

Part 10 amends the *Equal Opportunity Act 2010* to insert a new attribute of 'subjection to family violence' that would prohibit discrimination in areas of public life against a person who has been or is being subjected to family violence. It amends section 60 to extend the exception to discrimination for welfare measures to the new attribute. This will enable welfare institutions to refuse accommodation for people who do not have that attribute.⁷¹ [91] Part 11 contains transitional provisions. [94] Part 12 provides for the repeal of the Act. [95]

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 – (s. 17(b)(iii), PCA)

Clause [10] declares the intentions of sections 125S, 125T and 125U to alter or vary section 85 of the *Constitution Act 1975*.⁷² [10] New sections 125S, 125T and 125U govern appeals from sections 125E and section 125G. [8]

New section 125E establishes the circumstances in which a court may extend or vary a final FVIO in a criminal proceeding on its own motion subject to requirements in new section 125G. The court may under subsection (2):-

- extend the final order for a further period determined in accordance with section 125H if satisfied on the balance of probabilities that if it is not extended the respondent is likely to commit family violence against the protected person; and/or
- vary the final order if satisfied on the balance of probabilities if it is not varied the respondent is likely to commit family violence against the protected person.

New section 125G sets out restrictions on the court's own motion extension including seeking the views of each adult protected person and a guardian of each protected child who is a victim of the relevant offence⁷³ having regard to all the circumstances. [8]

New section 125M provides for appeals against an order made by the Magistrates' Court⁷⁴ by the respondent or protected person under new section 125E(2) to the County Court or the Court of Appeal. New section 125Q sets out how appeals under new section 125M are to be conducted and the powers

⁷¹ Note the Explanatory memorandum:- 'For example, an accommodation provider with a service targeted towards supporting people that have been subjected to family violence would be able to limit eligibility for that service to those people. The amendments to section 60 are not intended to affect the application of the other exceptions to discrimination in the *Equal Opportunity Act 2010* as they apply to the attribute in new section 6(1)(pc).'

⁷² Section 85(1) of the *Constitution Act 1975* provides that the Supreme Court of Victoria shall be the 'superior court of Victoria with unlimited jurisdiction'. Section 85(5) of the *Constitution Act 1975* provides that where the jurisdiction of the Supreme Court is altered by another provision of an Act, it must be done so expressly and not by implication. The Bill must refer to s 85 and the member of Parliament who introduces the Bill must make a statement during the member's Second Reading Speech, or not less than 24 hours' notice is given of the intention to make the statement before the third reading of the Bill.

⁷³ The relevant offences are: section 37 (contravention of family violence safety notice); section 37A (contravention of notice intending to cause harm or fear for safety); section 123 (contravention of family violence intervention order); section 123A (contravention of order intending to cause harm or fear for safety); or section 125A (persistent contravention of notices and orders).

⁷⁴ Appeals may be made to the County Court or the Court of Appeal. (See new section 125M) Note the Explanatory memorandum:- 'New section 125O provides that an appeal brought under new Division 6 does not stay the operation of the final order that was extended or varied by the order under section 125E(2) to which the appeal relates, or affect the extension or variation of that final order by the order under section 125E(2) to ensure the order remains enforceable while appeal proceedings are on foot.'

of the County Court or the Court of Appeal on the appeal ie: confirm or set aside the decision and vary the final order. [8]

New sections 125S, 125T and 125U govern appeals from sections 125E and 125G. [8] Clause [10] declares the intentions of sections 125S, 125T and 125U to alter or vary section 85 of the *Constitution Act 1975*. [10]

New section 125S provides there is no appeal against an order made by the County Court or the Supreme Court under new section 125E(2) ie: no appeal from the Court's own motion to extend or vary a final FVIO in a criminal proceeding.⁷⁵ [New sections 125S does not operate to exclude appeals to the High Court under section 73(ii) of *The Commonwealth Australian Constitution Act* ⁷⁶[1900]. Judicial review on the basis of jurisdictional error is available in the Supreme Court.]

New section 125T provides the County Court or the Court of Appeal must not start or continue the hearing of an appeal against an order made by the Magistrates Court under new section 125E(2) if the final order in respect of which that order is made is extended or varied.

New section 125U provides there is no appeal from a decision in the County Court following an appeal in section 125Q. The appeal in section 125Q provides the County Court or the Court of Appeal may confirm, set aside, or vary the decision of the Magistrates' Court. [New section 125U does not operate to exclude appeals to the High Court under section 73(ii) of *The Commonwealth Australian Constitution Act* [1900]. Judicial review on the basis of jurisdictional error is available in the Supreme Court.]

The Committee notes the Statement of Compatibility:-

While there is no general right to an appeal, alternative avenues of review, including judicial review, remain available, and the Bill does not limit appeals from the County Court or Supreme Court on the basis of jurisdictional error. The Bill also does not provide an appellate court, when hearing an appeal against the related criminal offending or sentence, with any power in relation to an FVIO. This may result in circumstances where a respondent is acquitted of the related family violence offence that enabled the sentencing court to exercise the own motion power under new section 125E but the FVIO, as varied or extended, remains in place. Both parties may apply to vary or revoke an FVIO that has been extended or varied on the court's own motion under the existing civil framework in the FVPA.

When making such an application, parties are not required to demonstrate a change in circumstances if the County Court or Supreme Court exercised the own motion power in the first instance. The respondent must seek leave from the court to apply for an FVIO to be varied or revoked to protect victim survivors from vexatious applications which may be used to perpetrate systems abuse. However, the Bill removes this requirement in circumstances where the FVIO was extended or varied under new section 125E but the related criminal conviction or sentence was changed on appeal, given the appellate court will not be able to make any further changes to the FVIO.

The Committee notes the Section 85 statement:-

It is my intention to make a statement under section 85(5) of the *Constitution Act 1975* setting out the reasons for altering or varying that section. It is the intention of clause 8 of the Bill to alter or vary section 85 of the *Constitution Act*.

⁷⁵ Note the Explanatory memorandum:- 'New section 125S provides that there is no appeal against an order made by the County Court or the Supreme Court under new section 125E(2). The reference to the Supreme Court reflects that the Supreme Court can make orders under new section 125E(2). However, as new section 125(1)(a) provides that these orders are not available where the respondent is being found guilty on appeal, the decisions of the Supreme Court to which new section 125S relates are those of the Trial Division of the Supreme Court.'

⁷⁶ 73. Appellate jurisdiction of High Court.
The High Court shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences—
(iii.) Of the Inter-State Commission, but as to questions of law only:
and judgment of the High Court in all such cases shall be final and conclusive.

Clause 8 inserts new sections 125S, 125T and 125U into the *Family Violence Protection Act 2008*. New section 125S provides there is no appeal against an own motion order made by the County Court or the Supreme Court.

New section 125T provides that an appeal against an own motion order made by the Magistrates' Court must not be started or continued if the final order was extended or varied since the Magistrates' Court made the order that is subject of the appeal.

New section 125U provides there is no appeal against a decision of the County Court following an appeal against an own motion order made by the Magistrates' Court. These new sections will limit the Supreme Court's ability to hear an appeal in certain circumstances and therefore engage section 85 of the Constitution Act. Clause 10 inserts new sub-section (3) after section 208(2) of the Family Violence Protection Act to make clear that it is the intention of new sections 125S, 125T and 125U to alter or vary section 85 of the Constitution Act.

The right to appeal an own motion power variation or extension is limited to ensure that victim-survivors are prevented from having to attend court on numerous occasions. This risks further traumatising the protected person, which would undermine the purpose of promoting and protecting the safety of victims of family violence. These limitations are also consistent with existing limitations in sections 114 and 120 of the Family Violence Protection Act. Parties can still seek to vary, extend or revoke an FVIO under existing provisions in the Family Violence Protection Act, if they so choose. I commend the Bill to the house.

The Committee has reviewed the section 85 statement and the Second Reading Speech. The Committee is of the view that the amendments made by clauses [8] and [10] which limit the jurisdiction of the Supreme Court are appropriate and desirable in all the circumstances.

Common law – Abolition of good character – sentencing – Sentencing Act 1991 – Youth Justice Act 2024 – (section 17(a)(i), PCA)

In principle amendments made by the Bill

Part 7 amends the Sentencing Act and the YJ Act to abolish the concept of 'good character' (including its use as a mitigating factor) at common law at sentencing for all offences and all offenders. The Bill does not change how evidence of an accused's character can be raised throughout the trial as governed by national uniform evidence provisions in the *Evidence Act 2008*.⁷⁷ [40-55]

The amendments draw on the majority view of the New South Wales Sentencing Council's *Report into Good Character at Sentencing*⁷⁸ (Good Character Report). In that report the Council by majority recommended the abolition of good character as a mitigating factor at common law and in statute in NSW. The majority considered 'the good character of an offender is not an appropriate reason to mitigate a sentence because it is based on a vague and uncertain concept, lacks evidence in support of its value in predicting a risk of reoffending or prospects of rehabilitation, and engages an unjustified form of moral and social accounting' and also has 'harmful effect' on victims.⁷⁹

Chapter 4 of that report sets out the dissenting view of two Council members who did not agree with the recommendation to abolish good character as a mitigating factor on sentence.⁸⁰ The dissenting view expressed a number of reasons why sentencing courts should continue to apply existing principles. This included lower moral culpability 'if the particular offence is found to be out of character or an aberration in an otherwise law-abiding and prosocial life'; encouragement of rehabilitation and

⁷⁷ See the Explanatory memorandum.

⁷⁸ See the Explanatory memorandum. NSW Sentencing Council, *Good Character at Sentencing*, July 2025 <https://sentencingcouncil.nsw.gov.au/content/dam/dcj/sentencing-council/documents/our-work/good-character/Report_Good_Character_at_Sentencing.pdf>.

⁷⁹ Ibid, paragraph 3.6 to 3.7. See also 3.13.

⁸⁰ Op. cit, fn 78. Chapter 4 sets out the dissenting view of two Council members who did not agree with the recommendation to abolish good character as a mitigating factor on sentence. See 4.1 to 4.21.

‘recognising good character can encourage an offender to maintain or return to lawful behaviour’; proportionality and individualised justice where good character ensure that the punishment fits not only the crime but also the person who committed it’ and reduced risk of reoffending and improved prospects of rehabilitation.⁸¹ The dissenting view accepted that many of the factors are overlapping.

Good character – what is good character?

The Good Character Report comprehensively details the history of the common law concept of good character which evolved from 18th century England where character witnesses were frequently used by an accused person in criminal trials to establish innocence.⁸² In that instance ‘if a conviction resulted, favourable character evidence could also be used to convince the judge to pass a less sentence (where discretion was available) or recommend a pardon.’⁸³

The components of good character can be separated into three broad components; criminal record, general reputation and meritorious conduct.⁸⁴ However, the Good Character Report⁸⁵ considered in practice there is no settled definition of the meaning of good character:

3.14 There is no settled definition of what good character is, or what it reflects. In fact, the concept of good character has been criticised as being “vague and incoherent” and as lacking “a settled definition, including in philosophy or psychology, or empirical foundation”.⁸⁶

3.15 Discerning what good character represents in practice is difficult, because it is conflated with other considerations about an offender. For instance, good character is often considered together with other factors that may mitigate a sentence, including that the offender:

- does not have any record (or any significant record) of previous convictions⁸⁷
- is unlikely to re-offend,⁸⁸ or
- has good prospects of rehabilitation, whether by reason of the offender’s age or otherwise.⁸⁹ ...

3.17 The overlap in these concepts was acknowledged by the Court of Criminal Appeal (CCA) in *R v Gent*:

It has been said that there is a certain ambiguity about the expression “good character” in the sentencing context. Sometimes, it refers only to an absence of prior convictions and has a rather negative significance, and sometimes it refers to something more of a positive nature involving or including a history of previous good works and contribution to the community ...⁹⁰

Good character as it affects sentencing

The Good Character Report⁹¹ described good character at common law as it affects sentencing today.

According to the common law, a person’s otherwise good character must be taken into account as a mitigating factor in sentencing. The principal Australian judgment for this proposition is the 2001 High Court case of *Ryan*.⁹² Ryan sets out the two steps to be followed by courts on the question of good character at sentencing:

⁸¹ Op. cit, fn 78. See paragraphs 4.3, 4.4, 4.5, 4.6 and 4.7

⁸² Op. cit, fn 78. See paragraphs at 2.13-2.21.

⁸³ Op. cit, fn 78. See paragraph 2.4.

⁸⁴ Op. cit, fn 78. See paragraph 2.22.

⁸⁵ Op. cit, fn 78, page 30.

⁸⁶ Op. cit, fn 78, fn 7. G Wolf and M Bagaric, “Nice or Nasty? Reasons to Abolish Character as a Consideration in Australian Sentencing Hearings and Professionals’ Disciplinary Proceedings” (2018) 44 Monash University Law Review 567, 568.

⁸⁷ Op. cit, fn 78, fn 8. Crimes (Sentencing Procedure) Act 1999 (NSW) s 21A(3)(e).

⁸⁸ Op. cit, fn 78, fn 9. Crimes (Sentencing Procedure) Act 1999 (NSW) s 21A(3)(g).

⁸⁹ Op. cit, fn 78, fn 10. Crimes (Sentencing Procedure) Act 1999 (NSW) s 21A(3)(h).

⁹⁰ Op. cit, fn 78, fn 13. *R v Gent* [2005] NSWCCA 370 [49] (citations omitted).

⁹¹ Op. cit, fn 78, page 18.

⁹² Op. cit, fn 78, fn 40. *Ryan v R* [2001] HCA 21, 206 CLR 267.

- the court must, without considering the offence for which the person is being sentenced, determine if the offender is “otherwise of good character”,⁹³ and
- if the court finds that the offender is of otherwise good character, the court must exercise discretion to determine what weight is to be given to this factor.⁹⁴

Detailed amendments – abolition of common law – good character

The existing provisions of Part 2 of the Sentencing Act set out the governing principles of sentencing. Section 5 sets out the only purposes for which sentences may be imposed.⁹⁵ Section 5(2) sets out various matters (a) to (g) in sentencing an offender to which a court must have regard. Section 5(2)(f) provides the court must have regard to the ‘offenders’ previous character’.

Section 5AA provides the court must not have regard to previous good character or lack of previous findings of guilt or convictions in sentencing an offender for a child sexual offence. Existing subsection (2) provides it does not apply to an offender who is under the age of 18 years at the time of the commission of the offence.

The Bill:-

- generally makes amendments in a number of provisions by the removal of references to the ‘offender’s previous character’ or the ‘offender’s previous good character’ where relevant and substituting words to the effect that the court must have regard ‘to the offender’s circumstances and characteristics’ and ‘any findings of guilt or convictions’ of the offender (other than in relation to sentencing for sexual offences which operates as described below).
- amends section 5(2) and removes the reference to the ‘offender’s previous character’ and substitutes it with ‘any findings of guilt or convictions of the offender.’ It also inserts new paragraph (fa) which provides the court must have regard to ‘the offender’s circumstances and characteristics.’ This means despite the prohibition on ‘previous character’ a court must have regard to the offender’s circumstances and characteristics. [It also inserts a legislative note which refers to new section 5AAA.] **[40]** The Explanatory memorandum provides:

It is intended that the court can consider such information if it is relevant to a sentencing factor, purpose, guideline, principle or other sentencing consideration. The term “circumstances and characteristics” is not defined, and it is intended to be interpreted consistently with common law principles. It is intended to capture a broad range of considerations about an offender. This may include, but is not limited to, social and educational background, health, ethnicity and culture, childhood, and employment history. For example, information about an offender’s employment, active community involvement (such as continued involvement or re engagement with a community organisation) or caregiving roles may be relevant to assessing the offender’s risk of re offending or prospects of rehabilitation. The intention is that the term could also capture information that sets out the history and context of the relationship in family violence matters when it is relevant to a sentencing consideration. Such information can be considered without making a finding of “good character”.

“Circumstances and characteristics” is also intended to cover relevant circumstances that may not be captured by previous findings of guilt or convictions. For example, whether the offender has a history of infringements for offences, or how an offender complied with court orders (such as a diversion program under section 59 of the *Criminal Procedure Act* 2009).

⁹³ Op. cit., fn 78, fn 41. *Ryan v R* [2001] HCA 21, 206 CLR 267 [23].

⁹⁴ Op. cit., fn 78, fn 42. *Ryan v R* [2001] HCA 21, 206 CLR 267 [25].

⁹⁵ (a) to punish the offender to an extent and in a manner which is just in all of the circumstances; or (b) to deter the offender or other persons from committing offences of the same or a similar character; or (c) to establish conditions within which it is considered by the court that the rehabilitation of the offender may be facilitated; or (d) to manifest the denunciation by the court of the type of conduct in which the offender engaged; or (e) to protect the community from the offender; or (f) a combination of two or more of those purposes.

- inserts new section 5AAA which provides in determining an appropriate sentence for an offender a court must not have regard to the ‘offender’s previous good character.’ Subclause (2) expressly abolishes any rule or principle of common law to the contrary. However, nothing prevents a court from having regard to an offender’s lack of previous convictions or findings of guilt in determining a sentence. **[41]** [See amended 5AA below] The Explanatory memorandum provides:

‘Previous good character’ is not defined. It is intended that the term will be interpreted consistently with common law principles. The intention is that a court cannot have regard to information about an offender’s general reputation. It is also intended that the court cannot have regard to an offender’s past good deeds or meritorious conduct if those deeds or conduct are not relevant to another sentencing consideration. For example, it is intended that a court would not have regard to information which shows that, prior to the offending, an offender made a significant donation or that the offender started a community organisation that they are no longer involved in, and that information is not relevant to another sentencing consideration.

New section 5AAA(2) abolishes any rule or principle of the common law that is to the contrary of new subsection (1). That is, any rule or principle that allows a court to take an offender’s otherwise good character into account as a mitigating factor in the sentencing process (see, for example, *Ryan v The Queen* [2001] HCA 21, 206 CLR 267). It is not intended to abolish the common law rule that a lack of prior convictions is a mitigating factor (see, for example, *Veen v R* (No 2) (1988) 164 CLR 465 and *Tran v The Queen* [2011] VSCA 383).

New section 5AAA(3) provides that nothing in new subsection (1) prevents a court from having regard to an offender’s lack of previous convictions or findings of guilt in determining an appropriate sentence for an offender. This is despite the prohibition on the court having regard to an offender’s previous good character.

- Amends section 5AA in relation to sentencing an offender for sexual offences. It removes a reference to ‘previous good character’ and clarifies that a court must not have regard to the offender’s lack of previous findings of guilt or convictions if the court is satisfied they were of assistance in the commission of the offence. It also repeals section 5AA(2) which makes provision for children under the age of 18. The Explanatory memorandum provides:

It is intended that a lack of prior findings of guilt or convictions cannot be considered as a factor that affects how the court weighs the various sentencing purposes and considerations in deciding an appropriate sentence, and that may result in a reduced or more lenient sentence than would have otherwise been imposed, if the lack of these priors assisted in the commission of the offence.

Subclause (3) repeals section 5AA(2), which provides that section 5AA(1) does not apply to an offender who is under the age of 18 years at the time of the commission of the offence. It is intended that substituted section 5AA(1) applies to child and adult offenders. This is consistent with the prohibition on consideration of “good character”, which applies to all offenders. It also reflects that offenders under 18 years of age may have obtained positions of trust in the community because of a lack of prior convictions (for example, as a sporting coach or workplace supervisor).

Other amendments – record a conviction – what a written reference can include – amendments for youth offenders

The Bill makes other amendments to the Sentencing Act and the YJ Act to give effect to the new sentencing principles. The Bill:

- Amends section 8(1). **[43]** Section 8(1) lists the circumstances to which a court must have regard when exercising its discretion to record a conviction. Similarly, the Bill amends section 8(1) to substitute new provisions so the court may consider any previous findings of guilt or convictions of an offender and the offender’s circumstances and characteristics.⁹⁶ **[44]**

⁹⁶ Note the Explanatory memorandum:- ‘As discussed in relation to clause 40, “circumstances and characteristics” is not defined, and it is intended to be interpreted broadly and consistently with common law principles.’

- Inserts new Division 1D which sets out requirements for references related to the offender's circumstance and characteristics which may be provided to the court for the purposes of assisting it in determining an appropriate sentence. The author must state certain matters.⁹⁷ If the court receives a reference which contains inadmissible material it must not rely on that material in sentencing an offender.⁹⁸ It is a matter for the *court* to decide whether information in a written reference is relevant to a sentencing consideration and therefore *admissible*. [45] In relation to oral testimony provided by a person about the offender the Explanatory memorandum notes:

It is not intended for these procedural requirements to apply when a person provides oral testimony about an offender. In the circumstance that oral evidence is given without provision of a written reference, it is expected that the person could be asked under cross examination whether they are aware of the offending conduct or the purposes for which their evidence will be used. It is also not intended for these procedural requirements to apply to other written material, such as medical or school reports.

- Amends section 18B(1) to include any previous findings of guilt or convictions of an offender and the offender's circumstances and characteristics to the matters a court must consider when deciding whether to impose an indefinite sentence in respect of a serious offence or impose a youth justice centre or youth residential centre order. This includes an offender's past history, character, age, health or mental condition. [48,49] Transitional provisions provide the amendments made only apply to the sentencing of an offender on or after the commencement of Part 7. [50,55]
- Makes the same amendments to the YJ Act in relation to the abolition of good character in sentencing considerations of offenders. The amendments apply equally to children and adults. [51] However, see amended section 203(4) the court may still have regard to other sentencing principles in the YJ Act. [51,52] The Explanatory memorandum provides:

Despite the prohibition on the court having regard to a child's previous good character, it is not intended that new subsection (4) prevents a court from having regard to the other sentencing principles in the *Youth Justice Act* 2024. This includes the sentencing principle in section 205, which provides that a sentence imposed on a child should be tailored to the individual characteristics of that child and should recognise both that child's vulnerabilities and their strengths, and includes factors for the court's consideration. The intention is to allow the court to have regard to such factors if they are relevant to a sentencing consideration. For example, information about a child's academic achievements or active involvement with a community organisation may be relevant to assessing the child's risk of re offending or prospects of rehabilitation. Such information can be considered without making a finding of "good character"... It is not intended to affect the common law rule that a lack of prior findings of guilt or convictions is a mitigating factor.

- Inserts new section 221A which refers to written references which may be provided if a child is found guilty of an offence and relate to the child's individual characteristics and strengths. The written reference may set out the other person's knowledge of the child's individual characteristics, vulnerabilities and strengths.⁹⁹ [54]

⁹⁷ The author of a reference must state in that reference that the author is aware—

(a) of the conduct that constitutes the offence for which the reference is to be provided; and
(b) that the reference will be relied on in court for the purposes of sentencing the offender.

⁹⁸ Note the Explanatory memorandum:- 'The procedural requirements in new section 8T reflect what is contained in Victorian court guidance on the use of written references (for example, the Supreme Court of Victoria's Practice Note SC CR 4 Sentencing Hearings (Third Revision) and the County Court of Victoria's Criminal Division Practice Note). New section 8T is not intended to preclude courts from imposing additional requirements in relation to written references through court rules, practice notes or other guidance. In the event of an inconsistency between the requirements in new section 8T and the requirements in the court guidance, it is intended that the requirements in new section 8T take precedence to the extent of the inconsistency.'

⁹⁹ Note the Explanatory memorandum:- 'New section 221A is intended to operate in the same manner as new section 8T in the *Sentencing Act* 1991, inserted by clause 45.'

The Committee notes the Second Reading Speech:-

The Bill will abolish the concept of good character (including its use as a mitigating factor) at sentencing for all offences. Currently, victim-survivors are having to sit in court and hear that the person who harmed them is a person of 'good character'. This can compound the trauma and diminish their experience.

The concept of 'good character', on its own, is generally only about someone's reputation, community standing, or their past 'good deeds'. This is not an accurate way to predict an offender's prospects of rehabilitation or risk of reoffending. These reforms seek to enable courts to continue to take into account relevant information at sentencing, while ensuring they no longer receive or consider vague, subjective opinions about an offender's supposed moral worth as a person of 'good character.'

Courts will still be able to consider information about an offender's circumstances and characteristics, such as social background and employment history, including in written references, where that information is relevant to the remaining sentencing considerations, such as prospects of rehabilitation and risk of reoffending.

The abolition of good character as a mitigating factor at common law in sentencing an offender is a substantive change to historical established sentencing principles and legislation. In that regard the Committee notes the delayed commencement of Part 7:-

Given that Part 7 will change longstanding sentencing principles and practice, delayed commencement of the provisions in Part 7 will allow for effective implementation of significant cultural and practice changes to occur to ensure that the amendments operate as intended. This could include judicial and legal training, updates to guidance material and communications with the legal profession and victim survivor support services. Subclause (4) provides that if a provision of Part 2 does not come into operation before 7 February 2028, it comes into operation on that day. The timing of the commencement of the provisions in Part 2 is to ensure affected stakeholders and entities have sufficient time for implementation and readiness activities prior to commencement.¹⁰⁰

Nothing prevents a court from having regard to an offender's lack of previous convictions or findings of guilt in determining a sentence (other than sentencing an offender in relation to sexual offences). The degree to which these and other specified factors will mitigate the sentence and the weight given to them is a matter for the sentencing judge to determine. In that regard a sentencing court must balance multiple and competing factors when determining a sentence which is proportionate to the gravity of the offence.¹⁰¹

The Committee notes the foregoing and draws the amendments to the attention of Parliament.

Charter Issues

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

¹⁰⁰ See the Explanatory memorandum.

¹⁰¹ Op cit., fn 78. See paragraphs 2.39, 2.40 and 2.41

Liquor Control Reform and Other Acts Amendment (Reducing Alcohol-Related Harms) Bill 2026

Member	Sarah Mansfield MP	Introduction Date	11 August 2026
Private Member's Bill		Second Reading Date	12 August 2026

Summary

The Bill amends the *Liquor Control Reform Act 1998* and the *Transport Integration Act 2010*. Note the Second Reading Speech:-

Our bill amends the *Liquor Control Reform Act 1998* and the *Transport Integration Act 2010* to regulate the online sale and delivery of alcohol and regulate alcohol advertising with the purpose of minimising alcohol related harms, particularly domestic and intimate partner violence... Finally the bill inserts a new public health principle into the *Transport Integration Act 2010*. The new principle requires that consideration be given to the promotion and protection of public health and specifically recognises the public health risks associated with alcohol advertising.

Part 1 – Part 2

The Act comes into operation on the first anniversary of the day on which it receives the Royal Assent. [2] It amends the purpose of the *Liquor Control Reform Act 1998* (LCR Act) to include the promotion of responsible consumption of liquor and the minimisation of alcohol-related harm. [4] It amends the definition of 'harm' to include 'sexual violence'. [5] It amends the objects of the LCR Act to provide the paramount object of the Act is to *prevent harm*. It inserts new section 4(1AB) to set out the manner by which the objective may be achieved.¹⁰² [6]

It places restrictions on holders of general licences who are authorised to deliver liquor :-

- Deliveries may only be made between the hours of 10 am and 10 pm; and
- A requirement that at least 2 hours lapses between the time the liquor is ordered and the time is it delivered. [7]

The equivalent restrictions are placed on the licences of owners of restaurants, cafes and clubs. [8] It also applies to those who hold packaged liquor licences, late night licences, remote seller's packaged liquor licences, producer's licence and the supply of liquor in response to an off-premises request [9-14]

It amends section 115(B)(1) to expand the restrictions on static advertising¹⁰³ to include on public transport infrastructure, within 150 metres of the perimeter of a school or on or above a public road, road infrastructure or road reserve. It inserts various definitions so that the amended provisions apply to public road, public transport infrastructure, road infrastructure and road reserve.¹⁰⁴

¹⁰² This includes:- (a) providing adequate controls over the supply and consumption of liquor; and (b) ensuring as far as practicable that the supply of liquor contributes to, and does not detract from, the amenity of community life; and (c) restricting the supply of certain other alcoholic products; and (d) encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community.

¹⁰³ See section 115B of the *Liquor Control Reform Act 1998*. 'Static advertising' includes, but is not limited to— (a) static advertising displays, including but not limited to billboards, banners, hoardings, signs, images or rolling static displays; and (b) digital billboards and panels, including those that display moving or video images; and (c) moveable billboards and displays— but does not include advertising using the following— (d) broadcast television, radio or digital media such as websites or social media; (e) commercial print media such as magazines and newspapers.

¹⁰⁴ 'public road' has the same meaning as it has in the *Road Management Act 2004*.
'public transport infrastructure' includes—

Part 3 – Amendment of *Transport Integration Act* 2010 – Part 4 – Repeal

It inserts new section 21A into the *Transport Integration Act* 2010 and states a new public health principle:-

- The public health principle means considering the promotion and protection of public health;
- The public health principle includes taking into account the public health risks associated with advertising alcohol. [17]

Part 4 provides for the repeal of the Act. [18]

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.

-
- (a) fixed or non-movable infrastructure, such as train stations, bus shelters, tram stops, ferry terminals and park and ride facilities (within the meaning of the *Road Safety Act* 1986); and
- (b) movable infrastructure for transport predominantly operated within Victoria, such as trams, trains, buses, ferries, airport shuttles, bike share infrastructure, taxis, V-Line trains and coaches.
- ‘road infrastructure’ has the same meaning as it has in the *Road Management Act* 2004.
- ‘road reserve’ has the same meaning as it has in the *Road Management Act* 2004.

Planning and Environment Amendment (Agricultural Land and Food Security) Bill 2026

Member Melina Bath MP

Introduction Date 11 August 2026

Private Member's Bill

Second Reading Date 12 August 2026

Summary

The Bill amends *Planning and Environment Act 1987* and the *Environment Effects Act 1978* in relation to the protection of agricultural land. The Bill:-

- Amends the *Planning Act 1987*. It requires responsible authorities to consider agricultural land matters and to consult with Agriculture Victoria before making certain decisions and a person with agricultural expertise to be appointed to advisory committees or panels appointed to consider projects affecting agricultural land;
- Provides for the issue of rehabilitation bonds to facilitate the rehabilitation of agricultural land;
- Amends the *Environment Effects Act 1978*. It requires the appointment of a person with agricultural expertise in an inquiry held under that Act in respect of public works affecting agricultural land.

Note the Second Reading Speech:-

This Bill establishes a new framework within the Planning and Environment Act to ensure agriculture is properly recognised in planning decisions. It establishes clear objectives recognising the importance of agricultural land and food security... It requires consultation with Agriculture Victoria before significant decisions affecting agricultural land are made. It requires agricultural expertise to be represented on advisory committees and Environment Effects Act inquiry panels.

Part 2 – Amendment of the *Planning and Environment Act 1987* (PAE Act) – Part 3 – Amendment of *Environment Effects Act 1978*

Clause [2] is the commencement provision. The Act comes into operation on the day after the day on which it receives the Royal Assent. [2] Part 3 of the PAE Act provides generally for the amendment of planning schemes. The Bill inserts new Part 3E which sets out requirements for agricultural land. The object of new Part 3E include:

- to recognise the importance of agricultural land and food security in Victoria; and
- to protect the long-term productivity of agricultural land; and
- to ensure consideration is given to food and fibre productivity and other agricultural matters in relevant decisions on the use, development and protection of land in Victoria; and
- to provide for agricultural expertise to inform important decisions in relation to agricultural land. [3]

New section 46ZJ inserts the definition of 'relevant decision' meaning any of the factors listed from (a) to (f).¹⁰⁵ This includes a decision on an application for a planning permit and a decision to approve a

¹⁰⁵ 'relevant decision' means any of the following—

- a decision on an application for a planning permit;
- a decision on a request to prepare an amendment to a planning scheme;
- a decision on an application to amend a planning permit;
- a decision on an application for a planning permit that has been referred to the Minister under section 97B or 97C;
- a decision to approve a proposal for a major project affecting land that is agricultural land;

proposal for a major project affecting land which is agricultural land. The Minister by notice published in the Government Gazette may declare an area of agricultural land to be strategic agricultural land if satisfied of various matters and has consulted Agriculture Victoria. A statement of reasons for the declaration must be published on the Department's Internet site.

New section 46ZL provides in making a decision the Minister must give significant weight to the protection of strategic agricultural land and publish a statement of reasons:-

- setting out the impact of the decision on the land and the region;
- how the impacts were considered and balanced, whether alternative sites were considered and any other matter;
- ensure it is publicly available and included in the Register. [New section 46ZW requires the Secretary of the Department to keep a Register.]

Agricultural Land Impact Assessment

New section 46ZM makes provision for agricultural land impact assessments (ALIAs) which apply to an application to use or develop agricultural land for the following purposes:- a renewable energy facility with a value above the prescribed threshold amount; electricity transmission infrastructure; mining or extractive industry; major industry; any other prescribed purpose. An ALIA must address a number of matters (including prescribed matters) water and irrigation impacts, biosecurity risks etc. An application for a permit must be accompanied by an ALIA which is publicly available. The Minister:

- must have regard to the ALIA when making a decision.
- must ensure at least one member of the panel appointed under Part 8 to consider submissions referred to it has appropriate expertise in agriculture, including agronomy, soil science or regional agricultural economics.
- Consult Agriculture Victoria before making a decision and have regard to any written advice given by Agriculture Victoria regarding the project.

The Bill makes provision for rehabilitation bonds necessary to rehabilitate land including their issue, execution, discharge, increase or return if rehabilitation is satisfactory. Penalties apply for failure to comply with notice provisions. The Secretary must keep ALIAs in the Register. The Minister must table annual reports in the Parliament in relation to a number of matters relating to agricultural land use. The Minister must ensure at least one person appointed to an inquiry panel under the *Environment Effects Act 1978* has appropriate expertise in agriculture, including agronomy, soil science or regional agricultural economics.

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*.

(f) any other prescribed decision made in relation to a proposed project land affecting land that is agricultural land.

Workplace Legislation Amendment (Accident Compensation and Other Matters) Bill 2026

Member	Hon Steve Dimopoulos MP	Introduction Date	11 August 2026
Portfolio	WorkSafe and the TAC	Second Reading Date	12 August 2026

Summary

The Bill amends various workplace related Acts. The Bill:-

- amends the *Workplace Injury Rehabilitation and Compensation Act* 2013 to make further provision for guarantees obtained for the purposes of that Act; and in relation to supported accommodation;
- amends the *Accident Compensation Act* 1985 in relation to supported accommodation;
- amends the *Occupational Health and Safety Act* 2004 to make further provision for the powers of authorised representatives and health and safety representatives; and to prohibit coercive conduct;
- amends the *Transport Accident Act* 1986 in relation to supported accommodation; and
- makes consequential amendments to the *Occupational Health and Safety Amendment (Dangerous Goods) Act* 2026 and makes other miscellaneous and technical amendments to those Acts.

Part 1 – Preliminary – Part 2 – Amendment of *Workplace Injury Rehabilitation and Compensation Act* 2013 (WIRC Act)

Clause [2] is the commencement provision. The Act commences on the day after the day on which it receives the Royal Assent. Unproclaimed provisions come into operation on a day or days to be proclaimed. If an unproclaimed provision does not come in operation before 10 September 2027 it comes into operation on that day.¹⁰⁶

Part 2 amends the WIRC Act. Division 1 expands the forms of security self-insurers and non-WorkCover employers under the WIRC Act may use to fulfill their financial guarantee requirements. It enables surety bonds¹⁰⁷ to be accepted to meet a self-insurer's and non-WorkCover employer's financial guarantee requirements, in addition to the existing option of a bank guarantee. New section 3B defines a qualifying issuer of a surety bond as an entity regulated by APRA and which meets the credit rating, and any other requirements in a direction given by the Minister under section 609. **[4-9]** The Minister must give a direction in accordance with section 609 that specifies the valid credit rating agency or agencies, the minimum credit rating for these agencies and any other requirements that the surety bond provider must require. **[3-9]** Note the Second Reading Speech:-

¹⁰⁶ Note the Explanatory memorandum:- 'Division 1 of Part 2 and Part 5 which come into operation on a day or days to be proclaimed or otherwise on 10 September 2027. The proclamation-based commencement of Division 1 of Part 2 and Part 5 will allow time for implementation arrangements.'

¹⁰⁷ Note surety bond means a written undertaking to pay a specified amount in specified circumstances. Note the Second Reading Speech:- 'Self-insurers under the *Workplace Injury Rehabilitation and Compensation Act* 2013 are currently required to obtain a bank guarantee to ensure their claims obligations can be met if they experience financial difficulty or insolvency. This is designed to avoid self-insurers being subsidised by scheme-insured employers. Further, when an employer ceases to be a self-insurer, and their workers' compensation assets and liabilities are transferred to the WorkCover scheme, or an employer moves from the Victorian WorkCover scheme to the Commonwealth workers' compensation scheme, Comcare, the employer must provide a bank guarantee. This requirement mitigates the risk to WorkSafe if the transferred assets are insufficient to meet the associated liabilities.'

Key advantages of surety bonds relative to bank guarantees include:

- creating additional liquidity for self-insurers and non-WorkCover employers which can be deployed for business growth purposes; and
- being more cost and time effective for self-insurers and non-WorkCover employers. To reduce the risk associated with surety bonds, the Bill requires that the surety bond issuers are regulated by the Australian Prudential Regulation Authority and meet any further requirements, including credit rating requirements, set out in a new Ministerial Direction.

Division 2 – Workplace Injury Rehabilitation and Compensation Act 2013

Division 2 repeals the definition of ‘supported accommodation’ in section 223(1) in the *Workplace Injury Rehabilitation and Compensation Act 2013* (WIRC Act).¹⁰⁸ [10,11] The effect is that the Transport Accident Commission (TAC)¹⁰⁹ will no longer be liable for the funding in relation to special disability accommodation (SDA). The reasons for the amendment are expressed in the Second Reading Speech:-

In 2024, this Government introduced reforms to strengthen tenancy rights and protections for people living in specialist disability accommodation. A key change was moving group homes regulated under the *Disability Act 2006* into a broader definition of “SDA dwelling” in the *Residential Tenancies Act 1997*. This ensured residents in disability accommodation funded by both the State and the National Disability Insurance Scheme receive consistent tenancy protections. As part of this reform, references to group homes in other Victorian legislation were replaced with “SDA dwelling”.

This resulted in the definition of supported accommodation in the *Transport Accident Act 1986* being amended to include “SDA dwellings”. However, this was not a like-for-like substitution and was not consistent with the policy intent of the legislative change.

Under the *Transport Accident Act 1986*, the TAC generally does not pay for accommodation, as these costs are part of daily living expenses, and would be incurred regardless of a transport accident. TAC’s severely injured clients, such as those requiring supported accommodation, are typically eligible to receive compensation for loss of earnings that they may use to fund these daily living expenses.

However, for people that cannot return home after an accident, the TAC funds supported accommodation for up to 18 months after hospital discharge. Traditionally, supported accommodation meant homes where accommodation and care costs are bundled together in a single fee. After 18 months, the TAC may continue to fund supported accommodation, but TAC clients are required to pay a daily living contribution which reflects the cost of daily living expenses.

By including “SDA dwellings”, the definition of supported accommodation unintentionally includes NDIS-funded housing. Unlike traditional supported accommodation, these dwellings have clearly identifiable accommodation costs that the TAC is generally unable to fund. For this reason, they were previously, and appropriately, excluded from the definition of supported accommodation.

To correct this drafting oversight, the Bill will remove the reference to “SDA dwelling” from the definition of supported accommodation, to avoid ambiguity regarding TAC’s liability to fund accommodation. These amendments will not affect any of TAC clients and are primarily designed to avoid the definition being interpreted in an unintended manner.

The Bill also makes a technical amendment to clarify that TAC clients are only required to commence paying a daily living contribution after 18 months of being discharged from hospital. This reflects operational practice and improves the drafting of the *Transport Accident Act 1986*.

¹⁰⁸ Note the Explanatory memorandum:- ‘Clause 10 repeals paragraph (c) of the definition of supported accommodation in section 223(1) of the *Workplace Injury Rehabilitation and Compensation Act 2013*. Paragraph (c), which refers to specialist disability accommodation (SDA) dwellings, was inserted by the *Disability and Social Services Regulation Amendment Act 2023* with effect from 1 July 2024 and unintentionally expanded the definition of supported accommodation, consequently resulting in the unintended liability expansion of the WorkCover scheme.’

¹⁰⁹ ‘The TAC is a Victorian Government-owned organisation whose role is to promote road safety, support those who have been injured on our roads and help them get their lives back on track.’ <<https://www.tac.vic.gov.au/about-the-tac/our-organisation/what-we-do>>.

Clause [11] inserts a transitional provision in relation to the above changes which operates retrospectively. **[11] (PCA)** It provides the Governor in Council may appoint one of the Directors to be the Chairperson or Acting Chairperson of the Board.¹¹⁰ **[12]** A member of a Medical Panel is entitled to be paid remuneration and travelling allowances as set out and published in the Government Gazette.¹¹¹

Part 3 – Amendment of *Accident Compensation Act 1985* – Part 4 – Amendment of *Transport Accident Act 1986*

Part 3 amends the *Accident Compensation Act 1985* (AC Act) to make the same changes with respect to SDA dwellings made to the WIRC Act. **[14,15] (PCA)** Part 4 amends the *Transport Accident Act 1986* (TAC Act) to make the same changes with respect to SDA dwellings made to the WIRC Act. **[16,17,18] (PCA)**

Part 5 – Amendment of *Occupational Health and Safety Act 2004* – Part 6 – Repeal

Note the Second Reading Speech:-

In August 2025, the Government commissioned Mr Eugene White, a respected barrister, to conduct an independent review into the powers and supports for employee representatives, under the *Occupational Health and Safety Act 2004*. Over the course of the Independent Review, the Independent Reviewer held over 30 meetings and received over 60 written submissions to help inform his findings... The Independent Review made 17 recommendations to improve the effectiveness of the employee representative frameworks. This Bill acquits four of them in full and three of them in part. The Government will consider the remaining recommendations once further policy analysis, consultation and an assessment of the regulatory impact have been conducted.

The Bill inserts new section 48A into the *Occupational Health and Safety Act 2004* (OHS Act) to provide a mechanism for unresolved particulars in negotiations of agreement for designated work groups of multiple employers under Division 2 of Part 7 to be determined by an inspector. If there is no agreement within a reasonable time the Authority may arrange for an inspector to determine unresolved particulars.¹¹² An inspector must give written notice of the determination to the parties and the parties must give effect to the determination. **[19]** Note the Second Reading Speech:-

Currently, WorkSafe inspectors can make binding determinations for single-employer designated work group negotiations but can only provide advice and guidance in relation to multi-employer designated work groups. The Bill amends the *Occupational Health and Safety Act 2004* to enable WorkSafe inspectors to make binding determinations in relation to multi-employer designated work groups as well. This will ensure that employees working at sites involving multiple employers or businesses, such as building sites, have the same access to binding determinations as other employees. It will support the prompt and effective resolution of occupational health and safety matters. The Bill also amends the *Occupational Health and Safety Act 2004* to require health and safety representatives to issue Provisional Improvement Notices in a WorkSafe-approved format. This will help ensure that all parties are provided with the information necessary to support a timely and appropriate health and safety response. The amendment will also support the digitisation of the Provisional Improvement Notice process.

¹¹⁰ Note travelling and other allowances are not payable whilst the Chairperson is an officer or employee who holds a full time statutory office within the meaning of the *Public Administration Act 2004* or a full-time office with a statutory corporation.

¹¹¹ Note the Explanatory memorandum:- ‘The intention of new section 537(10A) is to align the setting of Medical Panels’ members’ fees in the *Workplace Injury Rehabilitation and Compensation Act 2013* with that in the *Wrongs Act 1958*. This is not intended to preclude the Attorney-General from setting the scale of fees and costs payable by a respondent in relation to a claim under the *Wrongs Act 1958* for a referral of a medical question to a Medical Panel under that Act.’

¹¹² Part 10 of the *Occupational Health and Safety Act 2004* provides for review of decisions by the VCAT. Section 127 sets out a table of reviewable decisions by the VCAT. Section 128 makes provision for internal review.

It substitutes Division 3 of Part 7 to create an offence to threaten, intimidate or coerce another person to do, refrain from doing, or do in a particular way, an act involving the exercise of a power, the performance of a function, or the engagement in a process under that Part.¹¹³ Application may be made to the Magistrates' Court for a restraining order. **[20]** Note the Explanatory memorandum:-

The amendment is intended to protect the integrity of the occupational health and safety representation framework by prohibiting threats, intimidation and coercion in connection with the exercise of powers, the performance of functions and participation in processes under Part 7. It responds to concerns that persons involved in those processes may be subjected to pressure or detriment for purposes unrelated to workplace health and safety, including conduct aimed at influencing the exercise of statutory powers or functions in a particular way. The amendment is also intended to support the free and effective operation of the Act's representation and consultation mechanisms, deter serious misconduct, and protect employers, employees, health and safety representatives and other persons participating in those processes.

Section 56 provides an employer may apply to the Magistrates' Court to have a health and safety representative disqualified on various grounds where the representative is intending to cause harm to the employer. The Bill amends section 56 and expands the grounds on which an employer may seek disqualification. It expands the grounds to include where a health and safety representative *intentionally* misuses information or material obtained through the exercise of powers for purposes *not reasonably connected* to their exercise under Part 7. This includes:- photographs, measurements, sketches and recordings made under section 58(1)(ab); copies or extracts of documents obtained under new section 58(1)(ac); and other information acquired from an employer in the exercise of powers under Part 7 and the publishing of information including online publishing.¹¹⁴ **[21]**

Section 58 sets out the inspection powers of a health and safety representatives for a designated work group in a workplace at any time after giving reasonable notice to the employer. It amends section 58 to clarify that a health and safety representative has the power to inspect and copy or take extracts from any document at the workplace subject to express limitations and purposes set out in subsection (2).¹¹⁵ A health and safety representative must not publish material obtained online. (See new section 58A). **[22,23,24]**

Section 87 of Part 8 provides for entry powers of authorised representatives of registered employee organisations where it is reasonably suspected a contravention of the Act or regulations has occurred or is occurring at a workplace. The authorised representative may enter the workplace during working hours for the purposes of enquiring into the suspected contravention. It substitutes section 87(2).¹¹⁶ It expands the purposes for which an authorised representative may remain at a place after entry to include enquiring not only into the suspected contravention but also enquiring into any other suspected contravention identified by the authorised representative while attending the place.¹¹⁷ It amends section 89 to clarify that a health and safety representative to inspect and copy or take extracts from any document at the workplace subject to the express limitations in section 90. Privacy and confidentiality provisions apply.¹¹⁸ **[25,26,27]** It inserts new Division 5 into Part 8 to create an offence

¹¹³ The penalties are 500 penalty units for a natural person and 2500 penalty units for a body corporate. Note Part 7 makes general provision for representation of employees including by health and safety representatives.

¹¹⁴ See section 91 of the *Occupational Health and Safety Act 2004* for the meaning of publish.

¹¹⁵ Note the Explanatory memorandum:- 'The health and safety representative power to make copies of documents, and any subsequent use of those copies, will not displace existing privacy, secrecy or confidentiality provisions under other laws. Such provisions apply unless expressly displaced and the Bill does not expressly displace those laws.'

¹¹⁶ Note Part 8 makes general provision for authorised representatives of registered employee organisations.

¹¹⁷ Note the Explanatory memorandum:- 'The amendment is intended to remove the requirement for an authorised representative to leave and re-enter a workplace when a further issue is identified while attending the place. This is expected to allow occupational health and safety issues to be addressed more promptly, reduce unnecessary administrative burden on authorised representatives and employers, and support the efficient investigation of suspected contraventions while maintaining the existing statutory safeguards that apply to entry powers.'

¹¹⁸ Op. cit., fn 115.

to threaten, intimidate or coerce another person to do, refrain from doing, or do in a particular way, an act involving the exercise of a power, the performance of a function, or the engagement in a process under that Part. Application may be made to the Magistrates' Court for a restraining order. [29] Division 2 makes consequential amendments. [31-37] Part 6 provides for the repeal of the Act. [38]

Comments under the PCA

Retrospective operation – drafting error – Workplace Injury Rehabilitation and Compensation Act 2013 – Accident Compensation Act 1985 – Transport Accident Act 1986 – (section 17(a)(i), PCA)

The Bill amends the WIRC Act and corrects a drafting error. It repeals paragraph (c) in section 223(1) which refers to 'specialist disability accommodation dwellings' (SDA dwellings) from the definition of supported accommodation. [10,11] It makes like and consequential amendments to the TAC Act and the AC Act. [14,15]

The reason for the amendment is that the reference to SDA dwellings with the definition of 'supported accommodation' with effect from 1 July 2024 unintentionally expanded the definition of supported accommodation resulting in the unintended expansion of the WorkCover Scheme. The effect is that the TAC will no longer be liable for the funding in relation to SDA accommodation. Note the Second Reading Speech:-

Under the *Transport Accident Act 1986*, the TAC generally does not pay for accommodation, as these costs are part of daily living expenses, and would be incurred regardless of a transport accident. TAC's severely injured clients, such as those requiring supported accommodation, are typically eligible to receive compensation for loss of earnings that they may use to fund these daily living expenses. However, for people that cannot return home after an accident, the TAC funds supported accommodation for up to 18 months after hospital discharge. Traditionally, supported accommodation meant homes where accommodation and care costs are bundled together in a single fee. After 18 months, the TAC may continue to fund supported accommodation, but TAC clients are required to pay a daily living contribution which reflects the cost of daily living expenses.

By including "SDA dwellings", the definition of supported accommodation unintentionally includes NDIS-funded housing. Unlike traditional supported accommodation, these dwellings have clearly identifiable accommodation costs that the TAC is generally unable to fund. For this reason, they were previously, and appropriately, excluded from the definition of supported accommodation. To correct this drafting oversight, the Bill will remove the reference to "SDA dwelling" from the definition of supported accommodation, to avoid ambiguity regarding TAC's liability to fund accommodation. These amendments will not affect any of TAC clients and are primarily designed to avoid the definition being interpreted in an unintended manner. The Bill also makes a technical amendment to clarify that TAC clients are only required to commence paying a daily living contribution after 18 months of being discharged from hospital. This reflects operational practice and improves the drafting of the *Transport Accident Act 1986*.

The Committee also notes the Statement of Compatibility:-

The effect of the amendments proposed in Division 2 of Part 2 and Parts 3 and 4 are to remove any liability on the TAC and WorkSafe to fund the accommodation costs associated with SDA under the TA Act, the AC Act, and the WIRC Act. Accordingly, it would appear open that the removal of a right to statutory compensation in part, such as accommodation costs in SDA, constitutes an economic interest that should be considered a property right under section 20 of the Charter, notwithstanding that such a right was previously excluded by legislation. As to whether a person is deprived of property, I note that while the proposed amendment removes the TAC's and WorkSafe's potential liability to fund accommodation costs for their claimants in SDA, in practice these costs are currently being funded by the NDIA, and claimants themselves will not be out of pocket, deprived of funding or facing a loss of accommodation. I accept that, even if in practice these costs will be funded by another entity, the removal of the TAC's and WorkSafe's potential liability for those costs under the TA Act, AC Act and WIRC Act respectively, particularly in circumstances where those costs may have already been accrued, is likely to constitute a deprivation of property. However, in my view, any deprivation of property will

occur in accordance with law and not be arbitrary. The amendments to the TA Act, AC Act and WIRC Act are aimed at achieving a legitimate and important objective, namely restoring the transport accident compensation and the workers' compensation schemes to their long-standing legislative purposes. In particular, the amendments would support the TAC and WorkSafe in administering those schemes as effectively, efficiently and economically as possible. Neither scheme is intended to operate as an all-encompassing welfare provider. Integral to this objective is the principle that the TAC and WorkSafe should not be liable to pay for accommodation or general living costs that a claimant would have incurred regardless of whether they had experienced a transport accident or workplace injury or illness.

Maintaining this principle is fundamental to the sustainability of both schemes [...] and to the appropriate allocation of a limited pool of compensation to transport accident and workplace-related injuries and illnesses. To give effect to this principle, clear boundaries are needed to ensure that scheme funds are not used to subsidise general living expenses unrelated to a transport accident or workplace injury or illness, and which fall outside the purposes of the schemes. Such costs are more appropriately met through other parts of the social support system, including Centrelink or the NDIS, rather than by the TAC in its role as a statutory motor vehicle accident insurer, or WorkSafe in its role as a workplace injury insurer. Additionally, the TAC and WorkSafe already provide significant financial support to claimants, through income benefits and common law pecuniary loss damages payments, that may be applied towards daily living expenses, including accommodation costs. Funding accommodation in addition to these forms of support may result in claimants being compensated twice for the same or substantially similar expenses.

As the transport accident compensation scheme is self-funded through the transport accident charge component of vehicle registration fees, it is in the public interest that the transport accident charge paid by vehicle owners to fund the scheme remains affordable. Similarly, the workers' compensation scheme is funded through employer premiums, and it is in the public interest that those premiums remain affordable. If employer premiums were to become unaffordable, this could adversely affect the financial sustainability and competitiveness of businesses.

In terms of the retrospective effect of these amendments, although I accept a theoretical limit on the right would arise in circumstances where an existing entitlement to compensation that has already accrued is removed - in these circumstances these amendments will not have a material effect on existing claimants, which constitute a small cohort of persons. Neither the TAC nor WorkSafe have received any claims to fund SDA costs for claimants with these costs currently funded by the NDIA. I am satisfied that the amendments are compatible with the right to property.

The Committees notes the above and the detailed explanation of the changes in and effect of various funding arrangements in relation to accident compensation schemes.

Charter Issues

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

House Amendments

Consumer Legislation Amendment Bill 2026

Member	Hon Tim Richardson MP	Introduction Date	3 June 2026
Portfolio	Consumer Affairs	Second Reading Date	4 June 2026

The Committee reported on the Bill as originally introduced in *Alert Digest No. 8 of 2026*¹¹⁹ tabled on 16 June 2026.

On 14 August 2026 the Honourable Ingrid Stitt MP in the Legislative Council moved, by leave, ‘That it be an instruction to the Committee that they have the power to consider amendments and new clauses to amend the *Building Act* 1993 in relation to prefabrication work and prefabrication builders, complex plumbing work, developer bonds and minor matters, the *Building and Plumbing Administration and Enforcement Act* 2026 to make consequential amendments to that Act and the *Domestic Building Contracts Amendment Act* 2025 to delay its forced commencement date.’ The motion was agreed to that day. The Assembly will now consider the amendments made by the Council. The Committee provides a further report on the Bill amendments made by the Legislative Council.

Summary

The Consumer Legislation Amendment Bill 2026 makes multiple amendments to a number of Consumer related Acts.¹²⁰ Various House amendments were made to the Bill. This includes:

- Clauses **[1 and 66]** amend the *Domestic Building Contracts Amendment Act* 2025 to extend its forced commencement date from 1 December 2026 to 31 March 2027.
- Clause **[4]** amends the *Building Act* 1993. It inserts Part 2A to make provision in relation to prefabrication work and prefabrication builders. This contains general provisions in relation to prefabricated building systems. It includes offence provisions and civil penalty provisions for the purposes of Part 6.7 of the *Building and Plumbing Administration and Enforcement Act* 2026. It contains general regulation making powers for the purposes of that Part for the keeping of records and certificates etc. It inserts Division 2 before Part 13 which makes provision for complex plumbing work. It contains offence provisions and general regulation making powers for the purposes of that Division.
- Clauses **[51-59]** amend the *Sale of Land Act* 1962 to make technical amendments. Clauses **[25-28]** make further amendments to the *Owners Corporations Act* 2006 in relation to proxy voting.¹²¹

¹¹⁹ See *Alert Digest No 8 of 2026*, Consumer Legislation Amendment Bill 2026, pp 1-21 <<https://www.parliament.vic.gov.au/4a3a6c/globalassets/committee-publication-record-documents/committee-36/publication-387/alert-digest-no-8-of-2026.pdf>>.

¹²⁰ *Australian Consumer Law and Fair Trading Act* 2012, *Conveyancers Act* 2006, *Owners Corporations Act* 2006, *Residential Tenancies Act* 1997, *Sale of Land Act* 1962, *Tobacco Act* 1987 and the *Motor Car Traders Act* 1986.

¹²¹ Note. (1) A person must not vote as a proxy on a resolution at a meeting of the owners corporation on behalf of more than one lot owner.

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

Statement of compatibility – House amendments – Practice note

Summary: *Clauses 43A and 113A and Parts 12A and 12B may be unrelated to the Bill's purpose as introduced. The Committee will write to the Minister seeking further information.*

Relevant provision

The Committee notes that:

- clause 43A, amending existing sub-s. 89D(1) of the *Owners Corporation Act 2006*, provides that 'A person must not vote as a proxy on a resolution at a meeting of the owners corporation on behalf of more than one lot owner'.
- clause 113A, amending existing s. 9AEA(2) of the *Sale of Land Act 1962*, provides that an existing provision permitting the revision of certain off-the-plan contracts 'does not apply to' certain purchasers.
- Part 12A inserts new Part 2A ('Prefabrication work') into and amends existing Parts 11 ('Registration of building practitioners') and 12A ('Plumbing work') of the *Building Act 1993*.
- Part 12B amends the commencement provision for the *Domestic Building Contracts Amendment Act 2025*.

The Committee also notes that house amendments agreed in the Legislative Council on 14th August 2026, amending clause 1, added the following 'main purposes' of the Bill:

- 'to amend the *Owners Corporations Act 2006*... in relation to proxy voting'
- 'to amend the *Sale of Land Act 1962*... to make technical amendments in relation to off-the-plan contracts'
- 'to amend the *Building Act 1993* in relation to developer bonds', 'in relation to complex plumbing work' and 'in relation to minor matters'
- 'to amend the *Domestic Building Contracts Amendment Act 2025* to delay its forced commencement date'.

The Committee observes that clauses 43A and 113A and Parts 12A and 12B may be unrelated to the Bill's purpose as introduced.

Charter analysis

The Statement of Compatibility for the Bill as introduced into the Legislative Assembly and for the Bill as introduced into the Legislative Council did not address clauses 34A and 113A and Parts 12A and 12B as they were not part of the Bill as introduced in either house.

The Committee's *Practice Note* remarks:¹²²

¹²² Scrutiny of Acts and Regulations Committee, *Practice Note*, 10 August 2026, B.

The Committee considers that, where house amendments are proposed for a Bill that are unrelated to the Bill's purpose as introduced, supplementary information should be provided to Parliament as to the compatibility of those amendments with the Charter's rights.

Conclusion

The Committee will write to the Minister seeking further information as to the compatibility of clauses 43A and 113A and Parts 12A and 12B with human rights.

Appendix 1

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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

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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
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(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

Associations Incorporation Reform Amendment Bill 2026	11 of 2026
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 [House Amendments]	11 of 2026
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 (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
Education and Training Reform Amendment (Apprenticeships, Traineeships, Schools and Other Matters) Bill 2026	11 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

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

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 (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
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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 06-02-26 ¹²³	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

¹²³ 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 12-03-26 ¹²⁴	1 of 2026 Volume B 4 of 2026

¹²⁴ 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 20-03-26 ¹²⁵	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 24-04-26 ¹²⁶	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 28-05-26 ¹²⁷	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

¹²⁵ Ministerial correspondence received 25 March 2026.

¹²⁶ Ministerial correspondence received 25 May 2026.

¹²⁷ 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	12-08-26	No 10 of 2026
Corrections Amendment Bill 2026	Corrections	12-08-26	No 10 of 2026
Multicultural Victoria Amendment Bill 2026	Premier	12-08-26	No 10 of 2026
Workplace Protection Orders Bill 2026	Attorney-General	12-08-26	No 10 of 2026
Associations Incorporation Reform Amendment Bill 2026	Consumer Affairs		No 11 of 2026
Consumer Legislation Amendment Bill 2026 [House Amendments]	Consumer Affairs		No 11 of 2026
Education and Training Reform Amendment (Apprenticeships, Traineeships, Schools and Other Matters) Bill 2026	Education		No 11 of 2026