

# **No. 4 of 2011**

**Tuesday, 3 May 2011**

**On the**

Crimes Amendment (Bullying)  
Bill 2011

Dental Hospital Land Bill 2011

Family Violence Protection  
Amendment (Safety Notices)  
Bill 2011

Liquor Control Reform Amendment  
Bill 2011

Public Holidays Amendment  
Bill 2011

Sentencing Amendment  
Act 2010

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# Useful information

## Role of the Committee

The Scrutiny of Acts and Regulations Committee is an all-party Joint House Committee, which examines all Bills and subordinate legislation (regulations) 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.

## 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*;

'*child*' means a person under 18 years of age;

'*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;

'*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.

# Alert Digest No. 4 of 2011

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## Crimes Amendment (Bullying) Bill 2011

Introduced	5 April 2011
Second Reading Speech	6 April 2011
House	Legislative Assembly
Member introducing Bill	Hon. Robert Clark MLA
Portfolio responsibility	Attorney-General

### Purpose and background

The Bill amends the *Crimes Act 1958* (the 'Act') making the stalking offence in section 21A apply to situations of bullying. The Bill also makes consequential and statute law revision amendments to the *Stalking Intervention Orders Act 2008* and the *Personal Safety Intervention Orders Act 2010*.

**Note:** Section 186 of the *Personal Safety Intervention Orders Act 2010* (the 'Act') repeals the *Stalking Intervention Orders Act 2008*. The default commencement provision of the Act is 1 January 2012.

### ***Amendments to the Crimes Act 1958 – Protection from torture, cruel, inhuman or degrading treatment – Charter, section 10***

Section 21A provides a list of conduct capable of constituting a 'course of conduct' for the purposes of the offence of stalking. The Bill extends this conduct by inserting these additional behaviours often described as 'bullying' –

- making threats to the victim;
- using abusive or offensive words to or in the presence of the victim;
- performing abusive or offensive acts in the presence of the victim and other behaviours; and
- directing abusive or offensive acts towards the victim. **[3(1)]**

Section 21A(2)(g) of the current Act is a general other conduct ('acting in any other way') provision. The Bill substitutes a new restructured sub-paragraph (g) to broaden the definition of conduct to also include acting in a way that could reasonably be expected to cause a victim to engage in self-harm. **[3(2) to (4)]**

For the purposes of section 21A the Bill inserts a new definition of 'mental harm'. **[3(5)]**

**Note:** From the explanatory memorandum – *Currently, "mental harm" is not defined in section 21A. Subclause (5) inserts a new section 21A(8) which defines mental harm to include psychological harm and suicidal thoughts.*

### ***Consequential amendments to other Acts***

The Bill makes consequential amendments to the *Stalking Intervention Orders Act 2008* and the *Personal Safety Intervention Orders Act 2010* to ensure consistency between the offence of stalking as amended by clause 3 and the definition of stalking in these Acts. **[6]**

## Committee comment

### *Retrospective commencement*

#### *1. Crimes Act 1958*

The amendment made by clause 5(2) amends item 6 of Schedule 7 of the *Crimes Act 1958* and is taken to have come into operation on 12 December 2007. That Schedule deals with the summary offences for which a person may be fingerprinted. **[2 and 5]**

Extracts from the explanatory memorandum –

*Clause 5(2) substitutes an existing reference in the Crimes Act 1958 to section 23 of the Prevention of Cruelty to Animals Act 1986 with new sections of that Act. The new sections were introduced by section 95 of the Animals Legislation Amendment (Animal Care) Act 2007 and are the same in substance as the previous section 23. As such, under sections 16 and 17 of the Interpretation of Legislation Act 1984, the effect of the old reference has continued since the date of the amendment on 12 December 2007. Therefore, commencement can be backdated without introducing a retrospective penalty. [2]*

*Subclause (2) amends item 6 of Schedule 7, relating to summary offences for which a person may be fingerprinted. The reference to section “23” of the Prevention to Cruelty to Animals Act 1986 is substituted with “24ZQ(3), 24ZR(1), 24ZR(2), 24ZR(3), 24ZS(1), 24ZS(2)” to reference new sections introduced by section 95 of the Animals Legislation Amendment (Animal Care) Act 2007. The substituted references are necessary to refer to new provisions of the Prevention to Cruelty to Animals Act 1986 that are the same in substance as the previous section 23.*

#### *2. Stalking Intervention Orders Act 2008*

The Bill amends section 75(5) of the Act and is taken to have come into effect on 7 December 2008. The amendment corrects a minor error by inserting ‘1996’ after the words ‘Firearms Act’ as the year of the Act was omitted in describing the Act. **[2 and 8]**

***The Committee makes no further comment.***

## Dental Hospital Land Bill 2011

<b>Introduced</b>	5 April 2011
<b>Second Reading Speech</b>	6 April 2011
<b>House</b>	Legislative Assembly
<b>Member introducing Bill</b>	Hon. Ryan Smith MLA
<b>Portfolio responsibility</b>	Minister for Planning

### Background and Content

The Bill revokes the permanent reservation of the former Dental Hospital and Dental School site in Parkville to facilitate the construction of the Victorian Comprehensive Cancer Centre (the Centre) on the site. The details of the reservation are set out in Schedule 1

#### ***Property Rights – Revocation of reservation – Preservation of lease – Charter, section 20***

The Bill preserves a specified lease between the Minister for Health and CitiPower Pty over part of the land and ensures that key rights and obligations do not change under that lease by virtue of the revocation of the reservation. **[5]**

The Bill also makes consequential amendments to the *Royal Melbourne Hospital Act 1935* that reflect the revocation of the reservation of the site. **[7 and 8]**

***The Committee makes no further comment.***

# Family Violence Protection Amendment (Safety Notices) Bill 2011

Introduced	5 April 2011
Second Reading Speech	6 April 2011
House	Legislative Assembly
Member introducing Bill	Hon. Robert Clark MLA
Portfolio responsibility	Attorney-General

## Background

The Bill amends the *Family Violence Protection Act 2011* (the 'Act') to –

- repeal the sunset provision (section 41) for family violence safety notices with the effect that the regime of notices in the Act continue in operation. [5]
- clarify the adjournment of applications for family violence intervention orders commenced by family violence safety notices. [3]
- make amendments relating to the court's power to make orders on applications for family violence intervention orders made by police.
- make amendments to the *Personal Safety Intervention Orders Act 2010* relating to the court's power to make orders on applications for personal safety intervention orders made by police.

Extracts from the Second Reading Speech –

*First Magistrates have the power to adjourn applications for intervention orders commenced by way of family violence safety notice where no interim or final intervention order is made on the first hearing date. This confirms that where the court is faced with insufficient evidence at the first hearing, the court has the ability to adjourn the application to a later hearing date, allowing the parties time to gather the required evidence and attend court. ...*

*Second, under current law, police can make an application for a family violence intervention order to protect a victim of family violence even if that person does not consent to the police taking that action. The amendment simply confirms that when police bring these applications, with or without the consent of the affected family member, if the affected family member does not consent to the court making the order, the court can still make a limited order\* that protects the affected family member but does not necessarily affect the living arrangements of the parties.*

*Where there is a police application for making or amending a single intervention order that protects an adult and a child(ren), the amendment confirms that the court may still make a limited order in circumstances where the adult does not consent to the making or amending of the order. ...*

*Finally the Bill amends sections of the Personal Safety Intervention Orders Act 2010. The Personal Safety Intervention Orders Act 2010 provides courts the power to make intervention orders in circumstances that do not involve family violence. To ensure consistency and clarity for the police and courts, provisions relating to intervention orders in the both Family Violence Protection Act 2008 and the Personal Safety Intervention Orders Act 2010 are procedurally identical. ...*

*\*Under sections 75(2) and 81 of the Act a limited order may involve a prohibition of acts of violence and revocation or cancellation of weapons and firearms approvals, exemptions or authorities.*

**The Committee makes no further comment.**

## Public Holidays Amendment Bill 2011

<b>Introduced</b>	5 April 2011
<b>Second Reading Speech</b>	6 April 2011
<b>House</b>	Legislative Assembly
<b>Member introducing Bill</b>	Hon. Louise Asher MLA
<b>Portfolio responsibility</b>	Minister for Innovation, Services and Small Business

### Purpose

The purpose of the Bill is to allow flexibility for non-metropolitan Councils to request either one whole day, or two half-day public holidays, in lieu of Melbourne Cup Day. The Bill also enables the substitute day, or the two half-day public holidays taken in lieu of Melbourne Cup Day to apply to one part of a given municipality, rather than the whole of the municipality.

### *Explanatory memorandum*

*In order to ensure that all Victorians continue to enjoy eleven public holidays, the Bill provides that—*

- the Minister cannot appoint a Saturday or Sunday as a public holiday in lieu of Melbourne Cup Day on request of a non-metropolitan Council;*
- if half-day substitute public holidays are requested, in lieu of Melbourne Cup Day, a non-metropolitan Council must request two half-days; and*
- if a substitute public holiday, or two substitute half-day public holidays, applies or apply to part of a municipal district, the substitute public holiday or two substitute half-day public holidays only applies or apply in that part of the municipal district. Melbourne Cup Day continues to apply to all remaining parts of the municipality.*

***The Committee makes no further comment.***



# Ministerial Correspondence

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## Liquor Control Reform Amendment Bill 2011

The Bill was introduced into the Legislative Assembly on 22 March 2011 by the Hon. Michael O'Brien MLA. The Committee considered the Bill on 4 April 2011 and made the following comments in Alert Digest No. 3 of 2011 tabled in the Parliament on 5 April 2011.

### Committee's Comments

#### [Charter Report]

***Equality – Presumption of innocence – Residential supply of liquor to a minor – Supply permitted by or with the authority of a parent, guardian or spouse – Defendant must prove that evidence of age document was shown***

*Summary:* Clause 3 amends the offence of supplying liquor to a minor by restricting the exception for liquor supplied in a residence to supplies by or with the authority of a parent, guardian or adult spouse of the minor. The Committee observes that clause 3 may engage the Charter's equality rights with respect to parental status and marital status and the right to the presumption of innocence.

***The Committee notes that clause 3, amending the offence of supplying liquor to a minor in s. 119 of the Liquor Control Reform Act 1998, restricts the exception for liquor supplied in a residence to supplies by or with the authority of a parent, guardian or adult spouse of the minor.***

*The statement of compatibility remarks that '[t]his bill does not engage any of the rights under the charter act'. However, the Committee observes that clause 3 may engage the following Charter's rights:*

- ***equality rights with respect to parental status.*** 'Parent' is not defined in the Liquor Control Reform Act 1998. The Queensland offence of irresponsible supply of liquor to a minor refers to 'an adult who has parental rights and responsibilities for the minor'. The Committee notes that 'parent' has many possible meanings, ranging from the natural or legal parents of the child, to people who exercise parental rights with respect to the child (including step-parents and foster parents) and other adults with whom the child lives as a family (e.g. grand-parents.)
- ***equality rights with respect to marital status.*** 'Spouse' is defined in s. 3 of the Liquor Control Reform Act 1998 to mean a spouse by marriage. The other Australian jurisdictions that criminalise residential supply of liquor to minors do not provide any exception for supply by or with the authority of spouses. While the Committee recognises that there are few modern marriages involving minors, it notes that clause 3 distinguishes between minors married to adults and minors living with an adult as a couple on a genuine domestic basis.
- ***the right to the presumption of innocence.*** The offence of supplying liquor to a minor is subject to a reverse onus defence in s. 119(6) of the Liquor Control Reform Act 1998 that requires the defendant to prove that he or she was shown an evidence of age document by the minor. A similar scheme in NSW limits the reverse onus to supply on licensed premises. While the Committee accepts that a reverse onus is appropriate in the case of supply in licensed premises (where a licensee can rely on evidence of a system for checking the age of patrons) and that anyone who supplies liquor to a potential minor has the responsibility to seek either proof of the person's age or the authorisation of the person's parent, guardian or spouse, it notes that it may be difficult for a defendant to prove to a court that he or she was shown an evidence of age document (as the document may have been shown on an earlier occasion and the minor may not want to admit to police that he or she possessed a false document.)

*The Committee will write to the Minister seeking further information as to the meaning of 'parent' in clause 3. Pending the Minister's response, the Committee refers to Parliament for its consideration the questions of whether or not clause 3's extension of the offence of supplying liquor to minors in a residence:*

- *by exempting liquor supplies by or with the authority of the minor's 'spouse', a term that is limited to a person married to the minor, is compatible with the Charter's right against discrimination on the basis of marital status*
- *by requiring defendants to prove to the court that they had been shown an evidence of age document relating to the minor, is compatible with the Charter's right to be presumed innocent until proved guilty.*

## Minister's response

*Thank you for your letter of 5 April 2011 enclosing the Scrutiny of Acts and Regulations Committee (SARC) Alert Digest No. 3 of 2011, which raises a number of issues regarding the Liquor Control Reform Amendment Bill 2011 (Bill). I am pleased to take this opportunity to address the matters raised by the Committee.*

### Parental status

*The SARC Alert Digest No. 3 of 2011 notes that the Liquor Control Reform Act 1998 (Act) does not contain a definition of 'parent'. Given the lack of a specific definition and the variety of potential meanings for this term, the Committee has requested further information as to the meaning of 'parent' for the purposes of clause 3 of the Bill.*

*The term 'parent' has been in use in the Act without being specifically defined since well before the Bill was introduced. For example, section 119(5)(a), which provides an exception to the offence of supplying liquor to a minor where the liquor is for consumption with a meal and the minor is accompanied by his or her parent, has been part of Victoria's liquor licensing regime since the commencement of the Liquor Control Act 1968.*

*Where a term is not defined in legislation, the term takes on its ordinary or natural meaning. However, in this instance, a considerable body of case law has considered the meaning of parent.*

*The intention behind retaining the existing definition of parent was twofold. Firstly, by keeping the term undefined, the enforcement of the secondary supply laws remains consistent with other provisions in the Act using that term. Secondly, the definition of parent simplifies the interpretation of the secondary supply provision by retaining a definition that has been in use in Victoria's liquor licensing regime for over 40 years, which will assist in educating the community as to who may authorise a minor to consume alcohol.*

*By way of example, the Act includes the term 'responsible adult', which is defined as a person over the age of 18 years who is a parent, step-parent, guardian, grandparent, spouse or person acting in place of a parent who could reasonably be expected to exercise responsible supervision of the minor. This definition was considered too broad for the secondary supply provisions, as it would allow persons other than a parent, such as a babysitter, to authorise a minor to consume alcohol. The Government's commitment is to ensuring a child's parents are given a stronger role in making decisions regarding their child's exposure to alcohol.*

### Marital status

*The SARC Alert Digest comments that the Bill may engage the right of equality with respect to marital status as a result of the definition of 'spouse' in the Act. That definition states that a spouse is the person to whom a person is married, which SARC notes may discriminate against persons in a genuine de facto or other committed relationship that does not involve marriage.*

*The decision to limit the exceptions in the secondary supply provisions to the defined term spouse, as opposed to including 'domestic partner', was deliberate. The use of the narrow term spouse was intended to ensure that only persons in a relevant legally binding relationship with a minor, in this case marriage, are authorised to supply or consent to the supply of alcohol to that minor. In those limited circumstances, the marriage has the effect of severing the authority of a parent in favour of the spouse. Although a registered domestic relationship has similar legal consequences to marriage, such*

*a relationship was not considered relevant to the secondary supply regime as a domestic relationship is only registrable if both parties are over the age of 18 years.*

*In addition, the term spouse was selected to ensure the new law could be effectively enforced, such as to provide certainty in its application. The secondary supply provision was drafted to avoid a situation where, for instance, an 18 year old could be authorised by law to supply alcohol to their 16 year old partner on the basis that they lived together or had been in a relationship for a number of years. By excluding potential relationships other than marriage, the application of the new provision will become consistent, both from an enforcement perspective and in assisting the community to understand their new obligations.*

*Reverse onus defence*

*The SARC Alert Digest notes that the new secondary supply provision may conflict with the right to the presumption of innocence under the Charter of Human Rights and Responsibilities Act 2006. By prohibiting the supply of liquor to minors in a residence without parental consent, the existing defence to a prosecution that the person supplying alcohol had seen an evidence of age document, would now apply in both licensed premises and private residences. SARC is concerned that this reverse onus defence engages, and potentially reverses, the right to be presumed innocent until proved guilty.*

*The Bill imposes a legal burden on a defendant in respect of the defence, though this type of defence provision is common in many statutes. As with any defence, the defendant, rather than the prosecution, will be responsible for proving the existence of the defence.*

*Although the secondary supply law broadens the application of the reverse onus defence, it does not engage the presumption of innocence enshrined in the Charter. In this instance, the relevant offence is the prohibition on the supply of liquor to a person under the age of 18 years. This offence applies the normal onus of proof, requiring the prosecution to prove that the defendant supplied the liquor and that the person to whom the liquor was supplied was in fact a minor. At no point during this process is the defendant's right to be presumed innocent altered.*

*Only where the prosecution is able to prove that the person contravened the provision does the reverse onus defence apply. A defendant who is shown to have committed the offence may raise one of the various available defences, including that they had seen an evidence of age document or had obtained the consent of the minor's parent, guardian or spouse. The reverse onus defence only becomes relevant after the prosecution has established, beyond a reasonable doubt, that the defendant has committed an offence.*

*In relation to the matter of a false evidence of age document, a defendant who has been shown a false document may not be able to rely on the defence set out in the Act. However, the defendant may rely on the common law defence of honest and reasonable mistake of fact, which applies where an offence requires proof of knowledge. Accordingly, where there is material to indicate that the defendant may have acted on a mistake of fact arising from a false document, the prosecution will have the onus of proving that the defendant did not have an honest belief as to the authenticity of the identification or that that belief was unreasonable.*

*I trust that this information is of assistance to you.*

**HON. MICHAEL O'BRIEN MP**  
**Minister for Consumer Affairs**

21 April 2011

**The Committee thanks the Minister for this response.**

## Sentencing Amendment Act 2010

The Bill was introduced into the Legislative Assembly on 5 October 2010 by the Hon. Rob Hulls MLA. The Committee considered the Bill on 28 February 2011 and made the following comments in Alert Digest No. 1 of 2011 tabled in the Parliament on 1 March 2011.

### Committee's Comments

#### [Charter report]

#### ***Reduced penalties – Intensive correction management orders – Transitional arrangements***

*Summary: Sections 4, 5 and 13 provide a new sentencing option – an intensive correction management order – for people who would otherwise be imprisoned. The Committee will write to the Attorney-General seeking further information as to whether or not intensive corrections management orders will be available at the sentencing of offenders whose offences were committed before the Act's commencement.*

*The Committee notes that s. 5(c), amending s. 7 of the Sentencing Act 1991, enables sentencing judges to make an intensive correction management order. Such orders can only be made only if:*

- *the court would otherwise consider sentencing the offender to a term of imprisonment: s. 13, inserting a new section 35B(2)*
- *a community-based order would not suffice: s. 4(3), amending existing s. 5(5)*
- *the offender agrees in writing to comply with the order: s. 13, inserting a new section 35D*

*Existing s. 5(4) bars sentencing judges from imprisoning an offender if an intensive correction management order would suffice. **In short, ss. 4, 5 and 13 provide a new sentencing option for people who would otherwise be imprisoned.***

*Charter s. 27(3) provides that:*

*If a penalty for an offence is reduced after a person committed the offence but before the person is sentenced for that offence, that person is eligible for the reduced penalty.*

*The Supreme Court of Canada has held that a similar provision in that nation's rights Charter means that new, less onerous, alternative punishments must be made available to offenders who have not yet been sentenced for offences committed before the new options were introduced. The Committee therefore considers that Charter s. 27(3) may require that ss. 4, 5 and 13 apply to all offenders awaiting sentence, regardless of when the offence was committed.*

*The Committee observes that s. 27, inserting a new s. 143(4) into the Sentencing Act 1991, provides only for the retrospective application of s. 13 to continuing offences that straddle the commencement date. Also, it does not provide for the retrospective application of ss. 4 and 5. The Committee is concerned that this limited transitional provision for intensive correction management orders may implicitly override the general rule that reduced penalties apply retrospectively.*

***The Committee will write to the Attorney-General seeking further information as to whether or not intensive corrections management orders will be available at the sentencing of offenders whose offences were committed before the Act's commencement. Pending the Attorney-General's response, the Committee draws attention to ss. 4, 5, 13 and 27, and the requirements of Charter s. 27(3).***

## Minister's Response

*Thank you for your letter dated 1 March 2011 on behalf of the Scrutiny of Acts and Regulations Committee seeking further information on the Sentencing Amendment Act 2010.*

*The previous Government introduced the Sentencing Amendment Act 2010 during the final sitting week of the previous Parliament and it was subsequently passed. The Sentencing Amendment Act 2010 has not commenced operation and has a default commencement date of 1 January 2012.*

*The legislation abolishes suspended sentences for serious offences and replaces the Combined Custody and Treatment Order ('CCTO') and the Intensive Correction Order ('ICO') with the Intensive Correction Management Order ('ICMO').*

*Unlike a CCTO and an ICO, the ICMO is not a term of imprisonment but a community-based sentence. The ICMO, when commenced, would apply to any offence punishable by imprisonment, irrespective of when it was committed. It would apply to the sentencing of offenders whose offences were committed before the commencement date. Sections 7, 10, 13 and 27 of the Sentencing Amendment Act 2010 have that effect.*

*The previous Attorney-General did not address section 27(3) of the Charter of Human Rights and Responsibilities Act 2006 ('the Charter Act') in the Statement of Compatibility he provided to the House. Presumably therefore, his view was that the Bill was compatible with human rights under the Charter Act.*

*The Baillieu Government intends to replace the current cumbersome and limited range of community sentences including ICMOs, with a single, flexible Community Correction Order. This reform will be part of a package of sentencing reforms resulting in amendments to the Sentencing Amendment Act 2010.*

*I trust this information assists the Committee in its deliberations.*

**ROBERT CLARK MP**

*Attorney-General*

*5 April 2011*

**The Committee thanks the Attorney-General for this response.**

**Committee Room**

**2 May 2011**



# Appendix 1

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## Appendix 2

### Committee Comments classified by Terms of Reference

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*This Appendix lists Bills under the relevant Committee terms of reference where the Committee has raised issues requiring further correspondence with the appropriate Minister or Member.*

#### Alert Digest Nos.

#### Section 17(a)

**(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**

Justice Legislation Amendment Bill 2011

2

**(iv) unduly requires or authorise 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 authorise 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 Act 2006***

Building Amendment Bill 2011

1

Education and Training Reform Amendment (School Safety) Bill 2010

1

Justice Legislation Amendment Bill 2011

2

Liquor Control Reform Amendment Bill 2011

3

Sentencing Amendment Act 2010

1

#### Section 17(b)

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



## Appendix 3

### Ministerial Correspondence 2011

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**Table of correspondence between the Committee and Ministers during 2011**

<b>Bill Title</b>	<b>Minister/ Member</b>	<b>Date of Committee Letter / Minister's Response</b>	<b>Alert Digest No. Issue raised / Response Published</b>
Building Amendment Bill 2011	Minister for Planning	01.03.11 21.03.11	1 of 2011 2 of 2011
Education and Training Reform Amendment (School Safety) Bill 2010	Minister for Education	01.03.11 28.03.11	1 of 2011 3 of 2011
Justice Legislation Amendment Bill 2011	Minister for Consumer Affairs	22.03.11 04.04.11	2 of 2011 3 of 2011
Sentencing Amendment Act 2010	Attorney-General	01.03.11 05.04.11	1 of 2011 4 of 2011
Liquor Control Reform Amendment Bill 2011	Consumer Affairs	05.04.11 21.04.11	3 of 2011 4 of 2011

**Table of Ministers responses still pending**

<b>Bill Title</b>	<b>Minister/ Member</b>	<b>Date of Committee Letter / Minister's Response</b>	<b>Alert Digest No. Issue raised / Response Published</b>