



58th Parliament



Annual Review 2014



The Committee



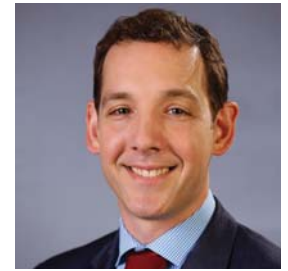
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Role of the Committee

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 must report to the Parliament whether the Bill is incompatible with human rights.

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SCRUTINY OF ACTS AND
REGULATIONS COMMITTEE

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2014

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Terms of Reference

Section 17 of the *Parliamentary Committees Act 2003* sets out the statutory functions of the Scrutiny of Acts and Regulations Committee. These functions 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 on rights or freedoms;
 - (ii) makes rights, freedoms or obligations dependent on insufficiently defined administrative powers;
 - (iii) makes rights, freedoms or obligations dependent on non-reviewable administrative decisions;
 - (iv) unduly requires or authorises acts or practices that may have an adverse effect on personal privacy within the meaning of the *Privacy and Data Protection Act 2014*;
 - (v) unduly requires or authorises acts or practices that may have an adverse effect on privacy of health information within the meaning of the *Health Records Act 2001*;
 - (vi) inappropriately delegates legislative power;
 - (vii) insufficiently subjects the exercise of legislative power to parliamentary scrutiny;
 - (viii) is incompatible with the human rights set out in the Charter of Human Rights and Responsibilities;
- (b) to consider any Bill introduced into the Council or the Assembly and to report to the Parliament –
 - (i) as to whether the Bill directly or indirectly repeals, alters or varies section 85 of the *Constitution Act 1975*, or raises an issue as to the jurisdiction of the Supreme Court;
 - (ii) if a Bill repeals, alters or varies section 85 of the *Constitution Act 1975*, whether this is in all the circumstances appropriate and desirable;
 - (iii) if a Bill does not repeal, alter or vary section 85 of the *Constitution Act 1975*, but an issue is raised as to the jurisdiction of the Supreme Court, as to the full implications of that issue;
- (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 a 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 on 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.

Chairperson's Introduction

I am pleased to present the Scrutiny of Acts and Regulations Committee's Annual Review covering the calendar year 2014. The report is an overview of the activity of the Committee in the fourth year of the 57th Parliament.

The functions of the Committee are to review all Bills introduced into Parliament, to review regulations and legislative instruments, to review and report on redundant or unclear Acts and to undertake specific inquiries that may be referred to the Committee either by a House of the Parliament or by a Minister.

The Committee thanks the secretariat staff for their dedicated on-going support over the previous year. The Committee also thanks Professor Jeremy Gans, Human Rights Adviser to the Committee, for his timely advice during 2014.

Ms Lizzie Blandthorn MLA
Chairperson
May 2015

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 must report to the Parliament whether the Bill is incompatible with human rights.

Annual Review 2014

This report provides an overview of the activities and functions of the Victorian Parliament's Scrutiny of Acts and Regulations Committee (the 'Committee') during the calendar year 2014. The Committee also intends to publish an Annual Review of subordinate legislation considered in 2014.¹

The Committee's reports and other publications (including this review) are available on the Committee's website: www.parliament.vic.gov.au/sarc

The Committee

The Committee is established under the *Parliamentary Committees Act 2003*² (the 'Act') and was one of the 12 Joint House Committees of the Victorian Parliament. In 2014 it was one of six Joint House Committees administered by the Department of the Legislative Assembly. The remaining six Joint House Committees are administered by the Department of the Legislative Council.

Membership of the Committee was drawn from Members of the Legislative Council (the 'Council') and the Legislative Assembly (the 'Assembly') and from both government and opposition members.

Brief history of the Committee

The Committee under its current name was established at the commencement of the 52nd Parliament in November 1992. Previous Chairs of the Committee were –

Mr Victor Perton MLA (LP – Doncaster) – 52nd Parliament

Mr Peter Ryan MLA (NP – Gippsland South) – 53rd Parliament

Ms Mary Gillett MLA (ALP – Werribee) – 54th Parliament

Ms Lily D'Ambrosio MLA (ALP – Mill Park) – 55th Parliament

Mr Carlo Carli MLA (ALP – Brunswick) – 56th Parliament

Mr Edward O'Donohue MLC (LP – Eastern Victoria Region) – 57th Parliament (to March 2013)

Hon. Richard Dalla-Riva MLC (LP – Eastern Metropolitan Region) – 57th Parliament (from March 2013 to November 2014)

Prior to the Committee in its present form, the Parliament performed a scrutiny of subordinate legislation (regulations) function through the now defunct Legal and Constitutional Committee. Statute law revision Bills were at one time considered by the Statute Law Revision Committee which was established by the Parliament as a specific purpose committee to consider periodic statute law revision Bills. Such Bills were far less frequent than in current times.

The Parliaments of the Commonwealth, New South Wales, and the Australian Capital Territory have parliamentary committees that perform comparable scrutiny of bills functions. All Australian Parliaments have committees that perform scrutiny of regulations.

¹ To be published in the second half of 2015.

² *Parliamentary Committees Act 2003*, s. 5(k).

Committee composition and membership

The Act³ requires that a Parliamentary Committee comprise not less than 5 members and not more than 10 members with at least one Member representing each House.

During 2014 the Committee consisted of seven members, six from the Legislative Assembly and one from the Legislative Council. A quorum of the Committee consists of four members.

During the year the Committee was composed of four members from the then Coalition government and three members from the then Labor Party opposition. The Chairperson and Deputy Chairperson of the Committee were held respectively by a government and opposition member.

Committee members during 2014

The members of the Committee during 2014 were –

- Hon. Richard Dalla-Riva MLC (Chairperson) (LP - Eastern Metropolitan Region)
- Hon. Christine Campbell MLA (Deputy Chairperson) (ALP – Pascoe Vale)
- Ms Ann Barker MLA (ALP – Oakleigh)
- Mr Michael Gidley MLA (LP – Mount Waverly)
- Mr Don Nardella MLA (ALP – Melton)
- Dr Bill Sykes MLA (NP – Benalla)
- Mr Graham Watt MLA (LP – Burwood)

The members of the Committee appointed on 23 December 2014 to serve in the 58th Parliament are –

- Ms Lizzie Blandthorn MLA (ALP – Pascoe Vale)
- Mr Josh Bull MLA (ALP – Sunbury)
- Hon. Richard Dalla-Riva MLC (LP – Eastern Metropolitan Region)
- Mr Steve Dimopoulos MLA (ALP – Oakleigh)
- Ms Emma Kealy MLA (NP – Lowan)
- Ms Sonya Klikenny MLA (ALP – Carrum)
- Mr John Pesutto MLA (LP – Hawthorn)

The subcommittees

At the commencement of each Parliament it is the custom of the Committee to establish, by special resolution the Regulation Review Subcommittee and the Redundant Legislation Subcommittee. The Committee may also, from time to time, establish other subcommittees that may be necessary or desirable to undertake specialist inquiry work.

Regulation Review Subcommittee

The functions of this Subcommittee are to review statutory rules, as defined by the *Subordinate Legislation Act 1994*, against specified terms of reference prescribed in that Act.⁴ Pursuant to other statutory reporting responsibilities, the Subcommittee must also review other certain special subordinate instruments.

The members of the Regulation Review Subcommittee during 2014 were –

- Mr Michael Gidley MLA (Chairperson)

³ *Parliamentary Committees Act 2003*, s. 21(1).

⁴ *Subordinate Legislation Act 1994*, s. 21.

- Hon Christine Campbell MLA
- Hon Richard Dalla-Riva MLC
- Mr Don Nardella MLA
- Mr Graham Watt MLA

Redundant Legislation Subcommittee

The Subcommittee was first established as a consequence of a long-standing Governor in Council reference given to the Committee in 1994. The reference, which had been renewed in previous Parliaments, required the Committee to review and make recommendations concerning certain Acts that may have been unclear, ambiguous or that may need redrafting. During 2014 the Committee did not establish a subcommittee and the Committee did not undertake a redundant legislation inquiry.

Secretariat and consultants

Staffing

The Committee employs a secretariat staff comprising an Executive Officer (Senior Legal Adviser), a Legal Adviser (Regulations) and two administrative support staff. The secretariat of the Committee during 2014 comprised of –

- Mr Andrew Homer, Executive Officer (Senior Legal Adviser)
- Ms Helen Mason, Legal Adviser (Regulations)
- Mr Simon Dinsbergs, Business Support Officer
- Ms Sonya Caruana, Committee Administrative Officer

The Committee's office is located at Level 3, 55 St Andrews Place, East Melbourne 3002.

Consultants

During 2014 the Parliament engaged the following consultant to assist the Committee with specialist advice and inquiry assignments –

- Professor Jeremy Gans, Committee Human Rights Adviser (University of Melbourne)

The Committee's work during 2014

The Committee's work during the year fell into four main areas –

- Scrutiny of Bills introduced into Parliament;⁵
- Scrutiny of subordinate legislation⁶ (regulations) and specified directives and other instruments;⁷
- From 1 July 2011 the Committee commenced scrutiny of a new form of subordinate legislation referred to as 'legislative instruments' as defined by section 3 of the *Subordinate Legislation Act 1994*;
- Inquiries or the review of Acts that are referred to the Committee by a resolution of either the Council or the Assembly⁸ or by a Minister through an Order of the Governor in Council published in the Government Gazette.⁹

⁵ *Parliamentary Committees Act 2003*, ss. 17(a) and (b).

⁶ The scrutiny of statutory rules (regulations) predates the formation of the Committee and was performed by a number of predecessor parliamentary committees such as the Legal and Constitutional Committee (now defunct).

⁷ Section 3 of the *Subordinate Legislation Act 1994*, definition of 'legislative instrument'

⁸ *Parliamentary Committees Act 2003*, ss. 33(1)(a) and (b).

Parliamentary Committees Act 2003

Section 17(a) – Scrutiny of Bills

The Committee considered 89 Bills during 2013. Pursuant to section 17(a) the Committee is required to consider any Bill introduced in the Council or the Assembly and report to the Parliament under eight separate heads of scrutiny, numbered sub-paragraphs (i) to (viii) –

- (i) trespasses unduly upon rights or freedoms;
- (ii) makes rights, freedoms or obligations dependent upon insufficiently defined administrative powers;
- (iii) makes rights, freedoms or obligations dependent upon non-reviewable administrative decisions;
- (iv) unduly requires or authorises acts or practices that may have an adverse effect on personal privacy within the meaning of the *Privacy and Data Protection Act 2014*;
- (v) unduly requires or authorises acts or practices that may have an adverse effect on privacy of health information within the meaning of the *Health Records Act 2001*;
- (vi) inappropriately delegates legislative power;
- (vii) insufficiently subjects the exercise of legislative power to parliamentary scrutiny;
- (viii) is incompatible with the human rights set out in the Charter of Human Rights and Responsibilities;

A list of the Bills considered and the tabling dates of the 13 separate Alert Digests in which they are found is shown in **Appendix 1**. The Bills on which the Committee made a substantive comment based on the respective scrutiny principles is shown in **Appendix 2**.

The Committee’s reporting timetable on Bills

The Committee ordinarily has between two and three weeks to consider and report on a Bill after it is second read in the House where the Bill is introduced. The usual practice of the Houses is to adjourn detailed consideration of a Bill for two weeks. However, this is only a general practice and not a mandatory procedural requirement. Where a Bill is adjourned for 2 weeks (or longer) the Committee will work towards finalising a report (Alert Digest) for tabling at the commencement of a parliamentary sitting week when the resumption of the debate may possibly occur.

On rare occasions an emergency or urgent Bill is introduced in the Parliament and the government indicates its intention to seek immediate passage of the measures after second reading without adjournment. On such occasions the Committee has previously tabled urgent Alert Digests for the immediate advice of members within its section 17(a) terms of reference. Immediate passage of a Bill does present the Committee with unique challenges in reporting on Bills and in these circumstances the Committee has previously indicated that it may, within its terms of reference, report on a further occasion.

Section 17(a)(viii) & Charter s. 30 – is incompatible with the human rights set out in the Charter of Human Rights and Responsibilities

In accordance with its usual practice, the Committee reported on whether or not Bills and Acts were compatible with human rights in a separate ‘Charter report’ that appeared after the Committee’s commentary on its non-Charter terms of reference. In 2014, 20 Bills were accompanied by Charter reports.

The Committee’s reports on compatibility were principally in relation to the following human rights:

⁹ *Parliamentary Committees Act 2003*, s. 33(1)(b).

- **Equality before the law** (Charter s. 8). Alert Digest No.3 of 2014 (Corrections Amendment (Parole) Bill 2014).
- **Life** (Charter s. 9). Alert Digest No.9 of 2014 (Crimes Amendment (Defensive Homicide) Bill 2014).
- **Non-consensual medical treatment** (Charter s. 10). Alert Digest No.9 of 2014 (Sentencing Amendment (Emergency Workers) Bill 2014).
- **Privacy and reputation** (Charter s. 13). Alert Digest Nos.9 of 2014 (Criminal Organisations Control and Other Acts Amendment Bill 2014); and *11 of 2014* (Inquiries Bill 2014).
- **Freedom of expression** (Charter s. 15). Alert Digest Nos.1 of 2014 (Summary Offences and Sentencing Amendment Bill 2013); Alert Digest No.2 of 2014 (Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Bill 2014); Alert Digest No.5 of 2014 (Gambling and Liquor Legislation Amendment (Modernisation) Bill 2014).
- **Protection of families and children** (Charter s. 17). Alert Digest No. 1 of 2014 (Drugs, Poisons and Controlled Substances (Poppy Cultivation and Processing) Amendment Bill 2013).
- **Property** (Charter s. 20). Alert Digest No.8 of 2014 (Melbourne Market Authority Amendment Bill 2014); and Alert Digest 11 of 2014 (Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014).
- **Fair hearing** (Charter s. 24). Alert Digest No.3 & 5 of 2014 (Vexatious Proceedings Bill 2014); Alert Digest No.6 of 2014 (Building Legislation Amendment Bill 2014); and Alert Digest No.11 of 2014 (Family Violence Protection Amendment Bill 2014.)
- **Rights of criminal defendants** (Charter s. 25). Alert Digest Nos. 3 & 5 of 2014 (Vexatious Proceedings Bill 2014); Alert Digest No.6 of 2014 (Building Legislation Amendment Bill 2014); and Alert Digest No.11 of 2014 (Family Violence Protection Amendment Bill 2014.)
- **Retrospective criminal laws** (Charter s. 27). Alert Digest No.11 of 2014 (Crimes Amendment (Sexual Offences and Other Matters) Bill 2014).

The Committee also reported on two 'override declarations' (see Charter s. 31) *Alert Digests No. 1 of 2014* (Legal Profession Uniform Law Application Bill 2013); and *No.3 of 2014* (Corrections Amendment (Parole) Bill 2014).

On 26 May 2014, the Committee released a consolidated Practice Note. Part B of the practice note addressed the Committee's Charter scrutiny, including:

- the Committee's general approach to statements of compatibility (previously *Practice Note No.2*)
- penalties, fines and other burdens (not previously the subject of a practice note)
- self-incrimination provision (previously *Practice Note No. 3*)
- reverse onus provisions (previously *Practice Notes Nos. 3 & 4*)
- national uniform legislation schemes (previously *Practice Note No. 3*)

In its final Alert Digest of 2014 (No.13 of 2014), the Committee published a summary of its legislative impact in the two terms since the commencement of the Charter on 1st January 2007. The Committee identified 21 potential legislative impacts, including 9 relating to reports by the Committee during the 56th Parliament and 12 relating to reports by the Committee during the 57th Parliament. The summary is reproduced in **Appendix 7**.

Section 17(b) – Section 85, Constitution Act 1975 – Limitation on the jurisdiction of the Supreme Court

Pursuant to section 17(b) of the *Parliamentary Committees Act 2003*, the Committee has a statutory reporting responsibility in relation to Bills which include provisions that repeal, alter or vary the unlimited jurisdiction of the Supreme Court. This responsibility has a nexus to the unique ‘manner and form’ requirements found in section 85 of the *Constitution Act 1975*.¹⁰ The Act requires the Committee to report to the Parliament as to whether such provisions are, in all the circumstances, appropriate and desirable.

Of the 110 Bills considered in 2014 none contained a section 85 *Constitution Act 1975* provision. In comparison in 2013 of the 89 Bills introduced three (3) Bills contained a section 85 provision.

Section 17(c) – Jurisdiction to report to the Parliament where the Committee has not been able to report on an Act while it was a Bill

On rare occasions the Committee may not be able to report on a Bill because urgent legislation receives speedy passage through both Houses and becomes an Act before the Committee is able to table a report. In these circumstances section 17(c) allows the Committee to prepare and table a report in two situations –

- (1) Within 30 days immediately after the first appointment of members of the Committee after the commencement of each Parliament; and
- (2) Within 10 sitting days after the Act receives Royal Assent –
which ever is the later.

In either of these cases the Committee report will note the use of the section 17(c) power at the commencement of the report on that Act.

There was no instance in 2014 where the Committee needed to report to the Parliament under this term of reference.

Submissions on Bills during 2014

Within the relevant terms of reference the Committee welcomes public submissions concerning Bills currently before the Parliament. The Committee is aware of the time constraints applying to such submissions. The strict timelines for making submissions arise from the necessity for the Committee to table a report on Bills for the assistance of Members prior to the resumption of the debate after the second reading speech is delivered. Notwithstanding this tight timetable may mean that as little as 2 weeks may be available for the receipt of written submissions from the time it is introduced in the Parliament.

Where need arises and time permits, the Committee reserves the right to invite evidence to be given before it at a private or public hearing. In special circumstances the Committee may delay making a report on a Bill in order to hold public hearings or receive written submissions.

During 2014 the Committee received submissions in respect of the following Bills.¹¹

- *Children, Youth and Families Amendment (Security Measures) Bill 2014* – Alert Digest No.1 of 2014
- *Legal Profession Uniform Law Application Bill 2014* – Alert Digest No.1 of 2014
- *Summary Offences and Sentencing Amendment Bill 2014* – Alert Digest No.1 of 2014

¹⁰ The *Constitution Act 1975* requires provisions that engage section 85 to be passed by an absolute majority of both Houses of the Parliament and that a member introducing such a provision make a section 85 Statement either when the Bill is second read or before the third reading of the Bill. For the provision to be effective the Bill must specifically declare the intention of the provision to repeal, alter or vary the jurisdiction of the Supreme Court of Victoria.

¹¹ A list of persons and organisations making submissions relevant to these Bills is published under the heading ‘Committee Website’ at pp. 22-23.

- *Mental Health Bill 2014* – Alert Digest No.3 of 2014
- *Criminal Organisations Control and Other Acts Amendment Bill 2014* – Alert Digest No.9 of 2014
- *Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014* – Alert Digest No.10 of 2014

Public hearings on Bills in 2014

The Committee did not hold public hearings in respect to any of the Bills considered in 2014.

The Bills considered by the Committee in 2014

1. New principal Acts

- *Appropriation (2014-2015) Bill 2014*
- *Appropriation (Parliament 2014-2015) Bill 2014*
- *Crime Statistics Bill 2014*
- *Filming Approval Bill 2014*
- *Fines Reform Bill 2014*
- *Guardianship and Administration Bill 2014*
- *Healthcare Quality Commissioner Bill 2014*
- *Honorary Justices Bill 2014*
- *Improving Cancer Outcomes Bill 2014*
- *Inquiries Bill 2014*
- *Invasive Species Control Bill 2014*
- *Mental Health Bill 2014*
- *Judicial Commission Bill 2014*
- *Judicial Entitlements Bill 2014*
- *Legal Profession Uniform Law Application Bill 2013*
- *Native Vegetation Credit Market Bill 2014*
- *Parliamentary Budget Officer Bill 2013*
- *Powers of Attorney Bill 2014*
- *Privacy and Data Protection Bill 2014*
- *Private Health Care Facilities Bill 2014*
- *Vexatious Proceedings Bill 2014 (Council initiated) – (Withdrawn)*
- *Vexatious Proceedings Bill 2014*
- *Water Bill 2014*

2. Amending Acts

- *Assisted Reproductive Treatment Further Amendment Bill 2013*
- *Building a Better Victoria (State Tax and Other Legislation Amendment) Bill 2014*
- *Building Legislation Amendment Bill 2014*
- *Casino and Gambling Legislation Amendment Bill 2014*
- *Cemeteries and Crematoria Amendment Bill 2014 (Council initiated)*
- *Cemeteries and Crematoria Amendment Bill 2014*

- *Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014*
- *Children, Youth and Families Amendment (Security Measures) Bill 2013*
- *Children, Youth and Families Amendment Bill 2014*
- *Consumer Affairs Legislation Amendment Bill 2014*
- *Consumer Affairs Legislation Further Amendment Bill 2014*
- *Corrections Amendment (Further Parole Reform) Bill 2014*
- *Corrections Amendment (Parole) Bill 2014*
- *Corrections Amendment (Smoke-Free Prisons) Bill 2014 (Assembly initiated)*
- *Corrections Amendment (Smoke-Free Prisons) Bill 2014*
- *Corrections Legislation Amendment Bill 2013*
- *Courts Legislation Amendment (Funds in Court) Bill 2014*
- *Courts Legislation Miscellaneous Amendments Bill 2014*
- *Crimes Amendment (Abolition of Defensive Homicide) Bill 2014*
- *Crimes Amendment (Grooming) Bill 2013*
- *Crimes Amendment (Protection of Children) Bill 2014*
- *Crimes Amendment (Sexual Offences and Other Matters) Bill 2014*
- *Criminal Organisations Control and Other Acts Amendment Bill 2014*
- *Disability Amendment Bill 2014*
- *Drugs, Poisons and Controlled Substances (Poppy Cultivation and Processing) Bill 2013*
- *Drugs, Poisons and Controlled Substances Amendment (Clinical Trials) Bill 2014*
- *Drugs, Poisons and Controlled Substances Further Amendment Bill 2014*
- *Education and Training Reform Amendment (Miscellaneous) Bill 2014*
- *Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Bill 2014*
- *Electoral Amendment Bill 2014*
- *Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014*
- *Energy Legislation Amendment (Customer Metering Protections and Other Matters) Bill 2014*
- *Environment Protection and Sustainability Victoria Amendment Bill 2014*
- *Family Violence Protection Amendment Bill 2014*
- *Fences Amendment Bill 2013*
- *Fences Amendment Bill 2014*
- *Freedom of Information and Victorian Inspectorate Acts Amendment Bill 2014*
- *Gambling and Liquor Legislation Amendment (Modernisation) Bill 2014*
- *Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Bill 2014*
- *Gambling and Liquor Legislation Further Amendment Bill 2014*
- *Game Management Authority Bill 2013*
- *Health Services Amendment Bill 2014*
- *Integrity Legislation Amendment Bill 2014*
- *Jury Directions Amendment Bill 2013*
- *Jury Directions Amendment Bill 2014 (Council initiated)*
- *Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014*
- *Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014 (House Amendments)*

- *Justice Legislation Amendment (Discovery, Disclosure and Other Matters) Bill 2014*
- *Justice Legislation Amendment (Firearms and Other Matters) Bill 2014*
- *Justice Legislation Amendment (Succession and Surrogacy) Bill 2014*
- *Justice Legislation Amendment Bill 2014*
- *Local Government (Brimbank City Council) Amendment Bill 2014*
- *Local Government Amendment (Governance and Conduct) Bill 2014*
- *Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2014*
- *Melbourne Market Authority Amendment Bill 2014*
- *Parks and Crown Land Legislation Amendment Bill 2014*
- *Planning and Environment Amendment (Infrastructure Contributions and Other Matters) Bill 2014*
- *Primary Industries Legislation Amendment Bill 2014*
- *Public Health and Wellbeing Amendment (Hairdressing Red Tape Reduction) Bill 2014*
- *Public Records Amendment Bill 2014*
- *Resources Legislation Amendment (BTEX Prohibition and Other Matters) Bill 2014*
- *Road Safety Amendment Bill 2014*
- *Sale of Land Amendment Bill 2014*
- *Sentencing Amendment (Baseline Sentences) Bill 2014*
- *Sentencing Amendment (Coward's Punch Manslaughter and Other Matters) Bill 2014*
- *Sentencing Amendment (Emergency Workers) Bill 2014*
- *Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 (Assembly initiated)*
- *Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 (Council initiated)*
- *Sex Offenders Registration Amendment Bill 2014*
- *Small Business Commissioner Amendment Bill 2013*
- *State Taxation Legislation Amendment Bill 2014*
- *Statute Law Amendment (Red Tape Reduction) Bill 2014*
- *Summary Offences and Sentencing Amendment Bill 2013*
- *Tobacco Amendment Bill 2014*
- *Transfer of Land Amendment Bill 2014*
- *Transport (Safety Schemes Compliance and Enforcement) Bill 2014*
- *Transport Legislation Amendment (Further Taxi Reform and Other Matters) Bill 2014*
- *Treasury Legislation and Other Acts Amendment Bill 2014*
- *Victoria Police Amendment (Consequential and Other Matters) Bill 2014*
- *Victorian Civil and Administrative Tribunal Amendment Bill 2014*
- *Water Amendment (Flood Mitigation) Bill 2014*
- *Water Amendment (Water Trading) Bill 2014*
- *Witness Protection Amendment Bill 2014*
- *Working with Children Amendment (Ministers of Religion and Other Matters) Bill 2014*

3. Private Members Bills

- *Gambling Regulation and Casino Control Amendment Bill 2014*

- *Prevention of Cruelty to Animals Amendment (Domestic Fowl and Pigs) and Food Amendment (Free-range Eggs) Bill 2014*
- *Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2014*

Ministerial correspondence related to Bills

In most cases Ministers provided their response to the Committee's concerns in time for the tabling of the next available Alert Digest or the one immediately following the next Alert Digest. During 2014 the Committee needed to issue only one courtesy reminder that a response was outstanding in respect to the *Justice Legislation Amendment (Firearms and other Matters) Bill 2014*.

The Committee's standard protocol on such matters is that the Committee considers that Ministerial responses should be received promptly, in order to inform the debate in Parliament on the matters of concern identified by the Committee. The Committee seeks to ensure that a response is received, where possible, prior to the Bill's completed passage through both Houses.

A table of the Committee's correspondence with Minister's can be found at **Appendix 3**.

The results of the Committee's work

One of the main functions of the Committee is to review Bills introduced into a House of the Parliament and to report to the Parliament on the use of certain legislative practices in those Bills. The heads of legislative scrutiny are listed in sections 17(a)(i) to (viii) of the Act. The ongoing feedback the Committee receives suggests that Members are assisted by the information provided in Alert Digests, which often include important extracts from the second reading speech and the explanatory memorandum.

Section 17(d) – Statutory rules and legislative instruments

The Committee has functions conferred upon it by the *Subordinate Legislation Act 1994*. The Regulation Review Subcommittee undertakes this role on behalf of the Committee.

The Subcommittee reviews statutory rules and legislative instruments pursuant to sections 3 and 21 of the *Subordinate Legislation Act 1994*.

The Subcommittee held ten meetings during 2014 where it considered both regulations and legislative instruments. All regulations and legislative instruments reviewed by the Subcommittee during 2014 are shown at **Appendix 5**.

The Subcommittee: -

- considered 161 regulations. Ten regulations were accompanied by Regulatory Impact Statements.
- considered 49 legislative instruments. Three legislative instruments were accompanied by Regulatory Impact Statements.

The Committee intends to publish its Annual Review 2014, Regulations and Legislative Instruments in the second half of 2015.

Section 17(e) – Environment protection policies and waste management policies

In 2014 the Regulation Review Subcommittee did not consider any State environment protection policies or waste management policies pursuant to the *Environment Protection Act 1970* under this term of reference.

Section 17(f) – Reports pursuant to the Co-operative Schemes (Administrative Actions) Act 2001

The Committee was not required to report to the Parliament during 2014 on any Act sought to be declared pursuant to the *Co-operative Schemes (Administrative Actions) Act 2001*.

Section 17(g) – Review of Acts referred to the Committee

The Committee was not required to report to the Parliament during 2014 on any Act under this subsection of the Act.

Section 33 – Referrals to Joint Investigatory Committees

The Committee was not referred any matter to investigate during 2014.

Committee budget and expenditure¹²

	2012/2013	2013/2014	2014/2015
Budget	\$514,700	\$538,010	\$504,710
Actual	\$390,808	\$448,538	\$189,080*

*Actual expenditure to 31 December 2014 – 37% utilised

Committee reports tabled during 2014

The Committee has published the following reports and papers in print and also on its website during 2014 –

- *Alert Digests Nos. 1 to 13*, February to October 2014
- *Annual Review 2013*, May 2014
- *Annual Review Regulations 2013*, June 2014

A chronological list of all Committee reports and publications dating from the inception of the Committee in 1992 to the present day is provided in **Appendix 4**.

Reports for publication in 2015

- *Alert Digests of 2015*, from February to December 2015
- *Annual Review of Regulations and Legislative Instruments 2014*, June 2015
- *Statute Law Repeals Bill 2014*, February 2015
- *Statute Law Revision Bill 2014*, February 2015

Committee website

The Committee continues to maintain a comprehensive and frequently updated website. Committee reports, including Alert Digests, are posted on the Committee website on the day they are tabled.

Notification of all tabled Committee documents are sent through Parliamentary Committees Twitter account.

Submissions received by the Committee are also published on the website.

The following submissions were received and published on the Committee website during 2014 –

- **Children, Youth and Families Amendment (Security Measures) Bill 2013**, contained in *Alert Digest No 1 of 2014*
Victorian Equal Opportunity and Human Rights Commission
- **Legal Profession Uniform Law Application Bill 2013**, contained in *Alert Digest No 1 of 2014*

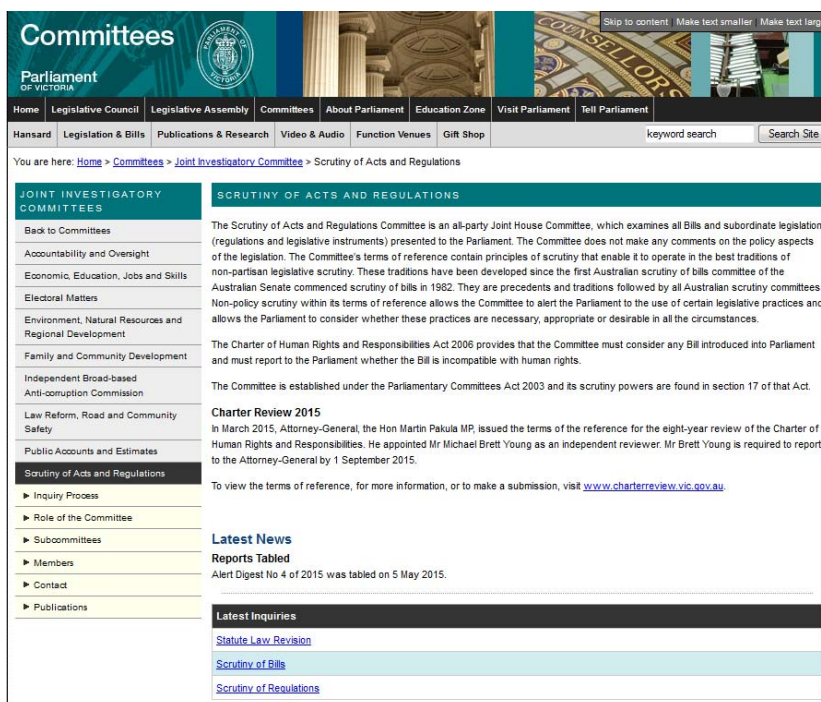
¹²

Budgets and expenditure include current inquiry budgets, staff salaries, superannuation and training, office expenses, Members allowances and interstate and overseas travel.

Victorian Equal Opportunity and Human Rights Commission

- **Summary Offences and Sentencing Bill 2013**, contained in *Alert Digest No 1 of 2014*
 Federation of Community Legal Centres (Victoria) Inc.
 Fitzroy Legal Service
 Flemington an Kensington Legal Centre
 Homeless Law
 Human Rights Law Centre
 Law Institute of Victoria
 Madge
 Victorian Council of Social Service
 Victorian Equal Opportunity and Human Rights Commission
 Victorian Trades Hall Council
- **Mental Health Bill 2014**, contained in *Alert Digest No 3 of 2014*
 Victorian Equal Opportunity and Human Rights Commission
- **Criminal Organisations Control and Other Acts Amendment Bill 2014**,
 contained in *Alert Digest No 9 of 2014*
 Victorian Equal Opportunity and Human Rights Commission
- **Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014**,
 contained in *Alert Digest No 10 of 2014*
 Law Institute of Victoria

Committee website



Appendix 1

Index of Acts and Bills in 2014

	Alert Digest No.
Appropriation (2014-2015) Bill 2014	6
Appropriation (Parliament 2014-2015) Bill 2014	6
Assisted Reproductive Treatment Further Amendment Bill 2013	1
Building a Better Victoria (State Tax and Other Legislation Amendment) Bill 2014	6
Building Legislation Amendment Bill 2014	6, 7
Casino and Gambling Legislation Amendment Bill 2014	12
Cemeteries and Crematoria Amendment Bill 2014 (Council initiated)	13
Cemeteries and Crematoria Amendment Bill 2014	12
Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014	10
Children, Youth and Families Amendment (Security Measures) Bill 2013	1
Children, Youth and Families Amendment Bill 2014	6
Consumer Affairs Legislation Amendment Bill 2014	5
Consumer Affairs Legislation Further Amendment Bill 2014	11
Corrections Amendment (Further Parole Reform) Bill 2014	4
Corrections Amendment (Parole) Bill 2014	3
Corrections Amendment (Smoke-Free Prisons) Bill 2014 (Assembly initiated)	6
Corrections Amendment (Smoke-Free Prisons) Bill 2014	5
Corrections Legislation Amendment Bill 2013	1
Courts Legislation Amendment (Funds in Court) Bill 2014	13
Courts Legislation Miscellaneous Amendments Bill 2014	9
Crime Statistics Bill 2014	5
Crimes Amendment (Abolition of Defensive Homicide) Bill 2014	9, 10
Crimes Amendment (Grooming) Bill 2013	1
Crimes Amendment (Protection of Children) Bill 2014	5
Crimes Amendment (Sexual Offences and Other Matters) Bill 2014	11, 12
Criminal Organisations Control and Other Acts Amendment Bill 2014	9, 10
Disability Amendment Bill 2014	9
Drugs, Poisons and Controlled Substances (Poppy Cultivation and Processing) Bill 2013	1
Drugs, Poisons and Controlled Substances Amendment (Clinical Trials) Bill 2014	13
Drugs, Poisons and Controlled Substances Further Amendment Bill 2014	11
Education and Training Reform Amendment (Miscellaneous) Bill 2014	11
Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Bill 2014	2, 3
Electoral Amendment Bill 2014	10
Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014	10
Energy Legislation Amendment (Customer Metering Protections and Other Matters) Bill 2014	5
Environment Protection and Sustainability Victoria Amendment Bill 2014	2
Family Violence Protection Amendment Bill 2014	11, 12
Fences Amendment Bill 2013	1
Fences Amendment Bill 2014	3

Filming Approval Bill 2014	5
Fines Reform Bill 2014	6
Freedom of Information and Victorian Inspectorate Acts Amendment Bill 2014	8
Gambling and Liquor Legislation Amendment (Modernisation) Bill 2014	5, 6
Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Bill 2014	3
Gambling and Liquor Legislation Further Amendment Bill 2014	10
Gambling Regulation and Casino Control Amendment Bill 2014	9
Game Management Authority Bill 2013	1
Guardianship and Administration Bill 2014	11
Health Services Amendment Bill 2014	2
Healthcare Quality Commissioner Bill 2014	12
Honorary Justices Bill 2014	3
Improving Cancer Outcomes Bill 2014	11
Inquiries Bill 2014	11, 12
Integrity Legislation Amendment Bill 2014	13
Invasive Species Control Bill 2014	11
Judicial Commission Bill 2014	9
Judicial Entitlements Bill 2014	9
Jury Directions Amendment Bill 2013	1
Jury Directions Amendment Bill 2014 (Council initiated)	5
Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014	11
Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014 (House Amendments)	13
Justice Legislation Amendment (Discovery, Disclosure and Other Matters) Bill 2014	2
Justice Legislation Amendment (Firearms and Other Matters) Bill 2014	9, 12
Justice Legislation Amendment (Succession and Surrogacy) Bill 2014	11
Justice Legislation Amendment Bill 2014	5
Legal Profession Uniform Law Application Bill 2013	1, 2
Local Government (Brimbank City Council) Amendment Bill 2014	6
Local Government Amendment (Governance and Conduct) Bill 2014	5
Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2014	10
Melbourne Market Authority Amendment Bill 2014	8, 9
Mental Health Bill 2014	3, 4
Native Vegetation Credit Market Bill 2014	7
Parks and Crown Land Legislation Amendment Bill 2014	12
Parliamentary Budget Officer Bill 2013	1
Planning and Environment Amendment (Infrastructure Contributions and Other Matters) Bill 2014	11
Powers of Attorney Bill 2014	9
Prevention of Cruelty to Animals Amendment (Domestic Fowl and Pigs) and Food Amendment (Free-range Eggs) Bill 2014	13
Primary Industries Legislation Amendment Bill 2014	11
Privacy and Data Protection Bill 2014	8
Private Health Care Facilities Bill 2014	7
Public Health and Wellbeing Amendment (Hairdressing Red Tape Reduction) Bill 2014	9
Public Records Amendment Bill 2014	8
Resources Legislation Amendment (BTEX Prohibition and Other Matters) Bill 2014	10
Road Safety Amendment Bill 2014	7
Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2014	8
Sale of Land Amendment Bill 2014	2
Sentencing Amendment (Baseline Sentences) Bill 2014	5
Sentencing Amendment (Coward's Punch Manslaughter and Other Matters) Bill 2014	11
Sentencing Amendment (Emergency Workers) Bill 2014	9, 10
Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 (Assembly initiated)	13

Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 (Council initiated)	13
Sex Offenders Registration Amendment Bill 2014	11
Small Business Commissioner Amendment Bill 2013	1
State Taxation Legislation Amendment Bill 2014	2
Statute Law Amendment (Red Tape Reduction) Bill 2014	9
Summary Offences and Sentencing Amendment Bill 2013	1
Tobacco Amendment Bill 2014	10
Transfer of Land Amendment Bill 2014	10
Transport (Safety Schemes Compliance and Enforcement) Bill 2014	3
Transport Legislation Amendment (Further Taxi Reform and Other Matters) Bill 2014	4
Treasury Legislation and Other Acts Amendment Bill 2014	6
Vexatious Proceedings Bill 2014 (Council initiated)	5
Vexatious Proceedings Bill 2014	3, 4
Victoria Police Amendment (Consequential and Other Matters) Bill 2014	4
Victorian Civil and Administrative Tribunal Amendment Bill 2014	2
Water Amendment (Flood Mitigation) Bill 2014	6
Water Amendment (Water Trading) Bill 2014	2
Water Bill 2014	9, 11
Witness Protection Amendment Bill 2014	4
Working with Children Amendment (Ministers of Religion and Other Matters) Bill 2014	9

Regulations

Planning and Environment (Fees) Further Interim Regulations 2013 (SR No. 127 / 13)	2
Subdivision (Fees) Further Interim Regulations 2013 (SR No. 128 / 13)	2

Alert Digest tabling dates 2014

Alert Digest No. 1	4 February 2014
Alert Digest No. 2	18 February 2014
Alert Digest No. 3	11 March 2014
Alert Digest No. 4	25 March 2014
Alert Digest No. 5	6 May 2014
Alert Digest No. 6	27 May 2014
Alert Digest No. 7	10 June 2014
Alert Digest No. 8	24 June 2014
Alert Digest No. 9	5 August 2014
Alert Digest No. 10	19 August 2014
Alert Digest No. 11	2 September 2014
Alert Digest No. 12	16 September 2014
Alert Digest No. 13	14 October 2014

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 or Member.

Alert Digest No.

Section 17(a)

(viii) is incompatible with the human rights set out in the Charter of Human Rights and Responsibilities Act 2006

Building Legislation Amendment Bill 2014	6
Crimes Amendment (Abolition of Defensive Homicide) Bill 2014	9
Crimes Amendment (Sexual Offences and Other Matters) Bill 2014	11
Criminal Organisations Control and Other Acts Amendment Bill 2014	9
Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Bill 2014	2
Family Violence Protection Amendment Bill 2014	11
Gambling and Liquor Legislation Amendment (Modernisation) Bill 2014	5
Inquiries Bill 2014	11
Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014 (House Amendments)	13
Justice Legislation Amendment (Firearms and Other Matters) Bill 2014	9
Legal Profession Uniform Law Application Bill 2013	1
Melbourne Market Authority Amendment Bill 2014	8
Mental Health Bill 2014	3
Sentencing Amendment (Emergency Workers) Bill 2014	9
Vexatious Proceedings Bill 2014	3
Water Bill 2014	9

Appendix 3

Ministerial Correspondence 2014

Table of correspondence between the Committee and Ministers and members during 2013-14

Bill Title	Minister/ Member	Date of Committee Letter / Minister's Response	Alert Digest No. Issue raised / Response Published
Legal Profession Uniform Law Application Bill 2013	Attorney-General	04-02-14 14-02-14	1 of 2014 2 of 2014
Planning and Environment (Fees) Further Interim Regulations 2013 (SR No. 127 / 13)	Planning	09-12-13 17-02-14	17 of 2013 2 of 2014
Subdivision (Fees) Further Interim Regulations 2013 (SR No. 128 / 13)	Planning	09-12-13 17-02-14	17 of 2013 2 of 2014
Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Bill 2014	Education	18-02-14 26-02-14	2 of 2014 3 of 2014
Mental Health Bill 2014	Mental Health	06-03-14 24-03-14	3 of 2014 4 of 2014
Vexatious Proceedings Bill 2014	Attorney-General	06-03-14 22-03-14	3 of 2014 4 of 2014
Gambling and Liquor Legislation Amendment (Modernisation) Bill 2014	Liquor and Gaming	06-05-14 23-05-14	5 of 2014 6 of 2014
Building Legislation Amendment Bill 2014	Planning	27-05-14 06-06-14	6 of 2014 7 of 2014
Melbourne Market Authority Amendment Bill 2014	Major Projects	24-06-14 30-07-14	8 of 2014 9 of 2014
Crimes Amendment (Abolition of Defensive Homicide) Bill 2014	Attorney-General	05-08-14 15-08-14	9 of 2014 10 of 2014
Criminal Organisations Control and Other Acts Amendment Bill 2014	Attorney-General	05-08-14 15-08-14	9 of 2014 10 of 2014
Justice Legislation Amendment (Firearms and other Matters) Bill 2014	Police and Emergency Services	05-08-14 03-09-14	9 of 2014 12 of 2014
Sentencing Amendment (Emergency Workers) Bill 2014	Attorney-General	05-08-14 18-08-14	9 of 2014 10 of 2014
Water Bill 2014	Water	05-08-14 19-08-14	9 of 2014 10 of 2014

Bill Title	Minister/ Member	Date of Committee Letter / Minister's Response	Alert Digest No. Issue raised / Response Published
Crimes Amendment (Sexual Offences and Other Matters) Bill 2014	Attorney-General	02-09-14 12-09-14	11 of 2014 12 of 2014
Family Violence Protection Amendment Bill 2014	Attorney-General	02-09-14 10-09-14	11 of 2014 12 of 2014
Inquiries Bill 2014	Premier	02-09-14 14-09-14	11 of 2014 12 of 2014

Appendix 4

Committee Reports and Other Papers

Chronological Listing - Committee Reports and Other Papers

Reports to Parliament	
Alert Digest Nos. 1 to 10; Cumulative Report Nos. 1 and 2	March to May 1993
First Report on Subordinate Legislation, Annual Report concerning Statutory Rules Series 1991	March 1993
Second Report on Subordinate Legislation, Port of Melbourne Authority (Transport, Handling and Storage of Dangerous Substances and Oils) Regulations 1992	March 1993
Operation of the Subordinate Legislation Act 1962	March 1993
Commencement by Proclamation	April 1993
First Report on the Operation of Section 32 of the Interpretation of Legislation Act 1984 concerning: Local Government (Reporting and Accounting) Regulations 1993	May 1993
Report by the Honourable B.A.E. Skeggs, MLC	
Discussions with the Select Committee on the Scrutiny of Delegated Powers, House of Lords, Westminster	October 1993
Third Report on Subordinate Legislation, Annual Report concerning Statutory Rules Series 1992	October 1993
Review of the Victorian Equal Opportunity Act 1984, Interim Report	October 1993
Report upon an Inquiry into the Operation of the Subordinate Legislation Act 1962	November 1993
Second Report on the Operation of Section 32 of the Interpretation of Legislation Act 1984 concerning: Water (Annual Reporting) (Amendment) Regulations 1993	November 1993
Review of the Victorian Equal Opportunity Act 1984, Final Report	November 1993
Proceedings of the Australasian and Pacific Conference on Delegated Legislation and Scrutiny of Bills, July 1993	November 1993
World Conference on Human Rights, Austria	November 1993
Reports to Parliament	
Alert Digest Nos. 11 to 20 of 1993	July to November 1993
Fourth Report on Subordinate Legislation, Land Tax (Further Amendment) Regulations 1993	March 1994
Scrutiny of Acts and Regulations Committee, First Annual Report	April 1994
Reports to Parliament	
Alert Digest Nos. 1 to 7 of 1994	March to May 1994
Redundant and Unclear Legislation, First Report	November 1994
Fifth Report on Subordinate Legislation, Annual Report concerning Statutory Rules Series 1993	November 1994
Report on the Australian Federalism Conference, July 1994	November 1994
Reports to Parliament	
Alert Digest Nos. 8 to 14 of 1994	August to November 1994
Sixth Report on Subordinate Legislation, Stock (Hormonal Growth Promotants Status Declarations) Regulations 1994	March 1995
Scrutiny of Acts and Regulations Committee, Second Annual Report	March 1995
Possible repeal of the Carriers and Innkeepers Act 1966, Discussion Paper	April 1995
Seventh Report on Subordinate Legislation, Environment Protection (Scheduled Premises and Exemptions) Regulations 1994	May 1995
Discussion Paper No. 1, Section 85 of the Constitution Act 1975	May 1995
Reports to Parliament	
Alert Digest Nos. 1 to 8 of 1995	March to June 1995

Scrutiny of Acts and Regulations Committee

Discussion paper No. 1 on the Scrutiny of National Scheme Legislation and the Desirability of Uniform Scrutiny Principles	August 1995
Eight Report on Subordinate Legislation, Annual Report concerning Statutory Rules Series 1994	September 1995
Redundant and Unclear Legislation, Review of the Trade Unions Act 1958	November 1995
Redundant and Unclear Legislation, Second Report	November 1995
Reports to Parliament	
Alert Digest Nos. 9 to 14 of 1995	August to November 1995
Review of the Evidence Act 1958 (Vic) and Review of the Role and appointment of Public Notaries	October 1996
Scrutiny of Acts and Regulations Committee, Third Annual Report	November 1996
Redundant and Unclear Legislation, Review of the Hire Purchase Act 1959	December 1996
Redundant and Unclear Legislation, Review of Unlawful Assemblies and Processions Act 1958, Issues Paper	December 1996
Abalone – Taking Stock – Information Paper	
Review of the Fisheries (Abalone) Regulations 1996 under the Subordinate Legislation Act 1994	December 1996
Reports to Parliament	
Alert Digest Nos. 1 to 10 of 1996	March 1997
Scrutiny of Acts and Regulations Committee, Fourth Annual Report	April 1997
Ninth Report on Subordinate Legislation, Annual Report Concerning Statutory Rules Series 1995 and 1996	May 1997
Redundant and Unclear Legislation, Third Report	December 1997
Reports to Parliament	
Alert Digest Nos. 1 to 12 of 1997	December 1997
Redundant and Unclear Legislation, Review of the Carriers and Innkeepers Act 1958	May 1998
Tenth Report on Subordinate Legislation, Annual Report Concerning Statutory Rules Series 1997	May 1998
Scrutiny of Acts and Regulations Committee, Fifth Annual Report	May 1998
The Right to Silence: An Examination of the Issues, Discussion Paper	June 1998
Reports to Parliament	
Alert Digests Nos. 1 to 8 of 1998	December 1998
Inquiry into the Right to Silence, Final Report	March 1999
Scrutiny of Acts and Regulations Committee, Sixth Annual Report	May 1999
Eleventh Report on Subordinate Legislation, Annual Report concerning Statutory Rules Series 1998	May 1999
Redundant and Unclear Legislation, Review of the Unlawful Assemblies and Processions Act 1958	May 1999
Reports to Parliament	
Alert Digests Nos. 1 to 6 of 1999	September 1999
Redundant and Unclear Legislation, Review of the Constitutional Convention Act 1972	May 2000
Report on the Statute Law Revision Bill	October 2000
Inquiry into the Subordinate Legislation Act 1994, Discussion Paper	November 2000
Reports to Parliament	
Alert Digests Nos. 1 to 11 of 2000	February 2001
Scrutiny of Acts and Regulations Committee, Annual Review 2000	February 2001
Committee Newsletter No. 1	March 2000
Annual Review 2000, Regulations 1999 and 2000	April 2001
Redundant and Unclear Legislation, Inquiry into the Summary Offences Act 1966, Discussion Paper	May 2001
Report on an Interim Privacy Code for Members of the Victorian Parliament	May 2001
Committee Newsletter No. 2	August 2001
Privacy Code for Members of the Victorian Parliament, Frequently Asked Questions and Compliance Checklist	October 2001
Report pursuant to Parliamentary Committees Act 1968, section 4D(cb) concerning the intended declaration and proclamation of the National Crime Authority (State Provisions) Act 1984 as a relevant State Act for the purposes of the Co-operative Schemes (Administrative Actions) Act 2001	November 2001
Redundant and Unclear Legislation, Inquiry into the Summary Offences Act 1966, Final Report	November 2001
Reports to Parliament	
Alert Digests Nos. 1 to 13 of 2001	February 2002
Scrutiny of Acts and Regulations Committee, Annual Review 2001	February 2002

Report pursuant to Parliamentary Committees Act 1968, section 4D(cb) concerning the intended declaration and proclamation of the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 as a relevant State Act for the purposes of the Co-operative Schemes (Administrative Actions) Act 2001	February 2002
Final Report on a Privacy Code of Conduct for Members of the Victorian Parliament	March 2002
Report on the Statute Law (Further Revision) Bill	March 2002
Review of the Vagrancy Act 1966, Discussion Paper	April 2002
Improving Victoria's Parliamentary Committee System	May 2002
Parliamentary Review of ANZAC Day Laws, Discussion Paper	June 2002
Committee Newsletter No. 3	July 2002
Inquiry into Electronic Democracy, Discussion Paper	September 2002
Review of the Vagrancy Act 1966, Final Report	September 2002
Inquiry into the Subordinate Legislation Act 1994	September 2002
Annual Review 2001, Regulations 2001	October 2002
Parliamentary Review of ANZAC Day Laws, Report	October 2002
Reports to Parliament	
Alert Digests Nos. 1 to 9 of 2002	April 2003
Annual Review 2002	August 2003
Annual Review 2002, Regulations 2002	November 2003
Discrimination in the Law, Discussion Paper	December 2003
Reports to Parliament	
Alert Digests Nos. 1 to 9 of 2003	February 2004
Annual Review 2003	May 2004
Annual Review 2003, Regulations 2003	May 2004
Victorian Electronic Democracy, Discussion Paper	November 2004
Redundant and Unclear Legislation, Report concerning the Maintenance Act 1965, Marriage Act 1958 and the Perpetuities and Accumulations Act 1968	November 2004
Victorian Electronic Democracy, Report on Evidence Obtained in North America – August 2004	November 2004
Discrimination in the Law, Progress Report: Summary of Submissions, Statutory Compliance Defences and Human Rights Protections	December 2004
Report on the Statute Law Revision Bill	February 2005
Reports to Parliament	
Alert Digests Nos. 1 to 11 of 2004	March 2005
Annual Review 2004	March 2005
Annual Review 2004, Regulations 2004	May 2005
Victorian Electronic Democracy, Final Report	May 2005
Discrimination in the Law, Interim Report	June 2005
Discrimination in the Law, Final Report	September 2005
Reports to Parliament	
Alert Digests Nos. 1 to 13 of 2005	March 2006
Annual Review 2005	March 2006
Report on the Statute Law (Further Revision) Bill	March 2006
Annual Review 2005, Regulations 2005	July 2006
Reports to Parliament	
Alert Digests Nos. 1 to 12 of 2006	November 2006
Report on the Statute Law Repeals Bill 2006	April 2007
Report on the Statute Law Revision Bill 2006	May 2007
Annual Review 2006	August 2007
Annual Review 2006, Regulations 2006	August 2007
Report on the Legislation Reform (Repeals No. 1) Bill 2007	October 2007
Report on the Legislation Reform (Repeals No. 2) Bill 2007	February 2008
Annual Review 2007	April 2008
Report on the Legislation Reform (Repeals No. 3) Bill 2007	May 2008

Report on the Police Integrity Bill 2008	June 2008
Annual Review 2007, Regulations 2007	August 2008
Redundant Corporations Laws	December 2008
Alert Digests Nos. 1 to 15 of 2008	February to December 2008
Annual Review 2008	March 2009
Report on the Legislation Reform (Repeals No. 4) Bill 2010	May 2009
Equal Opportunity Act 1995, Options Paper, Exceptions and Exemptions Inquiry	May 2009
Annual Review 2008, Regulations 2008	July 2009
Equal Opportunity Act 1995, Final Report, Exceptions and Exemptions Inquiry	December 2009
Alert Digests Nos. 1 to 14 of 2009	February to December 2009
Report on the Legislation Reform (Repeals No. 6) Bill 2010	February 2010
Annual Review 2009	March 2010
Annual Review 2009, Regulations 2009	August 2010
Alert Digests Nos. 1 to 14 of 2010	February to October 2010
Report on the Statute Law Revision Bill 2011	March 2011
Annual Review 2010	May 2011
Annual Review 2010, Regulations 2010	June 2011
Review of the Charter of Human Rights and Responsibilities Act 2006	September 2011
Alert Digests Nos. 1 to 15 of 2011	March to December 2011
Report on the Statute Law Repeals Bill 2012	March 2012
Report on the Statute Law Revision Bill 2012	March 2012
Annual Review 2012	April 2012
Annual Review 2012, Regulations 2012	August 2012
Alert Digests Nos. 1 to 18 of 2012	February to December 2012
Annual Review 2012	March 2013
Annual Review 2012, Regulations and Legislative Instruments	September 2013
Report on the Statute Law Revision Bill 2013	October 2013
Alert Digests Nos. 1 to 17 of 2013	February to December 2013
Annual Review 2013	May 2014
Annual Review 2013, Regulations and Legislative Instruments	June 2014
Alert Digests Nos. 1 to 13 of 2014	February to October 2014
Report on the Statute Law Repeals Bill 2014	February 2015
Report on the Statute Law Revision Bill 2014	February 2015

Appendix 5

Subordinate Legislation considered – 2014

The Subcommittee's review of subordinate legislation includes both statutory rules and legislative instruments.

Statutory Rule Series 2013

S. 8(1)(a) – No Economic or Social Burden

- SR No. 129 – Charter of Human Rights and Responsibilities (Public Authorities) Regulations 2013
- SR No. 134 – Road Safety Road Rules Amendment (Mobile Phones and Other Devices) Rules 2013
- SR No. 135 – Road Safety (Drivers) and (General) Amendment (Mobile Phones and Other Devices) Regulations 2013
- SR No. 137 – Public Health and Wellbeing Amendment (Prescribed Accommodation) Regulations 2013
- SR No. 139 – Public Records Regulations 2013
- SR No. 142 – Victorian Civil and Administrative Tribunal (Fees) Amendment Regulations 2013
- SR No. 143 – Public Health and Wellbeing Amendment (Immunisation Services) Regulations 2013
- SR No. 149 – Country Fire Authority Amendment Regulations 2013
- SR No. 152 – Heavy Vehicle National Law Application (Infringements) Regulations 2013
- SR No. 153 – Road Safety (Vehicles), (Drivers) and (General) Amendment (Registration) Regulations 2013
- SR No. 154 – Professional Boxing and Combat Sports Amendment Regulations 2013
- SR No. 156 – Agricultural and Veterinary Chemicals (Control of Use)(Infringement Notices) Regulations 2013
- SR No. 158 – Gas Safety (Gas Quality) Amendment Regulations 2013
- SR No. 161 – Building Amendment (Walls and Carports on Boundaries) Regulations 2013
- SR No. 163 – Water (Resource Management) Amendment Regulations 2013
- SR No. 168 – Fisheries and Fisheries (Fees, Royalties and Levies) Further Amendment Regulations 2013
- SR No. 169 – Infringements (General) Further Amendment (Lodgeable Infringement Offences) Regulations 2013
- SR No. 172 – Education and Training Reform Amendment (Dispute Resolution and Student Welfare Scheme) Regulations 2013
- SR No. 174 – Road Safety (Drivers) Amendment (Fees) Regulations 2013
- SR No. 175 – Road Safety (Drivers) Amendment (Probationary Driver Licences and Other Matters) Regulations 2013
- SR No. 176 – Road Safety (Vehicles) Amendment (Written-off Vehicles) Regulations 2013

S. 8(1)(a) and (c) – No Economic or Social Burden and of Fundamentally Declaratory or Machinery Nature

- SR No. 132 – Planning and Environment Amendment Regulations 2013

S. 8(1)(b) – Court Rules

- SR No. 136 – County Court (Chapter I Trans-Tasman Proceedings Amendment) Rules 2013
- SR No. 138 – Victims of Crime Assistance (Delegation) Regulations 2013
- SR No. 140 – Children, Youth and Families Amendment Regulations 2013
- SR No. 145 – Children, Youth and Families (Children's Court Family Division)(Amendment No.4) Rules 2013
- SR No. 146 – Supreme Court (Chapter I Trans-Tasman Proceedings Further Amendment) Rules 2013
- SR No. 147 – Supreme Court (Chapter I and Chapter VI Open Courts Amendment) Rules 2013
- SR No. 148 – Supreme Court (Chapter I Appendices A and B Amendment) Rules 2013

- SR No. 155 – Magistrates’ Court (Chapters I and III Open Courts Amendment) Rules 2013
- SR No. 165 – Victorian Civil and Administrative Tribunal (Amendment No.9) Rules 2013
- SR No. 166 – County Court (Chapters I and II Miscellaneous Amendments) Rules 2013
- SR No. 167 – County Court (Chapter I Scale of Costs Amendment) Rules 2013
- SR No. 177 – Magistrates’ Court Criminal Procedure (Amendment No 4) Rules 2013
- SR No. 178 – Magistrates’ Court General Civil Procedure (Scale of Costs Amendment) Rules 2013

S. 8(1)(c) – Of a Fundamentally Declaratory or Machinery Nature

- SR No. 133 – Road Safety (Vehicles) Amendment (Electronic Stability Control) Regulations 2013
- SR No. 141 – Bail Further Amendment Regulations 2013
- SR No. 144 – Racing (Specified Race-Course) Amendment Regulations 2013
- SR No. 157 – Education and Training Reform (School Attendance) Regulations 2013
- SR No. 164 – Drugs, Poisons and Controlled Substances (Drugs of Dependence – Synthetic Cannabinoids) Regulations 2013

S. 8(1)(e)(iii) – Extension of Time

- SR No. 160 – Subordinate Legislation (Valuation of Land (General and Supplementary Valuation) Regulations 2003) Extension Regulations 2013
- SR No. 173 – Subordinate Legislation (Country Fire Authority Regulations 2004) Extension Regulations 2013

S. 8(1)(f) – National Uniform Legislation Scheme

- SR No. 150 – Road Safety (Vehicles) (Drivers) and (General) Amendment (Heavy Vehicle National Law) Regulations 2013
- SR No. 151 – Road Safety Road Rules Amendment (Heavy Vehicle National Law) Rules 2013

S. 9(1) – Premier’s Exemption

- SR No. 127 – Planning and Environment (Fees) Further Interim Regulations 2013
- SR No. 128 – Subdivision (Fees) Further Interim Regulations 2013–

S. 10, 11 and 12 – Regulation Impact Statements

- SR No. 126 – Mineral Resources (Sustainable Development)(Mineral Industries) Regulations 2013
- SR No. 159 – Environment Protection (Vehicle Emissions) Regulations 2013
- SR No. 162 – Police Regulation (Fees and Charges) Regulations 2013
- SR No. 170 – Retirement Villages Amendment (Records and Notices) Regulations 2013
- SR No. 171 – Retirement Villages Amendment (Contractual Arrangements) Regulations 2013

National Law

National Regulations made under the Heavy Vehicle National Law (Victoria)

Legislative Instruments

S. 12F(1)(a) – Would not Impose Significant Economic or Social Burden Statutory Rules Series 2014

- Ministerial Order 698 – Work Experience Arrangements (Amendment) Order 2013
- Ministerial Order 699 – Structured Workplace Learning Arrangements (Amendment) Order 2013
- Greyhound Racing Victoria Rules – Rule Amendments
- Initial Quota Order for the Scallop Dive (Port Phillip Bay) Fishery
- Amendment to Determination that Specified Areas are Designated Bushfire Prone Areas
- Ministerial Order 625 – Procedures for Suspension and Expulsion

S. 12F(1)(b) – Fundamentally Declaratory or Machinery Nature

- Specification of Relevant Courts and Postcode Areas of Residence of Respondents for Court Ordered Counselling – Frankston
- Specification of Relevant Courts and Postcode Areas of Residence of Respondents for Court Ordered Counselling – Moorabbin

Specification of Relevant Courts and Postcode Areas of Residence of Respondents for Court Ordered Counselling – Ballarat
 Specification of Relevant Courts and Postcode Areas of Residence of Respondents for Court Ordered Counselling – Heidelberg
 Specification of Postcodes for Proper Venue for Determination of Family Violence Related Proceedings – Heidelberg and Ballarat

S. 12F(1)(c) – Does not exceed Treasurer’s Annual Approved Rate of 2.5%

Victorian Curriculum and Assessment Authority Fees

S. 12F(1)(g) – LI has undergone an analytical and consultation process which in the opinion of the Minister is equivalent to the process for a regulatory impact statement

Determination of Fees: Country and Metropolitan Hire Car Licences

S. 12H – Regulatory Impact Statements

Notice under Section 3.6.5A of the Gambling Regulation Act 2003 Fixing the Value of the Supervision Charge for Venue Operators for 2012-13

Statutory Rule Series 2014

S. 8(1)(a) – No Economic or Social Burden

SR No. 1 – Transport (Conduct) and (Infringements) Amendment (Extension of Smoking Bans) Regulations 2014

SR No. 2 – Meat Industry Amendment Regulation 2014

SR No. 3 – Co-Operatives National Law (Victoria) Local Regulations 2014

SR No. 4 – Australian Crime Commission (State Provisions) Regulations 2014

SR No. 9 – Gas Safety (Gas Installation) Amendment Regulations 2014

SR No. 12 – Corrections Amendment (Breach of Parole and Other Matters) Regulations 2014

SR No. 15 – Drugs, Poisons and Controlled Substances (Poppy Cultivation and Processing) Regulations 2014

SR No. 18 – Magistrates’ Court (Arbitration)(Professional Costs) Amendment Regulations 2014

SR No. 19 – Adoption Amendment Regulations 2014

SR No. 23 – Road Safety (Vehicles) Amendment (Heavy Vehicle National Law) Regulations 2014

SR No. 27 – Road Safety (Drivers) Amendment (Variation of Driver Licence and Learner Permit) Regulations 2014

SR No. 30 – Rail Safety Amendment Regulations 2014

SR No. 40 – Conservation, Forests and Lands (Infringement Notice) and (Primary Industries Infringement Notices) Amendment Regulations 2014

SR No. 43 – Child Employment Regulations 2014

SR No. 46 – Road Safety (Drivers) and (Vehicles) Amendment Regulations 2014

SR No. 49 – Freedom of Information (Access Charges) Regulations 2014

SR No. 51 – Building Amendment (National Construction Code) Regulations 2014

SR No. 53 – Wildlife (Game) Amendment Regulations 2014

SR No. 54 – Occupational Health and Safety Amendment Regulations 2014

SR No. 55 – Equipment (Public Safety) Amendment Regulations 2014

SR No. 56 – Dangerous Goods (Storage and Handling) Amendment Regulations 2014

SR No. 58 – Liquor Control Reform Amendment (Live Music Events and Other Matters) Regulations 2014

SR No. 59 – Drugs, Poisons and Controlled Substances (Volatile Substances) Regulations 2014

SR No. 62 – Transport (Taxi-Cab Industry Accreditation) Amendment Regulations 2014

SR No. 63 – Transport (Taxi-Cabs) Amendment Regulations 2014

SR No. 67 – Road Safety (General) Amendment (Corporate Penalties) Regulations 2014

SR No. 68 – Road Safety Road Rules Amendment (Corporate Penalties) Rules 2014

SR No. 69 – Water (Resource Management) Amendment Regulations 2014

SR No. 73 – Sale of Land (Public Auctions) Regulations 2014

SR No. 74 – Victorian Energy Efficiency Target Amendment Regulations 2014

SR No. 79 – Victoria Police Regulations 2014

SR No. 86 – Water Industry Revocation Regulations 2014

- SR No. 88 – Water (Trade Waste) Regulations 2014
- SR No. 91 – Children, Youth and Families Amendment Regulations 2014
- SR No. 92 – Environment Protection (Distribution of Landfill Levy) Amendment Regulations 2014
- SR No. 93 – Gambling Regulation and Gambling Regulation (Prescribed Connection and Prescribed Profit) Amendment Regulations 2014
- SR No. 95 – Drugs, Poisons and Controlled Substances (Poppy Cultivation and Processing) Amendment Regulations 2014
- SR No. 96 – Fisheries and Fisheries (Fees, Royalties and Levies) Further Amendment Regulations 2014
- SR No. 98 – Conservation, Forests and Lands (Infringement Notice) Amendment (Forests and Wildlife) Regulations 2014
- SR No. 99 – Water (Long Service Leave) Amendment Regulations 2014
- SR No. 102 – Magistrates’ Court (Arbitration) Amendment Regulations 2014
- SR No. 103 – Infringements (General) Amendment Regulations 2014
- SR No. 107 – Guardianship and Administration (Fees) Amendment Regulations 2014
- SR No. 113 – Estate Agents (Contracts) Amendment Regulations 2014

S. 8(1)(a) and (c) – No Economic or Social Burden and of Fundamentally Declaratory or Machinery Nature

- SR No. 20 – Corrections Amendment (Firearms) Regulations 2014
- SR No. 25 – Corrections (Victims Register) Regulations 2014
- SR No. 37 – Building Amendment (General) Regulations 2014
- SR No. 39 – Survey Co-ordination Regulations 2014
- SR No. 66 – Transport (Ticketing) Amendment (On-the-Spot Penalty Fares) Regulations 2014
- SR No. 75 – Wildlife Amendment Regulations 2014
- SR No. 77 – Mental Health Regulations 2014
- SR No. 81 – Country Fire Authority Amendment (Member Compensation) Regulations 2014

S. 8(1)(a) and 8(1)(g)(i) – No Economic or Social Burden and Deal with Administration or Procedures within or as between Departments or Declared Authorities within the Meaning of the Administration Act 2004

- SR No. 29 – Financial Management Regulations 2014

S. 8(1)(b) – Court Rules

- SR No. 10 – Supreme Court (Administration and Probate) Rules 2014
- SR No. 11 – Magistrates’ Court General Civil Procedure and Miscellaneous Civil Proceedings (Trans-Tasman Proceedings Amendment) Rules 2014
- SR No. 13 – Victims of Crime Assistance Amendment No.1 Rules 2014
- SR No. 14 – County Court (Chapter III Amendment No.3) Rules 2014
- SR No. 24 – Magistrates’ Court Criminal Procedure (Amendment No.5) Rules 2014
- SR No. 28 – Magistrates’ Court (Judicial Registrars)(Personal Safety Intervention Orders Amendment) Rules 2014
- SR No. 35 – Victorian Civil and Administrative Tribunal (Amendment No.10) Rules 2014
- SR No. 47 – Supreme Court (Commercial, Tec and Intellectual Property Lists Amendment) Rules 2014
- SR No. 48 – Supreme Court (Redcrest Electronic Case Management System Amendment) Rules 2014
- SR No. 70 – Magistrates’ Court (Chapters I and II Miscellaneous Amendments) Rules 2014
- SR No. 89 – Mental Health Tribunal Rules 2014
- SR No. 100 – County Court (Chapters I and III Miscellaneous Amendments) Rules 2014
- SR No. 105 – Magistrates’ Court General Civil Procedure (Offers of Compromise Amendments) Rules 2014
- SR No. 106 – Magistrates’ Court (Miscellaneous Civil Proceedings)(Arbitration Costs Amendment) Rules 2014

S. 8(1)(c) – Of a Fundamentally Declaratory or Machinery Nature

- SR No. 6 – Transport (Conduct) Amendment Regulations 2014
- SR No. 7 – Major Crime (Investigative Powers) Amendment Regulations 2014
- SR No. 8 – Tobacco Amendment Regulations 2014

SR No. 16 – Sentencing Amendment Regulations 2014
 SR No. 21 – Serious Sex Offenders (Detention and Supervision) Amendment Regulations 2014
 SR No. 22 – National Gas (Victoria)(Declared System Provisions) Regulations 2014
 SR No. 26 – Prisoners (Interstate Transfer) Regulations 2014
 SR No. 31 – Rail Safety National Law (Limited Accreditation Exemptions) Regulations 2014
 SR No. 32 – Transport (Safety Schemes Compliance and Enforcement)(Infringements) Regulations 2014
 SR No. 33 – Transport (Conduct) Further Amendment Regulations 2014
 SR No. 34 – Transport (Infringements) Amendment Regulations 2014
 SR No. 42 – Crimes (Confiscation) Regulations 2014
 SR No. 50 – Drugs, Poisons and Controlled Substances (Confiscation) Regulations 2014
 SR No. 57 – Sentencing Further Amendment Regulations 2014
 SR No. 60 – Plumbing Amendment Regulations 2014
 SR No. 64 – Transport (Passenger Vehicles) Amendment (Taxi Services Reforms and Other Matters) Regulations 2014
 SR No. 65 – Transport (Taxi-Cabs) and (Taxi-Cabs Licences – Market and Trading) Amendment Regulations 2014
 SR No. 76 – Tobacco (Victorian Health Promotion Foundation) Amendment Regulations 2014
 SR No. 78 – Police Regulation Revocation Regulations 2014
 SR No. 80 – Victoria Police (Fees and Charges) Regulations 2014
 SR No. 82 – Metropolitan Fire Brigades (General) Amendment (Road Accident Rescue Service) Regulations 2014
 SR No. 83 – Subordinate Legislation Regulations 2014
 SR No. 90 – Domestic Animals Amendment Regulations 2014
 SR No. 94 – Country Fire Authority (Community Fire Refuges) Regulations 2014
 SR No. 101 – Treasury Corporation of Victoria (Prescribed Agencies) Regulations 2014

S. 8(1)(c) and (d) – Fundamentally Declaratory or Machinery Nature – Fee Increase does not exceed the Treasurer’s annual approved rate of 2.25%

SR No. 104 – Building Amendment (Fees and Other Matters) Regulations 2014

S. 8(1)(d) – Fee Increase of 2.25 percent – Treasurer’s Rate

SR No. 36 – Electricity Safety (Installations) Amendment (Fees) Regulations 2014
 SR No. 44 – Transfer of Land (Fees) Amendment Regulations 2014
 SR No. 85 – Road Safety (Drivers) and (Vehicles) Amendment (Fees) Regulations 2014

S. 8(1)(e)(iii) – Extension of Time – Section 5A(3) Premier’s Certificate

SR No. 38 – Subordinate Legislation (Architects Regulations 2004) Extension Regulations 2014
 SR No. 61 – Subordinate Legislation (Port Management (Local Ports) Regulations 2004) Extension Regulations 2014
 SR No. 97 – Subordinate Legislation (Court Security Regulations 2004) Extension Regulations 2014

S. 8(1)(e)(iv), (v) & (vi) – Specified Exemptions under the Subordinate Legislation Act 1994

SR No. 45 – Subordinate Legislation (Legislative Instruments) Amendment Regulations 2014

S. 9(1) – Premier’s Exemption

SR No. 84 – Road Safety (Drivers) Amendment (Renewal Fees) Interim Regulations 2014

S. 10, 11 and 12 – Regulation Impact Statements

SR No. 5 – Fisheries (Fees, Royalties and Levies) and Fisheries Amendment Regulations 2014
 SR No. 17 – Local Government (Planning and Reporting) Regulations 2014
 SR No. 52 – Forests (Fire Protection) Regulations 2014
 SR No. 72 – Sex Work (Fees) Regulations 2014
 SR No. 87 – Water (Estimation Supply and Sewerage) Regulations 2014

National Law

Education and Care Services National Amendment Regulations 2014

S. 620(3) of the Workplace Injury Rehabilitation and Compensation Act 2013 – Exemption from the Operation of Sections 6 and 7 of the Subordinate Legislation Act 1994

SR No. 41 – Workplace Injury Rehabilitation and Compensation Regulations 2014

S. 621(5) of the Workplace Injury Rehabilitation and Compensation Act 2013 – Exemption from the operation of sections 6 and 7 of the Subordinate Legislation Act 1994

SR No. 71 – Workplace Injury Rehabilitation and Compensation (Savings and Transitional) Regulations 2014

Legislative Instruments

S. 12F(1)(a) – Would not Impose Significant Economic or Social Burden Statutory Rules Series 2014

Ministerial Order 723 – Structured Workplace Learning Arrangements for Non School Providers 2013

Ministerial Order 724 - Work Experience Arrangements for Non School Providers 2013

Ministerial Order No. 705 – Education and Training Reform Act 2006

Ministerial Order No. 713 – Education and Training Reform Act 2006

Ministerial Order No. 714 – Education and Training Reform Act 2006

Ministerial Order No. 715 – Education and Training Reform Act 2006

Greyhound Racing Victoria – Rule Amendments

Ministerial Direction under Section 3.8A.2 of the Gambling Regulation Act 2003

Ministerial Direction MD141 – Special Religious Instruction in Government Schools

Harness Racing Victoria – Notice of Amendments to Australian Rules of Harness Racing

Order in Council – Declaration of Class of Motor Vehicles to be Tractors

Ministerial Direction – MD 144 – Amendment to Ministerial Direction MD141 Special Religious Instruction in Government Schools ('MD 144')

Amendment to the Determination that Specified Areas are Designated Bushfire Prone Areas

Greyhound Racing Victoria – Rule Amendments

Amendment of Racing Victoria Bookmakers' Licence Levy Rules 2012

Declaration under Section 96A of the Road Safety Act 1986

S. 12F(1)(a) and (c) – Would not Impose Significant Economic or Social Burden and Does not exceed the Treasurers' Annual Approved Rate of 2.5%

Notice of Amendments to Australian Rules of Harness Racing

Ministerial Order No 765 – Victorian Institute of Teaching Schedule of Registrations Fees 2014-15

S. 12F(1)(a) and (f) – Would not Impose Significant Economic or Social Burden – Is Required under a National Uniform Legislation Scheme and an Assessment of Costs and Benefits has been Undertaken under that Scheme

Electronic Conveyancing Operating Requirements

Electronic Conveyancing Participation Rules

S. 12F(1)(b) – Fundamentally Declaratory or Machinery Nature

Ministerial Order 749 – Structured Workplace Learning and Work Experience – Arrangement Forms and Travel and Accommodation Forms

S. 12F(1)(c) – Does not exceed Treasurer's Annual Approved Rate of 2.5%

Determination of Fees

S. 12F(1)(d) – Would not Impose Significant Economic or Social Burden

Strategic Planning Guidelines (Amendment) – TAFE Institutes

Ministerial Direction to Governing Boards of Adult Education Institutions on Executive Remuneration and Classification

S. 12F(1)(g) – The LI has undergone an Analytical and Consultation Process which is the equivalent to the process required for a Regulatory Impact Statement under section 12E

North Central Catchment Management Authority By-laws No. 1/2014 Waterways Protection

Driver Accreditation Application, Test, Course and Renewal Requirements Instrument

Corangamite Catchment Management Authority By-Law No 4 Waterways Protection 2014

Energy Retail Code Version 11

North East Catchment Management Authority By-Law No 2014/01 Waterways Protection

Mallee Catchment Management Authority By-Law No 1 Waterways Protection 2014

Wimmera Catchment Management Authority By-Laws No 2/2014 Waterways Protection

West Gippsland Catchment Management Authority By-Law No. 3 Waterways Protection

Goulburn Broken Catchment Management Authority By-Law No.3 Waterways Protection 2014

S. 12H – Regulatory Impact Statements

Ministerial Order - Mandatory Code of Practice for the Employment of Children in Entertainment 2014

Notice under Section 162L(1) of the Transport (Compliance and Miscellaneous) Act 1983 (Vic)

Appendix 6

Practice Note

[26 May 2014]

Note: This Practice Note incorporates provisions found in Practice Notes Nos.1 to 4 previously issued by the Committee

The Committee's Practice Note provides general advice to government legal and legislation officers. The advice provides guidance concerning the Committee's expectations in respect to information that should be provided to the Parliament, concerning provisions in Bills that engage the Committee's terms of reference. These terms of reference are found in section 17 of the *Parliamentary Committees Act 2003* (the 'Act') and section 30 of the *Charter of Human Rights and Responsibilities Act 2006*.

A: Terms of reference pursuant to section 17 of the *Parliamentary Committees Act 2003*

Where the Committee reports on provisions it will draw the matter to the attention of Parliament and will record in the report that further advice will be sought from the responsible Minister or Member introducing the Bill. The response is then published in the Committee's Alert Digest at the earliest opportunity.

Practices of concern to the Committee include provisions in Bills that inadequately explain and justify:

- i. retrospective commencement on a particular date, and whether any person may be adversely effected by the retrospectivity**
- ii. wide or undefined delegation of administrative powers or functions**
- iii. commencement by proclamation or delayed commencement that is longer than 12 months after introduction, or**
- iv. where the Bill provides insufficient or unhelpful explanatory material particularly in respect to rights or freedoms and other key provisions, such as**
 - Powers of arrest, detention and deprivation of liberty
 - Search and seizure powers without judicial warrant
 - Creation of strict or absolute liability offences
 - Reversal of onus of proof in criminal (or civil penalty) offences
 - Abridgment of the right to silence or the privilege against self-incrimination
 - Freedom of communication, assembly, movement, association, religion or conscience
 - Infringement of the right to vote
 - Denial of or failure to advise of, judicial or merits review of administrative decisions
 - Denial or abridgment of the principle of 'fair trial' or the principles of natural justice
 - Acquisition of property without adequate compensation
 - Privacy of information and health records

- Is characterised as a 'statute law revision amendment'
- Inappropriately delegates legislative power. Examples: allow regulations to alter the provisions of an Act, or allow regulations to establish a tax (as distinct from a fee for service or penalty).

Where a Bill contains a provision that any of the above mentioned practices the Committee would expect that the Parliament will be provided with an explanation why the provision is desirable or necessary.

The explanation should include the reason why a specific retrospective date is chosen and whether any person may be adversely affected by retrospective application; why a wide or undefined delegation of administrative powers or functions is desirable; and why delayed commencement or commencement by proclamation is necessary or desirable.

Where there is insufficient information provided to the Parliament the Committee may report the matter to the Parliament, or, write to the relevant Minister seeking a further explanation, or both, pursuant to section 17(a) of the *Parliamentary Committees Act 2003*.

B: Terms of reference pursuant to section 30 of the *Charter of Human Rights and Responsibilities Act 2006*

The Committee has determined that it will characterise a Statement of Compatibility, made under the Charter s. 28, as a form of explanatory memoranda equivalent in status to an explanatory memorandum accompanying a Bill.

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

Where there is insufficient information regarding the Statement of Compatibility is inadequate or unhelpful in describing the purpose or effect of provisions in a Bill that may engage or infringe a Charter right or affect an operative provision of the Charter the Committee may report the matter to the Parliament, or, write to the relevant Minister seeking a further explanation, or do both, pursuant to section 17(a) of the *Parliamentary Committees Act 2003*.

The Committee makes the following comments about how a Statement of Compatibility (or other explanatory material) should address the following types of provisions:

i. Penalties, fines and other burdens (Charter ss. 21(5) & 22-27):

The Statement of Compatibility for provisions that may impose penalties, fines or other burdens on a person who is found to have breached a rule or standard should state whether or not it is a criminal penalty for the purposes of the Charter. The Committee notes that such a penalty may be a criminal penalty for the purposes of the Charter, even if Victorian law characterises it otherwise, e.g. as a civil, disciplinary or regulatory penalty. The explanatory material may address whether or not the penalty is equivalent in effect to a criminal penalty having regard to its nature or severity. Where a penalty is a criminal penalty for the purposes of the Charter, the explanatory material may address whether or not the legislation that imposes it is compatible with the criminal process rights set out in Charter ss. 21(5) and 22-27.

ii. Self-incrimination provisions (Charter ss. 24(1) & 25(2)(k)):

The Statement of Compatibility for a provision of any Bill that provides that a human being must answer questions or provide information or documents that may tend to incriminate that person (or creates new powers or extends existing ones that are subject to such a provision) should state whether and how that provision satisfies the test for reasonable limits on rights in Charter s. 7(2). The Committee would prefer that the analysis of reasonable limits set out the demonstrable justification for: the coercive power itself; any removal of the privilege against self-incrimination; any permission to use the answers or information

derived from them in later proceedings; and any preconditions on the availability of protections against self-incrimination. The Statement's discussion of less restrictive alternatives reasonably available to achieve the purpose of the provision may address whether the privilege against self-incrimination could be abrogated in a narrower way.

iii. Reverse onus provisions (Charter s. 25(1)):

The Statement of Compatibility for any Bill that creates a provision that reduces the prosecution's burden to prove the accused's guilt or requires an accused to offer evidence of their innocence (or extends the operation of or increases the applicable penalty in respect of such a provision) should state whether and how that provision satisfies the Charter's test for reasonable limits on rights. Examples of such provisions include ones that place the legal onus of proof on an accused with respect to any issue in a criminal proceeding; deem a fact to be proved in any circumstance; provide that proof of any fact is 'prima facie evidence' of a different fact; or place an evidential onus on an accused with respect to an essential element of an offence. The Committee would prefer that the analysis of reasonable limits assess the risk that the provision may allow an innocent person to be convicted of the offence and set out the demonstrable justification for allowing such a risk. In the case of a provision that places a legal onus on an accused, the analysis may address whether an evidential onus would be a less restrictive alternative reasonably available to achieve the provision's purpose.

In addition, the Statement of Compatibility (or explanatory material) for a provision that introduces or significantly alters an exception to a criminal offence should state whether or not the exception places a legal onus on the accused. Examples of such exceptions include provisions stating that 'It is a defence to a prosecution for an offence if...' or 'A person is not liable to be prosecuted for an offence if...' or 'A person is not guilty of an offence if...' or a particular offence provision 'does not apply if'. For exceptions to summary offences, the explanatory material may address the effect of s.72 of the *Criminal Procedure Act 2009*. For exceptions that impose a legal onus on the accused without express words to that effect, the statement of compatibility may address whether or not the inclusion of express words would be a less restrictive alternative reasonably available to achieve the exception's purpose.

iv. National uniform legislation schemes (Charter ss. 28, 30, 32, 36 & 38):

The Statement of Compatibility (or explanatory material) for a Bill that applies non-Victorian laws or refers powers to non-Victorian bodies should fully explain those laws' human rights impact. The Committee would prefer that the explanation have two components: First, the Statement of Compatibility may assess the human rights compatibility of all existing non-Victorian laws that are to be applied in Victoria. Second, the Statement of Compatibility (or explanatory material) may set out whether, and to what extent, the Charter's operative provisions (including its provisions for scrutiny, interpretation, declarations of inconsistent interpretation and obligations of public authorities) will apply under the national uniform legislation scheme.

Appendix 7

Committee Impact on Legislation 2007-2014

SARC Comment	Scrutiny issue	Amendment	Ministerial/member remark
No 12 of 2007 (reporting on the Crimes Amendment (Rape) Bill 2007), p. 3 (18 th September 2007)	Section 44(6A)(4)(b), a limit on a defence to incest, may limit the Charter's protection of families.	House amendment removes s. 44(6A)(4)(b). (1 st November 2007).	LC Committee: Basically I understand that in Alert Digest No. 12 the Scrutiny of Acts and Regulations Committee raised concerns about amendments to the incest provision in the Crimes (Sexual Offences) Act. Basically, these amendments seek to remedy technical wording so that there is clarity around those issues in relation to those matters.
No 12 of 2007 (reporting on the Working With Children Amendment Bill 2007), p. 26 (18 th September 2007)	Amended ss 17 & 23, providing powers to refuse or revoke an assessment notice based on a dismissed or dropped charge, may limit the Charter's presumption of innocence.	<i>Working With Children Amendment Act 2010</i> amends ss 17 & 23 to remove the power to refuse or revoke on the basis of dismissed or dropped charges. (24 th August 2010)	2R: As identified by the Scrutiny of Acts and Regulations Committee, the interaction between the exceptional circumstances provisions of the act and when a charge is pending could possibly allow the secretary to issue a negative notice based on charges that had been withdrawn or dismissed. The bill now amends the act to clarify that charges that have been finally dealt with, such as by way of being withdrawn or dismissed, cannot be considered by the secretary in assessing an application or in deciding whether to revoke an assessment notice.

SARC Comment	Scrutiny issue	Amendment	Ministerial/member remark
<p>No 1 of 2008 (reporting on the Constitution Amendment (Judicial Pensions) Bill 2007), pp. 3-4 (5th February 2008)</p>	<p>New ss. 5A of the <i>Constitution Act 1975</i> and 3AA of the <i>County Court Act 1958</i>, by limiting reversionary pensions of already retired judges to opposite sex partners, may engage the Charter's equality rights.</p>	<p><i>Superannuation Legislation Amendment Act 2010</i> amends ss 5A and 3AA to cover same-sex partners of retired (but currently living) judges (6th June 2010)</p>	<p>2R: In July 2006, Victoria became the first Australian state to introduce a legislative charter of human rights. Since that time, this government has conducted a comprehensive review of Victoria's existing superannuation legislation to survey which areas may be incompatible with the Victorian Charter of Human Rights and Responsibilities Act 2006. This bill will amend all of Victoria's superannuation acts to address any provisions that were found to be potentially incompatible with the charter.</p>
<p>No 6 of 2009 (reporting on the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme Bill 2009), pp. 8-9 (2nd June 2009)</p>	<p>Clause 4, making it an offence to import a container into Victoria without paying a levy, may limit the Charter's right to freedom of movement.</p>	<p>House amendment to clause 4 limits the offence to importations for the purpose of sale. (24th June 2009)</p> <p>Amended Bill passed LC <u>but LA refused to consider it because it imposes a levy.</u></p>	<p>LC Committee: Amendments 2 and 3 fix a drafting error that was pointed out by the Scrutiny of Acts and Regulations Committee.</p>
<p>Letter (on <i>Police Integrity Regulations 2009</i>) (27th July 2009)</p>	<p>Reg 7(c), requiring member being tested to disclose any prescription medication taken by the member, may limit Charter's right to privacy.</p>	<p><i>Police Integrity (Amendment) Regulations 2009</i> amend reg 7(c) to limit disclosure requirement to medications taken within the last 7 days.</p>	<p>Ministerial correspondence to SARC: I am pleased to advise that I will shortly move to have the Regulations amended to limit the application of regulation 7(c) to the seven days preceding the date on which the direction under the Act is given. I believe that this amendment addresses the concerns raised in your letter.</p>
<p>No 3 of 2009 (on Major Sporting Events Bill 2009) p. 5 (10th March 2009)</p>	<p>Clause 62's ban on possession of large flags may limit Charter's freedom of expression.</p>	<p><i>Major Sporting Events Amendment Act 2013</i>: removes large flags from definition of 'prohibited item' (20th February 2013)</p>	<p>2R speech: Clause 4 also amends the definition of 'prohibited item' to remove flags and banners over a certain size from the definition. Flags and banners are an integral part of many major sporting events and there are different practices at particular events and venues. Venue managers can control the entry of flags and banners through their conditions of entry, however their prescriptions mostly differ from the one in the act. The current prohibition in the act is therefore an unnecessary layer of regulation.</p>

SARC Comment	Scrutiny issue	Amendment	Ministerial/member remark
No 8 of 2010 (on Control of Weapons Amendment Bill 2010), pp. 9-10 (8th June 2010)	Ban on sales of knives to children may be an unreasonable limit on Charter's equality rights given its coverage of plastic knives.	Justice Legislation Amendment (Firearms and Other Matters) Bill 2014 contains an exemption for disposable plastic knives for eating purposes (23rd June 2014) Bill has not yet passed.	2R speech: The bill introduces an important red tape reform, which was announced by the Acting Premier and Treasurer on 8 January 2014, following consultations with businesses by the red tape commissioner. The bill amends the Control of Weapons Act to provide that disposable plastic knives designed for eating purposes are not controlled weapons for the purposes of offences in the Control of Weapons Act, and may be sold to, or purchased by, persons under the age of 18. Retailers have had to ensure that customers are over 18 when they purchase plastic knives, causing staff to suspend transactions to check identification of customers. Woolworths have provided evidence to the Productivity Commission that the cost of enforcing this regulation is \$128 000 per year. The amendment will provide savings to all retailers of plastic knives.
No 10 of 2010 (on Equal Opportunity Bill 2010), pp. 14-16 (27 th July 2010)	Clause 66's bar on discrimination on the ground of political belief by political clubs may limit Charter's freedom of expression	<i>Equal Opportunity Amendment Act 2011</i> : New s.66A allowing political clubs to discriminate on political belief grounds (5th May 2011)	2R speech: The definition of 'club' in the 2010 act was derived from the commonwealth's Sex Discrimination Act 1984 and as a result broadened the types of club covered by Victoria's equal opportunity laws to include political clubs. As the 2010 act is a general act that covers other forms of discrimination, including political discrimination, the amendment is necessary to ensure that political clubs are able to operate effectively.

Scrutiny of Acts and Regulations Committee

SARC Comment	Scrutiny issue	Amendment	Ministerial/member remark
<p>No 10 of 2010 (on Equal Opportunity Bill 2010), pp. 21-22 (27th July 2010)</p>	<p>Clause 176's bar on disclosing information received under Act may limit Charter's fair hearing rights.</p>	<p><i>Equal Opportunity Amendment Act 2011:</i> New s.176A creates exception on disclosure ban for court-ordered disclosure (5th May 2011)</p>	<p>2R speech: The Scrutiny of Acts and Regulations Committee in its consideration of the 2010 act noted concerns about the broad scope of the secrecy provisions imposed on the commission and its staff, particularly in that the 2010 act made no provision for a court to compel an employee of the commission to provide evidence in the interests of justice. The bill permits the commission to disclose certain information in limited circumstances -- that is, pursuant to a court order in criminal proceedings or upon consent of the relevant parties.</p>
<p>No 14 of 2011 (on Criminal Procedure (Double Jeopardy and Other Matters Bill 2011), pp. 7-8 (22nd November 2011)</p>	<p>New section 327M(2) provides that double jeopardy repeal covers manslaughter, but not child homicide, so may limit Charter's right against age discrimination and to protection of children.</p>	<p>House amendment to Bill to add child homicide to 327M(2) (24th November 2011)</p>	<p>Ministerial correspondence to SARC: I thank the Committee for identifying this issue. The offence of child homicide contained in section 5A of the Crimes Act 1958 has been added to the list of exceptions to which the fresh and compelling evidence exception applies in new section 327M(2) as a House amendment. The Bill, including this amendment, was passed by the Legislative Assembly on 24 November 2011</p>
<p>Letter (on <i>Offshore Petroleum and Greenhouse Gas Storage Regulations 2011</i>) (5th March 2012)</p>	<p>Para (b) of reg 6's definition of 'reportable incident' is extends the definition to non-environmental breaches of the Act, so may limit Charter's rights against self-incrimination.</p>	<p><i>Offshore Petroleum and Greenhouse Gas Storage Amendment Regulations 2012</i> narrowed definition of reportable incident by replacing 'or' with 'and' for para (b). (1st December 2012)</p>	<p>Ministerial correspondence to SARC: It is intended that only environmentally significant breaches much be reported. The Regulations will therefore be amended to remove the 'or' between paragraphs (a) and (b) of the definition of reportable incident in regulation 6 to clarify this at the next available opportunity</p>

SARC Comment	Scrutiny issue	Amendment	Ministerial/member remark
No 4 of 2012 (on Water Amendment (Governance and Other Reforms) Bill 2012), pp. 14-15 (13th March 2012)	New sections 303A(1) & (3) contain reverse onuses that may limit Charter's presumption of innocence.	<i>Water Legislation Amendment Act 2012</i> replaces reverse legal onus with reverse evidential onus in 303A(1) & (3) (27th November 2012)	Ministerial correspondence to SARC: "I take on notice the concerns expressed regarding subsections 303A(1) and (3) and will request the Department of Sustainability and Environment to review these provisions in consultation with the water businesses. The review will assess the viability of alternative options that will meet policy objectives and I anticipate that it will take some time to complete. Once the analysis has been completed, any amendments would be dealt with at the next available opportunity. Thank you for raising this matter with me."
Letter (on <i>Local Government (Long Service Leave) Regulations 2012</i> (3rd May 2012))	Reg 11(c)(1)(i) limits Charter equality rights with respect to marital status and caring responsibilities by limiting pro rata long service leave to employees who resign to get married or pregnant.	<i>Local Government Legislation Amendment (Miscellaneous) Act 2012</i> removed statutory requirement for this leave entitlement (s101) (30th October 2012). <u>However, reg 11(c)(1)(i) remains in the regulations.</u>	Ministerial correspondence to SARC: The Minister acknowledges the issue you have raised regarding regulation 11(1)(c) of the Local Government (Long Service Leave) Regulations 2012, and notes that its potentially discriminatory character was expressly recognised in the Human Rights Certificate for the Regulations. Local Government Victoria have advised that as indicated in the Certificate, s101 of the Local Government Act 1989 currently prevents the repeal of the Regulation... It is the Minister's intention to introduce a Bill during 2012 which includes an amendment to s101 to enable the repeal of Regulation 11(1)(c).
No 17 of 2012 (on Fire Services Levy Monitor Bill 2012), pp. 13-14 (27th November 2012)	Clause 31's bar on false representations on fire services levy may limit Charter's freedom of expression.	House amendment to Bill to limit clause 31 to representations in trade or commerce. (28th November 2012)	2R debate in LA: The Scrutiny of Acts and Regulations Committee picked up this omission in the bill, but coincidentally or fortuitously this matter seems to have been resolved through the presentation of the house amendment.

Scrutiny of Acts and Regulations Committee

SARC Comment	Scrutiny issue	Amendment	Ministerial/member remark
No 10 of 2013 (on Corrections (Breach of Parole) Amendment Bill 2013), pp. 8-10) (20th August 2013)	New section 78D(1)(a), providing that existing provisions requiring arrestees to be brought before a court do not apply to parole breach arrestees, may limit Charter rights of detainees.	<i>Justice Legislation Amendment (Discovery, Disclosure and Other Matters) Act 2014</i> replaces 78D with a new section providing that existing protections for detainees apply to parole breach detainees (6th February 2014)	2R: The bill applies section 464A of the <i>Crimes Act 1958</i> to clarify that police officers have power to question and investigate a suspect who is in custody for both a breach of parole offence and any other offence at the same time, including if the suspect is arrested using powers under the <i>Crimes Act 1958</i> .
Letter (on <i>Police Regulations 2013</i>) (18th September 2013)	Reg 38(2)(e), requiring member being tested to disclose any prescription medication taken by the member, may limit Charter's right to privacy.	The equivalent provision in the <i>Victoria Police Regulations 2014</i> is limited to prescription medications taken in the 7 days preceding the testing direction. (1st July 2014)	Ministerial correspondence to SARC: Following receipt of your letter... I can advise that I will shortly move to have the Regulations amended to limit regulations 38(2)(e) to the seven days preceding the date on which the testing directions is given...
No 2 of 2014 (on Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Bill 2014), pp. 2-3 (18th February 2014)	Clause 79's amendments to ban on representations may limit Charter's freedom of expression by barring true representations about past teaching.	Education and Training Reform Amendment (Miscellaneous) Bill 2014 will amend s. 79 so that ban only covers false representations. (21st August 2014) <u>Amending Bill has not yet passed.</u>	EM: Proposed section 2.6.58 makes it an offence for a person to make false representations as to their registration status. However, the Scrutiny of Acts and Regulations Committee raised interpretation issues with the wording of the proposed changes to section 2.6.58 of the Principal Act made by the amending Act.
No 9 of 2014 (on Sentencing Amendment (Emergency Workers) Bill 2014), p. 28 (5th August 2014)	Clause 15(3) (on compensation for besetting) insufficiently explained	House amendment omits clause 15(3) (21st August 2014)	Ministerial correspondence to SARC: In relation to the Committee's observations with regard to sub-section 52(2) of the Summary Offences Act 1966, I am considering these matters further and will provide a response shortly.
No 9 of 2014 (on Water Bill 2014), pp. 36-37 (5th August 2014)	Clause 777 creates presumptions that do not provide for evidence to the contrary, so may limit Charter's presumption of innocence.	<u>Amendment planned but not yet introduced.</u> (2nd September 2014)	Ministerial correspondence to SARC: I accept that the inclusion of the phrase "(in the absence of evidence to the contrary)" in clauses 777(2), (3) and (4), or words to that effect, would make the intended operation of the clause clearer on the face of the statute. As such, I will ask the Department of Environment and Primary Industries to prepare an appropriate amendment at the first available opportunity.

SARC Comment	Scrutiny issue	Amendment	Ministerial/member remark
No 11 of 2014 (on Crimes Amendment (Sexual Offences and Other Matters) Bill 2014), pp. 8-10 (2nd September 2014)	New section 7A's abolition of prosecution immunity for currently lawful sexual behaviour may limit Charter's equality and retrospectivity rights.	House amendment amends new section 7A to preserve immunity for lawful behaviour and provide for current defences. (17th September 2014)	2R debate in LA: I just wish to put on the record very briefly that SARC, in its Alert Digest No. 12, made reference to the provisions that removed limitation periods in relation to a range of offences that previously were subject to limitation periods. ... I responded to the committee, referring to what it drew attention to, and thanked it for raising this issue and the approach adopted in the Australian Capital Territory to this issue. At that stage I said that I was giving consideration to introducing a house amendment to address this issue. That is the house amendment that is currently before the house.
No 11 of 2014 (on Family Violence Protection Amendment Bill 2014), pp. 19-21 (2nd September 2014)	New definition of 'working day' may delay court scrutiny of police safety notices in regional Victoria, so may limit Charter's fair hearing rights.	House amendment defines 'working day' to mean non-holiday weekdays. (16th September 2014)	Ministerial correspondence to SARC: I can see that there could be some confusion as to how the definition operates in the context of some of our smaller Magistrates' Courts which may operate only one day each week. To avoid this confusion I am considering a possible house amendment to alter the definition of 'working day' to ensure that it is read as intended.