

No. 8 of 2010

Tuesday, 8 June 2010

On the

Associations Incorporation Amendment
Bill 2010

Control of Weapons Amendment Bill 2010

Superannuation Legislation Amendment
Bill 2010

Water Amendment (Victorian
Environmental Water Holder) Bill 2010

Table of Contents

	Page Nos.
Alert Digest No. 8 of 2010	
Associations Incorporation Amendment Bill 2010	1
Control of Weapons Amendment Bill 2010	7
Superannuation Legislation Amendment Bill 2010	12
Water Amendment (Victorian Environmental Water Holder) Bill 2010	15
Appendices	
1 – Index of Bills in 2010	17
2 – Committee Comments classified by Terms of Reference	19
3 – Ministerial Correspondence 2009-10	21

Glossary and Symbols



- ‘**Article**’ refers to an Article of the International Covenant on Civil and Political Rights;
- ‘**Assembly**’ refers to the Legislative Assembly of the Victorian Parliament;
- ‘**Charter**’ refers to the Victorian *Charter of Human Rights and Responsibilities Act 2006*;
- ‘**child**’ means a person under 18 years of age;
- ‘**Committee**’ refers to the Scrutiny of Acts and Regulations Committee of the Victorian Parliament;
- ‘**Council**’ refers to the Legislative Council of the Victorian Parliament;
- ‘**court**’ refers to the Supreme Court, the County Court, the Magistrates’ Court or the Children’s Court as the circumstances require;
- ‘**Covenant**’ refers to the International Covenant on Civil and Political Rights;
- ‘**human rights**’ refers to the rights set out in Part 2 of the Charter;
- ‘**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 (currently one penalty unit equals \$116.82).
- ‘**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.

Useful provisions

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 imitation; 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.*

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.



Terms of Reference

Parliamentary Committees Act 2003

17. Scrutiny of Acts and Regulations Committee

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 *Information Privacy Act 2000*;
 - (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;
- (c) to consider any Act that was not considered under paragraph (a) or (b) when it was a Bill –
 - (i) within 30 days immediately after the first appointment of members of the Committee after the commencement of each Parliament; or
 - (ii) within 10 sitting days after the Act receives Royal Assent —
whichever is the later, and to report to the Parliament with respect to that Act or any matter referred to in those paragraphs;
- (d) the functions conferred on the Committee by the *Subordinate Legislation Act 1994*;
- (e) the functions conferred on the Committee by the *Environment Protection Act 1970*;
- (f) the functions conferred on the Committee by the *Co-operative Schemes (Administrative Actions) Act 2001*;
- (fa) the functions conferred on the Committee by the Charter of Human Rights and Responsibilities;
- (g) to review any Act in accordance with the terms of reference under which the Act is referred to the Committee under this Act.

The Committee has considered the following Bills –

Associations Incorporation Amendment Bill 2010

Control of Weapons Amendment Bill 2010

Superannuation Legislation Amendment Bill 2010

Water Amendment (Victorian Environmental Water Holder) Bill 2010



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) presented to the Parliament. The Committee does not make any comments on the policy aspects 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 been 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.

Alert Digest No. 8 of 2010

Associations Incorporation Amendment Bill 2010

Introduced	25 May 2010
Second Reading Speech	26 May 2010
House	Legislative Assembly
Member introducing Bill	Hon. Tony Robinson MLA
Portfolio responsibility	Minister for Consumer Affairs

Background

The Bill amends the *Associations Incorporation Act 1981* (the 'Act').

Note: *The Act was established to provide a simple and cheaper means to obtain corporate legal status for community, sporting and other voluntary non-profit organisations. The Act regulates the establishment, on-going operation and dissolution of incorporated associations.*

The Bill will –

1. remove the current requirement for a separate statement of purposes to accompany an application for incorporation and instead will require that the purposes of an incorporated association must be expressed in the rules. The Bill also provides for a transitional provision to allow the continuing validity of separate rules and purposes for existing associations. **[13, 15, 16 and 49]**
2. amend the rules of an incorporated association by providing that the name and purposes of an incorporated association, the rights, obligations and liabilities of its members, resignation and cessation of membership and the process for appointment and termination of the association's secretary must be addressed in the rules. **[50 and Schedule 1]**
3. inserts a new definition of 'office holder' of an incorporated association to recognize that some employees other than committee members may have significant responsibilities that effect the operations of the association. **[4]**
4. clarify the duties of an office-holder of an incorporated association in respect to improper use of information or position and provide for a duty of care and diligence and to impose civil penalties for breach that are modelled upon equivalent provisions in the *Corporations Act 2001* (Cth). **[22 to 25]**
5. provide that a court may impose on an office holder a civil pecuniary penalty for contravention of specified provisions of the Act. In determining the appropriate penalty, the court will take into account any remuneration of the office-holder as well as the size and complexity of the association. **[41]**
6. provide a court with discretion to order the payment of compensation to an association for any damage suffered because of a contravention, and have the power to grant relief in civil proceedings where a person may be found to have contravened a civil penalty provision but has acted honestly and, having regard to all the circumstances of the case, the person ought fairly to be excused. **[41]**
7. provide that an association must indemnify each member of its committee for any liability incurred by them in good faith in the course of performing their duties on behalf of the association. **[26]**

8. to clarify that the principles of natural justice the incorporated association must ensure that each party to a dispute has an opportunity to be heard and that the dispute must be resolved by an unbiased decision-maker and in the case of disciplinary procedures, an incorporated association will be required to ensure that the member subject to the procedure is informed of the grounds on which the disciplinary action is proposed to be taken, has an opportunity to be heard and that any determination is made by an unbiased decision-maker. **[10 and 11]**
9. provides that committee meetings and general meetings can be held in two or more venues using any technology that allows participating members to clearly and simultaneously communicate with each other participating member. **[21 and 27]**
10. provides that the office of Secretary becomes vacant if the person holding that office ceases to be resident in Australia rather than the current requirement of being a resident of Victoria. **[17, 18, 20]**
11. clarify the removal of committee members from office, and clarifies that a committee member will cease to hold office if he or she fails to attend three consecutive committee meetings without leave. **[19]**
12. revise financial reporting requirements to introduce a framework of three tiers to replace the current reporting requirements. The tiers will be based upon total revenue with tier 1, comprising total revenue of up to \$250,000, capturing the majority of incorporated associations. Tier 2 will capture those associations with revenue exceeding \$250,000 and up to \$1million, while tier 3 captures all those associations with total revenue exceeding \$1million. Tier 1 incorporated associations will continue to report to the registrar on the same annual basis as currently applies for non-prescribed associations. Tier 2 associations will no longer be required to have their accounts audited but will require their accounts to be reviewed by an accountant independent of the incorporated association. Tier 3 incorporated associations will continue to report to the registrar on the same basis as currently applies to prescribed associations. These associations will be required to have their accounts audited and to submit a copy of the audit report to members together with their financial statements at the annual general meeting. **[29 to 31]**
13. apply qualified privilege to a qualified accountant conducting a review of the accounts of a Tier 2 association. **[47]**
14. repeal the prohibition on trading by an incorporated association. However the Act will continue to prohibit an incorporated association from securing pecuniary profit for its members. **[45]**
15. apply various provisions of Chapter 5 of the *Corporations Act 2001 (Cth)* in respect of the voluntary administration and winding up of an incorporated association and inserts a new Part VIII AA which sets out a more detailed scheme of the Parts of Chapter 5 that will apply to incorporated associations.

A number of the applied provisions involve an evidential onus on the defendant that engage the presumption of innocence. Other provisions concern the privilege against self-incrimination and the question of derivative or indirect use of evidence (section 597(12A)) **[41]** (*Refer to Charter report below*).
16. authorise an incorporated association to keep its records in any language, provided a copy in English can be produced upon request. **[43]**

Content and Committee comment

The Bill provides that its provisions come into operation before 1 December 2011. **[2]**

The Committee notes this extract from the Second Reading Speech –

It is proposed that Part 3 and Part 4 of the 2009 Amendment Act¹ and the suite of legislative reforms introduced by this bill, will commence operation together in 2011 in conjunction with the new model rules.

In Alert Digest No. 1 of 2009 the Committee noted the following –

The provisions in the Bill (except Parts 3 and 4) will come into operation on the day after Royal Assent. Part 3 and Part 4 (clauses 31 to 35) are each to commence operation on a day to be proclaimed or if no date has then been proclaimed, on 1 December 2011. [2].

Note: From the explanatory memorandum – *Part 3 changes references in the Act from ‘public officer’ to ‘secretary’, and Part 4 specifies matters that the rules of an incorporated association must set out. A default date of 1 December 2011 has been specified in order to allow sufficient time for the Model Rules set out in the regulations to be revised to include the new matters and to recognise the change from “public officer” to “secretary”. This will also enable incorporated associations sufficient lead-time to amend their own rules to comply with the new requirements.*

Delayed commencement – In appropriate delegation of legislative power – Implementation of new rules by no-profit associations – Whether sufficient justification for delay

The Committee notes the explanation for the delayed commencement of the provisions relating to the new model rules and the new title of ‘secretary’ replacing ‘public officer’ given in the explanatory memorandum of the Associations Incorporation Amendment Bill 2008 and the remarks in the Second Reading Speech in respect to this Bill.

The Committee accepts that in the case of community and non-profit smaller incorporated associations a longer lead time may be desirable to allow these bodies to amend their rules to ensure compliance with the new legislative requirements.

The Committee would have preferred that the explanation for delayed commencement in this Bill included the same reasoning provided to the Parliament in the 2008 Bill’s explanatory material (December 2008).

Provisions of the Corporations Act 2001 (Cth) applied to Victorian Incorporated Associations – New Part VIII A A of the Act – Corporations (Ancillary Provisions) Act 2001 (Vic)

The Committee considered the Bill’s application of certain provisions (with necessary modifications) of the Corporations Act of the Commonwealth. The Committee is concerned as to the level of legal complexity that such a hybrid approach may present to many smaller voluntary and non-profit incorporated associations. [41]

The Committee draws attention to these provisions.

Charter report

Application of Commonwealth laws – Operation of the Charter

Summary: *Clause 41 applies modified Commonwealth provisions as laws of Victoria. The Committee will write to the Minister seeking further information as to the application of the Charter.*

The Committee notes that clause 41, inserting a new Part VIII A A, has the effect of applying modified versions of Parts 9.4B, 5.2, 5.3A, 5.4, 5.4B, 5.5, 5.6, 5.7B, 5.8, 5.8A and 5.9 of the Corporations Act 2001 (Cth) ‘as if they were... laws of’ Victoria.²

¹ Associations Incorporation Amendment Bill 2008

The explanatory material does not address whether or not the applied laws will be subject to the Charter's provisions on scrutiny, interpretation, declarations of inconsistent interpretation or obligations of public authorities.

The Committee will write to the Minister seeking further information as to the application of Charter ss. 28, 29, 32, 36 and 38 to the laws applied in Victoria by clause 41.

Self-incrimination – Compelled examinations by the Supreme Court – Limitations on immunity – People who have not chosen to take on duties and obligations

Summary: Clause 41 applies a modified Commonwealth law on compelled self-incriminatory questioning to the affairs of associated incorporations, including question of people who have not chosen to participate in regulated activities in which they have assumed duties and obligations. The Committee considers that the applied scheme may be incompatible with the Charter's right against compelled self-incrimination.

The Committee notes that clause 41, inserting a new section 37AI, has the effect of applying a modified version of Part 5.9 of the *Corporations Act 2001 (Cth)* as a law of Victoria. The applied law allows the Supreme Court to summons people for compelled examination about an incorporated association's affairs and specifically requires examinees to answer self-incriminatory questions.

As the immunity in s. 597(12A) of the applied law is limited to the use of the examinee's answers, rather than information derived from those answers, its effect is to allow the Supreme Court to force examinees to lead investigators to information that may then be used to convict them of a criminal offence. The Victorian Supreme Court has held that schemes of this sort limit the Charter's rights against self-incrimination, subject to the test for reasonable limits on rights in Charter s. 7(2).³

The Statement of Compatibility remarks:

This abrogation of the privilege against self-incrimination is limited to prescribed situations. The Supreme Court can only summon a person for examination about an incorporated association's examinable affairs and can only summon a person who is (or was) a member of the committee or provisional liquidator of the incorporated association. The people who will be subject to this power have chosen to participate in regulated activities in which they have assumed duties and obligations.

...[E]xperience of enforcing these laws has shown that granting immunities in a regulated commercial context to the type of individuals most likely to be examined and exposed to criminal and civil penalties leads to protracted investigations, with the result that those responsible for wrong doing and misconduct can ultimately escape liability. The limitation addresses this issue by allowing the regulator to effectively investigate and unravel the complex affairs of an association without jeopardising the success of any criminal or civil penalty proceedings which may be brought after all relevant information concerning a person's activities and dealings within an incorporated association have come to light.

The Committee observes that the applied provisions go significantly beyond the statements description of them as limited to people who 'have chosen to participate in regulated activities in which they have assumed duties and obligations', as follows:

- s. 596B(b)(ii) of the applied law (which is not discussed in the Statement of Compatibility) allows the compelled examination of anyone who the Court is satisfied

² *Corporations (Ancillary Provisions) Act 2001 (Vic)*, ss. 15(c) & 19(1).

³ *Re an application under the Major Crime (Investigative Powers) Act 2004* [2009] VSC 381, applying Charter s. 25(2)(k), guaranteeing that a criminal defendant is 'not to be compelled to testify against himself or herself or to confess guilt.'

'may be able to give information about the examinable affairs of the corporation'. This may include, for example, family members of officers or anyone who receives a service from a community or non-profit group.

- The matters about which a person may be examined include 'any affairs of' the association, including its membership, business, trading, transactions, dealings and property.⁴
- The limited direct use immunity provided in the applied law only applies if the person first claims the privilege against self-incrimination before answering the question.⁵

In light of these factors and the Supreme Court's clear ruling that a more protective scheme relating to organised crime was incompatible with the Charter, the Committee considers that clause 41, by applying both ss. 596B(b)(ii) & 597(12A) of the *Corporations Act 2001* (Cth) as laws of Victoria, may be incompatible with the Charter's right against compelled self-incrimination.

The Committee will write to the Minister expressing its concern about the Statement of Compatibility's failure to address the human rights effect of s. 596B(b)(ii) of the Corporations Act 2001 (Cth). Pending the Minister's response, the Committee draws attention to clause 41 and ss. 596B(b)(ii) and 597(12A) of the Corporations Act 2001 (Cth).

Presumption of innocence – Insolvent trading offences – Absolute liability – Reverse onus

Summary: Clause 41 applies modified versions of federal offences on insolvent trading to incorporated associations. The Statement of Compatibility does not address provisions in those offences providing for absolute liability and reversing the legal onus of proof. The Committee will write to the Minister seeking further information.

The Committee notes that clause 41, inserting a new section 37AJ(2) has the effect of applying modified versions of ss. 588G(3) & 592 of the *Corporations Act 2001* (Cth) as a law of Victoria. These sections make it an offence to have been a member of the committee of an incorporated association that took on a debt when there were reasonable grounds to expect that the debt would not be paid.

The Committee observes that:

- section 588G(3A) of the applied law provides that 'absolute liability applies to' the requirement that the company 'incurs a debt'. This means that the prosecution does not have to prove that the committee member knew that the debt was incurred and the member cannot rely on the defence of honest and reasonable mistake.⁶
- section 588H of the applied law requires defendants to prove the defences of reasonable reliance on others, good reasons for non-involvement or due diligence on the balance of probabilities to avoid being found guilty
- section 592(2) of the applied law requires defendants to prove the defences of lack of consent or lack of reasonable cause to expect non-payment on the balance of probabilities to avoid being found guilty

⁴ *Corporations Act 2001* (Cth), ss. 9 & 53(a).

⁵ *Corporations Act 2001* (Cth), s. 597(12A)(a).

⁶ The term 'absolute liability' is defined in s. 6.2 of the Criminal Code (Cth) to mean that no fault elements need be proven and no defence of honest and reasonable mistake of fact is available. While new section 37AK(1) provides that the Code does not apply to the applied provisions, sub-section 588G(3A) is not in the list of deleted Code-specific provisions in Schedule 2.

The Committee considers that clause 41, to the extent that it gives effect to these provisions, engages that the Charter's right to be presumed innocent until proved guilty according to law.⁷

While the Statement of Compatibility addresses a number of mild evidential burdens in the applied law, it does not address the absolute liability provision in s. 588G(3A) or the reverse onus provisions in ss. 588H and 592(2).

The Committee will write to the Minister seeking further information as to the compatibility of ss. 558G(3A), 588H and 592(2) with the Charter's right to be presumed innocent until proved guilty according to law. Pending the Minister's response, the Committee draws attention to clause 41 and to ss. 588G(3), 588H and 592(2) of the Corporations Act 2001 (Cth).

The Committee makes no further comment.

⁷ Charter s. 25(1).

Control of Weapons Amendment Bill 2010

Introduced	24 May 2010
Second Reading Speech	26 May 2010
House	Legislative Assembly
Member introducing Bill	Hon. Bob Cameron MLA
Portfolio responsibility	Minister for Police and Emergency Services

Purpose

The Bill amends the *Control of Weapons Act 1990* (the 'Act') by –

1. recasting the existing prohibited weapons offences and make it a separate offence for a person to sell a prohibited weapon to a child and for a child to purchase a prohibited weapon. **[5]**
2. making it an offence for a child to purchase a controlled weapon and for a person to sell a controlled weapon to a child where the seller knows that the purchaser is a child. **[6]**
3. amending the threshold test and the circumstances in which the Chief Commissioner may make a planned or unplanned designation of an area for the purpose of enabling weapons searches and seizure to be conducted in that area. The threshold test will be a test of likelihood even if the *likelihood is less than more likely than not*. **[12, 13 and 22]** (*Refer to extracts from the Second Reading Speech and the Charter report below*).

In respect to unplanned designated areas sunsetting after three years the amendments to the circumstances in which a designation can be made. The reversion removes that part of the test involving 'unlawful possession, carriage or use of weapons' (see contextual amendment below), however the test for likelihood will remain as being a satisfaction by the Chief Commission of Police even if the likelihood is *less than more likely than not*. **[13 and 22]**

Text of amended section (proposed words to be sunsetted are underlined) – 10E(1)(a)(i) – *there is a likelihood that unlawful possession, carriage or use of weapons or violence or disorder involving weapons will occur in that area during the period of intended operation of the declaration; and*

4. amending the procedural requirements in respect to an unplanned designation area weapons search of children or of persons with impaired intellectual functioning. The amendment will require that 'where practicable' an independent third person be present at the search. However where this is not practicable the other independent person may be another police member who is not the police member conducting the search. **[19 and 20]** (*Note the extract from the Second Reading Speech and the Charter report below*).
5. providing that as a consequence of changes made to planned and unplanned designation police powers, that the Chief Commissioner of Police may only delegate his designation powers to a police officer who is of or above the rank of Assistant Commissioner of Police (presently a delegation can be made down to Inspector level). **[14]**
6. limiting the duty on police to make a written record of random searches conducted within a designated area to only strip searches. **[10]**
7. extending the level of reporting requirements imposed upon the Chief Commissioner of Police in respect of weapons searches that have been undertaken. **[11]**
8. allowing infringement notices to be served for certain offences in regard to controlled weapons, and providing for the forfeiture of such weapons when the matter is dealt with by infringement notice. **[9, 15]**

9. clarifying that the Governor in Council may impose conditions to exemptions such as a waiting period requirement of up to 6 months for a person to be a member of a class of persons in respect of prohibited weapons. [7]
10. make minor statute law revision amendments. [21]

Extract from the Second Reading Speech (planned and unplanned designation areas) –

Designated areas (planned and unplanned)

Clause 12 of the Bill enables police to provide a more targeted and appropriate coverage for an event that takes place over an extended duration, including events that take place over a number of consecutive days. This clause provides that a planned designation may operate for more than one period, with the proviso that each period of operation must be during the operating hours of the event. Additionally, this change will allow for a given period during which an event is taking place to exceed 12 hours in duration.

... Clause 13 of the Bill addresses the amendments to searches in such circumstances by including broader criteria for the making of unplanned designations. The clause amends section 10E of the Control of Weapons Act 1990 so that unplanned designations are not limited to only the most urgent of circumstances, but will also be made available where it is appropriate to conduct a random weapons search within a day or number of days (but not where a planned designation with seven days' notice is appropriate).

First, the clause includes a ground similar to that found for making a planned designation as an alternate ground, whereby the Chief Commissioner of Police may make an unplanned designation if satisfied that more than one incident of unlawful possession, carriage or use of weapons, or of violence or disorder involving weapons, has occurred in the area in the previous 12 months, or it is likely that such an incident will recur. Second, the existing unplanned designation criteria will be retained, but each criteria is expanded to include the 'unlawful possession, carriage or use of weapons' as a basis for making the unplanned designation. This will act as a further significant deterrent to the unlawful carriage of weapons.

The Bill clarifies the meaning of the terms 'likely' and 'likelihood' as used in relation to the chief commissioner's power to declare a designated area for a planned or unplanned search.

... Clause 22 provides for the sunseting of the changes made by the Bill to the threshold test for the Chief Commissioner in making unplanned designations of search areas. The sunset provision will take effect three years from the commencement of the changes and will return the threshold test to its original form, save for retaining the provision clarifying the term 'likelihood'. The government believes this is a suitable period to test the effectiveness of the changes and determine whether they should continue or whether modifications should be made.

It is the intention of the government that the review be undertaken by an appropriate parliamentary committee, to report to the Parliament on the effectiveness of these changes six months before the expiration of the sunset period.

Searches

At present, searches of children and persons with impaired intellectual functioning must be conducted in the presence of an independent third party, in the absence of a parent or guardian. However, police are concerned that this requirement poses a range of difficulties that impact upon the effectiveness of the search regime and upon community safety, particularly when there are delays in locating an independent third person to attend. This situation is particularly acute in regional and rural areas as independent third persons are difficult to locate in a timely manner.

Clauses 19 and 20 therefore adjust the rules for searches of children and persons with impaired intellectual functioning to, where practicable, require the presence of an independent third person or any person other than the police member conducting the search. This could be another police member if necessary. This change will provide police with the flexibility they need to conduct searches in a timely manner.

It must be stressed, however, that all of the existing safeguards in the schedule that apply generally to strip searches of all persons will continue to apply to searches of children and persons with an impaired intellectual functioning.

Submissions

The Committee received a written submission from the Office of the Victorian Privacy Commissioner. The submission concerns the amended police stop and search for weapons powers for planned and unplanned designation areas (sections 10G and 10E of the Act) and searches of children and persons with impaired intellectual functioning in an unplanned designation area. The full text of the written submission will be made available on the Committee website.

Charter report

Age discrimination – Ban on sale of knives to children – Whether reasonable limit

Summary: Clause 6 makes it an offence for a child to ‘purchase a controlled weapon’ and for anyone to knowingly sell such a weapon to a child. While the Committee accepts that a restriction on sales of dangerous items may be a reasonable limit on the Charter’s rights with respect to age equality, it has a number of concerns about clause 6. It will write to the Minister seeking further information.

The Committee notes that clause 6, amending s. 6, makes it an offence for a child to ‘purchase a controlled weapon’ and for anyone to knowingly sell such a weapon to a child. The Committee considers that clause 6 engages the Charter’s rights with respect to age discrimination.

The Statement of Compatibility remarks:

I accept that some young persons may experience the blanket prohibition on the purchase of weapons (including, within the definition of “controlled weapons”, knives of all kinds) as demeaning. The extent to which it ought objectively to be regarded as so, however, is tempered to some degree by the fact that, as discussed below, the difference in treatment is justified by statistical evidence.

...[T]he detriment imposed by the limit is not particularly severe. It is hard to imagine that there will be many, if any, cases in which a young person wishes to purchase a prohibited or controlled weapon for a legitimate purpose will not be able to find someone who can make the purchase on their behalf.

...It is not unreasonable to conjecture that the ban on direct purchase of weapons by children will increase the likelihood of responsible adult supervision of children with regards to obtaining and using such weapons.

While the Committee accepts that a restriction on sales of dangerous items may be a reasonable limit on the Charter’s rights with respect to age equality, it has a number of concerns about clause 6:

First, despite its reliance on ‘the fact that, as discussed below, the difference in treatment is justified by statistical evidence’, the Statement of Compatibility does not provide or otherwise discuss any statistical evidence.

Second, clause 3’s definition of ‘child’ extends to all persons under 18 and therefore will include some teenagers living away from home. The Committee is concerned that clause 6 may make it difficult for such persons to obtain knives for cooking or eating. The equivalent United Kingdom legislation exempts sales to persons age 16 or older of knives that are ‘designed for domestic use’.⁸ The Statement of Compatibility remarks:

A carve-out of this kind might have the effect of encouraging the use of kitchen knives in criminal offending. A carve-out might also create potential uncertainty for both sellers and purchasers as to what is or is not domestic use. For that reason, the government prefers in this instance to draw a clear line in the sand. I note that the proposal is not otherwise overbroad...

⁸ Criminal Justice Act 1988 (UK), s. 141A(3A).

Third, the existing broad definition of controlled weapons in s. 6, while appropriate when all regulation is subject to a defence of 'lawful excuse', may be capricious under the blanket prohibitions in clause 6. In particular, the definition extends to a 'knife', without any requirement of sharpness or danger. The Committee observes that clause 6 will bar unaccompanied teenagers from purchasing plastic cutlery and may also prevent them from purchasing take-away food that includes such cutlery. The ACT and NSW statutes avoid this difficulty by specifically exempting plastic knives designed for eating from their sales prohibitions.⁹

The Committee will write to the Minister seeking further information as to the statistical evidence mentioned in the Statement of Compatibility and whether or not plastic knives should be excluded from the definition of 'controlled weapon'.

Pending the Minister's response, the Committee refers to Parliament for its consideration the question of whether or not an exemption allowing 16- and 17-year-olds to purchase domestic knives would be a less restrictive alternative reasonably available to achieve clause 6's purpose of protecting the public from the violence and intimidation associated with weapons-related crime.

Incompatibility with human rights – Random personal searches – Removal of requirements of necessity, threat of violence or disorder, publicity, constraints on repeat designations, written records and independent supervision – Whether exceptional circumstances

Summary: *The Bill authorises potentially widespread repeated use of random personal search powers without notice or any threat of violence or disorder, and leaves the incidence, recording of particulars and independent supervision of nearly all such searches to the police's discretion. The Committee considers that the Statement of Compatibility's conclusion that clauses 10, 13 and 19 are incompatible with the Charter's rights to privacy, liberty and the protection of children may be correct. The Committee draws attention to Charter s. 31's provision for a formal override declaration.*

The Committee notes that clause 13, amending s. 10E, extends the existing power of the Chief Commissioner to authorise Victorian police to conduct random personal searches for weapons to areas:

- where he is satisfied that 'more than one incident of unlawful possession.. of weapons... in that area in the previous 12 months' may recur
- even though he isn't satisfied that a recurrence is more likely than not
- of any size and duration (of up to twelve hours) that is reasonably necessary to 'prevent or deter unlawful possession of weapons'

The Committee observes that these changes mean that random weapons searches will no longer be restricted to the relatively confined parts of Victoria that are subject to weapons-related violence or disorder.

Clause 13 also removes that existing restriction on 'unplanned designations' to ones that were 'necessary' to prevent violence or disorder. Rather, it permits unplanned designations to be done on the same basis as 'planned designations', which can occur whether or not random searches are necessary or even efficacious to prevent crime. Unlike planned designations, unplanned ones are not subject to publicity requirements (either before or after

⁹ *Crimes Regulation 2001 (ACT), s. 4(a); Summary Offences Regulation 2005 (NSW), s. 14(a). See also Aviation Transport Security Regulations 2005 (Cth), s. 1.07(13).*

the designation) or restrictions on repeatedly designating the same area.¹⁰ Indeed, as has occurred under similar United Kingdom terrorism laws in Greater London since 2005, the Chief Commissioner could issue secret, indefinite rolling random weapons search authorisations for the entirety of Melbourne if he believed that doing so was reasonably necessary to deter unlawful weapons possession.

In addition, clause 10 removes requirements for police to record (and provide on demand) written particulars of random searches (other than strip searches) and clauses 19 and 20 allow searches of unaccompanied children or intellectually disabled people to be supervised by police officers, rather than independent persons. On the other hand, existing restraints on the conduct of all searches are retained and clauses 11, 14 and 22 limit delegations of the Commissioner's designation authority to Assistant Commissioners; require the Commissioner to report the number of random searches and searched people charged with weapons offences; and provide for a three year sunset for some aspects of clause 13.

As the Bill authorises potentially widespread repeated use of random personal search powers without notice or any threat of violence or disorder, and leaves the incidence, recording of particulars and independent supervision of nearly all such searches to the police's discretion, the Committee considers that the Statement of Compatibility's conclusion that clauses 10, 13 and 19 are incompatible with the Charter's rights to privacy, liberty and the protection of children may be correct.

Charter s. 29 preserves Parliament's power to enact laws that limit rights even if, as the Minister has concluded here, those laws are not reasonable limits that can be demonstrably justified in a free and democratic society.¹¹ The Statement of Compatibility remarks:

Whilst the random search powers introduced in late 2009, as used in planned designation areas, have been effective in the detection of offenders and in deterring others from offending, the community's concern about the level of violence involving the use of knives and other weapons in public places has not abated. It is necessary to ensure that police are empowered to do everything that they need to prevent and deter weapons-related offending. Whilst the amendments in this bill will not alleviate the incompatibility of the existing provisions, they are necessary to ensure the operational effectiveness of these critical police powers.

The Committee observes that clauses 10, 13 and 19 give Victoria Police powers that are typically only made available during major public emergencies¹² and which, in most respects, go beyond the powers granted to the United Kingdom's police to respond to that country's ongoing terrorism emergency.¹³ Charter s. 31 provides that Parliament can include a provision in the Bill overriding the Charter with respect to clauses 10, 13 and 19 for up to five years, if the Minister, or someone acting on his behalf, makes a statement explaining the exceptional circumstances that justify such a step.

The Committee refers to Parliament for its consideration the question of whether or not exceptional circumstances exist that justify overriding the Charter in respect to clauses 10, 13 and 19 and draws attention to Charter s. 31's provision for a formal override declaration.

The Committee makes no further comment.

¹⁰ Existing ss. 10D(4)-(7), requiring prior publication in the gazette and a newspaper, seven days in advance of a designation, do not apply to unplanned designations under s. 10E. Existing s. 10D(9) exempts unplanned designations under s. 10E from s. 10D(8)'s ban on repeat designations in a 10 day period.

¹¹ Charter s. 7(2).

¹² *Public Safety Preservation Act 1958* (Vic), s. 4(b)(iii)

¹³ *Terrorism Act 2000* (UK), ss. 44-47, which is limited to searches that are 'expedient for the prevention of acts of terrorism' (s. 44(3)); do not extend to strip searches (s. 45(3)); require written statements describing the search on request (s. 45(5)); and require confirmation of authorisations by a Minister within 48 hours (s. 46(4)). The UK powers are broader than Victoria's in permitting authorisations for up to 28 days (s. 46(2)).

Superannuation Legislation Amendment Bill 2010

Introduced	25 May 2010
Second Reading Speech	26 May 2010
House	Legislative Assembly
Member introducing Bill	Hon. Tim Holding MLA
Portfolio responsibility	Minister for Finance

Purpose and Background

The Bill amends legislation governing Victorian public sector superannuation schemes to minimise the possibility of that legislation being found incompliant with the *Charter of Human Rights and Responsibilities Act 2006*.

The provisions will—

- make same-sex partners eligible for a reversionary pension even if the superannuation fund pensioner was already receiving a superannuation pension when *the Statute Law Amendment (Relationships) Act 2001* amendments came into effect on 23 August 2001. (Refer to Charter report below)
- limit the provisions in the *Emergency Services Superannuation Act 1986* that allow the Emergency Services Superannuation Board (the Board) to require a member to undergo a medical examination or to request other information.
- allow members to nominate their dependants (and, in very limited circumstances allow adult children to receive a pension on the death of the member).
- amend the *Parliamentary Salaries and Superannuation Act 1968*, the *Police Regulation Act 1958*, the *State Employees Retirement Benefits Act 1979* and the *State Superannuation Act 1988* provisions regarding distribution of death benefits where there is more than one surviving partner.
- require the Trustee or Board (as the case requires) to disclose to a member the contents of any medical report relating to that member.
- amend the definition of spouse in the *Police Regulation Act 1958* to include same-sex couples such that same-sex couples have the same entitlements to a reversionary partner pension as heterosexual couples. (Refer to Charter report below)
- amend the *Emergency Services Superannuation Act 1986*, the *Police Regulation Act 1958*, the *State Superannuation Act 1988*, the *Transport Superannuation Act 1988* and the *State Employees Retirement Benefits Act 1979* to require that any decision by the Board to pay benefits to a guardian or administrator of a member be based on the member being incapable of managing his or her financial affairs.
- amend the *State Employees Retirement Benefits Act 1979* to ensure that the Board only requires information from a third party for the purposes of the administration of the Fund.
- extend contributory service in defined benefit schemes beyond age 65 (and as permitted by Commonwealth superannuation law).
- amend the *Emergency Services Superannuation Act 1986* and the *State Employees Retirement Benefits Act 1979* to provide for 12 months parental leave per confinement to count as service (including for the purposes of death and disability cover).
- remove the adjustment to reversionary partner pensions for partners who are more than five years younger than the former member.

- amend the *Parliamentary Salaries and Superannuation Act 1968* to ensure that orphan children of former members are entitled to an orphan pension regardless of the age of the member when the child was born.
- amend the *Police Regulation Act 1958*, the *State Employees Retirement Benefits Act 1979* and the *State Superannuation Act 1988* such that the partner of a member is entitled to a benefit regardless of the age of the pensioner when they commence their relationship.
- repeal the sections of the *Police Regulation Act 1958* and the *State Superannuation Act 1988* which allow for a reduction of a disability pension where the member brought on sickness as a result of his or her own fault.
- amend the *State Employees Retirement Benefits Act 1979* such that a member in receipt of a disability pension is entitled to receive their lump sum payment (the balance of their beneficiary account) at the age of 60.
- amend the *State Superannuation Act 1988* to require the Board to use a formula that is based on an actuarial assessment when converting a partner's pension to a lump sum.
- remove the medical classification provisions in the *State Superannuation Act 1988* and *State Employees Retirement Benefits Act 1979*.
- amend the *State Superannuation Act 1988* to remove the waiting period for a person to be covered by death and disability insurance after they return from leave without pay.

Further the Bill will —

- allow members of Ambulance Victoria (AV) who transfer to the Emergency Services Telecommunications Authority (ESTA) to retain their membership of the Emergency Services Superannuation Scheme.
- amend a number of Acts governing the judicial pension schemes to make same-sex partners eligible for a reversionary pension in similar circumstances to those under the Superannuation Acts.

Charter report

Sexuality discrimination – Equal eligibility for reversionary pensions for same-sex and opposite-sex partners of long-term and police pensioners – Exclusion of surviving same-sex partners of deceased pensioners – Whether reasonable limit

Summary: The Bill makes same-sex partners of living pensioners eligible for reversionary pensions on the same basis as opposite-sex partners, but preserves different eligibility rules for same-sex partners of deceased pensioners. The Committee will write to the Minister seeking further information.

The Committee notes that:

- clauses 4(1), 17(1), 46(1), 73(1), 97(1) and 98(1) make same-sex partners of emergency services employees, parliamentarians, state employees, state superannuation recipients, state employees who have changed jobs and transport workers who retired prior to 23 August 2001 eligible for a reversionary pension upon that person's death.
- clauses 104(1), 105, 107, 109(1) and 110(1) make same-sex partners of judges, associate judges, magistrates and solicitors-general who retired prior to 4 June 2008 eligible for a reversionary pension upon that person's death.
- clause 26 makes same-sex partners of police officers eligible for a reversionary pension upon that officer's death.

In its *Alert Digest No 1 of 2008*, the Committee found that the ineligibility of same-sex partners of long-term pensioners for a reversionary pension may be incompatible with the Charter's rights with respect to sexuality discrimination. The above clauses remove that potential incompatibility in the case of same-sex partners of currently living pensioners. However, clause 4(2), 17(1), 46(2), 73(2), 97(2), 98(2), 104(2), 106, 108, 109(2) and 110(2) preserve the existing rules in the cases of same-sex partners of pensioners who died before the Bill commences. Clause 26's new entitlement for same-sex partners of deceased police officers does not provide for partners of already deceased officers.

So, while the Bill makes same-sex partners of living pensioners eligible for reversionary pensions on the same basis as opposite-sex partners, it preserves the existing differential treatment of same-sex and opposite-sex partners of deceased pensioners. In 2007, the Supreme Court of Canada unanimously held that an identical exclusion of same-sex partners of deceased pensioners from a statute similarly removing sexuality distinctions from that nation's reversionary pension schemes was incompatible with the Canadian Charter's rights against sexuality discrimination and was not a reasonable limit that can be demonstrably justified in a free and democratic society.¹⁴

The Statement of Compatibility does not address the compatibility of clauses 4(2), 17(1), 26, 46(2), 73(2), 97(2), 98(2), 104(2), 106, 108, 109(2) & 110(2) with the Charter's equality rights. However, it does address those clauses' compatibility with the Charter's right against arbitrary interference in families:

The prospective nature of the proposal is justified on the grounds that it is administratively difficult and costly to provide a pension in circumstances when the member has died prior to the commencement of the bill. By way of example, all potential claimants may need to be contacted and notified, and it would be difficult in advance to identify who these claimants might be, and the extent to which they would have claims. Prospectively, by contrast, it would be possible to establish a scheme of notification and identification which would enable assessment of likely cost, and advance identification of whether or not a particular couple would qualify.

The Committee notes that the saving of administrative costs may be disproportionate to the Bill's impact of permanently denying a reversionary pension to same-sex partners based on the happenstance of the timing of a pensioner's death and the Bill's commencement. It observes that administrative costs of notification may be defrayed by requiring newly eligible survivors of deceased pensioners to apply for a pension and that administrative costs of proof may be low in some cases (e.g. where the survivor has a certificate of relationship registration.)

The Committee will write to the Minister seeking further information as to the compatibility of the Bill's different treatment of same-sex and opposite-sex partners of deceased pensioners with the Charter's equality rights and drawing his attention to the Canadian Supreme Court's decision in Canada (Attorney General) v. Hislop [2007] 1 S.C.R. 429. Pending the Minister's response, the Committee draws attentions to clauses 4(2), 17(1), 26, 46(2), 73(2), 97(2), 98(2), 104(2), 106, 108, 109(2) and 110(2).

The Committee makes no further comment.

¹⁴ *Canada (Attorney General) v. Hislop* [2007] 1 S.C.R. 429

Water Amendment (Victorian Environmental Water Holder) Bill 2010

Introduced	25 May 2010
Second Reading Speech	26 May 2010
House	Legislative Assembly
Member introducing Bill	Hon. Tim Holding MLA
Portfolio responsibility	Minister for Water
Accident Commission	

Purpose and Background

The Bill amends the *Water Act 1989* (the 'Act') to establish the Victorian Environmental Water Holder (the Water Holder) as a body corporate responsible for managing Victoria's environmental water holdings and provide for the role of waterway managers (Authorities that have waterway management districts) in environmental water management.

Extract from the Second Reading Speech –

The centrepiece of this framework is the Victorian Environmental Water Holder, a new, independent, statutory body, with the primary objective of using environmental water to protect environmental values and improve waterway health. The Environmental Water Holder will be responsible for making decisions on the use of environmental water, from entitlements currently held by the Environment Minister. The Bill amends the Water Act 1989 to create the Environmental Water Holder and provide attendant powers and obligations to ensure the entity achieves its objective. The Environmental Water Holder will consist of at least three commissioners, appointed by the Governor in Council.

Content and Committee comment

The Bill provides that its provisions come into operation on 1 January 2012 unless earlier proclaimed. [2]

Inappropriate delegation of legislative power – Delayed commencement

The Committee once again draws attention to Practice Note No. 1 of 2005 (item 1.3) and observes that for the past 5 years the Committee has sought information from Members introducing Bills to provide explanatory material for delayed commencement exceeding one year from introduction. The Committee further observes that the main objective of issuing Practice Note No. 1 was the avoidance of needless Ministerial correspondence on routine matters that should be included in explanatory material when Parliament is asked to exercise its legislative powers.

The Committee will seek this explanatory material from the Minister.

The Committee also requests that the Minister draw this matter to the attention of the responsible legal and legislation officers within his portfolio.

The Committee makes no further comment.

**Committee room
7 June 2010**

Appendix 1

Index of Bills in 2010

Alert Digest Nos.

Accident Compensation Amendment Bill 2009	1, 4
Appropriation (2010/2011) Bill 2010	7
Appropriation (Parliament 2010/2011) Bill 2010	7
Associations Incorporation Amendment Bill 2010	8
Building Amendment Bill 2010	6, 7
Child Employment Amendment Bill 2010	4, 7
Constitution (Appointments) Bill 2009	1
Consumer Affairs Legislation Amendment Bill 2009	2
Control of Weapons Amendment Bill 2010	8
Courts Legislation Miscellaneous Amendments Bill 2010	6
Credit (Commonwealth Powers) Bill 2010	3
Crimes Legislation Amendment Act 2010	4
Crimes Legislation Amendment Bill 2009	1, 4
Domestic Animals Amendment (Dangerous Dogs) Bill 2010	7
Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Bongs) Bill 2010	7
Education and Training Reform Amendment Bill 2009	1
Education and Training Reform Further Amendment Bill 2010	5, 7
Environment Protection Amendment (Landfill Levies) Bill 2010	5
Electricity Industry Amendment (Critical Infrastructure) Bill 2009	3
Equal Opportunity Bill 2010	4, 5
Fair Trading Amendment (Unfair Contract Terms) Bill 2010	6
Gambling Regulation Amendment (Licensing) Bill 2010	6
Health and Human Services Legislation Amendment Bill 2010	4
Justice Legislation Amendment Bill 2010	4, 7
Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill 2010	5
Justice Legislation Miscellaneous Amendments Bill 2009	4
Legislation Reform (Repeals No. 6) Bill 2009	1
Liquor Control Reform Amendment (ANZAC Day) Bill 2010	2
Livestock Management Bill 2009	1
Magistrates' Court Amendment (Mental Health List) Bill 2009	1
Members of Parliament (Standards) Bill 2010	5, 7
Offshore Petroleum and Greenhouse Gas Storage Bill 2010	2
Parks and Crown Land Legislation (Mount Buffalo) Bill 2010	7
Pharmacy Regulation Bill 2010	7
Public Finance and Accountability Bill 2009	1
Prahran Mechanics' Institute Bill 2010	6
Public Finance and Accountability Bill 2009	6
Radiation Amendment Bill 2010	3
Serious Sex Offenders (Detention and Supervision) Bill 2009	1
Severe Substance Dependence Treatment Bill 2009	1, 6
State Taxation Acts Amendment Bill 2010	7
Statute Law Amendment (National Health Practitioner Regulation) Bill 2010	3
Summary Offences and Control of Weapons Acts Amendment Bill 2009	1
Superannuation Legislation Amendment Bill 2010	8
Therapeutic Goods (Victoria) Bill 2010	5, 6
Transport Integration Bill 2009	1, 2

Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010	4
Transport Legislation Amendment (Ports Integration) Bill 2010	7
Trustee Companies Legislation Amendment Bill 2010	5
Water Amendment (Victorian Environmental Water Holder) Bill 2010	8

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 further correspondence with the appropriate Minister.

Alert Digest Nos.

Section 17(a)

(i) trespasses unduly upon rights or freedoms

Accident Compensation Amendment Bill 2009 1

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

Transport Integration Bill 2009 1

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

Transport Integration Bill 2009 1

(vi) inappropriately delegates legislative power

Justice Legislation Amendment Bill 2010 4

Public Finance and Accountability Bill 2009 1

Transport Integration Bill 2009 1

Transport Legislation Amendment (Compliance Enforcement and Regulation) Bill 2010 4

Water Amendment (Victorian Environmental Water Holder) Bill 2010 8

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

Associations Incorporation Amendment Bill 2010 8

Building Amendment Bill 2010 6

Child Employment Bill 4

Control of Weapons Amendment Bill 2010 8

Courts Legislation Miscellaneous Amendments Bill 2010 6

Crimes Legislation Amendment Act 2010 4

Crimes Legislation Amendment Bill 2009 1

Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Bongs) Bill 2010 7

Equal opportunity Bill 2010 4

Justice Legislation Amendment Bill 2010 4

Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill 2010 5

Livestock Management Bill 2009 1

Members of Parliament (Standards) Bill 2010 5

Pharmacy Regulation Bill 2010 7

Severe Substance Dependence Treatment Bill 2009 1

Scrutiny of Acts and Regulations Committee

Superannuation Legislation Amendment Bill 2010	8
Therapeutic Goods (Victoria) Bill 2010	5

Section 17(b)

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

Accident Compensation Amendment Bill 2009	1
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Appendix 3

Ministerial Correspondence 2009-10

Table of correspondence between the Committee and Ministers during 2009-10

Bill Title	Minister/ Member	Date of Committee Letter / Minister's Response	Alert Digest No. Issue raised / Response Published
Electricity Industry Amendment (Critical Infrastructure) Bill 2009	Energy and Resources	10.11.09 03.03.10	13 of 2009 3 of 2010
Justice Legislation Miscellaneous Amendments Bill 2009	Police and Emergency Services	10.11.09 16.03.10	13 of 2009 4 of 2010
Constitution (Appointments) Bill 2009	Premier	24.11.09 12.01.10	14 of 2009 1 of 2010
Serious Sex Offenders (Detention and Supervision) Bill 2009	Corrections	24.11.09 16.12.09	14 of 2009 1 of 2010
Summary Offences and Control of Weapons Acts Amendment Bill 2009	Police and Emergency Services	24.11.09 07.01.10	14 of 2009 1 of 2010
Consumer Affairs Legislation Amendment Bill 2009	Consumer Affairs	08.12.09 15.02.10	15 of 2009 2 of 2010
Accident Compensation Amendment Bill 2009	Finance, WorkCover and the Transport Accident Commission	02.02.10 09.03.10	1 of 2010 4 of 2010
Crimes Legislation Amendment Bill 2009	Attorney-General	02.02.10 15.03.10	1 of 2010 4 of 2010
Transport Integration Bill 2009	Transport	02.02.10 22.02.10	1 of 2010 2 of 2010
Equal Opportunity Bill 2010	Attorney-General	23.03.10 13.04.10	4 of 2010 5 of 2010
Public Finance and Accountability Bill 2009	Treasurer	02.02.10 15.04.10	1 of 2010 6 of 2010
Severe Substance Dependence Treatment Bill 2009	Mental Health	02.02.10 21.04.10	1 of 2010 6 of 2010
Therapeutic Goods (Victoria) Bill 2010	Health	13.04.10 29.01.10	5 of 2010 6 of 2010
Building Amendment Bill 2010	Planning	05.05.10 24.05.10	6 of 2010 7 of 2010
Child Employment Amendment Bill 2010	Attorney-General	23.03.10 19.05.10	4 of 2010 7 of 2010
Justice Legislation Amendment Bill 2010	Attorney-General	23.03.10 05.05.10	4 of 2010 7 of 2010
Education and Training Reform Further Amendment Bill 2010	Education	13.04.10 07.05.10	5 of 2010 7 of 2010
Members of Parliament (Standards) Bill 2010	Premier	13.04.10 13.05.10	5 of 2010 7 of 2010

Outstanding correspondence

Bill Title	Minister/ Member	Date of Committee Letter / Minister's Response	Alert Digest No. Issue
Crimes Legislation Amendment Act 2010	Attorney-General	23.03.10	4 of 2010
Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010	Transport, Roads and Ports	23.03.10	4 of 2010
Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill 2010	Attorney-General	13.04.10	5 of 2010
Courts Legislation Miscellaneous Amendments Bill 2010	Attorney-General	05.05.10	6 of 2010
Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Bongs) Bill 2010	Mr Peter Kavanagh MLC	25.05.10	7 of 2010
Pharmacy Regulation Bill 2010	Health	25.05.10	7 of 2010
Associations Incorporation Amendment Bill 2010	Consumer Affairs	08.06.10	8 of 2010
Control of Weapons Amendment Bill 2010	Police and Emergency Services	08.06.10	8 of 2010
Superannuation Legislation Amendment Bill 2010	Finance	08.06.10	8 of 2010
Water Amendment (Victorian Environmental Water Holder) Bill 2010	Water	08.06.10	8 of 2010