

Table of Contents

	Page Nos.
Alert Digest No. 8 of 2016	
Crown Land Legislation Amendment Bill 2016	1
National Parks and Victorian Environmental Assessment Council Acts Amendment Bill 2016	2
Owners Corporations Amendment (Short-stay Accommodation) Bill 2016	3
Rural Assistance Schemes Bill 2016	5
Tobacco Amendment Bill 2016	6
Ministerial Correspondence	
Primary Industries Legislation Amendment Bill 2016	9
Victorian Funds Management Corporation Amendment Bill 2016	13
Appendices	
1 – Index of Bills in 2016	15
2 – Committee Comments classified by Terms of Reference	17
3 – Ministerial Correspondence 2016	19

Parliament of Victoria, Australia Scrutiny of Acts and Regulations Committee Reports to Parliament Alert Digests 2016 ISBN 978-1-925345-17-9 ISSN 1440-2939
--

Ordered to be Published

By Authority. Government Printer for the State of Victoria.
Parliamentary Paper No. 140, Session 2014-2016

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 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.

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

'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 2015 one penalty unit equals \$151.67)

'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

Alert Digest No. 8 of 2016

Crown Land Legislation Amendment Bill 2016

Introduced	24 May 2016
Second Reading Speech	25 May 2016
House	Legislative Assembly
Member introducing Bill	Hon. Lily D'Ambrosio MLA
Minister responsible	Hon. Lily D'Ambrosio MLA
Portfolio responsibility	Minister for Energy, Environment and Climate Change

Purpose

The Bill would:

- increase the maximum penalty for the contravention of regulations made under the *Conservation, Forests and Lands Act 1987*, *Crown Land (Reserves) Act 1978*, *Land Act 1958* and *Land Conservation (Vehicle Control) Act 1972* to 20 penalty units (\$3,033.40 in 2015–16)
- amend the *Land Conservation (Vehicle Control) Act 1972* to increase the maximum penalty (to 20 penalty units) for an offence related to erosion hazard areas and clarify matters relating to discretionary powers in regulations and the ability of authorised officers to take proceedings for a contravention
- amend the *Land Act 1958* to remove the requirement that penalties be enforced through summary proceedings, thereby enabling the issue of penalty infringement notices
- amend the regulation-making power in section 13 of the *Crown Land (Reserves) Act 1978* by:
 - inserting an explicit power to enable regulations to provide that a land manager can set aside areas in a reserve for management purposes
 - enabling the setting of fees for the use of land in a reserve authorised by a permit
 - enabling regulations to provide for an exemption from or a reduction, waiver or refund of any tolls, fees, rent or other charges imposed by the regulations
 - broadening the categories of person or body to which the Minister may give powers or duties to include any specified person or body, or class of specified person or body, and clarifying other matters relating to discretionary powers in regulations
- amend section 413 of the *Land Act 1958* in relation to the setting of fees in regulations and provide the minister with the power to grant exemptions, reductions, waivers or refunds from fees prescribed
- update the definition of 'public land' in the *Land Conservation (Vehicle Control) Act 1978* to remove redundant categories and make statute law revisions to various Crown land acts.

Charter report

The *Crown Land Legislation Amendment Bill 2016* is compatible with the rights set out in the Charter of Human Rights and Responsibilities.

The Committee makes no further comment.

National Parks and Victorian Environmental Assessment Council Acts Amendment Bill 2016

Introduced	24 May 2016
Second Reading Speech	25 May 2016
House	Legislative Assembly
Member introducing Bill	Hon. Lily D'Ambrosio MLA
Minister responsible	Hon. Lily D'Ambrosio MLA
Portfolio responsibility	Minister for Energy, Environment and Climate Change

Purpose

The Bill would:

- amend the *National Parks Act 1975* in relation to Greater Bendigo National Park to provide for the addition of approximately 245 hectares to the park and to facilitate the granting of Aboriginal title over the park
- amend the *Victorian Environmental Assessment Council Act 2001* to:
 - broaden the advisory role of the Victorian Environmental Assessment Council (VEAC) and to enable the amendment of government responses to recommendations of VEAC and of its predecessors: the former Environment Conservation Council (ECC) and the former Land Conservation Council (LCC)
 - update the definition of 'public land' by removing redundant elements
 - clarify that the provisions that require a vacancy on the council to be advertised apply only to substantive member positions and not to any additional members who may be appointed for a particular investigation.

Charter report

The National Parks and Victorian Environmental Assessment Council Acts Amendment Bill 2016 is compatible with the rights set out in the Charter of Human Rights and Responsibilities.

The Committee makes no further comment.

Owners Corporations Amendment (Short-stay Accommodation) Bill 2016

Introduced	24 May 2016
Second Reading Speech	25 May 2016
House	Legislative Assembly
Member introducing Bill	Hon. Jane Garrett MLA
Minister responsible	Hon. Jane Garrett MLA
Portfolio responsibility	Minister for Consumer Affairs Gaming and Liquor Regulation

Purpose

The Bill would amend the *Owners Corporation Act 2006* to regulate the provision of short-stay accommodation arrangements in lots or parts of lots affected by an owners corporation (e.g. an apartment in an apartment building). The Bill would:

- proscribe a range of conduct by short-stay occupants in short-stay accommodation (defined in the Bill as a stay of seven days and six nights), including excessive noise, interference with residents' enjoyment of their property, obstruction of the common property and property damage (new section 159A)
- empower the Victorian Civil and Administrative Tribunal (VCAT) to award compensation of up to \$2,000 to a resident whose amenity has been affected by a breach of the proscribed conduct by a short-stay occupant (for which short-stay accommodation providers and their short-stay occupants will be jointly and severally liable) (new section 169E)
- empower VCAT to make an order prohibiting the use of a lot or part of a lot for short-stay accommodation for a certain period in certain circumstances (new section 169D)
- empower VCAT to impose civil penalties of up to \$1,100 on short-stay occupants for breaches of the conduct proscriptions (short-stay accommodation providers will also be made jointly and severally liable for such penalties) (new section 169G)
- make short-stay accommodation providers jointly and severally liable with their short-stay occupants for property damage to a lot or the common property caused by their short-stay occupants (new section 169H)
- adapt the internal dispute resolution processes under the *Owners Corporation Act 2006* and the conciliation powers of Consumer Affairs Victoria to include all those involved in short-stay disputes.

Content

Delegation of legislative power — Delayed commencement — Whether justified

Clause 2 provides that the Bill will come into operation on a day to be proclaimed or on 1 July 2017 if not proclaimed earlier.

The Committee notes the Explanatory Memorandum does not contain an explanation for the possible delayed commencement of the Bill.

The Committee will therefore write to the Minister to request further information as to the reasons for the possible delayed commencement date.

Charter report

The Owners Corporations Amendment (Short-stay Accommodation) Bill 2016 is compatible with the rights set out in the Charter of Human Rights and Responsibilities.

The Committee makes no further comment

Rural Assistance Schemes Bill 2016

Introduced	24 May 2016
Second Reading Speech	25 May 2016
House	Legislative Assembly
Member introducing Bill	Hon. Tim Pallas MLA
Minister responsible	Hon. Tim Pallas MLA
Portfolio responsibility	Treasurer

Purpose

The Bill would:

- establish the Rural Assistance Commissioner (RAC) to administer State and Commonwealth rural assistance schemes on behalf of the State of Victoria
- facilitate the transfer of property, rights and liabilities of the Rural Finance Corporation of Victoria (RFCV) to the RAC and provide for the wind up of the RFCV
- provide the RAC with the power to delegate any of its functions in relation to rural assistance schemes to secretaries of other departments
- repeal the *Rural Finance Act 1988* and the *Young Farmers' Finance Council Act 1979*
- make consequential amendments to the *Estate Agents Act 1980* and the *Subdivision Act 1988*.

Charter report

The Rural Assistance Schemes Bill 2016 is compatible with the rights set out in the Charter of Human Rights and Responsibilities.

The Committee makes no further comment

Tobacco Amendment Bill 2016

Introduced	24 May 2016
Second Reading Speech	25 May 2016
House	Legislative Assembly
Member introducing Bill	Hon. Jill Hennessy MLA
Minister responsible	Hon. Jill Hennessy MLA
Portfolio responsibility	Minister for Health

Purpose

The Bill would amend the *Tobacco Act 1987* to:

- make it an offence for a person to smoke in an outdoor dining area in Victoria, subject to 5 penalty units (approximately \$758) [7]
- provide that an occupier of an outdoor dining area will commit an offence, subject to certain exceptions, if a person smokes in that area. The offence would be subject to a maximum of 10 penalty units (approximately \$1,516) for an individual and 50 penalty units (approximately \$7,583) for a body corporate [7]
- provide that an occupier of an outdoor dining area will commit an offence if they fail, without reasonable excuse, to display acceptable no smoking signage. The offence would be subject to a maximum of 10 penalty units for an individual and 50 penalty units for a body corporate [7]
- make it an offence, subject to 5 penalty units, for a person to smoke in an outdoor drinking area if any part of that area is within 4 metres of an outdoor dining area operated by the same occupier and the two areas are not separated by a wall that is at least 2.1 metres high [4]
- regulate the sale, use and promotion of e-cigarettes (whether they contain nicotine or not) in the same manner as tobacco products under the Principal Act. [9, 10] (**Refer to Charter Report below**). Accordingly, the Bill would:
 - ban the use of e-cigarettes in all areas where smoking is banned
 - ban e-cigarette advertising outside the retail environment and at the point of sale
 - ban the display of e-cigarettes products at general (non-specialist) retailers
 - limit the display of e-cigarettes at specialist tobacconists and at airport duty free shops
 - ban e-cigarette related competitions, rewards and shopper loyalty schemes, free samples and sponsorships
 - ban the sale or supply of e-cigarette products to people under 18 years of age
 - restrict the location of e-cigarette vending machines to licensed premises, casinos and bottle shops
 - ban the sale of e-cigarette products from a person (mobile selling), from temporary outlets and at underage music/dance events.

Content

Delegation of legislative power — Delayed commencement — Whether justified

Clause 2 provides that the Bill will come into operation on 1 August 2017.

The Committee notes the following explanation in the Second Reading Speech for the delayed commencement of the Bill:

Ahead of the ban on smoking in outdoor dining areas commencing, an awareness and education strategy will be in place to ensure the community and businesses understand the new laws.

Direct assistance will also be provided to business operators during the transition to smoke-free outdoor dining, including:

clear guidance materials for business operators that will be available well ahead of the bans commencing;

suitable 'No smoking' signage will be available to business operators free of charge in a variety of formats to facilitate compliance;

information sessions will be conducted to explain the scope and operation of the ban on smoking in outdoor dining areas;

access to advice, guidance materials and resources will be provided through the tobacco information line and the tobacco reforms website.

The delayed commencement provision appears justified.

Charter report

Expression – Prohibition of e-cigarette advertisements – Exemption for advertisements that discourage smoking

Summary: *Clause 9 makes it an offence for anyone, for any pecuniary benefit, to publicly display or distribute a message that gives publicity to the use or purchase of e-cigarettes. The Committee will write to the Minister seeking further information as to whether or not clause 9 permits an advertisement whose sole or principal purpose is to encourage users of tobacco products to switch to e-cigarettes.*

The Committee notes that clause 9, amending existing s. 6, makes it an offence for anyone, for any pecuniary benefit, to publicly display or distribute a written, visual or audible message or image that ‘gives publicity to, or otherwise promotes’ the use or purchase of e-cigarettes, or any words or designs closely associated with an e-cigarette product. Existing s. 6(3) exempts the contents of all newspapers, magazines and books, as well as some point-of-sale advertisements and business documents.

The Statement of Compatibility remarks:

The use of e-cigarettes has the potential to undermine the work that has been done to date to denormalise smoking, particularly for children and young people, who are susceptible to tobacco advertising and marketing. E-cigarettes are currently being marketed in ways which mimic tobacco advertising and glamorise e-cigarette use. While the restrictions on the advertising and display of e-cigarette products engage the right to freedom of expression contained in section 15(2) of the charter, these lawful measures are reasonably necessary to protect public health. Accordingly, clause 9 of the bill is compatible with the charter.

The Committee observes that clause 9 is not limited to messages that ‘mimic tobacco advertising and glamorise e-cigarette use’ but also prohibits messages (when displayed or distributed for a pecuniary benefit) that merely provide information about e-cigarettes, such as their lawfulness, availability, nature, ingredients, prevalence and effects.¹

The Committee notes that existing s. 3B(7), as amended, provides an exemption if ‘it is clear’ that a message’s ‘sole or principal purpose is to discourage smoking or the use of tobacco products or e-cigarette products’. The Committee observes that this exemption may not apply to a message that encourages users of tobacco products to switch to e-cigarettes, for example by comparing their ingredients or effects.

The Committee will write to the Minister seeking further information as to whether or not clause 9 permits an advertisement whose sole or principal purpose is to encourage users of tobacco products to switch to e-cigarettes.

The Committee makes no further comment

¹ See *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1995] 3 SCR 199, [164]-[167] and *Canada (Attorney General) v. JTI-Macdonald Corp.*, [2007] 2 SCR 610, [93].

Ministerial Correspondence

Primary Industries Legislation Amendment Bill 2016

The Bill was introduced into the Legislative Assembly on 3 May 2016 by Hon . Jacinta Allan MLA, Minister for Major Projects. The Committee considered the Bill on 23 May 2016 and made the following comments in Alert Digest No. 7 of 2016 tabled in the Parliament on 24 May 2016.

Committee comments

Charter report

Presumption of innocence – Notice to Comply – Requirement to disprove underlying offence

Summary: *Clause 8 substitutes a new notice to comply provision that requires a person to comply with a notice issued by a POCTA inspector who reasonably believes that a person is committing an offence, requiring that person not to commit the offence or to cease committing the offence. A person may be required to disprove the commission of an underlying offence in order to escape liability for the offence of non-compliance with the notice. This may be incompatible with the Charter's right to the presumption of innocence and the right to silence.*

The Committee notes that clause 8, which replaces s. 24ZP(1) of the *Prevention of Cruelty to Animals Act 1986* (POCTA), provides that if a POCTA inspector reasonably believes that a person is committing or is likely to commit an offence under Part 2 of the POCTA or the regulations, the POCTA inspector may issue a notice requiring that person not to commit the offence or to cease committing the offence. The existing s. 24ZP(2) provides that a person must comply with the notice in s. 24ZP(1), and imposes a penalty of 120 penalty units for non-compliance.

This clause does not appear to require proof of the commission of the underlying offence in order to make out the charge of non-compliance with the notice. It is unclear whether non-commission of the underlying offence is in fact a defence to the offence of non-compliance with the notice. If so, where a person who is charged with the offence of non-compliance with a notice under s. 24ZP(2) disputes that any offence has been committed, that person may be required to prove that they did not commit the underlying offence in order to defend a charge of non-compliance with the notice.

These aspects of the compliance notice regime in s. 24ZP may limit the right to the presumption of innocence s. 25(1) of the Charter and the right to silence in s. 25(2)(k) of the Charter.

The *Fair Work Act 2009* contains a compliance notice regime in s. 716 of that Act whereby a Fair Work Ombudsman inspector may issue a compliance notice not dissimilar to those under the POCTA regime. However the *Fair Work Act 2009* compliance notice regime explicitly includes the following rights protections:

- The section explicitly provides that a person who complies with a notice in relation to a contravention is not taken to have admitted contravening the provision or to have contravened the provision: s. 716(4B).

- The prohibition on non-compliance with the notice does not apply if the person has a reasonable excuse: s. 716(6).
- Compliance notices may be reviewed by a court on the ground that the person has not committed an underlying contravention set out in the notice or that the notice did not comply with the requirements of the section, after which a court may confirm, cancel or vary the notice: s. 717.

The protections in the *Fair Work Act 2009* compliance regime in ss. 716 and 717 of that Act may be a less restrictive means reasonably available to achieve the purposes of the compliance notice regime in the POCTA.

The Committee will write to the Minister seeking further information as to whether clause 8 limits the right to the presumption of innocence s. 25(1) and the right to silence in s. 25(2)(k) of the Charter and whether there are less restrictive means reasonably available to achieve the purposes of that clause.



The Hon Jaala Pulford MP

Minister for Agriculture
Minister for Regional Development

1 Spring Street
Melbourne, Victoria 3000 Australia
Telephone: +61 3 8392 6000
DX 210292

Ref: CMIN164421R

Ms Lizzie Blandthorn MLA
Chairperson
Parliament of Victoria
Scrutiny of Acts and Regulations Committee
Parliament House
EAST MELBOURNE VIC 3002

Dear Ms Blandthorn

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2016

Thank you for your letter of 24 May 2016 regarding the Primary Industries Legislation Amendment Bill 2016.

I refer to the matters raised by the Scrutiny of Acts and Regulations Committee of the Parliament of Victoria (Committee) in relation to the amendments to the *Prevention of Cruelty to Animals Act 1986* (POCTA Act) contained in the Primary Industries Legislation Amendment Bill 2016 (the Bill).

Specifically, the Committee has asked for further information as to the compatibility of clause 8 of the Bill with the right to the presumption of innocence (s 25(1)) and the right to silence (s 25(2)(k)) of the *Charter of Human Rights and Responsibilities Act 2006* (Charter).

I am pleased to provide the following information in relation to the Committee's queries.

Clause 8 of the Bill provides that if a POCTA Act inspector reasonably believes that a person is committing, or is likely to commit an offence under Part 2 of the POCTA Act or the regulations, the inspector may issue a notice requiring that a person not commit, or cease committing, the offence. The existing section 24ZP(2) provides that a person must comply with such a notice and imposes a penalty for non-compliance.

The Committee has expressed concern that clause 8 does not appear to require proof of the commission of the underlying offence in order to make out the charge of non-compliance with the notice, and that an accused may therefore be required to prove that they did not commit the underlying offence in order to defend the charge of non-compliance.

However, in order to successfully prosecute a charge of non-compliance, the prosecution would need to establish that the accused had breached the notice by committing or continuing to commit the relevant underlying offence. The prosecution would bear the onus of proving the elements of the underlying offence. Neither clause 8, nor the existing section 24ZP(2), reverses this onus of proof or abrogates the privilege against self-incrimination.

The relevant provisions would need to evince a clear intention to limit these rights in order to be characterised as so doing. The application of the interpretive principle, known as the 'principle of legality', means that courts will not impute to the legislature an intention to abrogate or curtail fundamental rights or freedoms unless such an intention is clearly manifested by unambiguous language, and any ambiguity will be resolved by a court in favour of the protection of those fundamental rights. Further, section 32 of the Charter requires that, so far as it is possible to do so consistently with their purpose, all statutory provisions must be interpreted in a way that is consistent with human rights.

Because neither the right to the presumption of innocence nor the right to silence is limited by the Bill, it is not necessary to consider whether there are any less restrictive means to achieve their purpose.

Thank you for the opportunity to respond to the Committee's concerns. I trust that this information is of assistance, but should the Committee require any additional information or clarification in relation to the Bill, please contact my office.

Yours sincerely



Hon Jaala Pulford MP
Minister for Agriculture

6 / 6 / 2016

Victorian Funds Management Corporation Amendment Bill 2016

The Bill was introduced into the Legislative Council on 12 April 2016 by Hon Tim Pallas MLA, Treasurer. The Committee considered the Bill on 2 May 2016 and made the following comments in Alert Digest No. 6 of 2016 tabled in the Parliament on 3 May 2016.

Committee comments

Delegation of legislative power — Delayed commencement — Whether justified

Clause 2 provides that the Bill will come into operation on a day to be proclaimed or on 30 June 2017 if not proclaimed earlier.

The Committee notes that the Explanatory Memorandum does not contain an explanation for the possible delayed commencement of the Bill.

The Committee will therefore write to the Treasurer to request further information as to the reasons for possible delayed commencement date.

Minister's response

The Committee thanks the Minister for the attached response.

6 June 2016

Committee Room



Treasurer of Victoria

1 Treasury Place
GPO Box 4379
Melbourne Victoria 3001
Telephone: +61 3 9651 5201
Facsimile: +61 3 9651 0759
DX210759

Mr Nathan Bunt
Executive Officer
Scrutiny of Acts and Regulations Committee
Parliament House
EAST MELBOURNE VIC 3002
By email: nathan.bunt@parliament.vic.gov.au

Dear Mr Bunt

**RESPONSE TO QUESTION CONCERNING THE VICTORIAN FUNDS
MANAGEMENT CORPORATION AMENDMENT BILL 2016**

On 3 May 2016, the Chairperson of the Scrutiny of Acts and Regulations Committee, Ms Lizzie Blandthorn, emailed me a question concerning Clause 2 of the Victorian Funds Management Corporation Amendment Bill 2016. This clause provides that the Bill will come into operation on a day to be proclaimed, or on 30 June 2017 if not proclaimed earlier. Ms Blandthorn advised that the Committee had noted that the Explanatory Memorandum does not contain an explanation for the possible delayed commencement of the Bill.

As noted elsewhere in the Explanatory Memorandum, it is important that VFMC's investment powers and corporate governance practices are of the highest standard given that VFMC manages around \$50 billion on behalf of various state agencies. In view of this, the Government's preference was, and is, for the Bill to be proclaimed as soon as possible. Nevertheless, VFMC can certainly continue to operate if the changes are not made.

A concern that arose during the development of the Bill was that it might be seen as of a lesser priority as the provisions in the Bill could be viewed as simply a fine-tuning of the principal Act. To allow for the possibility that the Bill might not be passed by Parliament until the 2016-17 financial year, the Bill provides for a default commencement date of no later than 30 June 2017.

I trust that this answers the Committee's question.

Yours sincerely

TIM PALLAS MP
Treasurer

31 MAY 2016

Appendix 1

Index of Bills in 2016

	Alert Digest Nos.
Access to Medicinal Cannabis Bill 2015	1, 3
Appropriation (2016-2017) Bill 2016	6
Appropriation (Parliament 2016-2017) Bill 2016	6
Assisted Reproductive Treatment Amendment Bill 2015	1
Bail Amendment Bill 2015	1
Building Legislation Amendment (Consumer Protection) Bill 2015	1
Children Legislation Amendment Bill 2016	2
Confiscation and Other Matters Amendment Bill 2016	4, 5
Corrections Amendment (No body, no parole) Bill 2016	3, 4
Crimes Legislation Amendment Bill 2016	2
Crown Land Legislation Amendment Bill 2015	8
Education and Training Reform Amendment (Miscellaneous) Bill 2016	5, 6
Fines Reform and Infringements Acts Amendment Bill 2016	3
Gene Technology Amendment Bill 2015	1
Health Complaints Bill 2016	2, 3
House Contracts Guarantee Bill 2016	4
Infant Viability Bill 2015	6, 7
Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015	1
Judicial Commission of Victoria Bill 2015	1, 2
Justice legislation (Evidence and Other Acts) Amendment Bill 2016	6, 7
Land (Revocation of Reservations - Metropolitan Land) Bill 2016	6
Land (Revocation of Reservations - Regional Victoria Land) Bill 2016	7
Livestock Disease Control Amendment Bill 2016	5
Local Government (Greater Geelong City Council) Act 2016	6, 7
National Electricity (Victoria) Further Amendment Bill 2015	1
National Parks and Victorian Environmental Assessment Council Acts Amendment Bill 2016	8
Owners Corporations Amendment (Short-stay Accommodation) Bill 2016	8
Parliamentary Budget Officer Bill 2016	3
Primary Industries Legislation Amendment Bill 2016	7, 8
Public Administration Amendment (Public Sector Communication Standards) Bill 2016	6
Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015	1, 2
Road Legislation Amendment Bill 2015	3
Road Management Amendment (Bus Stop Delivery Powers) Bill 2016	6
Rooming House Operators Bill 2015	1, 2
Rural Assistance Schemes Bill 2016	8
Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Bill 2016	5, 6
Sex Offenders Registration Amendment Bill 2016	3, 4
State Taxation and Other Acts Amendment Bill 2016	7
Tobacco Amendment Bill 2016	8
Transparency in Government Bill 2015	1
Treasury and Finance Legislation Amendment Bill 2016	4
Victoria Police Amendment (Merit-based Transfer) Bill 2016	2
Victorian Funds Management Corporation Amendment Bill 2016	6, 8
Upholding Australian Values (Protecting Our Flags) Bill 2015	3
Witness Protection Amendment Bill 2016	5, 6

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)

(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	
Judicial Commission of Victoria Bill 2015	1, 2
(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	
Judicial Commission of Victoria Bill 2015	1, 2
(vi) inappropriately delegates legislative power	
Owners Corporations Amendment (Short-stay Accommodation) Bill 2016	8
Victorian Funds Management Corporation Amendment Bill 2016	6, 8
(viii) is incompatible with the human rights set out in the Charter of Human Rights and Responsibilities	
Access to Medicinal Cannabis Bill 2015	1, 3
Assisted Reproductive Treatment Amendment Bill 2015	16 of 2015, 1
Bail Amendment Bill 2015	16 of 2015, 1
Confiscation and Other Matters Amendment Bill 2016	4, 5
Education and Training Reform Amendment (Miscellaneous) Bill 2016	5, 6
Health Complaints Bill 2016	2, 3
Infant Viability Bill 2015	6, 7
Justice legislation (Evidence and Other Acts) Amendment Bill 2016	6, 7
Local Government (Greater Geelong City Council) Act 2016	6, 7
Primary Industries Legislation Amendment Bill 2016	7, 8
Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015	1, 2
Road Legislation Amendment Bill 2015	14 of 2015, 3
Rooming House Operators Bill 2015	1, 2
Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Bill 2016	5, 6
Tobacco Amendment Bill 2016	8
Upholding Australian Values (Protecting Our Flags) Bill 2016	3
Witness Protection Amendment Bill 2016	5, 6

Appendix 3

Ministerial Correspondence 2016

Table of correspondence between the Committee and Ministers or Members during 2016

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
Road Legislation Amendment Bill 2015	Roads and Road Safety	10.11.15 23.02.16	14 of 2015 3 of 2016
Assisted Reproductive Treatment Amendment Bill 2015	Health	08.12.15 05.02.16	16 of 2015 1 of 2016
Bail Amendment Bill 2015	Attorney-General	08.12.15 24.12.15	16 of 2015 1 of 2016
Access to Medicinal Cannabis Bill 2015	Health	09.02.16 25.02.16	1 of 2016 3 of 2016
Judicial Commission of Victoria Bill 2015	Attorney-General	09.02.16 22.02.16	1 of 2016 2 of 2016
Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015	Racing	09.02.16 22.02.16	1 of 2016 2 of 2016
Rooming House Operators Bill 2015	Consumer Affairs, Gaming and Liquor Regulation	09.02.16 22.02.16	1 of 2016 2 of 2016
Health Complaints Bill 2016	Health	23.02.16 25.02.16	2 of 2016 3 of 2016
Corrections Amendment (No body, no parole) Bill 2016	Hon Edward O'Donohue MP	08.03.16 16.03.16	3 of 2016 4 of 2016
Sex Offenders Registration Amendment Bill 2016	Police	08.03.16 18.03.16	3 of 2016 4 of 2016
Upholding Australian Values (Protecting Our Flags) Bill 2015	Mr Daniel Young MP	08.03.16	3 of 2016
Confiscation and Other Matters Amendment Bill 2016	Attorney-General	22.03.16 06.04.16	4 of 2016 5 of 2016
Education and Training Reform Amendment (Miscellaneous) Bill 2016	Education	12.04.16 02.05.16	5 of 2016 6 of 2016
Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Bill 2016	Corrections	12.04.16 29.04.16	5 of 2016 6 of 2016
Witness Protection Amendment Bill 2016	Police	12.04.16 29.04.16	5 of 2016 6 of 2016

Scrutiny of Acts and Regulations Committee

Bill Title	Minister/ Member	Date of Committee Letter / Minister's Response	Alert Digest No. Issue raised / Response Published
Infant Viability Bill 2015	Dr Rachel Carling-Jenkins MP	03.05.16 23.05.16	6 of 2016 7 of 2016
Justice legislation (Evidence and Other Acts) Amendment Bill 2016	Attorney-General	03.05.16 20.05.16	6 of 2016 7 of 2016
Local Government (Greater Geelong City Council) Act 2016	Attorney-General	03.05.16 23.05.16	6 of 2016 7 of 2016
Victorian Funds Management Corporation Amendment Bill 2016	Treasurer	03.05.16 31.05.16	6 of 2016 8 of 2016
Primary Industries Legislation Amendment Bill 2016	Agriculture	24.05.16 06.06.16	7 of 2016 8 of 2016
Owners Corporations Amendment (Short-stay Accommodation) Bill 2016	Consumer Affairs, Gaming and Liquor Regulation	07.06.16	8 of 2016
Tobacco Amendment Bill 2016	Health	07.06.16	8 of 2016